



ARGYLE POLICE DEPARTMENT

Policy 7.1 Constitutional Safeguards

Effective Date: 20MAY21

Replaces: 17Feb12

Approved: 
Chief of Police

Reference: TBP: 7.04.1

I. POLICY

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

II. PURPOSE

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

III. PROBABLE CAUSE AND REASONABLE SUSPICION

A. Probable Cause

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

Absent consent or other exigent circumstances (as defined by case law) an officer must have probable cause to make an arrest or conduct a search.

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

B. Reasonable Suspicion

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

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

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

IV. AUTHORITY AND DISCRETION

A. Law-enforcement authority

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

B. The use of discretion by officers

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

action, and consider how they, or a member of their family, would like to be treated in similar circumstances.

4. Officers should understand that their decisions regarding arrests and searches are in all cases subject to review by their supervisors.
5. Supervisors shall observe and review the activities of officers and counsel them as needed regarding the use of discretion.

C. Alternatives to arrest/pre-arraignment confinement

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

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

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

- a. The seriousness of the offense.
- b. Whether a victim was injured or had property damaged by the offender.
- c. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors.
- d. The likelihood that the violator will heed the warning.

V. PROTECTION OF INDIVIDUAL RIGHTS

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

- d. Waivers of the Miranda rights must be performed affirmatively. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form.
- e. Officers arresting deaf suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.




ARGYLE POLICE DEPARTMENT

Policy 7.2 Field Interviews and Detentions

Effective Date: 30Jan12

Replaces:

Approved: 
Chief of Police

I. POLICY

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

II. PURPOSE

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

III. DEFINITIONS

A. Field interview (consensual encounter)

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

B. Frisk

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

C. Reasonable suspicion

Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed. The reasonableness of an officers actions will be determined

by reviewing the totality of circumstances known to the officer at the time he or she takes the action.

D. Detention (Stop)

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

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

IV. FIELD INTERVIEW PROCEDURES

A. Making the field interview or stop: overview

1. An officer may conduct a field interview at any time if an individual is willing to speak with the officer. A field interview requires voluntary cooperation from the subject. In the absence of probable cause to arrest or reasonable suspicion to justify an actual investigative detention or stop, the individual may discontinue the interview at any time and leave. The person

may also refuse to produce identification or otherwise identify himself. The individual does not have to answer any questions or provide any information.

2. An officer must be able to articulate the circumstances that warranted the interview of the subject. In court, should a field interview result in an arrest, an officer must justify his intrusion by describing "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Articulable facts and circumstances derive from:
 - a. Firsthand observations.
 - b. Information from informants or members of the community.
 - c. "Collective knowledge" or information shared by several officers.
 - d. Reasonable inferences made by the officer from information known to the officer.

B. Place of the interview

1. As a general rule, field interviews may be conducted anywhere the officer has right to be, including:
 - a. Town-owned or controlled property, normally open to members of the public.
 - b. Areas intended for public use or normally exposed to public view.
 - c. Places to which an officer has been admitted with the consent of the person empowered to give such consent.
 - d. Places where circumstances require an immediate law enforcement presence to protect life, well-being or property.
 - e. Areas where an officer may be admitted pursuant to a lawful arrest or search warrant.
 - f. Any other area in which an officer may affect a warrantless arrest.
2. Field contacts shall not be done to coerce a person to leave an area or place where he or she has a legitimate right to be and where no violation of law has occurred.

C. Conduct of Interviews

1. Officers shall clearly identify themselves and, if not in uniform, display identification.

2. As noted above, a person interviewed by the officer may discontinue the interview at any time. To repeat, during a routine field interview, persons shall not be detained in any manner against their will nor shall they be required to answer questions or respond in any manner if they choose not to do so. The fine line drawn between a field interview and a detention or stop must be strictly observed. Since the distinction between an interview and a detention depends to a great extent on whether, under the circumstances, the subject perceives that he is free to leave, officers shall comply with the following guidelines:
 - a. All requests during the interview should be phrased with neutral or optional words, such as "may," "would you mind," etc.
 - b. The duration of an interview should be as brief as possible unless prolonged by the subject.
 - c. During the interview, officers should confine their questions to those concerning the suspect's identity, place of residence, and other matters necessary to resolve the officer's suspicions.
 - d. Miranda warnings are not required during field interviews. The warnings are not required until custodial questioning takes place.
3. The success or failure in obtaining information beneficial to crime analysis and criminal investigation will depend upon an officer's ability to put individuals at ease and establish a rapport. However, during a field interview, if the person should ask whether he must respond, or indicate that he feels compelled to respond, the officer shall immediately inform him (or her) of the right to refuse, as well as the right to leave.
 - a. When a person refuses or ceases to cooperate during an interview, the refusal itself cannot be used as the basis for escalating the encounter into a detention.
 - b. Individuals cannot be compelled to answer any questions during field interviews.

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

- A. The legal authority to conduct an investigative detention or stop (and frisk when warranted) is based in Federal and State constitutions as interpreted by court decisions.
- B. Investigative detentions may involve two distinct acts. The first is the actual detention or stop which is based on reasonable suspicion. A second component may be a frisk of the detainee for weapons. The frisk must be justified by the officer's reasonable fear for his safety during the detention. The safety concern must arise from the conduct of the detained person, not from safety concerns in general. For

example, a frisk could not be justified solely on the claim that "all drug dealers are dangerous." Not every detention will result in a frisk. Examples of safety factors justifying a frisk may include but are not limited to:

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

C. Protective search

1. Under some conditions, the protective search or the search for weapons may be extended beyond the person detained. This search occurs most often involving vehicles. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:
 - a. A lawful detention as defined herein or a lawful vehicle stop.
 - b. A reasonable belief that the suspect(s) poses a danger.
 - c. A frisk of the subject must occur first.
 - d. The search must be limited to those areas in which a weapon may be placed or hidden.
 - e. The search must be limited to an area which would ensure that there are no weapons within the subject's immediate grasp.
 - f. If the suspect has been arrested and restrained or removed from immediate access to the vehicle, a search of the vehicle cannot be made for protective reasons. A search may be made of vehicle if other exceptions to a search warrant exist.

D. Period of detention



1. Investigative detention--as with field interviews--must be conducted as quickly as possible. Once the detaining officer determines that the basis for reasonable suspicion no longer exists, the person detained shall be immediately released. Should the suspicion be reinforced with additional

information or the officer develops probable cause, the period of detention could be lengthened. The courts generally permit up to 20 minutes to constitute a reasonable period of time for the interview.

VI. DOCUMENTING THE INTERVIEW OR STOP

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

- A. Patrol officers will record all field interviews in their entirety on either the in-car audio video systems or their personal video recorder (PVR). Officers will attempt to position the vehicle or camera in a position to record the interview.
- B. If an interview or investigative detention results in an arrest, the arresting officer will clearly detail the reasonable suspicion that led to the interview or detention in the narrative of the arrest report as well as maintaining the recording as evidence.
- C. Officers are encouraged to make use of the "field contact" section of their MCT's to log contacts for future investigative purposes.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.3 Arrests With and Without a Warrant	
	Effective Date: 20MAY21	Replaces: 26Jan12
	Approved:  Chief of Police	
	Reference: TBP: 7.02.1, 7.03.1, and 7.04.1	

I. POLICY

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

II. PURPOSE

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

III. DEFINITIONS

A. Arrest

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

B. Probable cause

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

IV. DISCRETION

- A. Officers shall demonstrate discretionary judgment. Discretion shall be applied reasonably and shall be guided by the oath of office, the limits of authority as established by law, the decisions and interpretations of the courts, the policies of our department, and the oral instruction provided by field supervisors.
- B. Officers shall not make arrests or take any enforcement action based in whole or in part by a person's sex, race, creed, color, age, general or assumed attitude, ethnic or natural origin, economic status, disabilities, or sexual orientation.

V. ARRESTS WITH A WARRANT (TBP: 7.02.1)

A. General Procedures for Arrest with a Warrant

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

in his possession, he/she shall show it to the arrestee. If the officer does not possess the warrant, he/she shall advise the arrestee of the charge, bond and originating agency who issued the warrant.

9. Officers may enter a residence:
 - a. with consent to search from the resident or person having control of the property, or
 - b. With a search warrant for that residence in order to enter and make the arrest, or
 - c. While in fresh pursuit of the wanted person.

B. Warrants from other Jurisdictions

1. If an officer has knowledge that another Texas law enforcement agency holds a valid arrest warrant for a particular person, the officer may arrest that person. If an officer makes an arrest on a warrant from another Texas law enforcement agency, the officer shall:
 - a. Request confirmation of the warrant from Dispatch, if received;
 - b. Arrest the defendant. DCSO will notify the agency holding the warrant that this department executed the warrant and give the location of the arrestee.

C. Warrants from Other States

1. Whenever any officer has probable cause to believe that a person stands charged of a felony in another state, the officer shall:
 - a. Arrest the person only after the warrant has been confirmed using accepted methods of warrant confirmation. This arrest is made under the authority granted to Peace Officers in the Texas Code of Criminal Procedure, Chapter 51, Fugitives from Justice.
 - b. Book the arrested person directly into the custody of the Denton County Sheriff's Department.
 - c. The existence of a warrant from another state does not provide officers the authority to enter a third person's residence to make the arrest. Officers may only enter a residence in the following circumstances:
 - i. with consent to search from the resident or person having control of the property, or
 - ii. With a search warrant for that residence in order to enter and make the arrest, or
 - iii. While in fresh pursuit of the wanted person.

D. Chance Encounters

1. Whenever an officer lawfully stops or otherwise detains and identifies a person, the officer may concurrently initiate a records check to determine whether any arrest warrant is outstanding against that person.

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

E. Planned Executions of Arrest Warrants

1. The time of day for executing the arrest warrant shall be based on the following rules:
 - a. Execute during daylight, unless circumstances make this dangerous or impractical.
 - b. Execute when the person named in the warrant is most likely to be present.
 - c. Execute when resistance is least expected and best controlled.
 - d. Minimize the danger or inconvenience to other persons who may be on the premises, unless other circumstances make this impractical.
 - e. Whenever possible, officers shall perform surveillance and/or intelligence gathering related to the location where the warrant will be executed.
 - f. Whenever possible, arrests shall be made in a location where the arrest will not pose a threat to the safety of the public (e.g., crowded places where bystanders may be injured should the arrestee offer resistance, particularly resistance involving the use of firearms).
 - g. Prior to the execution of any warrant, officers shall conduct a briefing with all persons who will be involved in the warrant execution. If possible, officers shall include in the briefing:
 1. A photograph of the person who is to be arrested.
 2. Information concerning the presence of animals, fortifications, weapons, or other hazards which would make the execution of the warrant more dangerous.
2. An officer may serve the warrant at any place, public or private, where the individual named is reasonably believed to be located (subject to third party private location rule.)
3. Officers need not execute the warrant at the first possible opportunity to do so but may choose the time and place in accordance with these rules. However, an officer shall not select the time and place of arrest solely to embarrass, oppress, or inconvenience the arrestee.
4. An officer shall not use force to enter private premises to execute a misdemeanor arrest warrant.
5. In general, when seeking to enter a private premise, an officer shall ring the doorbell or knock on the door, announce his intentions and purpose,

and demand admittance. He may then wait, for a reasonable time under the circumstances, to be admitted.

6. Officers may only enter a third person's residence in the following circumstances:
 - a. with consent to search from the resident or person having control of the property, or
 - b. With a search warrant for that residence in order to enter and make the arrest, or
 - c. While in fresh pursuit of the wanted person.
7. If the execution of an arrest warrant may involve significant risk to officers, a statement of the circumstances of this risk should be included in the affidavit and the magistrate requested to include a "No Knock" authorization to the warrant. If a "No Knock" provision has not been authorized by the magistrate, and articulable circumstances occur at the time of execution of the warrant (such as efforts to destroy evidence, evade arrest, or endanger officers) an immediate entry may be made without the required notice and waiting period.
8. If an officer must make a forcible entry, the officer shall enter the premises by the least forceful means possible under the circumstances. Although entry may necessarily include breaking a door or window, an officer must strive to inflict as little damage as possible to the premises.
9. Whenever an officer must forcibly enter private premises to execute a felony arrest warrant, the officer in charge of the operation shall have enough officers present, and take other appropriate measures to protect the safety and security of all persons present. To identify the group as officers, at least one fully uniformed officer should lead the entry into the premises.
10. After forcibly entering private premises to execute a felony arrest warrant, officers shall immediately secure the premises by locating, and controlling the movement of all persons who reasonably appear to present a threat to the safety of the officers. Officers shall also control any object that may be used as a weapon. An officer may frisk any person who the officer reasonably suspects may have a weapon concealed upon his person.
11. If possible, an officer shall leave the premises at least as secure as when he entered by leaving it in the hands of a responsible person or by locking all doors and windows.

F. Execution of Local Warrants by Other Jurisdictions

1. Whenever another law enforcement agency within Texas holds a prisoner on a warrant from this department, this department shall either pick up the prisoner within twenty-four (24) hours or notify the holding agency to release him.

VI. ARREST WITHOUT A WARRANT (TBP: 7.03.1)

- A. Federal and state constitutions protect individuals from arbitrary and oppressive interference with privacy by law enforcement officials. Further, officers must have

probable cause that a crime has been committed, and that the person to be arrested has committed the crime.

B. When warrantless arrests may be made

1. The Texas Code of Criminal Procedure, in Chapter 14, gives officers the authority to make warrantless arrests, supported by "*probable cause*", as follows:
 - a. Officers may arrest persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten, or are about to commit some offense against the laws.
 - b. If an officer has *probable cause* to believe that a person has committed an assault resulting in bodily injury to another and believes that there is danger of further bodily injury to that person, the officer may arrest the violator. If an officer has probable cause to believe that the person has committed an offense involving family violence, the officer may arrest the violator.
 - c. If a person prevents or interfered with an individual's ability to place an emergency telephone call related to family violence, an officer may arrest the violator.
 - d. Officers shall arrest a person in violation of a valid protective order when committed in the officer's presence.
 - e. Officers may arrest an offender for any offense committed within the officer's presence or view, including traffic violations except for violations of speeding and open container.
 - f. Officers may arrest at the direction of a Magistrate, when a felony or breach of the peace has been committed.
 - g. Where it is shown by satisfactory proof to a peace officer, upon the representation of a *credible* person, that a felony has been committed, and that the offender is about to escape, so that there is not time to procure a warrant, said officer may, without warrant, pursue and arrest the accused.
 - h. Officers may arrest a person who confesses to a felony crime.
2. Warrantless Arrests Outside Officer's Jurisdiction:
 - a. Although officers are discouraged from making arrests outside their jurisdiction, officers may make warrantless arrests in compliance with state law. Officers who are outside their jurisdiction may arrest, without warrant, a person who commits an offense within the officer's presence or view, if the offense is a felony, breach of the peace, or violation of Chapter 42 or 49 of the Texas Penal Code.
 - b. Any officer making a Warrantless arrest outside his/her jurisdiction shall notify the law enforcement agency of proper jurisdiction. The law enforcement agency shall take custody of the prisoner and arraign the prisoner before a magistrate in compliance with state law.

VII. POST-ARREST PROCEDURES

A. Injury before or during arrest

If a person receives an injury before or during an arrest and either requests medical attention or, in the officer's judgment, medical attention is needed, officers should arrange for his or her transportation to the hospital for an examination before booking.

B. Processing of paperwork

1. All incident and arrest reports, unless prior approval is obtained from a supervisor, will be completed prior to end of shift. Reports will be submitted through the mobile computing (MCT) module of OSSI Sungard. Once reviewed and approved by a supervisor they will be uploaded into the records management module (RMS) of the software.
 - a. Offense reports will be completed in MCT
 - b. Fingerprint cards are completed at the jail by their staff.
 - c. Photographs. (stored in appropriate section in Officer Data Files)
 - d. In the case of juvenile offenders, all data is stored in their case file:
 - e. Petitions.
 - f. Detention orders.
 - g. Fingerprint Cards and CR-43J.

C. Mirandizing Arrestees

1. Arrestees shall be advised of their Miranda rights before any custodial interview.
2. A waiver of the Miranda rights must be obtained before any custodial interview of an arrestee.
3. If the arrestee has not waived his or her Miranda rights, no questioning shall be conducted beyond that necessary to accomplish the booking procedure (name, address, etc.).
4. If the arrestee declines to waive his or her Miranda right to counsel, or if the arrestee, after waiving that right, elects to reassert it, questioning must cease immediately and no further questioning may be conducted unless
 - a. An attorney representing the arrestee is present, or
 - b. The arrestee voluntarily initiates a further interview:
 - c. If the arrestee has not waived his or her Miranda rights, then even though the arrestee is not being directly questioned officers shall refrain from engaging in conversation among themselves in the presence of the arrestee that is calculated to elicit incriminating statements or admissions from the arrestee

VIII. RELEASE FROM ARREST

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

B. Procedure

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



IX. IMMUNITY FROM ARREST

A. Legislative immunity

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

B. Diplomatic immunity

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

	ARGYLE POLICE DEPARTMENT	
	Policy 7.4 Search Incident to Arrest and Other Searches Without a Warrant	
	Effective Date: 27SEP22	Replaces: 13Feb15
	Approved:  Chief of Police	
Reference: TBP: 7.07, 10.14, and 10.15		

I. POLICY

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

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

II. PURPOSE

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

III. SEARCH INCIDENT TO ARREST

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

C. An officer making a search incident to an arrest may search only the following permissible places:

1. The entirety of the person being arrested.
2. The area within the immediate control of the person being arrested into which the suspect might reach for a weapon or for evidence.

D. Accessories carried by the suspect may be searched incident to a full custodial arrest for they are within the area in which the defendant might reach to grab a weapon or an item of evidence.

E. Cellular phones in the possession of a suspect may not be searched without a warrant or exigent circumstances.

F. Vehicles may be searched contemporaneous with the arrest of the occupant or driver only if:

1. The arrested vehicle occupant is unsecured and within arm's reach of the passenger compartment at the time of the search, or
2. The officer has a reasonable belief that *evidence related to the crime of the arrest* is located within the passenger compartment.
3. Once an occupant has been secured and is unable to effectively reach the passenger compartment, the authority to search the vehicle for safety reasons is removed. Officers may conduct a search of a vehicle passenger compartment in such circumstances if other warrantless search exceptions apply or by obtaining a search warrant.

G. Strip searches

1. A Strip Search is the removal or rearrangement of clothing that results in the exposure or observation of a portion of a person's body where that person has a reasonable expectation of privacy.
2. Strip searches shall not be conducted on any person unless the officer has an articulable, reasonable suspicion to believe that the person is concealing a weapon or contraband. Reasonable suspicion may be based on, but is not limited to, the following criteria.
 - a. Nature of the offense.
 - b. Arrestee's demeanor and appearance.

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

H. Body-cavity searches

1. Department personnel do not conduct body cavity searches other than an individual's mouth. If an officer has reasonable cause to believe a body cavity search is needed to detect weapons, drugs, or other contraband, the following procedures apply:

- a. The on duty police supervisor is notified;
 - b. A search warrant is secured;
 - c. The detainee is transported to an appropriate Medical facility.
 - d. The search is conducted by the on-duty emergency room physician, while officers stand by to take control of any evidence and provide security to the physician conducting the search.
 - e. Body cavity searches are documented in the officer's arrest report and will detail the officer's justification for such search, the approving supervisor's name, the location and persons present during the search, and the results of the search. A copy of the report and warrant is forwarded to the Chief of Police for review and filing.
2. Prior to transporting the prisoner to the medical facility, the officer shall inform the prisoner of his or her intention to conduct a body-cavity search thus giving the prisoner the opportunity to voluntarily surrender the suspected contraband.

IV. OTHER WARRANTLESS SEARCHES

A. Consent Searches

A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search. Note that, while the officer doesn't have to have reasonable suspicion nor probable cause to request a consent search, it is best practice to be able to articulate the officers' reason for requesting consent. If that person grants permission, the search may take place. The sole justification for a consent search is the existence of knowing, intelligent, and voluntary consent. Consent to search should be asked for in clear and concise terms.

1. Consent searches must observe the following rules:
 - a. Generally, the person granting consent must use, access, or control the property. A person having use, access or control of only a part of a jointly-owned property can only give consent for a search of that part.
 - b. If two people have joint ownership of property, either may give consent if they are the only one present. If possible, have all the consenting parties present sign a written permission-to-search form. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.

- c. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, unless the tenant has been evicted or has abandoned the property.
- d. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use if they are the only one present. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.
- e. A parent may consent to a search of premises occupied by a child under the age of majority if the parent also has access to the premises. If a dependent child is present and is over the age of majority, he or she may legally object to the search of an area that is jointly owned or possessed.
- f. An employee cannot give valid consent to a search of his employer's premises unless he has been left in custody of the premises.
- g. An employer may generally consent to a search of premises used by employees, except premises used solely by another employee (e.g., a locker).
- h. Consent must be given voluntarily. If an officer requests consent from a person under circumstances which a reasonable person would consider coercive, the search would not be consensual and the officers shall seek a warrant. The officer may have the burden of demonstrating voluntariness.
- i. A person who initially gives consent may withdraw it at any time. Officers shall then secure the premises and seek a warrant if probable cause exists.
- j. Refusal to give consent, in itself, cannot justify further law-enforcement action.
- k. The scope of a consent search is limited to the area for which consent has been given, and within this area officers may search only into areas where the objects sought could reasonably be hidden.

2. Documentation of Consent Searches

- a. Verbal consent shall be documented on the officer's body worn camera, in car camera system or other audio recording device. Video recorded on the officer's body worn camera or in-car camera system will be labeled "Search" after recording. If any

such system is unavailable, then a written consent to search form shall be used.

- b. Following a consensual search of a vehicle, officers shall do one of the following:
 - i. For searches resulting from traffic stops, issue either a citation or written warning utilizing the electronic citation writer. Consensual searches will not result from stops for traffic infractions, or vehicle equipment violations, which cannot be found within the Texas Transportation Code.
 - ii. For searches **not** resulting from a stop for a traffic infraction or vehicle equipment violation, complete an incident report outlining the reason for contact and whether contraband was found.
- c. Police Officers should make every effort to minimize conditions which could be offered as "threat or intimidation"; such as:
 - i. Number of Police officers present (especially in uniform);
 - ii. Amount of force used to detain or arrest - i.e., displaying firearms, use of handcuffs, etc.;
 - iii. Language and tone of voice used in requesting consent;
 - iv. Other non-verbal communications.

B. Emergency searches

- 1. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."
- 2. Police Officers may make a warrantless search of any person or anything, whether personal belongings, vehicles, or buildings, anytime they have a probable cause to believe it is necessary to save a life, prevent injury, or prevent the destruction of evidence. The mere possibility of a remote data wipe or locking of a cellular phone is not sufficient by itself to justify the search of a cellular phone incident to arrest.
- 3. Police Officers who observe criminal activity occurring inside a private place from outside the private place may not always be able to secure a proper warrant in a timely manner and will adhere to the following guidelines:
 - a. If the offense is a misdemeanor, Police officers will not enter unless:
 - i. Valid consent is given by a person with apparent authority to grant such permission, or

- ii. There is reason to believe there is an immediate need to protect the safety of some person inside the location.
 - iii. Circumstances where alcohol and/or illegal drugs are present, and the health and safety of minors is a legitimate concern.
 - b. If the offense is a felony, Police officers will not enter unless:
 - i. Valid consent is given by a person with apparent authority to grant such permission.
 - ii. There is probable cause to believe the destruction of contraband or other evidence is imminent if it is not immediately recovered, or
 - iii. There is reason to believe there is an immediate need to protect the physical safety of some person inside the location.
 - c. Where Police officers enter private property under felony circumstances as described above, and misdemeanor violations are also observed, they may take appropriate action with regard to all criminal conduct regardless of the kind of offense or the age of the individuals engaged in any criminal or status offense.
4. If officers enter premises with probable cause to believe that critical evidence may be destroyed or removed unless immediate action is taken, they may enter without a warrant, secure premises, and obtain a search warrant before proceeding further unless they have obtained consent to search, or some new circumstances arise necessitating another warrantless search.

C. Plain view

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

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

D. Plain feel

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

E. Abandoned property and open fields

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

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

V. VEHICLES

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

B. Definitions

1. For the purposes of this section, a motor vehicle is any vehicle operating or capable of being operated on public streets or highways, from trucks to automobiles to mobile homes. A vehicle that has been immobilized in one

location for use as a storage facility or home is not a motor vehicle for Fourth Amendment purposes.

2. For the purposes of this section, a search is an examination of a motor vehicle with an investigative motive, that is, to discover evidence or to examine the vehicle identification number (VIN) to ascertain ownership.

C. When warrantless vehicle searches may be performed

1. As noted earlier, warrants shall be obtained to search vehicles, if feasible, unless an emergency exists. Any vehicle that has been disabled with little chance of its being driven away shall be searched with a warrant. In all other cases, vehicles may be searched without a warrant with the following limitations:
 - a. With a warrant, a search may extend anywhere within the vehicle, unless limited by the warrant itself.
 - b. When probable cause exists, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle.
 - c. When consent has been obtained from the driver, officers may search the vehicle subject to any limitations specified by the consenting person. Consent shall be obtained in writing, if feasible.
 - d. Searches incident to the arrest of an occupant shall be limited to any area within reach of the arrestee. The area within reach is deemed to be the passenger compartment. The trunk, engine compartment, and any locked compartments shall not be searched unless immediately accessible to the suspect. (See Section III above for a fuller treatment of searches incident to arrests and restrictions. Once an individual is restrained or removed from the immediate area of the vehicle, the authority to search the area within reach is removed.)
 - e. Frisks for weapons shall be confined to the passenger area. Any place not immediately accessible to the occupants, such as a locked glove compartment, shall not be frisked. If the contents of a container are immediately accessible to the subject, a closed container may be searched for weapons. Note that an officer can order the suspect from the vehicle and frisk both the suspect and the vehicle.
 - f. An entry into the vehicle to examine the VIN or otherwise determine ownership must be limited to these purposes.

- g. An emergency search of the vehicle may be conducted but the extent of the search must not exceed whatever is necessary to respond to the emergency.
- h. Note: If the initial search under the above conditions gives rise to probable cause that evidence, contraband, fruits, or instrumentalities of the crime might be found elsewhere in the vehicle, officers may search those areas that might reasonably contain such items.

D. Containers within the vehicle

1. As a rule, no container within a vehicle shall be searched unless it might contain the item(s) sought.
2. Procedures for unlocked containers
 - a. In a probable cause search, containers may be opened wherever found in the vehicle.
 - b. When the passenger area is searched incident to an arrest, containers within the passenger area may be opened.
 - c. During a consent search, containers may be opened provided that the terms of the consent either so permit or reasonably imply permission.
 - d. Containers found in or discarded from a vehicle under circumstances not amounting to probable cause or in connection with a search incident to an arrest shall not be searched but shall be secured until a warrant is obtained.
 - e. The abandonment doctrine does apply to containers thrown from a vehicle by a suspect.
3. Procedures for locked containers
 - a. Under most conditions, locked containers shall be opened under a warrant unless one of the following circumstances has been met:
 - i. Consent has been given.
 - ii. Probable cause exists to search the vehicle and the object of the search might be found in the container. (Even in this circumstance, a warrant is preferred.)
 - iii. Inventory, only if a key is present.

E. Conduct of the vehicle search

1. When possible, searches of vehicles shall be conducted contemporaneous with the stopping or discovery of the vehicle. As a general rule, vehicle searches shall be conducted as soon as reasonably possible.
2. When possible, officers shall avoid damaging a vehicle or its contents, and shall minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner.

F. Vehicle Inventory Search

While not a search for evidence or contraband, a vehicle inventory may be conducted if the vehicle is to be impounded. Vehicle impound procedures are provided in Policy 7.16.

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

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

IV. PROCEDURES - General

A. State Law

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

B. Supreme Court decisions

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

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

V. PROCEDURES - Obtaining a search warrant

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

may be conducted by telephone if necessary. If the supervisor approves the warrant application and the situation requires, the supervisor shall make appropriate notifications up the chain-of-command. This review does not apply to blood warrants for the enforcement of driving while intoxicated.

B. The approving supervisor will be in charge of the warrant execution. While the lead detective or officer may develop the case information, construct the affidavit, obtain the warrant and seek assistance from DCSO SWAT if needed, the approving supervisor is responsible for the proper and safe execution of the warrant including compliance with this policy.

C. Essential legal requirements

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

D. Affidavits

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

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

E. Language of the warrant

1. Only the things specified in the search warrant can be seized (for a discussion of exceptions to this, such as plain-view seizures and searches incident to arrest, see Policy 7.4). The warrant shall specify the areas to be searched shall be precisely stated. If officers wish to search a home and its surroundings, the affidavit must specify a "premises" search and its curtilage and must identify outbuildings, garages, as appropriate.
2. If motor vehicles to be searched are on the premises, the warrant shall so specify.
3. If searches of specific persons (other than frisks) are to be included during the search, the warrant shall so specify. If the warrant states that all persons present shall be searched, then probable cause to do so must be justified in the affidavit.
4. The items to be searched for shall be precisely described. If an item to be searched for may be dismantled (e.g., firearms), then the warrant must specify the search for parts, pieces, or components of the item.
5. If officers anticipate searching for and seizing computers or similar, complex technology, then experts must be consulted to determine the appropriate language to list in the affidavit and for outlining appropriate guidelines in the warrant for seizure of hardware and software.
6. If time and opportunity permit, the affidavit and warrant should be reviewed by the District Attorney or legal counsel prior to presenting it to a magistrate.
7. If officers believe it is in the best interest of officer safety or that evidence may be destroyed if advanced warning is given and wish to

utilize a “no-knock” warrant execution, the reasons for that belief should be clearly explained in the affidavit. The magistrate should be requested to review and authorize the no-knock entry.

VI. PROCEDURES - Executing a search warrant

A. When a search warrant must be executed

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

B. Preparing to execute the warrant

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

C. Gaining entrance to premises

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

- a. He or she must announce his presence as a law-enforcement officer.
- b. The officer must announce that his purpose is to execute a search warrant.
- c. The officer must wait a reasonable time either to be admitted or refused admission to the premises.

4. When entrance is refused

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

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

5. No-knock or exigent entry

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

- a. Bodily harm either to the officer or to someone within the premises to be searched.
- b. The escape of the person to be searched or arrested.
- c. The destruction of evidence.

6. If circumstances require a no-knock or exigent entry, then the first officer to cross the threshold into the premises shall announce that law-enforcement officers are executing a warrant. Officers shall also command the occupants to take the appropriate action to ensure their safety, such as "Police, search warrant, get down."

D. Conduct of the search

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

E. Searches of persons found on premises

1. A person's presence on the premises to be searched with a warrant does not, without more, give rise to probable cause to search that person beyond a frisk for officers' safety.

2. A warrant to search the premises for contraband does carry with it the authority to detain the occupants of the premises while a search is being conducted. If the search of the premises gives rise to probable cause to arrest the detainee, he or she may be arrested and his or her person searched incident to arrest.
3. A person on the premises may be searched if the officer has probable cause to believe that items listed in the warrant are concealed on the person. Mere presence on premises does not constitute probable cause.

VII. PROCEDURES: High Risk Warrant Execution

- A. A High Risk Warrant is any situation where it is likely that any special obstacle to the safe, effective execution of the warrant is present, the location has been fortified or officers may meet armed resistance and/or deadly force. This suspicion should be corroborated by intelligence information (i.e., CCH, C.I. statements, history of location, Detective's personal knowledge).
- B. High Risk Search Warrants will utilize DCSO SWAT for entry and the securing of the premises.
- C. The Supervisor in charge of the Warrant's execution will notify the SWAT Commander through the proper channels and request their assistance. The SWAT Commander will be provided with a copy of the Warrant and Affidavit.
- D. Upon notification by any Supervisor that SWAT will be needed to execute a Warrant, the SWAT Commander will contact the Lead Detective and obtain the details of the Warrant execution. This will include a physical inspection of the target and verification of the address and physical description.
 1. Upon completion of the scouting report, together they will formulate a plan of execution.
 2. The SWAT Commander will notify the number of SWAT officers required and when/where they are to report.
 3. Use of on-duty patrol officers should be coordinated with the on-duty supervisor to avoid depleting manpower.
- E. A Warrant Execution briefing will be held. The Warrant execution briefing will include the Supervisor in charge of the warrant's execution, the Lead Detective, the SWAT Commander, the Communications Supervisor (if possible), and will include all officers participating in its execution or who will be at the scene.
 1. They shall detail procedures for executing the warrant to all team members in a warrant service briefing. The plan briefing shall be conducted by both the Lead Detective and the SWAT Commander and will include but not necessarily be limited to the following:

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

F. Entry Procedures

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

VIII. PROCEDURES - Return of the search warrant



A. After an officer has finished a search, he or she shall perform the following:

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

B. Responsibility for property seized

1. All property seized must follow a rigorous chain-of-custody procedure. Documentation must appear in all narrative reports pertaining to the chain of custody of any items seized. The department evidence tag shall be used to identify all seizures.

2. Officers shall place evidence in the property room or locker reserved for the purpose prior to the end of shift.
3. Observe the property and evidence procedures as detailed in Policy 12.1.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.10 Prisoner Restraints	
	Effective Date: 30Jan12	Replaces:
	Approved:  Chief of Police	
	Reference: TBP 10.01.1e	

I. POLICY

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

II. PURPOSE

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

III. PROCEDURES - Arrested Persons

A. General

1. Officers shall handcuff all arrested adults unless the application of handcuffs will aggravate or cause injury due to age, infirmity, physical condition or prior injury. If a prisoner is not handcuffed, they shall be transported in a vehicle with a prisoner cage and two officers (if available) shall conduct the transport. Officers must be able to justify exceptions without unduly risking safety.
2. Juveniles should not be handcuffed unless they have been taken into custody for a violent offense, pose an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or officer.

B. Handcuffs

1. In most circumstances safety concerns mandate that arrested subjects should be handcuffed. Officers must be able to justify exceptions without unduly risking safety. Some possible exceptions are:

- a. Children under 10 years of age;
 - b. Pregnant females; -
 - c. Handicapped or disabled suspects; or
 - d. Elderly suspects. -
2. Normally, officers shall handcuff a subject with the hands in back, but he may choose to handcuff hands in front due to the suspect's handicap or disability. If handcuffed in the front, officers should attempt to secure the handcuffs to the body by use of a body belt if possible.
 3. When a suspect is handcuffed, officers should double lock the handcuffs. This will help ensure prisoner and officer safety. Double locking reduces the chance of picking the lock or of the handcuff accidentally tightening, further restricting circulation.
 4. Officers shall apply the handcuffs according to recognized professional standards, always striving to avoid hard strikes to wrists with handcuffs and over-tightening of handcuffs.
 5. Individuals will not be handcuffed to any portion of a police vehicle during transport.

C. Body Belt

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

D. Ankle Shackles

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

E. Plastic Handcuffs

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

F. Hobble Technique

1. The hobble technique refers to the use of a hobble device to secure a prisoner's feet while in transport in a police car. It involves looping a rope or belt around the prisoner's ankles and then extending the other end of

the device onto the door jam and then shutting the door, thus holding the prisoner's feet in place.

2. The hobble device should only be applied to a prisoners legs when the officer feels that the prisoner poses an imminent threat of physical harm to himself or another with the use of his feet or legs, or when the prisoner attempts to damage the inside of the patrol car during transport.
3. A prisoner that requires the hobble device requires a two officer (if available) transport so that one officer can monitor the status of the prisoner while in transport, e.g. prevent prisoner head strikes against window etc.

IV. PROCEDURES - Persons not arrested

A. If officers have a reasonable suspicion that an individual has been involved in a violent offense, handcuffs may be applied to potential suspects while officers investigate an incident. Officers should be able to articulate the reasons for their safety concern. Persons not arrested but who are subject to investigative detention may be restrained under the following circumstances.

1. Suspects shall be handcuffed only as long as necessary to accomplish the investigative goal.
2. Handcuffing of suspects shall be accomplished with minimal discomfort to the suspect.
3. Officers shall limit the number and type of restraints used on the suspect to what is reasonably necessary to accomplish the investigation.


B. If an individual is handcuffed or otherwise restrained for officer safety reasons during and investigation and later released, officers shall document their actions in their call sheet and include the reasons officers handcuffed the individual, the approximate length of time of the restraint, and the results of the investigation.

V. SPECIAL CIRCUMSTANCES

A. Restraint prohibitions

1. Officers shall not place subjects in a prone position with the hands and ankles bound from behind with handcuffs, belts, or other devices.
2. As soon as any suspect who is lying on his or her stomach has been handcuffed, officers shall roll the suspect onto his or her side, or place the suspect in a sitting position. Suspects shall never be transported in a prone, face down position.

3. Intoxication, recent use of drugs or alcohol, the presence of a head injury, obesity, physical disability, and recent exertion are all circumstances that can increase difficulty breathing when restrained. All suspects will be monitored during custody and transport for indications of medical problems and medical treatment obtained if required.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.11 Prisoner Transportation	
	Effective Date: 29Apr13	Replaces: 30Jan12
	Approved: <u><i>[Signature]</i></u> <small>Chief of Police</small>	
Reference: TBP 10.01, 10.10, and 10.12		

I. POLICY

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

II. PURPOSE

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

III. PROCEDURES (TBP: 10.01)

A. General

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

B. Searching the prisoner

1. The transporting officer shall always search a prisoner before placing him or her into the vehicle. Officers must never assume that a prisoner does not

possess a weapon or contraband or that someone else has already searched the prisoner. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer.

2. When handling and searching prisoners, officers shall remain mindful of the department's infectious diseases exposure control plan and shall use personal protective equipment when necessary.
3. Any items (not evidence) removed from the prisoner prior to transport will be:
 - a. Released at the scene to a responsible party
 - b. Secured in the prisoners vehicle
 - c. Securely maintained and returned to the prisoner at a later date; or
 - d. Turned in to the booking officer upon arrival at the location of detention for placement in the prisoner's property. (TBP: 10.10)

C. Searching the police vehicle

The transporting officer shall search the vehicle immediately before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Further, after delivering the prisoner to his or her destination, officers shall again search the police vehicle to ensure that the prisoner did not hide contraband or other evidence. (TBP 10.01)

D. Transport equipment

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

E. Positioning of prisoners in the transport vehicle

1. When an officer transports a prisoner in a caged vehicle, the prisoner shall be positioned in the rear seat and secured with seat belts. Prisoners shall be handcuffed with their hands behind their backs, palms outward, except for the exceptions detailed in Policy 7.10.

2. When a single officer transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with his or her hands behind the back, palms outward. A single officer shall never transport two or more suspects in a non-caged vehicle unless directed by the on-duty supervisor.
3. If more than one officer transports prisoners in a non-caged vehicle, the following procedures shall be observed.
 - a. One officer shall position him or herself in the rear of the transporting vehicle behind the driver with the prisoner (seat belted) on the rear passenger side.
 - b. In a situation where more than one prisoner is transported by two officers in the same vehicle, the prisoners shall be positioned on the front and rear passenger side (seat belted) and the assisting officer should position himself behind the driver's seat in order to see the prisoners at all times and protect the driver.
4. Officers shall not transport prisoners who are restrained in a prone position. Doing so increases the risks of medical complications.

F. Control of prisoners while transporting

Observation and Medical Assistance (TBP: 10.12)

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

G. Stopping to provide law enforcement services while transporting

1. When transporting a prisoner, the transporting officer shall provide law-enforcement services only when:

- a. A need exists for the transporting officer to act immediately in order to stop or prevent a violent act and prevent further harm to a victim.
 - b. A person has been injured and assistance is required immediately.
2. In all of the above situations, the transporting officer shall ensure at all times that the prisoner is secured and protected.
 3. Under no circumstances shall an officer transporting a prisoner engage in a pursuit.

H. Escape

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

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

I. Arrival at destination

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

1. Firearms shall be secured in the designated place at the facility being entered. If there are none, secure firearms inside the locked police vehicle.
2. Restraining devices shall be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
3. The proper paperwork (booking sheet, arrest report, property form, etc.) shall be submitted to the receiving facility and, in situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the department.

J. Sick/injured prisoners and medical facilities

1. At any time before, during, or after the arrest that the prisoner is injured or becomes sick, the officer shall seek medical attention immediately. Medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before arrival there.
2. The transporting officer shall use discretion in applying restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be incapacitated, restraining devices may not be appropriate. As a rule, do not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.
3. If the prisoner refuses treatment, the prisoner shall be asked to sign a Medical Refusal or notation of such on a hospital release form. Have the attending physician or a nurse sign the form as witnesses. If the prisoner refuses to sign the form, obtain two witnesses to the refusal (hospital staff, another officer, or fire/rescue personnel). The form must be given to the jail during booking.
4. If the prisoner must be admitted to the hospital, the officer shall release the prisoner only after consulting their supervisor. The supervisor, in turn, shall consult the magistrate or the city judge. The supervisor shall observe the following procedures to ensure control of the prisoner:
 - a. Determine if it is possible to file charges at large (non-violent offender, victimless crime etc.)
 - b. If the prisoner is admitted and the prisoner was arrested for a felony, arrange for guards. Request the presence of a magistrate and arrange for the magistrate's transportation to the hospital so that bail can be set.
 - c. Assist the magistrate in arraigning the prisoner, if necessary, or stand by while the magistrate issues a warrant.

- d. Serve the warrant, if one has been issued. If the magistrate will not release the arrestee on personal recognizance, then maintain the guard until the prisoner makes bond or the case is filed. When the case is filed attempt to transfer responsibility to the Sheriff's Office.
- e. Until relieved by the sheriff's office, the supervisor shall brief every officer on the duties of guards and shall ensure that guards have radios.
- f. The supervisor shall ensure that guards are checked periodically and relieved as necessary until sheriff's deputies relieve them.
- g. The prisoner shall be kept under observation at all times and, normally, restraining devices shall be used. Officers shall consult with medical personnel concerning the use of restraining devices.

K. Special transport problems

- 1. Transport of prisoner by officer of different sex than prisoner.
 - a. When transporting a prisoner of one sex by an officer of another sex, an additional officer (if available) may be requested to accompany the transport.
 - b. At a minimum the transporting officer shall:
 - i. Activate their in-car video.
 - ii. Go directly to the destination by using the shortest practical route.

L. Prisoner with disabilities

- 1. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, comfortably, and safely for both the prisoner and the officer. The officer may request the dispatcher to contact the fire department or ambulance for assistance in transporting. The transporting officer shall take whatever special equipment or medicine is necessary for the prisoner.
- 2. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists, then restraining devices may be inappropriate.



3. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.
4. Transportation of dangerous/security-risk prisoners. When a prisoner is considered dangerous or a security hazard, the receiving agency or the sheriff's personnel shall be notified before the transport takes place in order to plan how best to minimize any chance of escape, or injury to the prisoner or anyone else.

M. Restraining devices

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

N. Documentation

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

	ARGYLE POLICE DEPARTMENT	
	Policy 7.12 Juvenile Procedures	
	Effective Date: 29DEC11	Replaces:
	Approved:  Chief of Police	
	Reference: TBP 10.02.1 and 10.03.1	

I. POLICY

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

II. PURPOSE

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

III. DEFINITIONS

- A. Child (Juvenile): A person who is ten years of age or older and less than seventeen years of age.
- B. Conduct in Need of Supervision: Conduct, other than a traffic offense, that violates the penal laws of the state punishable by fine only, or violations of municipal ordinances, failure to attend school, and runaway.
- C. Delinquent Conduct: Conduct, other than a traffic offense (except DWI) that violates the penal laws of this state or the United States punishable by imprisonment or confinement in jail.
- D. Delinquent child: A child who has committed a delinquent act or an adult who had committed a delinquent act prior to his or her 17th birthday.
- E. Intake officer: A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the

criminal process, or petition the court. An intake officer is normally a juvenile probation officer.

- F. Juvenile court: The Court designated under Family Code 51.04 to exercise jurisdiction over juvenile proceedings within the county. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.
 - 1. Juvenile offenses above class C, occurring in the Town of Argyle, are heard in County Court at Law #1 located at 210 S. Woodrow Ln., Denton, TX 76205-6304.
 - 2. Argyle Municipal Court has concurrent jurisdiction for Class C offenses.
- G. Referral to Juvenile Court: The referral of a child's case to the official, including the intake officer, designated by the Juvenile Board to process children within the Juvenile Justice System.
- H. Status Offender: A juvenile who is charged with an offense that would not be a crime if committed by an adult.
- I. Responsible Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custodian of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.
- J. Juvenile Processing Office: The office or location within the Police Department or school facility, approved by the Juvenile Court, for the temporary detention of juveniles while officers complete required activities prior to releasing the juvenile to a parent or transferring the juvenile to the Juvenile Detention Center.

IV. PROCEDURES – General (TBP: 10.02.1)

A. Overview

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

B. Handling of juvenile offenders - general

1. A juvenile offender shall be handled with firmness and respect.
2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record. The juvenile justice system emphasizes confidentiality of records and the privacy of an adjudicatory hearing. Where appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.
3. If possible, all contacts with juveniles will be recorded on the in-car audio/video system or personal video recorder.

C. Authority for Taking a Child into Custody

1. Section 52.01 of the Family Code allows police officers to take children into custody.
2. The section also authorizes officers to release a juvenile with a warning in lieu of custody. If the child is released with a warning it is necessary to forward a copy of the warning to the parent.
3. In making the decision to handle the juvenile either informally with a warning or formally by referral to the Juvenile Court, the officer shall consider the following:
 - a. Seriousness of offenses.
 - b. Prior record of child.
 - c. Child's age.
 - d. Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated.
 - e. Degree of wrongful intent, violence, premeditation, knowledge of violation.

D. Enforcement Alternatives

1. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include the following , listed in order of severity:
 - a. release without further action, release with verbal warning, referral to parents or responsible adult, or informal counseling with contact of parents or responsible adult;
 - b. field release with written warning or citation, limited custody and station house warning, arrest under non-secure custody, and release to parents with or without referral to Juvenile Court or First offender Program; and

- c. arrest and secure custody, with transfer to detention and referral to Juvenile Court.
2. Enforcement criteria for the use of these alternatives is provided below.
3. Even when a juvenile is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.

V. ENFORCEMENT CRITERIA

- A. The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.
 1. Release without further action, release with verbal warning, referral to parents or responsible adult, or informal counseling with contact of parents or responsible adult.
 - a. Appropriate in incidents where no violation was determined or where the violation was very minor and officers explained the law and consequences.
 - i. No property damage or personal injury was involved
 - ii. No prior record
 - iii. May include contact with parent if appropriate. Examples of these incidents include, but are not limited to curfew violations, minor liquor law violations, and disorderly conduct.
 - b. If a non-traffic citation is issued, the juvenile's parents may be contacted by telephone from the scene and advised of the offense and disposition. A copy of the complaint will be forwarded to the parents by the Argyle Municipal Court.
 2. Field release with written warning or citation, or limited custody and station house warning, arrest under non-secure custody and release to parents with or without referral to Juvenile Court or First Offender Program.
 - a. Officers may elect to transport the youth home, make personal or telephone contact with the youth's parents or guardians to provide them with information and counseling on their child's actions, or take the youth into custody and transport the youth to the Juvenile Processing Office until he is released to a parent or guardian.
 - i. Appropriate when the nature of the incident is of a more serious or potentially serious nature than in section 1 above;
 - ii. there was property damage or minor injury not amounting to a felony;

- iii. the youth involved is fully aware of the seriousness or potential seriousness of his actions and/or is acting in alliance or collusion with others to commit such acts;
 - iv. the youth fails to cooperate or to positively respond to police intervention and direction;
 - v. the youth's parents or responsible adult have apparently failed to provide appropriate control and supervision.
 - b. Officers may elect to file a referral to the Juvenile Court depending on the nature of the offense and prior history of the offender.
- 3. Arrest and secure custody, with transfer to detention and referral to Juvenile Court. Officers may file delinquency charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples in section 2 above.
 - a. Officers should file delinquency charges against juveniles when they commit:
 - i. acts that if committed by an adult would be felonies;
 - ii. delinquent acts involving deadly weapons;
 - iii. serious gang-related offenses;
 - iv. delinquent acts involving serious assault;
 - v. delinquent acts while on probation or parole or when they have charges pending against them;
 - vi. delinquent acts as repeat offenders or when they have refused to participate in diversion or intervention programs;
 - or
 - vii. when it has been determined that parental or other adult supervision is ineffective.
- 4. Status Offenses. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile and other relevant factors, an officer may release a juvenile to his parents, guardian or other responsible adult.
 - a. Juveniles taken into custody for status offenses should be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer or others.
 - b. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.
 - c. Juveniles taken into custody for status offenses shall be held in non-secure custody as provided by state law and for the briefest time necessary to conduct identification, investigation and related processing requirements to facilitate their release to a parent or responsible adult or transfer to a juvenile facility.
 - d. Transportation of a juvenile in a caged vehicle is not considered secure custody.

- e. Status offenders and other juveniles taken into temporary non-secure custody for status offenses should not be fingerprinted or photographed for purposes of record.
- f. Status offenders in temporary custody shall not be placed in a holding area with adult suspects and shall also be under constant visual supervision; afforded reasonable access to toilets and washing facilities; provided food if in need of nourishment to include any special diets necessary for health or medical purposes; provided with reasonable access to water or other beverages; and allowed reasonable access to a telephone.

VI. JUVENILE PROCESSING

A. Searching and Transportation of juveniles

1. No juvenile under 17 shall be transported in the same vehicle with adults suspected of or charged with criminal acts.
2. Juveniles are searched and transported in the same manner as adults in compliance with Policy 7.11 Prisoner Transportation.
3. Juveniles are typically not handcuffed unless they have been taken into custody for a violent offense, pose an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or officer

B. Actions when taking a juvenile into Custody

1. A person taking a child into custody shall advise the juvenile of his/her constitutional rights when appropriate.
2. Without unnecessary delay and without first taking the child elsewhere, the officer does one of the following:
 - a. Release the child to his parent, guardian, custodian, or other responsible adult upon that person's promise to bring the child before the Juvenile Court when requested by the court;
 - b. Bring the child to a Juvenile Processing Office designated by the Juvenile Court;
 - c. Bring the child before the office or official designated by the Juvenile Court;

- d. Bring the child to a medical facility if the child is believed to suffer from a serious physical condition, illness, injury or mental condition that requires prompt treatment;
- e. Referral of the child and/or parent, guardian or custodian to the appropriate social agency;
- f. In cases of truancy, the child is immediately returned to the proper school official within the appropriate public or private school;
- g. Take the juvenile into protective custody if the officer believes the juvenile is in danger of harm; or
- h. Release the child with no further action pending.

C. Notifications:

- 1. The arresting officer shall promptly notify the juvenile's parents or guardians of the fact that the child has been taken into custody. In the case of protective custody, the notice must be written as prescribed by the Texas Family Code.
- 2. Notification of the parents or attempts at notification shall be documented in the arrest report.

D. Designated Juvenile Processing Area:

- 1. A juvenile may be detained in a holding area certified by the Juvenile Court. The Argyle Police Department's approved Juvenile Processing Office is both the patrol room and the interview room located near CID.
- 2. Juveniles are detained under the following conditions:
 - a. At no time is a juvenile placed in a jail cell designated for the holding or incarceration of an adult.
 - b. At no time will a juvenile who is in custody be left unsupervised in the juvenile holding area.
 - c. All juveniles held in the Juvenile Processing Office are out of sight and sound of adult prisoners.
 - d. No juvenile is held in custody longer than is reasonable to conduct an investigation, prepare a case, or to await the arrival of a parent or guardian.

- e. At no time will a juvenile be held in the Juvenile Processing Office longer than six hours. If not otherwise released, the juvenile will be taken to the Juvenile Detention facility within 6 hours of an arrest.

E. Taking a Runaway into custody

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

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

F. Taking a Truant into Custody

1. When custody occurs because a juvenile is a reported truant by school officials, the juvenile shall be taken into custody and delivered to the appropriate school personnel and released.
2. The officer shall complete an incident report which includes the name of the person notifying the parent of the truancy and the name of the person to whom the juvenile was released.

VII. PROTECTIVE CUSTODY

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

B. Emergency Treatment For Juveniles

1. In the absence of the responsible parent or guardian, police officers are expected to immediately take custody of any juvenile found to be in need of emergency medical care and to see that the juvenile is taken to an emergency hospital for treatment.

C. Procedures To Take Custody Of The Juvenile

1. When it is found that a juvenile has been injured or is ill to the extent that immediate emergency care is necessary to protect the physical well-being of the juvenile and no responsible parent or guardian can be found, the below listed procedures are followed to obtain the necessary medical care in an expedient manner:
 - a. The officer takes custody of the juvenile either in person or requests an ambulance and orders the juvenile taken to the nearest competent emergency hospital.
 - b. The officer utilizes all available resources to immediately contact a parent or guardian (school officials, etc).
 - c. The officer then causes the immediate notification of the Child Protective Services office of the circumstances at hand and furnishes the Child Protective Services office the following information:
 - i. Name, race, and date of birth of the juvenile,
 - ii. Parent's name and address if available,
 - iii. What hospital the juvenile has been taken,
 - iv. What efforts have been made to contact the child's parents or guardian,
2. Follow-Up Investigation:
 - a. The officer conducts a follow-up investigation at the receiving hospital, being sure to explain the circumstances at hand to the proper hospital representative.
 - b. The Criminal Investigation Division is available to take over hospital follow-up investigations when it becomes apparent that such investigations will be lengthy or complex.
 - c. The Criminal Investigations Division will follow-up if it becomes apparent that the child's injury is due to criminal conduct on the part of any person.

D. Persons Who May Consent To Medical Treatment:

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

1. A grandparent, adult brother or sister, adult aunt or uncle of the child; an educational institution in which the child is enrolled that has received written authorization to consent from the person, an adult who has actual care, control, and possession of the child and has written authorization to consent from the person having the right to consent.
2. A peace officer who has lawfully taken custody of a minor, if the peace officer has reasonable grounds to believe the minor is in need of immediate medical treatment, or
3. Any court having jurisdiction over the child.

VIII. INVESTIGATIVE PROCEDURES

A. Custodial Interrogation Of Juveniles

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

B. Written or Recorded Confessions/Statements:

Officers will follow the procedure outlined by Section 51.095 of the Texas Family Code while taking written or recorded statements/confessions from juveniles:

C. Fingerprinting And Photographing Juveniles:

1. Fingerprints and photographs of juveniles are maintained separately from those of adults.



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

D. Required Notification of Schools

1. Officers that arrest or take into custody an individual that, because of age, may be enrolled in a primary or secondary school, as provided by Chapter 52, Family Code shall make appropriate notifications in accordance with Article 15.27 of the Code of Criminal Procedure.

E. Juvenile Records

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

	ARGYLE POLICE DEPARTMENT	
	Policy 7.13 Domestic Violence and Protective Orders	
	Effective Date 29AUG22	Replaces: 17DEC20
	Approved:  Chief of Police	
	Reference: TBP: 7.08.1	

I. POLICY

The Argyle Police Department recognizes the importance of, and places a high priority on the response to, domestic violence (domestic disturbance) calls. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. With all due consideration for their own safety, Department personnel responding to a domestic disturbance call shall (1) stabilize the conflict, (2) arrest persons when probable cause exists that a crime has occurred, (3) provide safety and security for the crime victim(s), and (4) refer participants to the appropriate agencies to help prevent future occurrences.

II. PURPOSE

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

III. DEFINITIONS

- A. “Domestic Violence Shelters/Programs”: Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.
- B. “Family”: shall have the meaning given to that term in Texas Family Code Section 71.003. Included in that definition shall be:
 - 1. Spouses, whether or not residing in the same home.
 - 2. Former spouses, whether or not residing in the same home.
 - 3. Persons who have a child in common, whether or not they have ever been married or resided together.

4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters, half-brothers, and half-sisters regardless of whether they reside in the same home with the suspect.
 5. Parents-in-law, children-in-law, brothers- and sisters-in-law regardless of whether they reside in the same home with the suspect.
 6. Persons, whether or not related, who cohabit or who previously cohabited with the suspect, and any children of either who then resided in the same home as the suspect.
- C. “Family Violence”: shall have the meaning given to that phrase in Texas Family Code Section 71.004, including:
1. An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
 2. Abuse, as that term is defined by Texas Family Code Sections 261.001(1)(C), (E), (G), by a member of a family or household toward a child of the family or household; or
 3. Dating violence, as that term is defined by Texas Family Code Section 71.0021.
 4. For the purposes of this policy, the terms “family violence” and “domestic violence” shall be considered interchangeable.
- D. “Household”: shall have the meaning given that term in Texas Family Code Section 71.0021.
- E. “Protective order”: A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, and may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, plus other measures. A protective order may be valid up to two years.
1. Types of protective orders:
 - a. Magistrate’s Order for Emergency Protection: A court order issued at the defendant’s appearance before a magistrate after arrest for an offense involving family violence and is meant to stop the abuser from engaging in abusive, threatening or harassing behavior, and

from contacting the victim in any way. It is intended to protect the victim from further abuse or violence. It can be requested by the victim of the offense, the guardian of the victim, a peace officer or an attorney representing the State.

- b. Protective order: A protective order that is requested by a victim of domestic violence at any time other than at the scene of a domestic violence incident.
- c. Temporary Ex Parte Order: An order that is issued by a court without the person who committed family violence present. A person subject to an order (the actor) who violates an ex parte order may not be arrested unless it is established the actor had been served with the order prior to the commission of the act(s) violating the order. If an officer arrives and the actor is not aware of the order, the officer may assist the protected person in informing the actor subject of the existence of the order. The officer shall then remain at the scene until the actor has complied with any wording that requires him or her to leave the residence. If the order does not require the actor to leave, the officer shall remain at the scene while the protected person gathers necessary items to leave. See Texas Family Code Chapter 86 for additional information.

IV. PROCEDURES

- A. Department personnel shall refer victims of domestic violence or serious bodily injury crimes to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs), and shall provide victims with the name, address and telephone number of the District Attorney and the investigating law enforcement agency. Where possible, officers may help victims directly access referral agencies.
- B. Department personnel shall be trained about domestic violence and its impact.
- C. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers.

V. PATROL RESPONSIBILITIES

- A. Before arrival at the scene where an incident of family violence is suspected or reported, officers should do the following:
 - 1. Obtain all available information from the dispatcher before arrival.

2. Officers should wait for a cover officer, discuss a strategy, and approach the dispute scene in pairs.
 - B. Near the scene, officers should consider avoiding the use of sirens and other alarms which could alert the suspect to the officer's arrival. The suspect might be dangerous and could turn a weapon on arriving officers.
 - C. At the scene, officers should observe the location of the dispute before contacting the complainant and consider the location's surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.
 - D. Before knocking on the door, officers should listen and should observe for additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
 - E. Officers must be concerned for their own safety as well as that of the disputants. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.
 1. Initial contact with occupant(s).
 - a. Officers shall identify themselves as law enforcement officer(s) by name, explain the reason for their presence, and request entry into the premises (when conditions permit). Officers shall ascertain the identity of the complainant and ask to see him or her and any other person(s) at the premises.
 - b. Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further.
 - c. Officers shall not leave without interviewing the complainant.
 - d. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.
 - e. Refusal of entry or no response to a knock at the door will require a forced entry **only** if officers have a reasonable belief that individual(s) inside are in imminent danger of death or serious bodily injury.

- f. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. Unless safety concerns preclude it, officers shall attempt to have the consenting party sign a consent to search form.
 - g. If two people have joint ownership or possession of a place or thing, either one may give a valid consent. However, the other, if present, may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.
 - h. A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If both are present, either one may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.
- F. Officers may also make a warrantless entry to conduct a search if exigent circumstances exist. Officers must have a reasonable belief that such circumstances exist. For example, if officers believe someone needs emergency assistance, they may search the premises without a warrant. Officers shall evaluate the following elements when considering a warrantless entry:
- 1. The degree of urgency involved, and the time required to get a warrant.
 - 2. The possibility of danger to others, including officers left to guard the site.
 - 3. Whether the suspected offense is serious or involves violence.
 - 4. Whether officers reasonably believe that persons may be armed.
 - 5. Finally, officers are reminded that they have a lawful right and duty to investigate any situation which they reasonably believe to be an emergency.
- G. Once inside, establish control by:
- 1. Inquiring about the nature of the dispute.
 - 2. Identifying all disputants.

3. Being aware of potential weapons in surroundings.
4. Determining if anyone other than the disputants are in other rooms, whether the occupants are children or adults, whether any are injured and to what extent (these persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised).
5. Protect the victim from further abuse. Separate the victim from the suspect and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment.
6. Inform the victim that the officer must take photographs of injuries as part of the investigation. Victims may refuse to be photographed, but officers should not use language which invites refusal such as "is it ok if I take photographs" or "do you mind if I photograph your injuries."
7. Ascertain whether a protective order has been violated.
8. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants while the disputants are being interviewed. If appropriate, seize weapons for evidence.
9. Officer shall transport victims and family/household member to a safe location such as a hospital or shelter if requested or as the circumstances require.
10. In the discretion of a peace officer, the officer may stay with a victim of family violence to protect the victim and allow the victim to take the personal property of the victim or of a child in the care of the victim to a place of safety in an orderly manner (CCP 5.045). If a complainant seeks officers' help in entering his or her residence to obtain personal property, the officers must:
 - a. Determine that the complainant has lawful authority to do so;
 - b. Advise all parties that they are accompanying the complaint to obtain items for immediate personal (or children's) use;
 - c. Advise all parties that the officer's function is to maintain order; and
 - d. Advise all parties that any dispute over property is a matter for the courts to decide.

H. Interviewing all disputants

1. Ensure safety and privacy by interviewing the victim in a place separate from the suspect, assuming the suspect has been identified. Although the disputants are to be separated, officers shall remain within sight and hearing of each other.
2. Officers should be aware of both verbal and non-verbal communication with the disputants. Officers must listen, show interest in the disputants and their problem, and remain aware of their own non-verbal communication signals.
3. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.
4. If possible, separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.)
5. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts (which allows the parties to point out anything that might be misrepresented).
6. Officers should be aware that parties may make excited utterances which may have evidentiary value. These utterances should be recorded, when practicable, and should be noted in reports of the incident.

I. Interviewing the victim

Officers shall ascertain the following information from the victim:

1. What happened.
2. Any injuries, who caused them, and what weapons or objects were used.
3. Relationship to suspect and length of relationship.
4. Any threats made against victim or others.
5. Whether sexual contact to which the victim did not consent occurred.

6. Any court cases pending against suspect or any protective orders in effect.
7. Whether suspect is on probation or parole.
8. Whether suspect threatened others, particularly children, damaged property, or hurt pets.

J. Interviewing witnesses

1. Interview any witnesses to the incident including children, other family members, and neighbors as soon as possible.
2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. Ask witnesses to provide a written statement if the individual is able to write. Officers may have to ask witnesses to expound on or clarify their statement if their oral and written accounts are inconsistent.
4. If witnesses provide details about prior assaults, document them to help establish a pattern.
5. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

K. Collection of Evidence

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

1. Collecting any physical evidence.
2. Photographing any injuries received by any party involved in the incident, and any damage to the location as a result of the incident.
3. Completion of the Argyle Police Department – Assault Victim Statement by the officer (See Attachment A)

L. Offenses Involving Breathing or Circulation

1. If the victim of a family violence incident indicates to investigating officers, either verbally or in writing, that the suspect impeded the

victim's breathing or circulation of blood (Texas Penal Code Section 22.01(B)(2)(b) officers shall:

- a. Personally complete the Argyle Police Department Strangulation Supplement (See Attachment B);
 - b. Request an ambulance to examine the victim; and
 - c. If an arrest is made at the scene, request a Magistrate's Order for Emergency Protection.
2. In some instances, assaults that involve strangulation do **not** leave visible injuries and the officer's ability to gather relevant information from the victim (pain, inability to breath, feeling of "blacking out", physiological changes, etc.) is essential to the investigation of the offense.

M. Reporting Requirements (Texas Code of Criminal Procedure Art. 5.05)

1. A peace officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence shall make a written report, including but not limited to:
 - a. the names of the suspect and complainant;
 - b. the date, time, and location of the incident;
 - c. any visible or reported injuries;
 - d. a description of the incident and a statement of its disposition;
and
 - e. whether the suspect is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status.
2. A peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence shall determine whether the address of the persons involved in the allegation or call matches the address of a current licensed foster home or verified agency foster home listed in the Texas Crime Information Center (Texas Code of Criminal Procedure Art. 5.04). The report under this subsection may be made orally or electronically and must:
 - a. include the information required above in Subsection V(M)(1);
and

- b. Be filed with the Department of Family and Protective Services within 24 hours of the beginning of the investigation or receipt of the disturbance call.

N. Offenses Involving Class C Family Violence Arrests

1. Officers **shall** fingerprint the offender and complete a CR-43 form for all adult Class C family violence offenses. The “Arrest/Identification” portion of the CR-43 must be fully completed by the officer, and the fingerprint card must be signed by both the officer and the suspect being fingerprinted.
2. If the suspect is not present at the offense location, but the officer can obtain adequate identifying information for the suspect:
 - a. A citation will be issued for a Class C Family Violence charge and the citation will be sent via certified mail to the suspect’s last known address
 - b. (For situations where the municipal court is meeting **in person**) The officer will ensure that the municipal court is notified that the suspect will need to be fingerprinted when they appear in court
 - c. (For situations where court is **not** meeting in person) The officer shall make a good faith effort to have the offender come to the police department to be fingerprinted. The “Arrest/Identification” portion of the CR-43 must be fully completed by the officer, and the fingerprint card must be signed by both the officer and the suspect being fingerprinted.
3. After completing the CR-43 form’s three carbon sheets (white, yellow, and pink), the white sheet and fingerprint card should be mailed to DPS using the official return envelope. The yellow and pink sheets should be forwarded to the municipal court.
4. Copies of CR-43 forms and DPS return envelopes will be made available to officers.

O. Code of Criminal Procedure Art. 66.252, Reporting of Information by Local Entities states:

- (a) The Department of Public Safety and the Texas Department of Criminal Justice by rule shall develop reporting procedures that:

1. Ensure that the offender processing data is reported from the time an offender is arrested until the time an offender is released; and
2. Provide measures and policies designed to identify and eliminate redundant reporting of information to the criminal justice information system.
 - a. The arresting law enforcement agency shall prepare a uniform incident fingerprint card described by Article 66.251 and initiate the reporting process for each offender charged with:
 - i. A felony;
 - ii. A misdemeanor for which a term of confinement may be imposed; or
 - iii. A misdemeanor punishable by fine only that involves family violence, as defined by Section 71.004, Family Code.
3. The clerk of the court exercising jurisdiction over a case shall report the disposition of the case to the Department of Public Safety.
4. Except as provided by Subsection (e) or as otherwise required by applicable state law or rule, information or data required by this chapter to be reported to the Department of Public Safety or the Texas Department of Criminal Justice shall be reported promptly but not later than the 30th day after the date on which the information or data is received by the agency responsible for reporting it.
5. An offender's arrest shall be reported to the Department of Public Safety not later than the seventh day after the date of the arrest.

VI. PROCEDURES – Arrests

- A. Officers responding to calls involving family violence are required to protect any victims or potential victims of family violence, without regard to the relationship between the alleged offender and victim.
 1. Pursuant to the provisions of Art. 5.04 and Art. 14.03 of the Code of Criminal Procedure:
 - a. An officer **shall** arrest a suspect, with or without warrant, when there is probable cause to believe that the suspect has committed an act of family violence resulting in bodily injury or physical

5. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
6. That the complainant has not begun divorce proceedings.
7. Assurances of either disputant that violence will stop.
8. The lack of visible bruises or injuries.
9. Denial by either disputant that violence occurred if evidence exists to cause the officer to reasonably believe that it has.

G. If an arrest is made, the officer should use the following procedure:

1. If the suspect is present, arrest him/her, inform him/her that the decision to arrest is a law-enforcement one, and transport securely to the jail/magistrate.
2. If the suspect is absent or has been arrested, ask the victim if they need assistance with transportation to a safe shelter or other appropriate place.
3. If an arrest must be made because a protective order has been violated, verify the validity of the order by:
 - a. Examining the victim's copy, if available.
 - b. Having dispatch search TCIC or contact the jurisdiction that issued the order to confirm its validity.

H. If the suspect is not arrested, the officer should use the following procedure:

1. If the suspect is absent, circulate a "be-on-the-lookout" message describing the suspect, if necessary, and immediately prepare an offense report for further investigation.
2. Make a reasonable effort to locate the suspect, if applicable.
3. If no protective order has been sought or obtained, explain to the victim about protective orders and how to obtain them, and offer the Department's help in directing the victim to available resources if the victim wishes to obtain one later.
4. If the victim wishes to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers (Ex: marriage license or divorce

decree, health insurance cards, and, if children are involved, their school records, proof of vaccination, and health information).

5. Complete an incident report and give a copy or arrange to have a copy given to the victim.
 6. If the suspect would have been arrested had they been present, inform the victim that the department will begin the process of procuring a warrant for the offender.
 7. Advise the victim of the importance of preserving evidence.
 8. Assure the victim that the Argyle Police Department will assist in future emergencies and explain measures for enhancing his or her own safety.
- I. Gathering evidence. Physical evidence takes three forms in domestic violence cases: the injuries sustained by the victim, evidentiary articles that substantiate an attack, and the crime scene itself. The on-the-scene officer shall take the following actions:
1. If possible, have medical personnel corroborate the victim's account of injuries sustained. Choking is one of the most serious forms of violence but is sometime difficult to detect.
 2. Take photographs of any injury that is visible and of the complainant from the waist up.
 3. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
 4. Collect evidence according to the same principles as applied to any crime scene.
 5. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime
 6. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.
- J. Documenting the incident
1. All incident reports on domestic violence shall follow general reporting procedures.
 2. Include in all reports of domestic violence:

- a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor.
- b. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
- c. The victim's statements as to the number of prior calls for law enforcement assistance.

K. The disposition of the investigation.

1. Thoroughly document probable cause to arrest.
2. If an arrest is not made for domestic violence the incident must still be documented, stating that either no probable cause for arrest existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
 - a. What referral information was given.
 - b. The name of any counselor contacted.
 - c. Why no arrest was made.
3. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services
4. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency. Officers shall also assure the victim that the Department will assist in future emergencies and explain measures for enhancing the victim's safety.

L. Arrests of law enforcement personnel

1. If the predominant physical aggressor or abuser is an employee of this agency or another law enforcement agency, the responding officer shall summon the field supervisor, who shall in turn notify his or her chain of command including the Chief of Police.

2. In making the decision regarding whether to arrest, an officer shall **NOT** consider:
 - a. The offender's status as a Department employee or police employee; or
 - b. Any personal relationship between the responding officer and the offender.
 - c. Officers who fail to make an arrest, or who provide preferential treatment, based on the offender's status as a peace officer shall be subject to disciplinary action up to, and including, termination.
3. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's departmental weapon may be evidence of an offense.
4. The Department criminal investigator shall be summoned who shall begin a criminal investigation.
 - a. If probable cause to arrest exists, the investigator shall make the arrest and gather evidence (including taking photographs) consistent with this general order.
 - b. The assigned investigator shall work with the responding patrol officer to ensure that the victim receives medical attention and, if necessary, is transported to a hospital or safe shelter. The investigator shall also ensure that all reports are completed, evidence is gathered, and photographs are taken. The responding patrol officer shall assist in obtaining an emergency protective order.
 - c. The investigator shall present the case to the District attorney without delay.
5. Upon termination of the criminal investigation, the Chief will assign an internal investigation into the incident. The Chief may place the employee on administrative leave pending the outcome of the investigation.

- a. Employees placed on administrative leave shall immediately turn in all agency-issued weapons, vehicle keys, badges, and identification to their supervisor.
- b. If the internal administrative investigation supports a violation of agency policy, the Chief shall take appropriate disciplinary action.
- c. Federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use of, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons or threats of force may therefore be unable to maintain their certification.
- d. Note that officers who are the subject of a protective order shall not carry firearms. Officers who are the subject of a protective order shall turn in all agency-issued weapons.

VII. PROCEDURES - Issuing an Emergency Protective Order (CCP 17.292)

- A. Any officer who has probable cause to believe that violence will continue shall make application to a magistrate for the issuance of an Emergency Protective Order if the suspect is in custody. The victim may also make an application for a Protective Order if the suspect is not in custody.
- B. Any officer who makes an arrest for family violence in which a deadly weapon was used shall make an application to a magistrate for the issuance of an Emergency Protective Order. The victim may also make an application for a Protective Order if the suspect is not in custody.
- C. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an Emergency Protective Order.
- D. If circumstances make it impossible or inappropriate for an officer to obtain the Emergency Protective Order, the officer shall advise the victim that he/she can request an Emergency Protective Order directly from a magistrate or the District Attorney.

- E. An officer can petition for an Emergency Protective Order by telephone or in person.
- F. The Emergency Protective Order remains in effect for up to 61 days but not less than 31 days. The victim can petition for a permanent Protective Order before the expiration of an Emergency Protective Order.
- G. The offender is served with a copy of the order at the time of the arraignment. The victim will be contacted and informed that an Emergency Protective Order has been issued and will be provided with a copy and informed of its requirements.
- H. A copy is also delivered to the Chief of Police and the communications center for the jurisdiction where the victim resides.
- I. Protective Orders from Other States: Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in the State of Texas. This applies to all orders in which the respondent has received notice and opportunity to attend a protective order hearing. Enforcement of out-of-state protective orders does not require that they be registered in Texas. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.

VIII. MEMBERS OF THE MILITARY

Pursuant to Tex. Code. Crim. Pro. Art. 5.05(a-2), the Department investigator will be responsible for notifying proper military officials about a member of the military who is a suspect in, or arrested for, a family violence offense. The military member notification process will be carried out as follows.

- A. Contact by phone, the staff judge advocate at the Joint Force Headquarters or provost marshal of the military installation to which the suspect is assigned;
- B. Obtain the name, phone number, and other contact information of the person contacted;
- C. Arrange for a copy of a notification letter on Argyle Police Department letterhead to the staff judge advocate or the provost marshal at the location where the suspect is assigned;
- D. Supplement the offense or arrest report indicating the date and time the letter was sent, name, rank, and phone number of the person the letter was addressed to; and
- E. Attach a copy of the letter to the original report.

IX. DEPARTMENT EMPLOYEES PROTECTED BY OR NAMED IN PROTECTIVE ORDER

- A. A Department employee shall notify the employee's chain of command as soon as (i) the employee is aware the employee is named in a Protective Order, or (ii) the employee has obtained a Protective Order. The employee will provide a complete copy of the Protective Order to the employee's chain of command.
- B. The Department investigator will be responsible for ensuring the order is entered into the protective order computer files and the statewide protective order registry.
- C. This Section IX applies to both ex parte and permanent protective orders issue by any court in any jurisdiction.
- D. A sworn employee who is the respondent of a Protective Order issued under Section 6.504 or Chapter 85, Texas Family Code, or under Article 17.292, Code of Criminal Procedure, or by another jurisdiction as provided by Chapter 88, Texas Family Code, will comply with the following stipulations in order to comply with Federal Law (i.e. 18 U.S.C. Sections 922 (g) (8) and 922 (d) (8)).
 - 1. The sworn employee will only be armed when on duty or actually working an approved off-duty job. At all other times, the sworn employee's duty weapon will be secured in the employee's work locker. The weapon will be secured immediately after completing any police department assignment.
 - 2. An exception will be allowed for the employee to travel directly from the employee's workplace to the location of off-duty employment and to travel directly from off-duty employment to the workplace.
 - 3. At no other time may the sworn employee be armed.
 - 4. At any time when the sworn employee is not scheduled to be on duty or not working an off-duty job, a supervisor may check the location of the sworn employee's weapon for compliance with this order.

END OF GENERAL ORDER

ARGYLE POLICE DEPARTMENT - ASSAULT VICTIM STATEMENT

CASE # _____ DATE OF ASSAULT _____ TODAY'S DATE _____

**VICTIM INFORMATION
TO BE COMPLETED BY POLICE OFFICER**

Victim's Name (last, first, middle) _____ DOB _____ R/S ____/____
 Home Address _____ DL# _____ State _____ SSN# _____
 Primary Phone #(____) _____ Work #(____) _____ Place of Employment _____
 Email Address _____ Pregnant? Yes No #Weeks _____
 Suspect's Name _____ Does the suspect live at this address? Yes No
 If no... list address _____

◆ **Emergency Contact(s)**

(Person who can contact you at all times)

Contact 1 _____ (____) _____ (____) _____ (____) _____
 Name Address Primary Phone # Work #

Contact 2 _____

◆ **Victim/Suspect Relationship**

Dating/Engaged ____yrs. ____months Marriage -Legal ____yrs. ____months Member of Same Household Former Member of Same Household
 Biological Parents of Same Child - # Children _____ Blood Relation Relationship Ended (date) _____

◆ **Action(s) of Suspect**

Striking (Open Hand Closed Hand) Pushing Throwing Grabbing Pulling Biting
 Strangling/Suffocating (Complete Strangulation Supplement) Other (explain) _____

◆ How long has it been since the assault? _____ Hour(s) _____ Minute(s) _____ Day(s)

◆ Complaint of physical pain during or after the assault? Yes No Explain _____

◆ Did Suspect prevent you from making an emergency telephone call for assistance or threaten you if you call the Police for this assault? Yes No How/Explain _____

◆ Did Suspect use or threaten to use a weapon against you? Yes No What type of weapon? _____
 How? _____

◆ Weapon(s) owned by Suspect? Yes No Does Suspect have an LTC (License to Carry)? Yes No
 List weapon(s) _____

◆ Did Suspect choke, strangle, or in ANY other way impede your breathing or circulation (including placing hand(s), arm or ANY other object around throat)? Yes No *****IF YES, COMPLETE STRANGULATION SUPPLEMENT*****

◆ Has Suspect hurt you before? Yes No Date? _____ Where? _____ Frequency? _____
 How? _____

◆ Was a report made? Yes No To whom? _____

◆ Has Suspect ever threatened you if you called the Police? Yes No Describe threat(s) _____

◆ Has Suspect ever harmed or threatened to harm the children? Yes No How? _____

◆ Has Suspect ever harmed or threatened to harm the household pets? Yes No How? _____

◆ Was a report made? Yes No To whom/which agency? _____

◆ Was Suspect using alcohol or drugs at the time of this assault? Yes No What? _____

◆ Does Suspect use the following? Alcohol Prescription Medication - What? _____
 Illegal Drug(s) - What? _____ Other - Describe _____

◆ Do you want an Emergency Protective Order? Yes No

◆ Do you have a Protective Order? Yes No # _____ Expiration Date _____

VICTIM DESCRIPTION TO BE COMPLETED BY POLICE OFFICER

DEMEANOR	PHYSICAL CONDITION	APPEARANCE	SPEECH
<input type="checkbox"/> afraid <input type="checkbox"/> hysterical <input type="checkbox"/> angry <input type="checkbox"/> indifferent <input type="checkbox"/> apologetic <input type="checkbox"/> intoxicated <input type="checkbox"/> belligerent <input type="checkbox"/> irrational <input type="checkbox"/> calm <input type="checkbox"/> nervous <input type="checkbox"/> crying <input type="checkbox"/> fearful <input type="checkbox"/> distracted <input type="checkbox"/> other	<input type="checkbox"/> abrasion(s) <input type="checkbox"/> laceration(s) <input type="checkbox"/> bruise(s) new <input type="checkbox"/> loose hair <input type="checkbox"/> bruise(s) old <input type="checkbox"/> shaking <input type="checkbox"/> bleeding <input type="checkbox"/> redness <input type="checkbox"/> physical pain <input type="checkbox"/> swelling <input type="checkbox"/> fracture(s) <input type="checkbox"/> other _____ <input type="checkbox"/> sweating	<input type="checkbox"/> bloody clothes <input type="checkbox"/> smearred makeup <input type="checkbox"/> soiled/sweat stained <input type="checkbox"/> tangled/messy hair <input type="checkbox"/> torn/pulled clothing <input type="checkbox"/> other _____	<input type="checkbox"/> angry <input type="checkbox"/> out of breath <input type="checkbox"/> excited/fast <input type="checkbox"/> crying/sobbing <input type="checkbox"/> yelling <input type="checkbox"/> belligerent <input type="checkbox"/> other
Explain other _____			

WHAT SUSPECT USED TO HURT /THREATEN VICTIM	CRIME SCENE OBSERVATIONS
<input type="checkbox"/> Hand <input type="checkbox"/> Head <input type="checkbox"/> Foot <input type="checkbox"/> Knife <input type="checkbox"/> Gun <input type="checkbox"/> Other _____	<input type="checkbox"/> Signs of Disturbance <input type="checkbox"/> Clump(s) of Hair <input type="checkbox"/> Broken Furniture <input type="checkbox"/> Blood at Scene <input type="checkbox"/> Broken Phone <input type="checkbox"/> Hole(s) in Wall <input type="checkbox"/> Broken Glass <input type="checkbox"/> Children Crying <input type="checkbox"/> Weapon(s) <input type="checkbox"/> Phone Cord Yanked <input type="checkbox"/> Other _____
Weapon Seized? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Evidence Collected? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Turned into Evidence	
Photos Taken? <input type="checkbox"/> Yes <input type="checkbox"/> No # Taken _____ By # _____ <input type="checkbox"/> Victim <input type="checkbox"/> Suspect <input type="checkbox"/> Injury <input type="checkbox"/> Location of Pain <input type="checkbox"/> Weapon(s) <input type="checkbox"/> Crime Scene	

♦ Medical Treatment (EMS/Ambulance WILL be requested if suspect strangled, or impeded circulation/breathing of victim)

Basic First Aid/Not Transported Treated By _____ EMT Name /# _____
Transported Where _____ Address _____ City _____ State _____
Will Seek Own Physician Physician's Name _____ Address _____ City _____
Will get Treatment at Clinic Clinic's Name _____ Address _____ City _____
Refused
None

**SUSPECT INFORMATION
TO BE COMPLETED BY POLICE OFFICER**

Suspect's Name (last, first, middle) _____ DOB _____ R/S _____ / _____
 Home Address _____ DL# _____ State _____ SSN# _____
 Primary Phone # () _____ Work # () _____ Place of Employment _____
 Email Address _____ Pregnant? Yes No #Weeks _____
 Suspect Arrested Not at Scene Photo Available Yes-Taken No Scars/Tattoos No Yes If yes...describe _____

**SUSPECT DESCRIPTION
TO BE COMPLETED BY POLICE OFFICER**

DEMEANOR	PHYSICAL CONDITION	APPEARANCE	SPEECH
<input type="checkbox"/> afraid <input type="checkbox"/> hysterical <input type="checkbox"/> angry <input type="checkbox"/> indifferent <input type="checkbox"/> apologetic <input type="checkbox"/> intoxicated <input type="checkbox"/> belligerent <input type="checkbox"/> irrational <input type="checkbox"/> calm <input type="checkbox"/> nervous <input type="checkbox"/> crying <input type="checkbox"/> fearful <input type="checkbox"/> distracted <input type="checkbox"/> other	<input type="checkbox"/> abrasion(s) <input type="checkbox"/> laceration(s) <input type="checkbox"/> bruise(s) new <input type="checkbox"/> loose hair <input type="checkbox"/> bruise(s) old <input type="checkbox"/> shaking <input type="checkbox"/> bleeding <input type="checkbox"/> redness <input type="checkbox"/> physical pain <input type="checkbox"/> swelling <input type="checkbox"/> fracture(s) <input type="checkbox"/> other _____ <input type="checkbox"/> sweating	<input type="checkbox"/> bloody clothes <input type="checkbox"/> smearred makeup <input type="checkbox"/> soiled/sweat stained <input type="checkbox"/> tangled/messy hair <input type="checkbox"/> torn /pulled clothing <input type="checkbox"/> other _____	<input type="checkbox"/> angry <input type="checkbox"/> out of breath <input type="checkbox"/> excited/fast <input type="checkbox"/> crying/sobbing <input type="checkbox"/> yelling <input type="checkbox"/> belligerent <input type="checkbox"/> other
Explain other _____			

**BODY INJURY DIAGRAM
TO BE COMPLETED BY POLICE OFFICER**

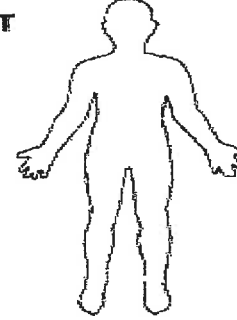
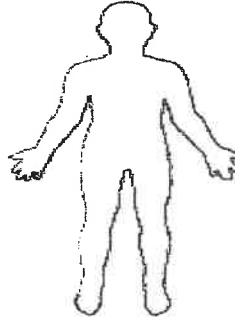
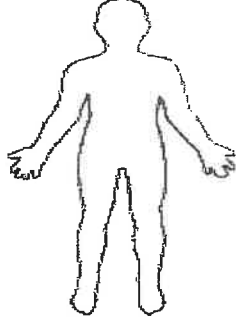
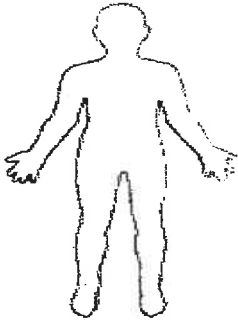
Mark all injuries on both the Victim and the Suspect

HT _____
WT _____
SEX _____

HT _____
WT _____
SEX _____

VICTIM

SUSPECT



FRONT

BACK

FRONT

BACK

Describe injuries and how each was inflicted in the narrative of the offense report.

◆ **Witness Information**

1. Name _____ DOB _____ R/S _____ / _____ Primary Phone# _____
Work#(____) _____ Email Address _____
2. Name _____ DOB _____ R/S _____ / _____ Primary Phone# _____
Work#(____) _____ Email Address _____

◆ **Children Information (MUST list all children and document in narrative of offense report)**

1. Present? Yes No Witness to assault? Yes No CPS Called? Yes No CPS# _____
Name of school child is attending _____
(If more than one child, then you MUST list all other information in your supplement report)

◆ **Military Information**

- Victim in Military? Yes No Branch _____ Stationed _____
Suspect in Military? Yes No Branch _____ Stationed _____
Victim in Reserves? Yes No Texas National Guard Yes No
Suspect in Reserves? Yes No Texas National Guard Yes No

◆ **Re-location/Contact Information**

- Are you planning to relocate? Yes No Address? _____
Primary Phone # (____) _____ Other# (____) _____

**LETHALITY ASSESMENT
TO BE COMPLETED BY A POLICE OFFICER**

"Yes" to ANY question 1-5, document in offense report and request Emergency Protective Order

- | | |
|--|--|
| 1. Has s/he ever threatened you with a weapon? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 2. Has s/he used a weapon against you? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 3. Has s/he ever threatened to kill you? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 4. Has s/he ever threatened to kill your children? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 5. Do you think s/he might try to kill you? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 6. Does s/he have a gun? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 7. Does s/he have easy access to a gun? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 8. Has s/he ever tried to strangle you? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 9. Is s/he violently or constantly jealous of you? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 10. Does s/he control most of your daily activities? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 11. Has s/he ever forced you to have sex when you did not wish to do so? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 12. Have you ever left her/him or separated after living together? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 13. Is s/he unemployed? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |

14. Has s/he ever tried to kill herself/himself?

Yes No NA

15. Do you have a child that does not belong to the Suspect?

Yes No NA

16. Does s/he follow you?

Yes No NA

17. Does s/he spy on you?

Yes No NA

18. Does s/he leave threatening messages?

Yes No NA

♦ Describe the threat(s) and/or message(s) left _____

19. Is there anything else that worries you about your safety?

Yes No NA

If yes, explain _____

♦ Victim provided with Domestic Violence Information Pamphlet Yes No

VICTIM STATEMENT / DECLARACION DE LA VICTIMA

TO BE FILLED OUT BY VICTIM

I can read, write and understand the English Language. This statement is true and correct to the best of my knowledge. I make this statement freely and voluntarily. Should I provide false information on this form, I understand that I could be prosecuted for the crime of "False Report to a Police Officer" under section 37.08 of the Texas Penal Code. **Signature** _____ **Date** _____

Puedo leer, escribir y entender el idioma español. Esta declaración es verdadera y correcta en cuanto a lo que yo sepa. Hago esta declaración libre y voluntariamente. Si he dado información falsa en este formulario, entiendo que puedo ser enjuicado/a por el crimen de "Declaración Falsa dada a un oficial de "Policía" bajo la sección 37.08 del Código Penal del Estado de Texas.

Firma _____ **Fecha** _____

♦ **Where are you right now? _____ Where did assault occur? _____**
¿Dónde se encuentra usted en este momento? _____ ¿Dónde ocurrió el asalto? _____

♦ **Who assaulted you? (name/relationship) _____**
¿Quién asalto? (nombre/parentesco) _____

♦ **What led up to the assault? _____**
¿Qué ocurrió antes del asalto para que el asalto ocurriera? _____

♦ **How did Suspect assault you? (ex. hit w/ fist to head) _____**
¿Cómo le asaltó el/la sospechoso/a a usted (por ejemplo, le pegó con el puño en la cabeza)? _____

♦ **What injuries do you have as a result of the assault? _____**
¿Qué lesiones tiene como resultado del asalto? _____

♦ **How did you get each injury? _____**
¿Cómo obtuvo cada herida? _____

♦ **Did you feel physical pain either at the time of the assault or after? _____**
¿Sintió usted dolor durante el asalto o después? _____

♦ **Was there damage to property (walls, phones, furniture, etc.)? _____**
¿Hubo daños a la propiedad (en las paredes, teléfonos, muebles, o en otros lugares)? _____

♦ **Other Information _____**
Otra información _____

Print Name - Nombre impreso _____

Signature _____ **Date** _____ **Time** ____ : ____ **am/pm**
Su firma _____ *Fecha* _____ *Hora* ____ : ____ *am/pm*

Officer Signature _____ **#** _____ **Date** _____ **Time** ____ : ____ **am/pm**
Firma del oficial _____ *#* _____ *Fecha* _____ *Hora* ____ : ____ *am/pm*

ARGYLE POLICE DEPARTMENT STRANGULATION DOCUMENTATION FORM

VICTIM NAME (Last, First, Middle)	DATE OF BIRTH	M <input type="checkbox"/>	F <input type="checkbox"/>	CASE #
SUSPECT NAME (Last, First, Middle)	DATE OF BIRTH	M <input type="checkbox"/>	F <input type="checkbox"/>	

STRANGULATION EVENT QUESTIONS

- What did suspect use to strangle you? Left Hand Right Hand Two Hands Forearm Knee/Foot
 Other Object(s): _____
 Describe manner/method in detail in narrative: _____
- Estimate how long strangulation lasted: _____ Minute(s) _____ Second(s) Multiple Times: Yes # _____ No
- Estimate the amount of force suspect used to strangle: (1 = weak, 10 = very strong): 1 2 3 4 5 6 7 8 9 10
- Describe suspect's emotional demeanor while strangling you: _____
- Describe the suspect's face/expression during strangulation: _____
- What did suspect say while strangling you? _____

- What else did suspect do while strangling you? _____

- Were you able to speak during the strangulation? Yes No If yes, what did you say? _____

- Did you do anything to attempt to physically stop the strangulation? Yes No Describe: _____

- What made the suspect stop? _____
- What did you think during the strangulation? _____
- Has suspect strangled you on other occasions? Yes No If yes, # of occasions: _____ When: _____

SYMPTOMS EXPERIENCED BY VICTIM

SYMPTOM	DURING	AFTER	SYMPTOM	DURING	AFTER	SYMPTOM	DURING	AFTER
Vision Changes: Tunnel	<input type="checkbox"/>	<input type="checkbox"/>	Coughing Blood	<input type="checkbox"/>	<input type="checkbox"/>	Hoarse Voice	<input type="checkbox"/>	<input type="checkbox"/>
Vision Changes: Spots	<input type="checkbox"/>	<input type="checkbox"/>	Nausea	<input type="checkbox"/>	<input type="checkbox"/>	Loss of Voice	<input type="checkbox"/>	<input type="checkbox"/>
Hearing Loss/Changes	<input type="checkbox"/>	<input type="checkbox"/>	Vomit/Dry Heaving	<input type="checkbox"/>	<input type="checkbox"/>	Whisper Voice	<input type="checkbox"/>	<input type="checkbox"/>
Loss of Consciousness	<input type="checkbox"/>	<input type="checkbox"/>	Dizziness	<input type="checkbox"/>	<input type="checkbox"/>	Neck Pain/Tender	<input type="checkbox"/>	<input type="checkbox"/>
Unable to Breathe	<input type="checkbox"/>	<input type="checkbox"/>	Headache	<input type="checkbox"/>	<input type="checkbox"/>	Trouble Swallowing	<input type="checkbox"/>	<input type="checkbox"/>
Difficulty Breathe	<input type="checkbox"/>	<input type="checkbox"/>	Feel Faint	<input type="checkbox"/>	<input type="checkbox"/>	Pain Swallowing	<input type="checkbox"/>	<input type="checkbox"/>
Rapid Breathing	<input type="checkbox"/>	<input type="checkbox"/>	Disorientation	<input type="checkbox"/>	<input type="checkbox"/>	Sore Throat	<input type="checkbox"/>	<input type="checkbox"/>
Pain While Breathing	<input type="checkbox"/>	<input type="checkbox"/>	Memory Loss	<input type="checkbox"/>	<input type="checkbox"/>	Urinate	<input type="checkbox"/>	<input type="checkbox"/>
Shallow Breathing	<input type="checkbox"/>	<input type="checkbox"/>	Painful to Speak	<input type="checkbox"/>	<input type="checkbox"/>	Defecate	<input type="checkbox"/>	<input type="checkbox"/>
Coughing	<input type="checkbox"/>	<input type="checkbox"/>	Raspy Voice	<input type="checkbox"/>	<input type="checkbox"/>	Other:	<input type="checkbox"/>	<input type="checkbox"/>

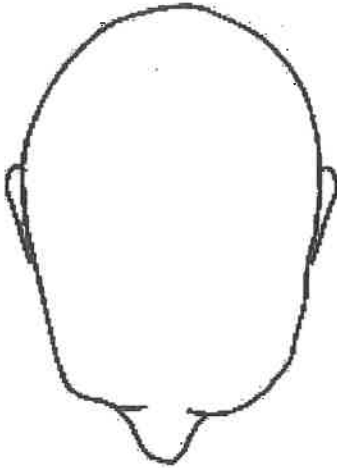
OFFICER OBSERVED INJURIES

FACE	EYES	NOSE	MOUTH
<input type="checkbox"/> Skin Red/Flushed <input type="checkbox"/> Red Spots (e.g. petechiae) <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Swelling <input type="checkbox"/> Bruising <input type="checkbox"/> Other:	<input type="checkbox"/> Red Eye <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Red Spots in Eye <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Red Spots on Eyelid <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Blood in Eyeball <input type="checkbox"/> Eyelid(s) drooping <input type="checkbox"/> Other:	<input type="checkbox"/> Redness <input type="checkbox"/> Red spots (i.e. petechiae) <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Swelling <input type="checkbox"/> Bleeding <input type="checkbox"/> Other:	<input type="checkbox"/> Swollen Lips <input type="checkbox"/> Swollen Tongue <input type="checkbox"/> Bruise(s) <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Red Spots in Palate or Gums, Etc. <input type="checkbox"/> Other:
EARS	UNDER CHIN	NECK	SHOULDERS
<input type="checkbox"/> Redness <input type="checkbox"/> Red spots (i.e. petechiae) <input type="checkbox"/> Bleeding <input type="checkbox"/> Bruising or Discoloration <input type="checkbox"/> Swelling <input type="checkbox"/> Red Spots Behind Ear(s) <input type="checkbox"/> Bruising Behind Ear(s) <input type="checkbox"/> Other:	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Lacerations <input type="checkbox"/> Bruises <input type="checkbox"/> Linear Marks (e.g. fingernail marks) <input type="checkbox"/> Other:	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Bruises <input type="checkbox"/> Linear Marks (e.g. fingernail marks) <input type="checkbox"/> Ligature Marks <input type="checkbox"/> Red Spots (e.g. petechiae) <input type="checkbox"/> Swelling <input type="checkbox"/> Other:	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Lacerations <input type="checkbox"/> Bruises <input type="checkbox"/> Other:
HANDS, FINGERS, ARMS	HEAD	CHEST	
<input type="checkbox"/> Redness <input type="checkbox"/> Bruising <input type="checkbox"/> Swelling <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Broken Fingernails <input type="checkbox"/> Other:	<input type="checkbox"/> Lumps/Bumps <input type="checkbox"/> Lacerations <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Hair missing <input type="checkbox"/> Red Spots on Scalp (e.g. petechiae) <input type="checkbox"/> Other:	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Lacerations <input type="checkbox"/> Bruises <input type="checkbox"/> Linear Marks (e.g. fingernail marks) <input type="checkbox"/> Other:	

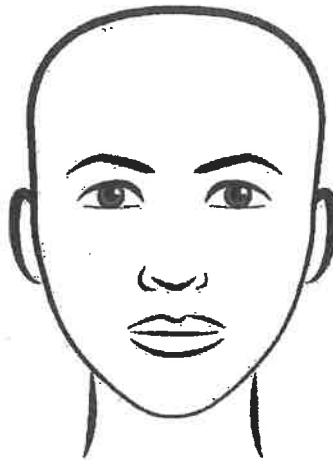
BODY DIAGRAMS

Draw all injuries observed

Top of Head



Front



Neck & Chin



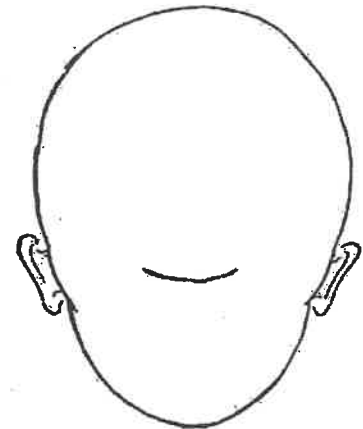
Left Side



Right Side


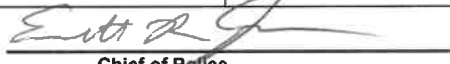


Back of Head



OFFICER CHECKLIST

- Photograph all injuries and physical evidence.
- If strangulation was done using an object, photograph and collect the object.
- Document where all evidence items were found.
- Determine if jewelry was worn by either party during the incident. If so, photograph it and, when feasible, look for pattern injuries.
- If defecation or urination in clothing, collect the clothing as evidence.
- If victim vomited, take photos of the vomit.
- Consider contacting duty detective.
- Take photographs of BOTH parties to document injuries and/or lack of injuries. Include hands, arms, face, chest, neck and all other areas the parties claim injury or physical contact occurred.
- Obtain evidence from hospital, if available, or follow-up to retrieve.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.14 Vehicle Operation	
	Effective Date: 28JUN20	Replaces: 07JUN14
	Approved:  Chief of Police	
	Reference: TBP: 7.15, 7.20, and 7.24	

I. POLICY

The foremost goal of the Argyle Police Department is the protection of life. Therefore, all personnel operating department vehicles shall exercise due regard for the safety of all persons. No task, call, apprehension, or incident justifies disregard of public safety. Further, the public expects its law-enforcement officers to be examples of responsibility and restraint in their driving behaviors. All department personnel who operate department vehicles will comply with the safe-driving procedures outlined in this policy, with attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be used in accordance with legal requirements and for the protection of the public and department personnel.

II. PURPOSE

To establish procedures governing the operation of police vehicles.

III. DEFINITIONS

- A. Emergency driving - Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Emergency driving with emergency lights and siren activated allows officers to disregard certain traffic regulations, but officers must still drive with due regard for the safety of the officer and others.
- B. Emergency equipment - Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.
 - 1. An exception to externally mounted red and blue lights will be made for designated SUV model vehicles equipped with interior red and blue lights mounted at the top and extending across the width of the windshield. Additional emergency warning lights and a siren will be mounted on these vehicles in accordance with specifications approved by the Chief of Police to allow the vehicle to operate as an emergency vehicle.

2. Vehicles not equipped with operable emergency equipment, including red and blue lights and a siren, will not be operated in an emergency manner.
- C. Normal or routine driving - That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly understood "rules of the road."

IV. LEVELS OF RESPONSE DEFINED

- A. Code 1: The operation of an emergency vehicle in normal traffic without using emergency lights and siren. Code 1 is also utilized for any situation, regardless of apparent urgency, where the operation of the vehicle in pursuit of the preservation of life is not a consideration. All departmental personnel operating emergency vehicles in this mode will comply with the posted speed limit and obey all traffic control devices and signals.
- B. Code 3: The operation of a vehicle in an emergency where the preservation of life is a consideration. Primary and support units responding to Code 3 calls shall proceed rapidly to the location of the emergency by the most direct means, using **all** emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.
1. Officers operating their vehicles in this manner shall come to a complete stop to ensure an intersection is clear prior to disregarding any stop signal or stop sign.
 2. Officers operating their vehicles in this manner shall reduce their speed to the posted speed limit while in active school zones.
 3. While operating a vehicle in a Code 3 mode, an officer is not bound by the requirements listed above in the following situations:
 - a. When responding to cover another law enforcement officer where an imminent threat to the officer's safety is present; or
 - b. When an officer is involved in an authorized pursuit.
 4. Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade assigned response codes. Field supervisors shall closely monitor all Code 3 calls and shall respond if necessary.
 5. In all situations, an officer is not relieved of the duty to operate the vehicle with appropriate regard for the safety of all persons and the consequences of reckless disregard for the safety of others.

V. GENERAL PROCEDURES (TBP: 7.15)

A. General

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets and many people observe an officer's actions. Each officer must set an example of good driving behavior and habits.
2. The Transportation Code, under certain emergency circumstances, authorizes officers to disregard traffic regulations. Both the operator and the department, however, are not released from civil liability for vehicle operation that is reckless or that endangers others.

B. Routine operation

1. In case of accident or damage to any department vehicle, the driver shall immediately request a supervisor to conduct an investigation. The supervisor shall record their findings and the circumstances under which the damage occurred in a memorandum to the Chief of Police. This memorandum shall include the date and time that the damage was reported to the supervisor.
2. The supervisor will determine whether the accident will be investigated by another agency. Drivers shall also write a memorandum detailing the circumstances of the accident. This memorandum shall be completed prior to the end of the employee's shift.
3. Drivers shall report any found damage or other non-accident damage to their supervisor immediately and document the damage in an incident report titled "Damage to Town Property." This report shall be completed prior to the end of the employee's shift.
4. Vehicles with subdued graphics that are equipped with emergency lights and a siren may be used to stop vehicles.
5. Unmarked cars shall not be used in any pursuit but may be used for patrol. They may be used to stop vehicles provided they are equipped with emergency lights and a siren.
6. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights, and alley (side) lights on the rooftop light bar.
7. Hazardous warning lights shall be used at any time the department vehicle is parked where other moving vehicles may be endangered.

8. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner that will blind or interfere with the vision of operators of approaching vehicles.
 9. Seat belts and shoulder straps shall be worn by all passengers during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible. (TBP: 7.20)
 - a. **Exception:** When approaching an incident scene or a call where the officer believes that a rapid exit from the vehicle may be required, the officer may release the seat belt.
 10. Any young children transported in a police vehicle will be transported in the manner prescribed by the Transportation Code using Infant/Child car seats when necessary.
 11. Officers will not leave weapons of any kind in a department vehicle which is being serviced or when the vehicle is not in use.
- C. Inspection (TBP: 7.24)
1. Before each duty assignment, officers shall check their vehicles for cleanliness, operability, and all required equipment. Officers shall also ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and gas. Any deficiencies should be noted on the online vehicle maintenance request form.
 2. Officers shall check the safety features of the vehicle before assuming duty. The check shall include (but not be limited to) all lights, brakes, siren, horn, theft prevention devices and steering.
 3. Officers shall also check tires for tread wear and proper inflation.
 4. Officers shall examine their vehicles at the beginning and end of their shifts for damage. Officers shall report any damage immediately to their supervisor.
 5. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others. Rear seats shall be thoroughly checked.
 6. Officers who discover a department vehicle in need of repairs should fill out an online vehicle maintenance request form.
 7. If vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.

8. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle which affects its operation.
9. Officers are responsible for maintaining the cleanliness of the interior and exterior of their assigned vehicle.
10. No officer or employee shall operate any department vehicle which he or she believes to be unsafe.

D. Driving rules

1. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.
2. A department vehicle shall not be left unattended with the engine running nor shall the vehicle be unlocked when the officer has left it unattended. This includes vehicles parked at the police station.
 - a. **Exception:** Vehicles may be left running if being utilized as a traffic control device or to shield officers or citizens from oncoming traffic. In these instances, the vehicle's emergency lights must be activated.
3. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle and shall govern the operation of the vehicle accordingly.

Upon approaching a controlled intersection or other location where there is possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely if necessary, before entering and traversing the intersection.

- a. Regardless of the seriousness of the situation to which the officer is responding, and excepting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which he or she operates the vehicle.
4. At the scene of a crime, a motor vehicle crash, or other incident, a department vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the emergency lights shall be used to warn other drivers approaching the location.
5. Operators of department vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any

emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way.

E. Procedures for Emergency Driving

1. General

- a. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him/her to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not needed.
- b. The only authorized levels of response are Code 1 and Code 3, which are defined in Section IV herein.
- c. Section 546.005 of the Transportation Code states "This chapter does not relieve the operator of an authorized emergency vehicle from the duty to drive with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others." Recognizing that protection of human life is paramount; the responding officer must remember that his or her objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others.
- d. Emergency driving to the scene of a motor vehicle accident is permissible only when an emergency exists, when specific information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.
- e. Upon approaching a controlled intersection or other location where there is possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely if necessary, before entering and traversing the intersection.
- f. Regardless of the seriousness of the situation to which the officer is responding, and excepting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which he or she operates the vehicle.
- g. Officers will hold Code 3 responses to the essential minimum and terminate Code 3 response at the earliest possible time. When the emergency warning devices are deactivated, a Code 1 response is in effect.


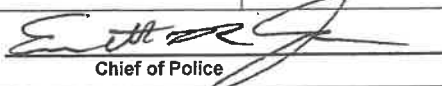
2. Officer's response to call

- a. Upon arrival at the scene of a call, the responding officer shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 3 can be slowed or cancelled.
- b. The law enforcement goal of protection of life may be better served if an in-the-act offender is not alerted to an officer's arrival. When the siren and emergency warning lights are deactivated, the Code 3 response will cease, and a Code 1 response will be in effect, and the officer must begin considering a tactical approach.
- c. All units responding to robbery-in-progress and burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights. This exception is granted under TRC 546.004 and authorized by this policy.

3. Officer-initiated response.

- a. When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary enforcement, the department authorizes an emergency response. Examples include:
 - i. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents, or disasters).
 - ii. As a visual signal to attract the attention of motorists being stopped for traffic violations, or to warn motorists of imminent danger.
 - iii. Responding to Code 1 calls, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as Code 3.
 - iv. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate response.
- v. In response to an officer's emergency request for assistance.

- vi. For pursuit, see Policy 7.15.
- b. When, in the opinion of the officer, the deactivation or non-activation of lights or emergency warning devices is necessary to protect life, enhance officer safety or render the necessary and proper enforcement action, the department authorizes such a response. (This is a discretionary function of the officer and is in accordance with TRC 546.003 and 546.004 and these policies.) Examples include:
 - i. Following violators at speed above the speed limit without overhead lights on, until such time as a “safe” place is determined for a stop.
 - ii. Temporarily exceeding the maximum speed limit, as long as the operator does not endanger life or property to catch a violator or check/read vehicle registration.
 - iii. Pacing of vehicles to determine speed violations.
 - iv. Discontinuing the use of lights to avoid being seen approaching a scene, either in daylight or nighttime.
 - v. Discontinuing the use of lights while patrolling a building for security checks at nighttime.
 - vi. Park or stand, irrespective of another provision of the Transportation Code.
- c. The officer will notify the dispatcher over the radio by stating “I am increasing to Code 3.”
- d. The officer must be able to articulate the facts and circumstances justifying the Code 3 decision.
- 4. Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade response codes.
- 5. Use of emergency warning devices in non-emergencies
 - a. Officers shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, officer, and the public.
 - b. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.15 Vehicle Pursuits	
	Effective Date: 28JUN20	Replaces: 24SEP12
	Approved:  <small>Chief of Police</small>	
Reference: TBP: 7.13, 7.14, 7.18, and 7.19.		

I. POLICY

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

Officers shall comply with all applicable portions of Policy 7.14 and 7.15 when involved in vehicle pursuits.

II. PURPOSE

To establish procedures governing the operation of police vehicles, with special attention to emergencies and pursuits.

III. DEFINITIONS

- A. Pursuit Driving - Driving where an officer in an authorized emergency vehicle is actively attempting to apprehend a fleeing suspect who is attempting to elude the officer. A suspect is considered to be fleeing upon making any overt action intended to avoid arrest. Pursuits shall be conducted only with activated emergency equipment and under circumstances outlined in this order. For the purpose of this order, violators who are failing to yield to an officer, who is initiating a traffic stop, but who are otherwise following all traffic regulations, are not considered to be fleeing.
- B. Termination of the Pursuit - Termination of the pursuit shall be defined as the total abandonment of the pursuit. Officers, when told to terminate a pursuit, shall turn off their emergency lights and siren, reduce speed to legal limits, and return to normal duties.
- C. Actively Involved in the Pursuit - Authorized units in a pursuit actively engaged in attempting to stop a suspect vehicle.

- D. Caravanning - Direct participation in a pursuit by department vehicles other than the primary and authorized support vehicles.
- E. Primary pursuit vehicle - Normally the department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.
- F. Pursuit Intervention Technique (PIT) - A low speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.
- G. Risk - The degree of danger or hazard to the public or officers.
- H. Roadblock - Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.
- I. Support Vehicle - The second or additional department vehicles, participating in the pursuit, which follows the primary pursuit vehicle at a safe distance and helps the primary pursuit vehicle once the suspect vehicle has stopped, or which can assume the primary role if circumstances dictate.

IV. PROCEDURES FOR PURSUITS (TBP: 7.13)

Operation of a police vehicle as an emergency vehicle, whether in high-speed pursuit or in response to an emergency call, is one of the most dangerous activities that can be engaged in by a police officer. The police vehicle is a potential deadly weapon, and high-speed driving is often a life-or-death situation. Initiating or participating in a vehicular pursuit presents a danger to the officers involved, the suspect, and the general public.

A. Decision to Initiate a Pursuit

1. The decision to pursue must be based on facts and circumstances known to the officer **at the time the pursuit is initiated.**
2. In deciding whether to initiate pursuit, the officer shall take into consideration:
 1. Seriousness of the offense. Some pursuits by police officers are initiated because of Class C traffic violations. These violators, if apprehended, often receive minor penalties. The apprehension of a traffic violator is not sufficient justification for the risk to human life, or to property;
 2. Whether the offender's identity is known. In situations where alternative means of apprehension exist that do not require a vehicle pursuit, officers should utilize these means (Ex: Issuance of a warrant for an evading offense, warrant service at the offender's home or business, etc.);
 3. Present ability of other officers to apprehend the offender;
 4. Knowledge of previous activities of the offender;

5. Traffic conditions existing at that time;
 6. Direction of travel, i.e., toward or away from densely populated areas, through school zones, into residential neighborhoods, etc.;
 7. Roadway and weather conditions;
 8. Age of the offender;
 9. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
 10. The presence of other persons in the police vehicle;
 11. The officer's ability to control the police vehicle. Officers should know their driving capabilities and not exceed them.
3. An officer may initiate a pursuit under the following circumstances:
1. When an officer has probable cause to believe that a felony involving the use or threat of physical force or violence has been, or is about to be committed, or
 2. To assist another law enforcement agency that has initiated a pursuit under the same circumstances (officers shall verify this fact before entering the pursuit), or
 3. An outside agency has initiated a pursuit which has entered the Town of Argyle and there is only one police vehicle involved, or
 4. An officer observes a suspect discharge a firearm in a public place or displays a firearm in a public place in a threatening manner, and
 5. The officer reasonably believes that the immediate need to apprehend the offender outweighs the risk to any person of collision, injury, or death.
 6. All other pursuits are prohibited.
4. Officers will not pursue a motorist whose only offense is driving while intoxicated if the actions of the driver escalate beyond merely failing to yield to the emergency vehicle.

B. Vehicle Operation While in Pursuit

1. The emergency warning lights, siren, and emergency vehicle headlights will be used at all times while operating under emergency driving conditions.
2. Only marked police vehicles equipped with operable emergency warning lights and sirens shall participate in the pursuit of a fleeing vehicle.
3. Vehicles with passengers (prisoners, witnesses, suspects, complainants, or other non-police personnel who have not signed a waiver of liability) will not become engaged in pursuits.
4. Officers and all occupants of police vehicles shall utilize available seat belts.

5. A maximum of three (3) police vehicles may become involved in a pursuit, to include the primary pursuit vehicle, the support vehicle and one (1) supervisor vehicle, unless specifically authorized by a supervisor.
6. When a pursued vehicle goes through red lights, stop signs, or roadway intersections, the pursuing police vehicle(s) shall:
 1. Slow and enter the intersection at a reduced speed and proceed only when safe and when all other vehicles are aware of the officer's presence.
 2. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and does not absolutely have the right to run a red traffic light or stop sign.

C. Primary Pursuit Vehicle Responsibilities

1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle.
2. Upon engaging in a pursuit, the officer shall immediately report to the dispatcher initial information including, but not limited to, the following:
 1. The officer's unit number,
 2. The location of the officer and the suspect's vehicle,
 3. The direction of travel,
 4. Description of the suspect vehicle, including license plate number and state if possible,
 5. Reason for the pursuit to include offense that has been, or is about to be, committed,
 6. Speeds of police vehicle and suspect vehicle,
 7. Suspect vehicle occupant information, if known,
 8. Number of police vehicles currently involved in the pursuit, and
 9. Traffic conditions.
3. The officer will provide to the dispatcher periodically, or upon request, updates concerning the pursuit's location, speed, and direction of travel.
4. The officer shall maintain a sufficient distance between the police vehicle and the suspect vehicle to avoid a collision in the event that the suspect vehicle becomes disabled, collides with an object, or comes to a sudden stop.
5. When the police vehicle's speed is such that the driver can no longer safely maintain control of the vehicle, taking into consideration traffic, weather, and other pertinent conditions, it shall be deemed that the risk to the public and the officer is too great to continue the pursuit.

D. Responsibilities of Support Vehicle

1. Upon becoming involved in a pursuit as a support vehicle, the officer shall assume responsibility for continuous updates on the following to the dispatcher:
 1. Support vehicle's unit number
 2. Location and direction of the pursuit
 3. Speeds of police vehicles and suspect vehicle
 4. Traffic conditions
2. The support vehicle will have priority over all other radio transmissions until the conclusion of the pursuit. Only information pertaining to the pursuit, or to the actions of the individual(s) in the suspect vehicle, will be transmitted.

E. Supervisor's responsibilities

1. Supervisors are responsible for continuous monitoring of the police radio while on duty.
2. An on-duty supervisor shall assume command of and monitor the pursuit. The supervisor shall:
 1. Ensure that the pursuit is conducted in compliance with department policy;
 2. Direct officers to join or abandon the pursuit;
 3. Join the pursuit if necessary;
 4. Request updates from pursuing officer(s) and dispatcher;
 5. Direct pursuit tactics; and
 6. Terminate the pursuit if circumstances dictate.
3. In authorizing additional department vehicles to pursue, the supervisor shall consider the factors listed in Section IV, A(2) and:
 1. The nature of the offense;
 2. The number of suspects;
 3. The number of officers currently participating as primary or support vehicles;
 4. Any injuries or property damage already sustained because of the pursuit; and
 5. Any other clear, articulable facts that would justify the assignment of additional department vehicles.
4. Supervisors shall respond to the termination point of all Argyle Police Department initiated pursuits. The supervisor shall be responsible for controlling police actions at the scene.
5. At the conclusion of the incident, and after the suspect(s) is in custody, the supervisor shall critique the pursuit with all involved Argyle Police officers
6. The supervisor may direct the use of tire-deflation devices, as appropriate.

F. Prohibited Practices

1. These practices are prohibited in any pursuit, unless specifically noted.
 1. Attempting to pass or pull beside the fleeing vehicle.
 2. Intentionally ramming, bumping, or colliding with a fleeing vehicle, or pulling alongside such vehicles in an attempt to force them off the road or into an obstacle; an exception to this prohibition may be authorized when an officer is permitted to use deadly force as defined by Department policy.
 3. Using a police vehicle as a stationary or rolling roadblock or as a termination technique. (TBP: 7.18)
 4. Caravanning: Only two (2) department vehicles (excluding the supervisor) shall participate in a pursuit at any time unless specifically authorized by a supervisor.
 5. Pursuing a vehicle while traveling the wrong way on any freeway, one-way service road, one-way street, or divided roadway. This order is not intended to prohibit pursuit on an adjacent roadway where the officer is driving with the traffic flow.
2. Officers shall not discharge a firearm toward a moving vehicle unless an occupant of the vehicle is using or attempting to use deadly force on an officer or other person.
 1. This shall be done as a last resort and when deadly force is justified by Department policy.
 2. Officers shall consider all risks when making the decision to shoot at a vehicle, and shall be responsible for every round that leaves their weapon.
 3. The assumption that a fleeing vehicle is a deadly weapon and may cause injury to an officer or citizen is **not** in itself justification to use deadly force.
3. If the supervisor orders the pursuit to end, then the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.
4. Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then upon consideration of the circumstances and conditions presented at the time, including the potential risk of injury to officer, the public and occupants of the pursued vehicle.
5. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit should use a different siren-sound selection, if circumstances and safety permit. The use of different siren-sound combinations can help the

primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.

G. Tire Deflation Devices (TBP: 7.19)

1. Officers shall be trained in the proper deployment of the particular tire deflation device prior to deployment.
2. Only department provided, and authorized equipment will be used. This equipment will be kept in the on-duty patrol vehicle. Officers shall be responsible for checking and maintaining the equipment in their vehicles. Supervisors will be responsible for quarterly inspections of tire deflation devices. During the inspections, the supervisor will ensure the tire deflation devices are properly maintained.
3. The tire deflation equipment shall not be deployed on the following vehicles:
 - a. Vehicles with less than four wheels (motorcycles, all-terrain vehicles, etc.).
 - b. Vehicles transporting hazardous materials.
 - c. Vehicles with more than two axles (semi-trucks, trailers, etc.) or public transportation vehicles (buses, motor coaches, vans, etc.), without approval from the Chief of Police.
4. Deployment shall be made in safety and in an area that is free of obstructions for at least 100 yards in each direction.
5. The deployment location should allow for proper deployment and provide as high a degree of safety as possible.
 - a. Deployment shall be made per manufacturer's instructions.
 - b. Officers should choose a deployment location which offers a physical barrier between the officer and the roadway to prevent vehicles involved in the pursuit from striking the officer should they leave the roadway. The officer's patrol vehicle is not considered to be an adequate barrier.
 - c. An adequate line of sight to the approaching pursuit must be available.
 - d. Patrol vehicles shall be parked in such a manner as to provide additional warning and protection without blocking the pursuit. Patrol vehicles shall have all emergency lighting activated.
 - e. Deployment should be set far enough ahead of the pursuit to allow for adequate setup time. A rushed deployment is ineffective and dangerous.
 - f. The deploying officer(s) will provide information on location and readiness to the pursuing officers. There shall be no deployment if this information is not received by the pursuing officers.
 - g. Target vehicle information must be sent from the pursuing units to the deploying officer(s). A visual confirmation by the deploying officer(s) should be made to reduce the possibility of error.
 - h. The devices must be retracted prior to departmental vehicles running over them.

H. Pursuit Termination

1. A pursuit shall be terminated when:

- a. The danger to the officer or the public outweighs the immediate need to apprehend the suspect.
 - b. The supervisor orders it.
 - c. Any emergency equipment on the police vehicle becomes inoperable.
 - d. Any time it appears that a defect has developed in the police vehicle which would in any way affect the safe operation of that vehicle (Ex: Damage to tires, reduction in ability to steer, vehicle alignment).
 - e. Any time brake fade is sufficient to create a hazard. It must be recognized that all vehicle brakes are subject to serious brake fade when the brakes are applied at high speeds.
 - f. The pursued vehicle has outdistanced the pursuing officer(s) such that its location is unknown.
 - g. Any time communication is lost or becomes unreliable.
 - h. A person has been injured during the pursuit and no medical or department personnel are able to provide help.
2. Any officer, regardless of rank, shall be authorized to terminate a pursuit when:
 - a. The officer observes violations of this policy.
 - b. The officer observes that the involved police vehicles can no longer be safely operated due to speed, terrain, weather, traffic conditions, or vehicle capabilities.
 3. An officer's decision not to pursue or to terminate a pursuit that has been started will not be subject to review or discipline.
 4. Upon the order to terminate the pursuit, involved officers shall deactivate all emergency equipment and will return to normal or routine driving.
 5. Should the suspect(s) stop the pursued vehicle and proceed on foot, the officer shall stop, give his or her location, and may continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched to offer assistance. The pursuing officer should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing officers.
 6. Should the suspect bring the pursued vehicle to a stop and remain in the vehicle, officers shall **not** immediately approach the vehicle. Appropriate felony stop procedures shall be utilized.

V. INTER-JURISDICTIONAL PURSUIT POLICY AGREEMENT

- A. This agency has adopted an agreement known as the Inter-Jurisdictional Pursuit Policy Agreement. This document is maintained by the North Texas Police Chief's Association. This document provides guidelines for pursuits that are entering or leaving our jurisdiction.

B. If the reason or nature of a pursuit is in conflict with the department's policy, officers shall not join in or assist with the pursuit, even if requested by another agency. This includes terminating other agencies pursuits with tire deflation devices.

C. General Considerations

1. Any agency involved in the pursuit may, in its discretion, choose to terminate its involvement in a pursuit at any time.
2. The purpose and intent of this agreement is to coordinate law enforcement response to the emergency conditions caused by vehicular pursuits. This agreement is not to be construed to limit the legal authority of any law enforcement agency or officer. Nor is this agreement to be construed to impose any standard of conduct or care upon any officer or agency beyond that existing under applicable law. This agreement is intended by the participating agencies to be in full force and effect as the general order of each such participating agency.

D. Notifications

1. Before entering another jurisdiction, or as soon as practical, the pursuing agency will, if reasonably possible, notify the other jurisdictional agency of the following information:
 - a. A pursuit has entered or is about to enter their jurisdiction.
 - b. The location and direction of travel.
 - c. The primary offense for which the vehicle and occupants are wanted.
 - d. The vehicle license number and complete description of vehicle and occupants.
 - e. The number and description of pursuing units as well as their relative location to the vehicle being pursued.
 - f. Whether or not assistance is needed.
2. As appropriate, the initial agency will notify the jurisdictional agency that the pursuit is:
 - a. leaving the jurisdiction; or
 - b. has been discontinued; or,
 - c. has ceased and of the ending location.

E. Control of the Pursuit

1. The initiating agency will have control of and will be responsible for the pursuit. Other agencies will not participate unless requested to assist.
2. A total of no more than three (3) vehicles from the combined jurisdictions will be involved in any pursuit unless the controlling supervisor from the originating agency requests or approves additional assistance. At least one



of the three involved units should, if practical, be a supervisor. One additional unit from the jurisdiction through which the pursuit is proceeding may trail the pursuit by keeping the pursuit in sight from a distance to assist officers if needed.

F. Responsibilities

1. Initiating agency
 - a. Arrest and custody of the persons charged.
 - b. Arraignment of arrested persons.
 - c. Disposition of any passenger.
 - d. Disposition of the arrested person's vehicle.
 - e. Coordination of all reports related to the arrest, citations, and criminal charges.
2. Agency of Primary Jurisdiction
 - a. Reporting of any traffic collision(s) that occur as a result of a pursuit.
 - b. As a matter of professional courtesy, a supervisor from the agency where the pursuit ceases will respond to the location to offer immediate assistance at the scene and to determine any pertinent information regarding the pursuit.

VI. FOLLOW UP REQUIREMENTS (TBP: 7.14)

- A. The on-duty or on-call supervisor shall ensure that all participating officers document their involvement in the pursuit, whether or not the suspect was stopped. The initiating officer will complete a departmental Pursuit Report. Other officers involved will prepare a supplemental report documenting their participation. Reports will be completed before the end of the officer's tour of duty.
- B. The on-duty or on-call supervisor shall review the pursuit and all related audio and video for compliance with policy and forward all documentation to the Chief of Police. Review of pursuit video footage shall be conducted with an eye towards training and correction unless egregious violations are observed.
- C. The Pursuit Report with supervisory review will be forwarded to the Chief of Police. The Chief will also review the report and determine compliance with policy. The Chief of Police will inform the supervisor of his findings. Should a policy violation be identified, the Chief will direct an investigation be conducted as necessary.
- D. Annually, the Chief of Police will cause an analysis of all vehicle pursuits occurring during the previous year to be conducted. The analysis will be designed to determine if the current policy is being followed, whether any changes are needed in the current policy, and any training needs of the department.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.16 Vehicle Impoundment and Inventory	
	Effective Date: 03Jun16	Replaces: 17Feb12
	Approved:  Chief of Police	
	Reference:	

I. POLICY

A motor vehicle is an important piece of personal property that must be properly managed and supervised if it enters police custody. Abandoned vehicles constitute a public nuisance, a hazard to traffic, and members of our community view their removal as an essential police service. Likewise, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes.

II. PURPOSE

To establish procedures for towing and inventory of vehicles.

III. AUTHORITY TO TOW

A. Peace Officer's authority to tow is listed in Section 545.305 and Section 683 of the Texas Transportation Code.

1. Any vehicle involved in an accident should be removed to the shoulder of the road or elsewhere as soon as possible after officers have obtained necessary investigative information.
2. Any vehicles may be removed to the shoulder of the road or other legal parking spot which does not obstruct or impede vehicle travel on the roadway. Officers should not use departmental vehicles to push vehicles from the roadway unless exigent circumstances exist.

B. Removal from private property

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

C. Evidence/crime involvement

1. Upon supervisory approval, vehicles that are of an evidentiary shall be towed at the request of the officer at department expense.

D. Prisoner's vehicles

1. Vehicles belonging to arrested persons, if left at the scene of the arrest may be at substantial risk of theft or damage to the vehicle or personal property contained therein. It is therefore the policy of this department to tow all prisoner's vehicles to an impound lot at the owner's expense for protection of the vehicle, unless:
 - a. There is a friend or relative at the scene, and the arrestee wishes to release the vehicle to them, they possess a current drivers license, and the arrestee consents to the release either in writing or on the audio/video in-car recording system.
 - b. The vehicle is sitting on the owner's private property.
2. The officer shall tow the vehicle if he or she believes the above method of vehicle release would not properly protect the vehicle or its contents.
3. Officers should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.
4. A "hold" may be placed on any vehicle impounded for evidence for such period of time necessary to complete evidence collection.
 - a. Holds on vehicles must be approved by an agency supervisor.
 - b. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.
 - c. Release may be dependent upon the evidentiary value and the DA's Office.

E. Impoundment for Forfeiture

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

IV. TOWING PROCEDURES

- A. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance.
- B. When impoundments are ordered, the operator and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided transportation.
- C. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the appropriate reporting document.
- D. Officers shall know under which provisions and laws the vehicle shall be towed.
- E. For traffic accidents, if vehicles are not a traffic hazard, use the vehicle owner's or operator's choice of towing company if specified.
- F. If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the officer will ask the dispatcher to send a wrecker, utilizing our preferred wrecker company. If that company is unavailable, a wrecker should be utilized from the Denton County Rotation list available to dispatch.
- G. Towed vehicles are entered into Sungard MDC tow/impound module. Officers should always list the vehicles as "T" towed in the module, regardless of the reason for impound.
- H. Towing companies are expected to respond to scenes within 30 minutes of a call. If a called wrecker does not arrive within the allotted time, the officer may ask the dispatcher to cancel the original wrecker and order a second wrecker from another company.

V. INVENTORY



- A. Authority and purpose
 - 1. A motor vehicle inventory is an administrative procedure designed to protect vehicles and their contents while in departmental custody. The purpose of the inventory is to protect the owner's property and to protect the department against claims and possible dangers. Inventories may be conducted without a warrant or probable cause when:
 - a. The vehicle has been lawfully seized or impounded.
 - b. Before towing the vehicle for violations, safety reasons, or other purposes as defined by law.

B. Inventory vs. search

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

C. Inventory procedures

1. The scope of the inventory includes all open and closed containers and compartments and any locked containers or compartments as long as the officer has a key. Locked or sealed items shall not be forcibly entered if doing so will damage them. Locked items that are not searched will be noted on the Impound report. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may reasonably be found.
2. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents if a key is not available.
3. Any evidence, contraband, fruits or instrumentalities of a crime discovered during an inventory shall be handled per evidence procedures.
4. Inventory format will be utilized in the Sungard MCT Tow/Impound Module notes section. This will ensure consistency and provide a record of the inventory process.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.17 Communicable Diseases	
	Effective Date: 05Jul13	Replaces: 17Feb12
	Approved:  Chief of Police	
	Reference: 8.12	

I. POLICY

The department bears an obligation to the public and to its own personnel to increase awareness about risks, modes of transmission, and procedures for handling communicable diseases such as hepatitis B, tuberculosis, HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immune Deficiency Syndrome), and AIDS-related infections.

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

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

II. PURPOSE

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

III. DEFINITIONS

A. Communicable disease

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

B. HIV (Human Immunodeficiency Virus)

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

C. ARC (AIDS-Related Complex)

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

D. AIDS (Acquired Immune Deficiency Syndrome)

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

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

E. Seropositivity

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

F. Hepatitis B (HBV)

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

G. Tuberculosis

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

H. Exposure control program

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

I. Personal protective equipment (PPE)

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

J. Universal precautions

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

IV. GENERAL RESPONSIBILITIES

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

1. Hypoallergenic gloves and other materials are available for employees allergic to standard-issue gear.
2. Supplies are routinely inspected, replaced, cleaned.
3. First Aid supplies and disinfectants are available always.

B. The Chief of Police, through his or her subordinate supervisors, shall ensure that the department vehicles will each contain the following PPE supplies at all times:

- a. 3 BZK antiseptic towelettes
- b. 1 disposable gown w/full sleeves
- c. 1 disposable bonnet
- d. 2 disposable shoe covers
- e. 1 eye shield with ear loop mask
- f. 1 fluid control solidifier pack, 21 gm
- g. 1 biohazard scoop
- h. 2 24 x 24 biohazard bags
- i. 2 twist ties
- j. 3 disposable clean up towels
- k. 2 5 x 8 germicidal wipes
- l. 1 pair exam quality vinyl gloves
- m. 1 bodily fluid pick-up guide

C. Officers using supplies in their vehicles shall replace them or arrange to have them replaced as soon as possible. Officers shall maintain disposable gloves in their personal possession at all times.

D. The Chief of Police or his designee shall cause to be maintained at the department office the following:

- a. ANIS & OSHA Compliance kit composed of:
 - i. Two of the listed PPE kits under B. (kitchen)
 - ii. First aid kit,(kitchen).

E. Personnel shall use protective equipment under all appropriate circumstances unless the officer can justify otherwise.

Officers who, for whatever reason, do not use protective gear when appropriate shall document the incident as soon as practicable for department review.

F. All personnel whose skin comes into contact with body fluids of another shall begin disinfection procedures immediately: these procedures range from simple soap-and-water washing to the use of alcohol or antiseptic towelettes. All open cuts and abrasions shall be covered with waterproof bandages before personnel report for duty.

V. GENERAL PRECAUTIONS

A. General

Whenever possible, officers shall wear disposable latex gloves when doing any of the following:

1. Handling persons or items with any blood or body fluid products (hypodermic needles, syringes, or surfaces soiled with blood or body fluids, gun or knife wounds).
2. Packaging and handling such items as evidence.
3. Cleaning up blood or other secretions which appear on floors, seats, equipment, handcuffs, shoes, clothing, pens, pencils, etc.

B. Specialized devices

1. Masks shall be worn whenever splashes, spray, spatter, or droplets of potentially infectious fluids endanger contamination through the eyes, nose, or mouth. Masks may be worn with other protective devices such as goggles. Gowns, jackets, coats, aprons shall be worn as determined by the degree of exposure anticipated.
2. Fire Department personnel have access to complete bio-hazard suits and equipment if needed. (TBP: 8.12)

C. Handling people

1. Wash hands thoroughly for thirty seconds with warm water and soap after removing gloves (when handling evidence) or after contact with the subject (if bleeding or vomiting). If water is unavailable, use pre-moistened towelettes found in the communicable disease control kit to decontaminate skin.
2. Penetration resistant gloves or their equivalent should be worn when searching persons or dealing in environments, such as accident scenes, where sharp objects and bodily fluids may reasonably be encountered. Search techniques should be used that require suspects to empty their own pockets or purses and remove sharp objects from their persons.
3. When transporting prisoners do not put fingers in or near any person's mouth.
4. Transport persons with body fluids on their persons in separate vehicles from other persons. A person who is bleeding or producing a fluid may have to wear a protective covering.
5. Notify other support personnel or law-enforcement officers during a transfer of custody that the suspect has fluids on his or her person, or that the suspect

has stated that he or she has a communicable disease. Booking forms should so state.

D. Handling objects

1. Objects contaminated with body fluids shall be completely dried, double bagged, and marked to identify possible disease contamination.
2. Contaminated items to be disposed of shall be placed in Bio-Hazard bags and sealed.
3. Officers shall use extra care when handling any sharp objects. If officers find syringes, they shall not bend, recap, or otherwise manipulate the needle in any way, but shall place them in puncture-resistant containers provided by the department.

E. Handling fluids

1. Clean up blood spills or other body fluids with regular household bleach diluted 1 part bleach to 10 parts water (or use undiluted bleach, if easier). Bleach dilutions should be prepared at least every 24 hours to retain effectiveness.
2. Wear latex gloves during this procedure.
3. A soiled uniform (by blood or body fluids) should be changed as soon as possible. Wash in hot water and detergent or Dry Clean. If Dry Cleaning, advise the Dry Cleaner staff of the bio-hazard.
4. Departmental vehicles within which body fluids are spilled require immediate disinfection procedures. Employees who have the vehicles assigned to them shall notify their supervisor of the spill and arrange for a thorough cleaning as soon as possible.
5. All police vehicles will be cleaned with disinfectant as part of a routine, scheduled washing and maintenance check.

F. Precautions when bitten

The danger of infection through bites is low. The victim cannot be infected with HIV through the blood of the biting person unless that person has blood in his or her mouth which comes into contact with the victim's blood. HIV cannot be transmitted through saliva. With HBV, however, transmission takes place through infected blood or blood-derived body fluids. Infection takes place by exposure of the eyes, mouth, or mucous membranes to the virus. Precautionary procedures to minimize the risk of infection include:

1. Encouraging the wound to bleed by applying pressure and gently "milking" the wound.
2. Washing the area thoroughly with soap and hot running water.
3. Seeking medical attention at the nearest hospital (if the skin is broken).
4. Advising your supervisor, make a report, or follow any other policy for reporting injuries, including the filing of appropriate Worker's Compensation forms.

G. Precautions when punctured by needles or knives

If an officer is cut or punctured by a needle or a knife or other instrument while searching a suspect or handling contaminated evidence, follow these general guidelines:

1. Allow the wound to bleed (unless severe bleeding occurs) until all flow ceases. Then cleanse the wound with alcohol-based cleanser (or pre-moistened towelettes) and then with soap and water. Do not rely exclusively on towelettes: wash wounds thoroughly with soap and water.
2. Seek medical attention as soon as possible after the injury. A physician will then decide the proper treatment.
3. Advise your supervisor, make a report, or follow any other policy for reporting injuries, including the filing of appropriate Worker's Compensation forms.

H. Precautions at major crime scenes

1. At the crime scene, officers and crime scene technicians confront unusual hazards, especially when the crime scene involves violent behavior such as homicides where large amounts of blood have been shed.
 - a. No person at any crime scene shall eat, drink, or smoke due to the potential hazard.
 - b. The best protection is to wear disposable latex gloves. Any person with a cut, abrasion, or any other break in the skin on the hands should never handle blood or other body fluids without protection. Officers shall carry latex gloves on their persons at all times.
 - c. Latex gloves should be changed when they become torn or heavily soiled or if an officer leaves the crime scene (even temporarily).

- d. If cotton gloves are worn when working with items having potential latent fingerprint value, wear cotton gloves over latex gloves.
 - e. Hands should be washed after gloves are removed, even if the gloves appear to be intact. Officers shall take care to avoid contact between skin and soiled gloves.
 - f. Always keep a plastic bag in the communicable disease control kit to be used only to collect contaminated items (gloves, masks, etc.) until they can be disposed of properly. Clearly mark the bag "Contaminated Material."
 - g. Shoes and boots can become contaminated with blood. Wash with soap and water when leaving the crime scene, or use protective disposable shoe coverings.
 - h. Wrap-around eye safety goggles and face masks should be worn when the possibility exists that dried or liquid particles of body fluids may strike the face. Particles of dried blood, when scraped, fly in many directions, so wear goggles and masks when removing the stain for laboratory analysis.
2. While processing the crime scene, be constantly on the alert for sharp objects, such as hypodermic needles, razors, knives, broken glass, nails, etc. Use of mirrors may be appropriate while looking under car seats, beds, etc.
 3. Use tape--never metal staples--when packaging evidence.
 4. If practicable, use only disposable items at a crime scene where blood or other body fluids are present.
 5. Before releasing the crime scene, advise the owner of the potential infection risk and suggest that the owner contact the local health department for advice.
 6. Warning labels must be placed on all plastic evidence bags to go to the crime laboratory.

VI. IMMUNIZATIONS

Chapter 2.09 of the Town of Argyle Employee Manual sets out the policies and procedures for immunizations.

VII. OCCUPATIONAL EXPOSURE TO COMMUNICABLE DISEASES

A. Notification

1. As soon as practicable, all employees shall document possible exposure to infectious fluids or materials. In any case, employees shall immediately notify their supervisor of possible exposure.
2. Examples of such exposure include:
 - a. Direct contact with body fluids on chapped or open areas (cuts, scratches) on the skin or on mucous membranes (i.e., eyes, mouth).
 - b. Direct mouth-to-mouth resuscitation (CPR) without use of a one-way valve.
 - c. Receiving a cut or puncture wound as a result of searching or arresting a suspect or handling contaminated evidence.

B. Testing

1. If a member of the department is exposed to the body fluids of a person who has or is suspected to have a communicable disease, the member must be evaluated for evidence of infection by the department physician.
 - a. The person whose body fluids came into contact with an officer may state that he or she has AIDS. Often, a person may try to prevent police from withdrawing blood for drug screening (as in a DWI arrest), although, in fact, he or she is not infected at all. While the department cannot coerce an individual--suspect or otherwise--to take periodic tests for infection, the department shall try to convince the subject who may have transmitted infection to do so.
 - b. HSC 81.050 states that if any person or employee has been exposed to body fluids, the person or employee whose fluids were involved will be requested by the agency to consent to HBV or HIV testing and disclosure of results.
 - c. CCP 21.31 provides measures whereby a person charged with any crime involving sexual assault, or particular offenses against children, may be ordered to submit to HIV testing.
 - d. Personnel should understand the difficulty of transmitting HIV and hepatitis B. If infection control measures have been followed, the risk is very low.

C. Testing for presence of infection shall be done if indicated by a medical assessment (after an incident involving the possible transfer of blood or other body fluids). The following information details testing methods and their reliability.

1. AIDS/ARC/HIV

- a. Blood tests can detect HIV antibodies (produced by the body's immune system).
- b. The two common tests for HIV antibodies are the ELISA (Enzyme-Linked Immunosorbent Assay) and the Western Blot. Since the ELISA is less expensive and easier to perform, it is usually used as a first screen for HIV. If the ELISA identifies the person as seropositive, a second ELISA is performed. If the second test is also positive, a Western Blot is usually performed to confirm the results.
- c. Since HIV antibodies may not develop for some months after a person has been infected, an initial negative result may not mean freedom from infection. Typically, three to six months elapse following an infection for a positive reaction to occur. High false positive rates also occur with the use of only ELISA test.
- d. One must be tested, then, immediately following the incident (for a baseline) and then six and twelve months later.

2. Hepatitis B

A blood test can confirm the presence of hepatitis B virus six to eight weeks after exposure. Note that different tests exist for hepatitis B depending on the reason for testing.

3. Tuberculosis

- a. This disease is detected first by a skin test, and then confirmed by an x-ray. The department physician can order this test for the department employee.

D. Confidentiality

1. Confidentiality of information concerning test results is paramount. The victim has a right to privacy in employer-maintained information about his/her health. No need exists for a supervisor routinely to know that a person tests positive (for HIV or hepatitis B). The department views a breach of confidentiality as a serious disciplinary problem which may result in suspension or termination of employment.
2. Under most circumstances, medical authorities will retain confidential records unless the employee tested requests it or state law requires it.

E. Positive test results

1. Any person who tests positive for HIV or hepatitis B shall not be summarily removed from duty. The department shall make no restrictions simply because of diagnosis. These diseases are not spread by casual contact (as between coworkers in the department). The department shall alter an employee's assignment only when he or she can no longer perform the required duties.
2. The department shall ensure continued testing, if necessary, of members for evidence of infection, and shall provide psychological counseling if necessary.
3. Any person who tests positive for tuberculosis may be restricted from working for a period of time. The medical evaluation will determine the stage and type of disease the person has contracted and if he/she is contagious. A tuberculosis-infected person requires medication and shall not return to work until the doctor says he/she is non-communicable. (Tuberculosis is easily transmitted and its incidence in Virginia has recently shown a slight increase. After exposure to tuberculosis, a person may, after a medical evaluation, take medicine to help prevent the disease.)

F. Job performance

1. Infected employees shall continue working as long as they maintain acceptable performance and do not pose a safety or health threat to themselves or others in the department.
2. Where feasible, an employee who has medical complications from a communicable disease will either be reassigned to another job or have his/her job restructured so that he/she can remain employed. As necessary, medical documentation shall support requests for job restructure or reassignment. All personnel shall treat such employees in the same manner as employees who suffer from other serious diseases or handicaps: that is, fairly, courteously, and with dignity.

The department may require an employee to be examined by the department physician to determine if he/she is able to perform his/her duties without hazard to him/herself or others.

G. Discrimination

The department expects all personnel to continue working relationships with any fellow employee recognized as having AIDS/ARC, hepatitis B, or non-communicable tuberculosis. The department will consider appropriate corrective or disciplinary action against an employee who threatens or refuses to work with an infected employee or who disrupts the department's mission.

H. Records

The agency maintains a record for each employee detailing incidents of occupational exposure, including information on vaccination status; the results of examinations and tests; health care professionals' written opinion; and any other relevant information. These records are retained by the Human Resources Department in secure storage for the duration of tenure of employment, and shall not be disclosed or reported without the express written consent of the employee.

VIII. TRAINING

- A. The training officer shall ensure that all members of the agency receive a course of instruction on blood borne diseases before their initial assignment. Further, each affected employee will receive annual refresher training plus any additional training appropriate to the particular employee assignment.
- B. The training officer shall retain complete records on instruction of employees to include dates of training; content of sessions; names and qualifications of trainers; names and job titles of attending employees.
- C. The training officer is responsible for dissemination of updated information to all personnel and for appropriate educational programs about communicable diseases. These programs shall include at a minimum:
 1. Written information concerning AIDS/ARC/HIV, hepatitis B, and tuberculosis in the form of brochures, bulletins, memorandums, or fact sheets.
 2. Group and/or individual presentations and discussions provided by adequately trained personnel or experts from outside the department.
 3. Local resources for further medical and law-enforcement information.

IX. AIDS-RELATED CONCERNS OF PERSONNEL

ISSUE



INFORMATION

Human Bites

A person who bites is typically the one who gets the blood; viral transmission through saliva is highly unlikely. If bitten by anyone, gently milk wound to make it bleed, wash the area, and seek medical attention.

Spitting	Viral transmission through saliva is highly unlikely.
Urine/feces	Virus isolated in only very low concentrations in urine; not at all in feces; no cases of AIDS or HIV infection associated with either urine or feces.
CPR/first aid	To eliminate the already minimal risk associated with CPR, use masks/airways; avoid blood-to-blood contact by keeping open wounds covered and wearing gloves when in contact with bleeding wounds.
Body removal	Observe crime scene rule: do not touch anything; those who must come into contact with blood or other body fluids should wear gloves.
Casual contact	No cases of AIDS or HIV infection attributed to casual contact.
Any contact with blood or body fluids	Wash thoroughly with soap and water; clean up spills with 1:10 solution of household bleach.

*Source: Adapted from: AIDS and the Law Enforcement Officer: Concerns and Policy Responses by Theodore M. Hammett, Ph.D., National Institute of Justice, U.S. Department of Justice, June, 1987

	ARGYLE POLICE DEPARTMENT	
	Policy 7.18 Naloxone	
	Effective Date: 01JUL21	Replaces: 09OCT17
	Approved:  Chief of Police	
	Reference:	

I. BACKGROUND

Fatal and nonfatal overdose can result from the abuse of opiates such as morphine, heroin, fentanyl, oxycodone as found in OxyContin®, Percocet® and Percodan®, and hydrocodone as found in Vicodin®.

Naloxone, commonly known by the brand-name Narcan®, is an opioid antagonist which means it displaces the opioid from receptors in the brain and can therefore reverse an opiate overdose. It is a scheduled drug, but it has no euphoric properties and minimal side effects. If it is administered to a person who is not suffering an opiate overdose, it will do no harm. Naloxone has been available as an injectable since the 1960s, but was recently developed as a nasal spray.

II. POLICY

To reduce the number of fatalities which can result from opiate overdoses, the Argyle Police Department will train its officers in the proper pre-hospital administration of nasal naloxone. In order to implement a safe and responsible nasal naloxone plan, the Department will establish and maintain a professional affiliation with a Medical Control Physician (MCP) who will provide medical oversight over its use and administration. The Medical Control Physician shall be licensed to practice medicine within the State of Texas. At his/her discretion, he/she may make recommendations regarding the policy, oversight, and administration of the nasal naloxone program developed and implemented by the Department.

In order to implement this policy, the Argyle Police Department relies upon the following statute:

Civil Practice and Remedies Code, Title 4, Chapter 74, Subchapter D. Emergency Care; and Texas Health and Safety Code Chapter 483, Subchapter E.

III. PURPOSE

To give the maximum opportunity for people, including our officers, who may have experienced an opiate overdose to be rescued with naloxone and have a second chance.

IV. DEFINITIONS

- A. Opiate: An opiate is a medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (a synthetic opiate). Opiate drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain, and induce sleep. Police officers often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet® and Percodan®) and hydrocodone (Vicodin®).
- B. Naloxone: Naloxone is an opioid antagonist that can be used to counter the effects of opiate overdose. Specifically, it can displace opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks including Narcan®.
- C. Medical Control Physician: The Medical Control Physician, herein after referred to as MCP, shall be a designated Medical Doctor who is licensed to practice medicine in Texas. The Argyle Police department shall maintain an affiliation with the MCP.

V. PROCEDURES

When an officer of the Argyle Police Department has arrived at the scene of a medical emergency prior to the arrival of EMS, and has made a determination that the patient is suffering from an opiate overdose, the responding officer should administer two milligrams (2mg) of naloxone to the patient by way of the nasal passages. One milligram should be administered to each nostril.

- A. The following steps should be taken:
 - 1. Officers shall use universal precautions.
 - 2. Officers should conduct an assessment of the patient, to include taking into account statements from witnesses and/or family members regarding drug use.
 - 3. If the officer makes a determination that there has been an opiate overdose, the naloxone kit should be utilized.
 - 4. The officer shall use the nasal mist adapter that is pre-attached to the naloxone to administer a one milligram intra-nasal dose of naloxone to each nostril for a total dosage of two milligrams. Officers should be aware that a rapid reversal of an opiate overdose may cause projectile vomiting by the patient and/or violent behavior.
 - 5. The patient should continue to be observed and treated as the situation dictates.
 - 6. The treating officer shall inform incoming EMS about the treatment and condition of the patient, and shall not relinquish care of the patient until relieved by a person with a higher level of training.

B. Reporting

A complete information and/or offense report shall be completed by the treating officer, or the primary responding officer, prior to the end of his/her shift.

C. Equipment and maintenance

It shall be the responsibility of officers to inspect naloxone kit case prior to the start of each shift to ensure that the kits are intact. Naloxone kits shall be returned to the storage area at the end of each shift.



1. Damaged equipment shall be reported to a shift supervisor immediately.
2. The Department's quartermaster will maintain an inventory documenting the quantities and expirations of naloxone replacement supplies, and a log documenting the issuance of replacement units.

D. Replacement

Officers shall immediately request replacement of naloxone kits that have been used during the course of a shift.

E. Training

Officers shall receive online training on naloxone, and classroom instruction on administration from the MPC and the Department, prior to being allowed to carry and use naloxone. The Department shall provide refresher training every two years.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.19 Small Unmanned Aircraft System (SUAS)	
	Effective Date: 25JUL22	Replaces:
	Approved:  <div style="text-align: center;">_____ Chief of Police</div>	
Reference:		

I. PURPOSE

The purpose of the small, unmanned aircraft system program of the Argyle Police Department is to provide an added resource that enhances the safety of the public we serve as well as the members of the Department. This technology not only allows for safer, more effective and thorough search and rescue operations, it can also provide officers with the ability to view and analyze potential threats on active scenes without placing humans in harm's way. This technology also provides the Department with the ability to capture photographic and video records of incidents for future use in investigations and prosecution.

II. RESTRICTIONS

The Argyle Police Department will respect the privacy considerations of citizens, and the use of aerial patrols will be limited in scope and only used as authorized by the Chief of Police. Any use of a SUAS will be in strict accordance with individuals' Constitutional and privacy rights and the Federal Aviation Administration (FAA) guidelines. The *random* use of the system in residential areas, solely for the purpose of gathering evidence related to criminal wrongdoing or for any other unauthorized purpose, is prohibited.

III. DEFINITIONS

- A. SUAS: A SUAS is a Small Unmanned Aircraft System, commonly referred to as a "drone".
- B. AGL: Above Ground Level
- C. National Airspace System (NAS): The air space is owned and regulated by the Federal Government, specifically the Federal Aviation Administration (FAA). From the ground upward (no defined height limit) is within the jurisdiction of the FAA.
- D. ATC: Air Traffic Control
- E. Federal Aviation Administration (FAA): The agency of the United States Department of Transportation responsible for the regulation and oversight of civil aviation with the United States and the operation and development of the National Airspace System.

- F. COA: Certificate of Authority, document; a document issued by the FAA that allows a 'public entity' to conduct flight operations of a SUAS within a specific area and altitude clearance.
- G. Airworthiness: In accordance with current rules and regulations, the airworthiness of the SUAS will be certified by the Chief of Police. Further, it is the responsibility of the Remote Pilot in Charge (RPIC) to ensure that the SUAS is in good working condition prior to any flight.
- H. Markings: The SUAS will be clearly marked with the "N" number as required by federal law and further shall be identified as belonging to the Town of Argyle by prominently displaying "POLICE" in black or blue on the aircraft.
- I. Remote Pilot in Charge (RPIC): This individual has total control and authority over the flight operations of the SUAS and is civilly and criminally responsible to State and Federal Agencies tasked regulation of the safe and legal operation of a SUAS in the NAS. The RPIC must continually scan the NAS for possible aircraft incursions or other dangers that require immediate action. Those not certified as a SUAS operator, by holding a Part 107 Remote Pilot License from the FAA, may only operate the SUAS under the **direct** supervision of a RPIC.
- J. Visual Observer (VO): This individual is responsible to assist in monitoring the NAS prior to and during flight operations. The VO will, prior to flight operations, survey the area of operations for any hazards to flight operation (Ex: power lines, power poles, towers, radar dome reflectors, buildings, etc.). During flight operations the VO must continuously scan the NAS for possible aircraft incursions and alert the RPIC to any situations that require immediate action. A VO is not required for every flight operation, but in the absence of a VO the individual controlling the SUAS must continuously scan the NAS for hazards.
- K. Image: Any capturing of sound waves, thermal, infrared, ultraviolet, visible light or other electromagnetic waves, odor, or other conditions existing on or about real property in this state or an individual located on that property (Tex. Gov't Code § 423.001).
- L. Exigent Circumstance Flights: These are SUAS flights that are performed in emergency circumstances where the loss of life and/or property is **imminent**. The use of the SUAS can be requested by any governmental or statutory authority that is designated to deal with emergencies (Ex: Search and Rescue, Tornado, Flooding, Large Fires, etc.). Response to such requests will be approved by a sworn department supervisor prior to deployment by a RPIC.
- M. Surveillance Activities: Any *intentional* surveillance flights that fall outside of the search warrant requirements, such as "plain view" (or observation from a location where suspected activity can be legally viewed), are permitted only with authorization from the Chief of Police. Only after authorization is received may surveillance activities begin.

IV. PRIVACY

The use of the SUAS potentially involves privacy considerations.

- A. Absent a warrant or exigent circumstances, operators and observers shall adhere to the Federal Aviation Administration (FAA) altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard enclosure).
- B. Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.
- C. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during SUAS operations.

V. USE OF FORCE

- A. The SUAS operated by the Argyle Police Department is not equipped with, and is not intended to be equipped with, any type of device capable of delivering a bullet, projectile, aerosol, or any other type of use of force option.
- B. Members of the Argyle Police Department shall not consider the SUAS to be a use of force option and shall not alter the SUAS in any manner to utilize it as a use of force option.

VI. MAXIMUM FLIGHT LEVEL

- A. The maximum altitude for the flight of the SUAS is 400' AGL.
- B. Flights may exceed this altitude only with higher clearance from the appropriate ATC.

VII. CRITICAL INCIDENT CHAIN OF COMMAND

- A. The normal chain of command will be followed at all times during the operation of the SUAS by Argyle PD certified RPICs. Supervisors will become familiar with the operational limitations of the SUAS to ensure that they are not requested in prohibited situations, and RPICs will respectfully notify supervisors if they are requesting flight operations that would be prohibited by state or federal rules or regulations.
- B. RPIC/VO –The flight operations team may start/suspend/terminate flight operations at any time based upon current FAA rules and regulations, or safety of personnel and operations area civilian overflight. NOTAMS (Notice to Airmen), SIGMETS (Significant Meteorological Information), AIRMETS (Airman's Meteorological Information) and TFR (Temporary Flight Restrictions) may all be factors in determining flight decisions.

VIII. DESCRIPTION OF SYSTEM

- A. The MAVIC 2 Enterprise Advanced is a Small Unmanned Aircraft System (SUAS) and is a rugged and reliable system that provides immediate, real-time airborne situational awareness for a variety of missions. The system is comprised of a Vertical Takeoff and Landing (VTOL) air vehicle, payload, and a handheld controlling device.



- B. The MAVIC 2 Enterprise Advanced features an intuitive user interface on a touch screen controller. The SUAS features position-hold (using GPS) and altitude-hold throughout the flight. The MAVIC 2 Enterprise features omnidirectional Vision Systems and Infrared Sensing Systems. The SUAS's Obstacle Sensing technology determines the relative speed and distance between the aircraft and an object, while AirSense provides awareness of the surrounding airspace. There are no "Waypoints" defined by the RPIC in the operation of the system; instead the system, when in Intelligent Flight Mode, uses the location where the SUAS was launched from as "Home" location and as the loss-of-link landing location (see Loss of Link section).
- C. The MAVIC 2 also features DJI Go software which provides altitude limits as additional safety features. This software also prohibits flight of the SUAS beyond a user-defined radius, centered at the launch location "Home". Altitude limits prohibit flight of the SUAS above the user-defined maximum altitude.
- D. The MAVIC 2 can be launched and recovered in minutes without special equipment on unprepared terrain. The SUAS is battery powered and has low visual, acoustic, and thermal signatures. The SUAS flies up to thirty-one (31) minutes, with no wind, on a rechargeable Intelligent Flight Battery. The standard payload is a 360° rotating gimbal that includes a 4K Ultra, 12 Megapixels camera that shoots video in both standard and infrared formats. The SUAS is typically operated by a two-person team consisting of the RPIC and Visual Observer.
- E. Communications are maintained between the aircraft and the remote controller by the use of operating frequency 2.400 -2.483 GHz; 5.725 – 5.850 GHz. Through this connection flight data is transmitted and received by the controller.
- F. The MAVIC 2 Enterprise's arms fold in to create a compact profile for storage and transportation. The complete air vehicle, along with the remote controller, is contained in a single hard shell carrying case. A foam liner supports and protects the components from damage. When not being deployed by authorized purposes, the SUAS shall be returned to the carrying case to avoid damage to the SUAS or its components.

IX. SPECIFICATIONS

Payload - High resolution color camera

Transmission Range	- 5km (unobstructed)
Endurance	- 31 minutes flight time on single battery pack (with no wind)
Operating Altitude	- 0-400 feet AGL
Dimensions	- 322x242x84 mm (unfolded)
Control Station	- Dedicated DJI Remote Controller

X. PERFORMANCE CHARACTERISTICS

Max Ascent Speed	- 5 m/s (S-mode), 4 m/s (P-mode), 4 m/s (S-mode and P-mode w/ accessories)
Max Descent Speed	- 3 m/s (S-mode and P-mode)
Max Speed	- 72 kph (S-mode, without wind), 50 kph (P-mode, without wind)
Minimum Speed	- 0 kph
Max Altitude	- 6000 m MSL
Min Altitude	- 0 ft AGL
Takeoff Weight	- 905 g (without accessories)
Max Takeoff Weight	- 1100 g

XI. TRANSPORTATION AND STORAGE

The SUAS has two self-contained transport cases. One is a hard plastic case, with a locking lid that is secured by a combination lock. The interior is compartmentalized to specifically fit the SUAS and its associated equipment to include the controller. The second transport case is smaller and is a canvas case that has a compartmentalized interior designed to carry spare SUAS batteries, a battery charging dock and extra propellers. **The SUAS shall be transported to and from mission locations inside of the hard plastic case and will not be left unattended without being secured and locked in this plastic case.**

XII. COMMUNICATION SYSTEMS DESCRIPTION

- A. The system does not provide voice or ATC Communication. If ATC or other communication is required, operators must use a separate device such as a hand-held radio. Typically, the Visual Observer is co-located with the MAVIC 2 RPIC (within speaking distance) and there is no need for communication equipment between the Visual Observer and the RPIC. The RPIC must provide appropriate equipment when remotely located Visual Observers are utilized for situational awareness and see-and-avoid duties.
- B. The aircraft utilized a controller specifically manufactured for DJI and the MAVIC 2 Enterprise Advanced.

The controller operates on the frequencies of:

2.400 – 2.483 GHz;
5.725 – 5.850 GHz

Max Transmission Distance (unobstructed, free of interference):

2.400 – 2.483 GHz; 5.725 – 5.850 GHz
FCC: 1000m
CE: 6000m
SRRC: 6000m
MIC: 6000m

Controller Built in Battery Life: Approx. 2.5 hr

XIII. LAUNCH/RECOVERY

- A. The MAVIC 2 design allows for Vertical Takeoff and Landing (VTOL). Launch and recovery are performed similar to traditional helicopter/VTOL operations. The MAVIC 2 requires a relatively flat surface free of larger obstructions and humans (aside from the RPIC and VO) to be used as its launch/recovery location. The MAVIC 2 requires no launch/recovery support equipment.
- B. The SUAS includes a gimbaled camera that is positioned underneath the airframe and allows it to look straight down below the aircraft during launch and recovery, allowing the VO to view the launch and recovery locations.
- C. The system implements a number of safety features for launch and recovery. The SUAS has a built in “auto launch” and “RTH” (Return to Home). Both functions can be initiated by the RPIC. Pre-flight and post-flight checklists enable the RPIC to identify any issues prior to flight.

XIV. PRE-FLIGHT/POST-FLIGHT CHECKLIST

- A. Each time the SUAS is flown, a pre-flight and post-flight checklist will be completed (See attached Exhibit A). These checklists will be maintained by the RPIC for reference purposes.
- B. SUAS flight profile and information is also recorded on this form.

XV. SYSTEM EMERGENCY PROCEDURES

- A. Normal mission planning procedures include consideration of emergencies for each phase of the flight. The system provides continuous air vehicle status and presents warnings and indicators of various emergency conditions. During flight, RPIC's are responsible for maintaining situational awareness and monitoring data to notice anomalies as soon as they develop. Emergency procedures include information to handle each of the following:
 - 1. Loss of Link (LOL)
 - 2. GPS Failure
 - 3. Structural or Flight Control Failure
 - 4. Extreme Low Air Vehicle Battery

5. Propulsion Failure
6. Controller Failure
7. Altitude Hold Failure
8. Avoiding Collision with Other Approaching Aircraft

B. Emergency Procedures

1. **Loss of Link/GPS Failure/Low Battery/Altitude Hold Failure** – Upon loss of link, the aircraft is programmed to begin a pre-determined Loss of Link (LOL) action. The aircraft will climb to a pre-programmed “safe” altitude and will then return to the LOL landing location. The LOL landing location is always the same as the launch (RTH) location for the mission. The only modification that can be made to this flight path is vertical movement. The SUAS will automatically go into hover mode as it returns to the LOL location, and the RPIC can utilize the controller to control the height of the SUAS and initiate a controlled landing. The second option is to override the RTH upon regaining signal and land the aircraft immediately.
2. **Structural Flight Control Failure/Propulsion Failure** – In the event of this type of failure, the aircraft will immediately terminate flight operations and safely land as quickly as possible.

XVI. AVOIDANCE OF OTHER AIRCRAFT

It is the responsibility of the RPIC at all times to be aware of the “National Air Space” and the possibility of intrusion of the SUAS in the flight path or operational area of any aircraft. The MAVIC 2 is equipped with sensors which alert the RPIC to the presence of other aircraft via an audible tone through the controller. If the SUAS is in the flight path of any aircraft, the RPIC shall immediately give way to the other aircraft or land the SUAS.

XVII. MEDICAL EMERGENCIES

- A. In the event of a medical emergency with any personnel involved with a flight, or any civilian, flight operations will immediately cease, and EMS shall be contacted. An Argyle Police Department incident report will be completed and forwarded through the chain of command to the Chief of Police.
- B. Because Argyle Police Department personnel operate a SUAS under Part 107, an event will be reported to the Federal Aviation Administration (FAA) within **ten** days if the event involves:
 1. Serious injury to any person or any loss of consciousness; or
 2. Damage to property (other than the unmanned aircraft) unless the cost of repair, including labor and materials, does not exceed \$500, or the fair market value of the property does not exceed \$500 in the event of a total loss


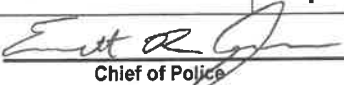
XVIII. REPORTING

Incident reports will be completed, and applicable authorities notified in compliance with the regulations governing flights under Part 107. Any incidents pertaining to the performance of the aircraft or other parts of the system will be reported to the manufacturer.

XVX. ATC NOTIFICATION

- A. In an emergency situation, should it become necessary to contact one or more of the ATC facilities, VHF radio communication via the appropriate frequency shall be the preferred method. If VHF radio communication is not possible, traditional or cellular phone contact will be made.

- B. Local ATC possibly affected: Denton Enterprise Airport (KDTO), Fort Worth Alliance Airport (KAFW)

	ARGYLE POLICE DEPARTMENT	
	Policy 7.20 Patrol Operations	
	Effective Date: 20MAY21	Replaces: 17Feb12
	Approved:  <small>Chief of Police</small>	
Reference: TBP: 7.01.1		

I. POLICY

Patrol is the primary activity of law enforcement that includes much more than driving through neighborhoods looking for evidence of lawbreaking. The department expects officers to conduct patrol vigorously to enforce traffic and criminal laws, answer complaints, conduct investigations, promote community-relations activities, and prevent crime.

II. PURPOSE

To define and outline general procedures for patrol operations. Procedures for handling specific calls for service are presented in the Patrol Standard Operating Procedures.

III. ORGANIZATION AND ADMINISTRATION

A. Organization

The Patrol Division is commanded by two Sergeants and is comprised of officers assigned to both the Patrol and Traffic functions.

B. Hours of Operation

The Patrol Division operates on a 24 hour a day, 7-day a week schedule. (TBP: 7.01.1)

C. Patrol Division Responsibilities

1. Responsible for the preliminary investigation of calls for police services, accident investigation, traffic enforcement, crime prevention, those duties which by their very nature require the actions of a police officer, and assignments which may be given by a commanding officer.
2. Composed of designated shifts, each under the command of a police sergeant or other designated supervisor who reports to the Police Chief.

D. Traffic Section Responsibilities


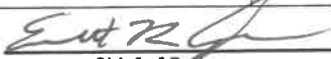
1. Responsible for primary service related to traffic operation, including, but not limited to, traffic enforcement, accident investigation, designated traffic direction and control, and assignments that may be properly given to them.

IV. PROCEDURES - Conduct while on patrol

- A. Officers shall acquaint themselves with the geography of their patrol assignment, and particularly the location of highways and traffic hazards. Officers shall also become familiar with the names and addresses of habitual criminals and law violators, first aid stations, hospitals, fire and rescue stations, magistrates, general district and county courts, medical examiners, public and private social service agencies, and any other public or private officials that prove helpful in the administration of their duties.
- B. Officers shall promptly respond to all calls dispatched to them. Calls which appear to be a risk to the physical well being of a person take precedence over calls which are reporting danger or loss of property. In all cases, when dispatched to a call, the officer will respond directly and expediently.
- C. Officers shall initiate investigations into suspicious activities to prevent criminal activity. Patrol Officers are responsible for the Preliminary Investigations of criminal offenses occurring in the city.
- D. When an officer observes a violation of the law, subject to the authority and discretion discussed in Policy 1.2, he or she shall either (1) warn and release, (2) arrest, or (3) issue a summons to the violator to appear before the court having jurisdiction.
- E. Without exception, officers transporting non-department civilians (non-employees) shall notify the dispatcher of the transport. The transport should be recorded on the in-car video system.
- F. To the capabilities of their training and qualifications, officers shall provide general and emergency assistance to motorists. Assistance includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Officers shall, within reason, ensure that the requested service is provided in a timely fashion. If, after arranging for assistance, the officer is unable to remain with the motorists until help arrives, he/she shall take the necessary steps to provide safety to the motorists or arrange for transportation. If the need arises, officers may transport a motorist to a place of safety.

V. COMPLIANCE WITH PATROL STANDARD OPERATING PROCEDURE

- A. The patrol Standard Operating Procedure is designed to provide direction to all officers in patrol operations and the handling of routine calls.
- B. All officers who respond to calls for service or assist patrol officers will become familiar with the operational procedures. Officers are expected to follow the Patrol SOP unless specific other actions are approved or directed by a supervisor.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.30 Traffic Enforcement	
	Effective Date: 03SEP21	Replaces: 01Aug13
	Approved:  Chief of Police	
	Reference: TBP: 7.21, 7.22, and 7.28	

I. POLICY

Traffic enforcement involves all activities or operations which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. It is the policy of this department that motor vehicle stops shall be performed professionally and courteously, with a view towards educating the public about proper driving procedures while recognizing and taking steps to minimize the dangers involved in this activity for the officer, the motorist, and other users of the highway.

Overzealous enforcement, however, without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation, causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic. (TBP: 7.28.1a)

II. PURPOSE

It is the purpose of this policy to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist.

III. PROCEDURES

A. Legal Basis for Stopping Motor Vehicles

1. Officers have legal justification for stopping a motor vehicle as provided by the Fourth Amendment to the U.S. Constitution. Without such justification, evidence of illegal activity discovered during the course of a stop may be inadmissible in court.
2. Officers are strictly prohibited from stopping vehicles under the guise of legal authority when in fact the stop is based solely on the officer's prejudice concerning a person's race, ethnicity, sex, or similar distinction.

3. A motor vehicle may be stopped only for a period of time that is reasonable to issue a citation or conduct other legitimate police business.
4. Officers should avoid arrests solely for minor vehicle infractions, even if permitted by law when a citation in lieu of arrest is a reasonable alternative.
5. Officers are reminded that they have full discretionary authority in the type of enforcement actions to be taken, subject to the guidelines contained herein. Officers are encouraged to use good judgment, understanding and compassion in making a decision on the proper enforcement activity. (TBP: 7.28)

B. Types of enforcement actions

1. Warnings

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. In their discretion, officers must recognize that a properly administered warning can be more effective than any other type of enforcement.

2. Traffic Citation

A traffic citation should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

3. Physical arrest (TBP: 7.28)

- a. In compliance with Transportation Code 543.002, officers may make a physical arrest and take the violator before a magistrate when the officer believes that
 - i. the violator has committed a felony; or
 - ii. the violator has failed to stop at the scene of an accident involving property damage or committed any other violation where the punishment is greater than a fine only; or
 - iii. the violator refuses to give a written promise to appear under TRC 543.005 (Promise to Appear).

iv. A violator may not be physically arrested, but must be issued a citation for the offenses of Speeding or violation of the Open Container law.

b. If the violator refuses to sign the citation, the officer may write "Refused to Sign" in the signature block and issue the citation to the subject. The officer should also utilize the photo function in the handheld citation writer to capture an image of the violator and save this image with the citation.

C. Handling special categories of violators

1. Juveniles

Juvenile traffic offenders are prosecuted in Municipal Court. Juveniles in this article are defined as a person who is at least 10 years of age and younger than 17 years of age. Officers issuing traffic citations to juvenile offenders shall advise them that a parent or guardian must accompany them when they appear before the court.

2. Foreign diplomatic or other consular officials

a. Diplomatic immunity is granted by the United States Government. Generally, immunity may apply to diplomats, members of their families, and employees of diplomatic missions concerning acts performed in the course of their official duties.

b. Different levels of immunity exist. The burden is on the diplomat to claim immunity and show the appropriate U.S. State Department-issued credentials.

3. Members of Congress

a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.

b. If a member of Congress is stopped for a traffic infraction, upon presentation of valid credentials, he or she shall be released immediately. The officer may then obtain a summons for the member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress or on official business.

D. Information regarding traffic summons

The citation shall be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following:

1. The court appearance schedule and contact information. (TBP: 7.21)
2. Answer the motorist's questions about the summons as thoroughly as possible.

IV. TRAFFIC LAW ENFORCEMENT PRACTICES - General

Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their duties.

- A. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
- B. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
- C. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
- D. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location.
- E. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind other drivers to comply with traffic laws.
- F. Objectives of traffic stops
 1. The two primary objectives of any traffic stop are
 - a. to take proper and appropriate enforcement action; and
 - b. to favorably alter the violator's future driving behavior.
 2. Achievement of these objectives requires the officer to evaluate the violator's mental and physical condition when assessing the facts of the violation itself. In achieving these objectives, officers must exhibit flexibility to minimize conflict or argument with the violator.

G. Stopping a Violator / Issuing a Citation (TBP: 7.28)

1. Rules to be followed in all traffic stops:
 - a. Be alert at all times for the unexpected.
 - b. Be absolutely certain that the observations of the traffic violation were accurate.
 - c. Present a professional image in dress, grooming, language, bearing, and emotional stability.
 - d. Be prepared for the contact by having the necessary equipment and forms immediately available.

2. Before making a vehicle stop:
 - a. Maintain a reasonable distance between the violator and the patrol vehicle.
 - b. Locate a safe spot to stop the vehicle.
 - c. Activate the emergency lights and, when necessary, the siren to signal the vehicle to stop.
 - d. Advise the dispatcher of the intention to stop the particular vehicle, and give the following information:
 - i. The location of the stop.
 - ii. The vehicle's license tag number.
 - iii. A description of the vehicle including the color, make, and model.
 - e. The officer should position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle should be positioned so that it will offer the officer some protection from oncoming traffic.

3. Additionally, when stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, perform the following actions.
 - a. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before making the actual stop;

- b. Train the unit's auxiliary lights (spotlight) on the occupant(s) of the vehicle when practical;
- c. When necessary use the vehicle's public address system to give instructions to the occupant(s) of the violator's vehicle.

4. Hazards

- a. On multi-lane roadways, the officer should ensure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
- b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer should direct him or her to move to a safer location. Officers should use the public address system to instruct violators to move to a safer location. If the officer's oral directions and gestures are misunderstood, the officer should quickly leave the patrol vehicle and instruct the violator.
- c. At night, officers should exercise caution in selecting an appropriate place for the traffic stop. Once the violator has stopped, to maximize officer safety, use the spotlight and set the head lights for high-beam, and employ emergency bar lights and emergency flashers.

5. Approaching the violator (Left side Approach)

- a. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Follow these procedures unless circumstances dictate another reasonable method.
- b. After properly advising the dispatch of the traffic stop, location, and vehicle license number, the officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
- c. The officer shall approach from the rear of the violator's car, look into its rear seat, and stop behind the trailing edge of the left front door. On busy roadways, officers should consider the option of approaching the vehicle from the passenger's side (right) for officer

safety. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, and at the same time keep all occupants of the vehicle in view.

- d. In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to the trailing edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
- e. In traffic stops made by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes, and act as an observer and cover for his/her fellow officer.

6. Communicating with the violator

In transacting business with the violator, the officer shall observe the following rules.

- a. Greet the violator courteously with an appropriate title (Ex: Sir, Ma'am)
- b. Identify him/herself by providing the officer's rank, name, and department (Ex: "I'm Officer Jones with the Argyle Police Department)
- c. Inform the violator what traffic law he or she has violated.
- d. Ask for and accept only the violator's driver license and insurance. (Unless it is a commercial vehicle, then cab card, vehicle registration, bill of lading etc are acceptable paperwork request).
- e. If the driver has no driver's license, obtain another document of identification.
- f. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.
- g. Complete the forms required for the enforcement action and inform the violator of the enforcement action being taken, or give an oral warning, if appropriate.
- h. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear.

- i. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

7. Conducting the transaction

- a. Return the violator's driver's license, insurance, and a copy of the citation or warning, if given.
- b. Release the defendant after he or she signs the summons and receives a copy of the summons.
- c. Assist the violator in safely re-entering the traffic flow.
- d. Do not follow the violator.

V. CITATION ACCOUNTABILITY

A. Citation Book Security (TBP: 7.22)

1. The Argyle Police Department utilizes handheld electronic citation writers and maintains paper citations only as a backup for times when the electronic citation writers malfunction or are otherwise unavailable.
2. Citation issuing information, records and storage of citations is the responsibility of the department Quartermaster. The Chief or designee will place an order when new paper citations are needed. The Quartermaster will verify the number of books delivered and place them in a designated secured area.
3. When paper citation books are issued, the Quartermaster will record the citation numbers and officer's name and ID onto the citation issue log.
4. Officers are directly accountable for each paper citation issued to them. While it is permissible for one officer to use a citation out of another officer's assigned book, the assigned officer should not loan the entire book to a fellow officer. The assigned officer is still responsible for the citations issued. Failure to be able to account for each citation issue may result in disciplinary action as appropriate.
5. Officers who make errors on a citation and choose not to issue the citation will write "VOID" and the reason for the voiding on the citation, staple all copies and forms together, and turn in the remaining copies to their supervisor

at the end of shift. (Violator's copy must be attached.) The supervisor will forward the citation to Municipal Court.

6. Officers who discover errors after citations have been sent to Municipal Court must prepare either a Request for Dismissal or an Affidavit of Substitution to request that the violations be amended, including any pertinent information regarding said changes, and send the request through their supervisor for approval and forwarding to Court.
7. In the event changes have been made on the violator's paper copy of electronic citations before issuance to the defendant, the officer shall note that the change has been in the notes field on the handheld citation writer. The officer should also narrate out loud the changes that have been made in order to capture this on the body worn camera.
8. The Quartermaster will perform a quarterly inspection of paper citation books not yet issued to ensure they are accounted for and that the inventory log is being maintained properly. Discrepancies will be reported to the Chief by memorandum.
9. The electronic citation program has the below listed functionality:
 - a. The officer enters a citation with all applicable data into the handheld citation writer and saves the record.
 - b. A citation number is generated from an electronic bank of numbers stored in the Brazos system.
 - c. An audit record is created in the Brazos system to show that the officer requested and received a citation number.
 - d. The officer can then print the citation or written warning for issuance to the violator.
 - e. When the officer returns to the police station, the officer "syncs" the citation writer with the Brazos server to download any citations or written warnings issued.
 - f. Once the record has been submitted (citation writer has been "synced"), the submitted citation is transferred to the Brazos web portal and the Court.
 - g. Citations that are written for infractions occurring outside the Town limits of Argyle, but inside the Town's extra-territorial jurisdiction (ETJ), are written to and adjudicated in Denton County Justice of the Peace Precinct 4. A copy of these citations is printed and forwarded to the court by the Chief's Admin.
 - h. Only an administrator (Chief or his designee) can delete the record in the Brazos online portal.

VI. TRAFFIC RECORDS SYSTEM

- A. The Traffic Officer is responsible for compiling the following traffic information:
 - 1. Traffic Accident Data (to include location and accident causes)
 - 2. Traffic Complaints
 - 3. Traffic engineering deficiencies

- B. The Traffic Officer is also responsible for compiling traffic enforcement data to include:
 - 1. Analysis of traffic accidents
 - 2. Analysis of traffic enforcement activities
 - 3. Implementation of Selective Enforcement techniques and procedures
 - 4. Deployment of traffic enforcement personnel
 - 5. Evaluation of selective enforcement activities.
 - 6. Note: Selective enforcement refers to selecting location and type of offense to enforce to address a particular problem. It does not refer to the selection of specific individuals to receive enforcement action.

- C. Annually the Traffic Officer will prepare and distribute to patrol personnel the analysis of accident data and contributing factors. Any recommendations for enforcement and selective enforcement at high accident locations will be included.

VII. DWI/DUI ENFORCEMENT PROCEDURES

A. Laws

It is unlawful for any person to drive or operate any motor vehicle, engine, or train while under the influence of alcohol or while under the influence of any narcotic drug of any nature.

B. Responsibilities

Officers shall be alert for suspected DWI offenders. Officers shall use and document standardized roadside sobriety tests. Officers must carefully document the behavior of the DWI beginning with observations of driving.

VIII. SPECIAL TRAFFIC PROBLEMS

A. Pedestrian and bicycle safety

The chief of police shall review the traffic accident records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program. The chief may recommend to officers enforcement measures including steps to:

- 1. Reduce or eliminate human environmental factors leading to accidents.

2. Reduce or eliminate the behavior, decisions, and events that lead to the accidents.

B. Off-road vehicles (including dirt bikes, motorized scooters, and ATVs)

1. Accidents involving off-road vehicles that do not occur on a public highway do not require a traffic accident report. If the responding officer finds it convenient, he or she may complete an accident report and attach it to the offense report.
2. Any officer observing an unlicensed off-road vehicle on the highways that cannot be operated legally on public highways shall order it removed and enforce appropriate laws.
3. Officers shall enforce compliance with vehicle registration laws as they pertain to off-road vehicles.
4. Officers shall enforce laws, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property.

IX. ESCORTS

A. General rules

1. Officers shall not provide emergency or non-emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned.
2. Officers may provide escorts of vehicles with oversize or hazardous loads. These escort duties shall be conducted under the authorization of the Chief of Police or the on-duty supervisor. The Chief shall coordinate the escort with the authority having control over the escorted vehicles. Further, the escort shall take place only per a written plan approved by the Chief.

B. Funeral escorts

1. Officers may provide funeral escorts with marked vehicles. The escort duty shall be conducted under the authorization of a supervisor only. Further, the escort shall take place per an articulated plan approved by a supervisor.
2. Before conducting a funeral escort, officers shall confer with the funeral home director to:

- a. Plan the route to be taken to account for the most direct method, expected traffic density and anticipated obstacles.
 - b. Determine the circumstances of the escort to include which traffic lanes to use, speed of travel to the destination, and how to handle adverse weather.
3. Officers shall not lead funeral processions into an intersection on a red light. Once the procession has entered an intersection on a green light, the escorting officer shall take reasonable measures to allow the entire procession to continue even though the light changes.
4. No escorts shall be provided if the body of the deceased is not in the procession.

traffic congestion as a result of the accident or where vehicles are damaged to the extent that towing is required. Patrol vehicles may be assigned to any other accident, not listed above, to assist persons involved with information exchange. Time permitting, officers may investigate and report these accidents as supervisors direct.

B. Responding to the Accident Scene

1. Officers shall respond to minor accident scene Code one, unless the dispatcher or supervisor directs otherwise.
2. Officers may respond Code three to major accidents where there exist injuries or major road or highway blockages, or where information provided indicates the immediate need for an officer on scene.
3. The officers responding should park their vehicles as necessary to protect victims and the accident scene, while still leaving room for ingress/egress of emergency services.

C. Accident scene responsibilities

1. The first officer to arrive at an accident scene shall perform the following:
 - a. Administer emergency medical care (basic life support measures) pending arrival of rescue personnel
 - b. Summon additional help as required (officers, rescue, wreckers).
 - c. Protect the accident scene.
 - d. Preserve short-lived evidence (broken parts, skid marks).
 - e. Establish a safe traffic pattern around the scene.
 - f. Locate witnesses and recording key accident information.
 - g. Expedite removal of vehicles, persons, and debris from the roadway except for fatal accidents.
2. The officer assigned to an accident shall have the responsibility and authority to request assistance from any other officers as needed. He or she becomes the primary investigating officer in charge at the scene unless the supervisor deems it more appropriate to assign another officer these responsibilities.

3. In case of extremely inclement weather where an accident involves only property damage, the officer may, with the supervisor's approval, perform the following:
 - a. Obtain information over the phone to complete the accident report and request that the involved drivers come to the department and file a report in person within 48 hours of the incident.
 - b. Issue or explain the self-reported (blue) accident forms to the driver.

IV. PROCEDURES - Accident scene

A. Collecting information

1. At the scene of the accident, the investigating officer shall gather appropriate information for a report. Information to be collected at the scene may include, but is not limited to, the following:
 - a. Interview principals and witnesses and secure necessary identity/address information.
 - b. Examine and record vehicle damage.
 - c. Examine and record the effects of the accident on the roadway or off the roadway on private or public property.
 - d. Take measurements as appropriate.
 - e. Take photographs as appropriate.
 - f. Collect and process evidence.
 - g. Exchange information among principals.

B. Follow-up activities

1. Follow-up activities which may be necessary include the following:
 - a. Obtain and record formal statements from witnesses.
 - b. Reconstruct the accident.
 - c. Submit evidentiary materials for laboratory examination.
 - d. Prepare accident or offense reports to support charges arising from the accident.

2. In a particularly serious accident involving severe injuries, fatalities, or multiple vehicles, it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, accident crash team specialists, or other specialists. Expert assistance shall be requested through a supervisor.
3. At the accident scene, the officer may take immediate enforcement action and issue a citation for observed violations. In death cases, the district attorney may decide the appropriate charge.
4. If the investigating officer concludes that the accident was caused by a person driving under the influence of intoxicants (DWI) and the defendant is still at the scene, the DWI arrest shall be made before transport.
5. If the driver is transported to the hospital before the officer arrives and if the officer later concludes DWI, an arrest warrant shall be obtained. If the driver is hospitalized, then the warrant will be served when the driver is released.
6. In other traffic-related investigations, when the officer leaves the scene of the offense and later identifies an offender or offense, arrest warrants may be obtained.

C. Accident scene procedures

1. Upon notification of an accident, the officer assigned shall proceed promptly depending on injuries. The patrol vehicle shall not be parked at the scene in a manner that will endanger other pedestrians or motorists. The officer should consider using the vehicle as a shield to protect the scene as well as him or herself. The officer shall leave the vehicle emergency lights on.
2. At all times when investigating an accident on the streets or highways, the officer shall wear a reflector safety vest. Officers should use flares, or other lighted devices (available in each patrol vehicle) to create an illuminated warning pattern to alert other drivers. Note that flares may be dangerous at accidents where hazardous materials are present.
3. In case of fire danger from leaking or ruptured gas tanks or where the accident may involve hazardous materials, the on-scene officer shall summon the fire department.
 - a. All patrol vehicles are equipped with a copy of the current emergency response guidebook to aid in identifying vehicles carrying hazardous materials. The guidebook illustrates hazardous materials placards and identifies and describes the

relevant hazard, appropriate emergency procedures, and evacuation procedures.

- b. Any officer arriving at the scene of such an accident who sees hazardous materials placards shall immediately summon the fire department. The fire Chief will assume control of any scene involving hazardous materials and all officers shall provide support as required. The investigation of the accident shall begin after approval by the fire Chief.
4. State law requires any person clearing a wrecked or damaged vehicle from a highway to remove any glass or other injurious substance dropped upon the highway. Where the quantity of accident debris is too great for the wrecker operator to do this, TxDOT or the town public works services may be requested. The fire department may assist in washing down combustible substances.
 5. If either driver is not present at the accident scene, do not assume that it is a hit/run unless further inquiry indicates the possibility. Perform the following actions if the incident appears to be a hit/run.
 - a. As soon as practicable, transmit the description of the vehicle and driver to dispatch, along with the direction of travel and time elapsed since the incident.
 - b. Process the accident scene as a crime scene.

D. Accident report

1. A crash report may be filed with the Texas Department of Transportation if the accident results in the injury to or death of a person or property damage to an apparent extent of at least \$1,000.00.
2. Accidents that do not meet reporting requirements may still be reported by the vehicle operators to the Texas Department of Transportation using the self reported crash form or (Texas Blue Form).

E. Disabled vehicles

1. Officers shall not push or tow any vehicle with a patrol vehicle unless the patrol vehicle is equipped with a department-approved push bar and the officer has been trained in its use.
2. Owing to the risk to radio and emergency equipment, officers shall not connect jumper cables to a patrol vehicle to start a person's vehicle. Summon a wrecker, or use jump boxes, if a jump-start is required.

3. Officers should direct motorists who are low on gas to the nearest station. If completely out of gas and no station in town is open, summon a wrecker on behalf of the motorist.



ARGYLE POLICE DEPARTMENT

Policy 7.40 Investigations

Effective Date: 30APR21

Replaces: 26MAR12

Approved:


Chief of Police

Reference: TBP: 7.04, 7.05, 7.09 and 7.10

I. POLICY

The primary purpose of an investigation is to collect facts leading to the identification, arrest, and conviction of an offender and to organize and present the facts for a successful prosecution. The single most important criterion which determines a successful investigation is correctly obtaining and handling information supplied by a victim or witness immediately after the crime. The department expects officers to treat investigations as a skill developed through training and experience, a skill that demands intelligence, logic, and discipline.

Not every preliminary investigation will result in the identification of a suspect, an arrest, or the recovery of property. The solution of crimes often is a function of the physical evidence left at the scene or information provided by victims and witnesses. Follow up investigations are therefore necessary. Because our resources are limited, prioritization of investigative resources is an unfortunate necessity. The department will therefore strive to investigate those crimes that are the most serious in nature and those that have the highest likelihood of solution.

II. PURPOSE

To establish guidelines for the general conduct of preliminary and follow-up investigations.

III. DEFINITIONS

- A. Serious Crime – For purposes of this policy, any felony offense involving a crime against a person or property or any misdemeanor offense resulting in injury to a child under 17 or elderly person over the age of 60, any sexual offense, and all domestic violence and/or hate crimes.

IV. PROCEDURES - PRELIMINARY INVESTIGATIONS

A. General

The preliminary investigation often begins with the 911 call and when the first officer arrives at the scene of a crime (or a citizen requests help) and continues until a specialized investigator arrives and assumes responsibility.

While 911 dispatchers may contribute to information gathered for a preliminary investigation, patrol officers are responsible for the preliminary offense report in all cases unless specifically directed by a supervisor.

B. The 911 Dispatcher's Role

The role of the dispatcher is in receiving calls for service or reports of crimes and sending officers to the scene to investigate. During this process, dispatchers play a critical role in obtaining information, including the presence of weapons, which may be of importance in both ensuring an officer's safe arrival and ultimately whether the case may be solved.

The Argyle Police Department receives dispatch services from the Denton County Sheriff's Office.

C. Caution

Officers who first arrive at a possible crime scene must take care not to enter hastily. The crime scene may pose a threat to the officer: an armed suspect may still be at the scene; toxic chemicals or infectious materials may be present; or evidence may be destroyed if the officer enters. When practicable, officers shall first note the total environment of the scene including, for example, whether doors and windows are open or closed, lights on or off, presence of odors, and the condition and circumstances of the victim.

D. After forming an impression of the entire scene and ensuring that no threat exists, the officer shall proceed with the preliminary investigation which consists of, but is not limited to, the following activities:

1. Providing aid to the injured.
2. Defining the boundaries of and protecting the crime scene to ensure that evidence is not lost or contaminated. Erect barricade tape, rope, or cordon off the immediate crime scene. Record any alterations to the crime scene because of emergency assistance, the immediate necessity to handle evidence, or the actions of witnesses, victims, or suspects at the scene.
3. Determining if an offense has actually been committed and, if so, the exact nature of the offense.
4. Determining the identity of the suspect or suspects and making an arrest if it can be accomplished either at the scene or through immediate pursuit.
5. Furnishing other officers with descriptions, method, and direction of flight of suspects, and other relevant information concerning wanted suspects or vehicles.

6. Determining the identity of all witnesses.
7. Collecting evidence. Patrol officers who have been trained in collecting evidence will collect physical evidence within the limits of their ability and training. When additional evidence requires collection, is beyond the capabilities or training of the officer, or is evidence in a serious crime, the patrol officer should contact their supervisor to call for appropriate Crime Scene Investigation officers.
8. Interviewing and obtaining written statements from the victim, witnesses, and suspects. Checking with dispatch personnel regarding any information provided during the original call from the scene.
9. Arranging for follow-up surveillance of the crime scene, if appropriate.
10. Accurately and completely recording all pertinent information on the prescribed report forms or RMS.

E. Follow-up

1. The initial stages of all preliminary investigations, including crime scene processing in some cases, may be conducted by patrol officers.
2. Patrol officers will conduct follow-up investigations in most misdemeanor crimes. In certain serious crimes as defined, investigators will assume responsibility for completion of the investigation.

F. Supervisory responsibilities

1. The on-duty or on-call supervisor shall ensure that an adequate and complete preliminary investigation has been made and shall review, screen, and approve the officer's preliminary report. Screening shall include a review of facts to ensure that all essential information is included, along with legibility, clarity, and completeness. Supervisors shall review and approve crime reports through RMS.
2. Supervisors shall limit access to crime scenes to those persons immediately and directly connected with the investigation. This rule applies to other officers of the department, other agencies, or members of the community, regardless of rank or position.
3. The supervisor shall authorize the call-out of a trained evidence technician or investigator, if appropriate. If the supervisor determines the need for a larger scale crime scene process that goes beyond the abilities and expertise that Argyle PD has, call DCSO communications and have the CID supervisor contact you. DCSO CID supervisor will evaluate the situation over the phone with the Argyle supervisor and then notify their crime scene to respond. To expedite the arrival of crime scene technicians, they should be called in order of priority listed below.

- a. Denton County Sheriff's Office Crime Scene has officers trained and available to assist our agency at any crime scene.
 - b. Regional Crime Scene Units
 - c. Federal Bureau of Investigations Evidence Recovery Team.
4. The supervisor may enlarge the preliminary crime scene if necessary by assigning officers to canvass the area for possible witnesses or suspects.

V. ASSIGNMENT OF FOLLOW-UP INVESTIGATIONS

- A. All felony offenses, all sex crimes, all crimes involving juveniles as victims, and all domestic violence and hate crimes will be followed up by an investigator. The initial responding officer is responsible for completing the original offense report with all details of the preliminary investigation included in the report.
- B. Duty upon striking vehicle/object and Hit and Run offenses will be assigned to the traffic detail for follow up. All other offenses may be investigated by the responding officer unless otherwise directed by the on-duty or on-call supervisor. Should the responding officer believe the follow-up investigation is either beyond their ability (either because of lack of expertise, shift assignment, or other reason) they will contact their supervisor for direction.

VI. PROCEDURES: FOLLOW-UP INVESTIGATIONS

- A. Occasionally, additional investigation will be required at the end of the tour of duty of the assigned officer. In these cases, the on-duty or on-call supervisor shall determine whether the investigation should be discontinued until the assigned officer's next tour of duty, assigned to the next available officer or an investigator, or overtime authorized.
- B. A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion that he or she works on it. A supplement recording the investigating officer's activity, information developed, and case status shall be submitted through RMS.
- C. Officers and investigators conducting follow-up investigations shall continue the investigation of criminal offenses until conclusion or until there are no additional workable leads that would likely result in the identification of a suspect or recovery of property. If the officer's time is limited, follow-up of cases will be prioritized by seriousness of the crime and likelihood of identifying a suspect. Officers and Investigators shall consult with their supervisors for additional assistance if cases with workable leads are unable to be completed.
- D. Victims will be kept informed of the status of the case periodically and will be notified if the case is closed or suspended.

E. Supervisors and the investigator have access to a log of cases being worked by officers. This “investigator dashboard” is updated regularly by RMS as to when status supplements are received or when the case is closed or suspended. The investigator and supervisors will keep the Chief of Police informed of the status of significant criminal cases.

F. A follow-up investigation consists of, but is not limited to, the following activities:

1. For most non-criminal cases:

- a. Interviewing complainants and witnesses.
- b. Locating missing persons.
- c. Determining if information or suspicious activity relates to criminal activity.
- d. Distributing information to the proper persons or agencies.
- e. Locating lost property and returning same to the owner.
- f. Investigating deaths, overdoses, suicides, and injuries to determine if a crime was committed.
- g. Making necessary notifications or conducting necessary inspections.
- h. Recording information.

2. For most Criminal Cases

- a. Reviewing and analyzing reports of preliminary investigations.
- b. Recording information.
- c. Reviewing departmental records for investigative leads.
- d. Seeking additional information (from other officers, informants, contacts in community, and other investigators/agencies).
- e. Interviewing victims and witnesses.
- f. Interrogating suspects.
- g. Monitoring Social Media sites of potential suspects, victims, and witnesses for information related to the case.
- h. Monitoring posted comments to on-line news stories about an offense.
- i. Arranging for the dissemination of information as appropriate.
- j. Planning, organizing, and conducting searches.
- k. Collecting physical evidence.
- l. Recovering stolen property.
- m. Arranging for the analysis and evaluation of evidence.
- n. Reviewing results from laboratory examinations.
- o. Identifying and apprehending the offender.
- p. Checking the suspect's criminal history.
- q. Consulting with the District Attorney in preparing cases for court presentation and assisting in the prosecution.
- r. Testifying in court.
- s. Arranging for polygraph examinations, if necessary.

VII. REPORT WRITING

A. Field notes

All formal reports begin with field notes. Field notes are important for the following reasons:

1. To create a permanent record of events.
2. To aid the investigation.
3. To ensure accurate testimony in court.
4. To protect the officer from false accusations.

B. Formal reports should include the following information:

1. Date, time of arrival at the scene.
2. Relevant weather or situational conditions at the scene upon arrival (e.g., a fire, crowd).
3. Circumstances of how the crime was discovered and reported.
4. Identity of other officers or emergency personnel at the scene.
5. Physical evidence present at the scene and the officers responsible for its collection.
6. Names, addresses, telephone numbers of victims or witnesses.
7. Results of interviews with the complainant, victim, or witnesses to include the identity or description of suspects.
8. Results of interrogation of suspects.
9. Diagrams, sketches, photographs, or videotape taken at the scene, and the identity of the photographer or artist.
10. Recommendations for further investigation.

VIII. SOURCES OF INFORMATION

A. Informants

Information is available from many sources, e.g., members of the community who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in crime. These sources shall be kept in mind when conducting investigations and interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it. For guidance on handling informants, consult Policy 7.43.

B. Interviews and interrogation

1. Field interviews

Field interviews are a productive tool and source of information for the department. They shall be used only in the pursuit of legitimate enforcement goals. When used properly they can discourage

criminal activity, identify suspects, and add intelligence information to the files of known criminals. Field Interviews should be documented in RMS.

2. Victim/witness interviews

- a. Officers must recognize the trauma/stress to which the victim or witness has been subjected and shall conduct the interview in such a manner as to reduce stress.
- b. The age, physical limitations, and credibility of witnesses shall also be considered when evaluating their information.

C. Interrogation of suspects

1. Custodial Statements and Confessions.

- a. *Miranda* warnings are required and shall be administered prior to “custodial interrogation.”
- b. The following represent examples of situations that are not “custodial” and do not require issuance of *Miranda* warnings.
 - i. Investigatory stop and frisk.
 - ii. Questioning during a routine traffic stop or for a minor violation; to include driving while intoxicated (DWI) stops until a custodial interrogation begins. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
 - iii. During voluntary appearances at the police facility.
 - iv. When information or statements are made spontaneously, voluntarily and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require *Miranda* warnings.)

2. Administering *Miranda*.

- a. *Miranda* warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation.
- b. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it precludes officers from testifying in court as to the precise wording used.
- c. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be interrogated only when they have knowingly and intelligently waived their

rights. Threats, false promises or coercion to induce suspect statements is prohibited.

- d. Waivers of one or both of the Miranda rights must be performed affirmatively. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form. Other forms of documentation, such as through the body worn camera is encouraged.
- e. Officers arresting deaf suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.
- f. Officers arresting suspects who they believe may have limited English proficiency shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.

3. Invoking the Right to Silence

- a. When a suspect invokes his right to remain silent, all interrogation shall terminate immediately.
- b. Officers may interrogate a suspect who has previously invoked his right to silence, if, after the passage of time, the suspect initiates communication with officers. However, prior to questioning Miranda warnings shall be re-administered and a signed waiver obtained.

4. Invoking the Right to Counsel

- a. If a suspect waives his right to counsel, a waiver shall be obtained prior to questioning. When a suspect makes reference to counsel but his intentions are unclear, officers may question the suspect further to clarify his intentions. When a suspect invokes his right to counsel, all interrogation shall cease immediately.
- b. The suspect may not again be interrogated about the crime for which he is charged, other crimes, or by other officers (from this or other agencies) unless the suspect's attorney is present at the questioning; or
- c. There has been a break in custody of more than 14 days and the individual is re-advised of his Miranda rights and indicates he is waiving his right to counsel (written waiver), or

- d. The suspect initiates new contact with the police. In this later case, Miranda rights must again be administered and a waiver obtained before any questioning may take place. Officers shall also document and, if possible, obtain written verification that the suspect initiated the communication.
- e. Officers shall cooperate in any reasonable way with efforts by counsel to contact or meet with suspects in custody.

5. Other Interrogation Requirements

- a. Parents or guardians shall be notified when a juvenile is interviewed or interrogated, taken into custody, or charged. The juvenile does not have a legal right to have his/her parents or guardians present when interviewed. A juvenile's parents or guardians do not have to be present when he/she is interviewed. Parents and guardians requesting to be present when the juvenile is interviewed may do so at the discretion of the interviewing officer/investigator.
- b. The interviewing officer or investigator shall be the only person in the room with a juvenile during the interview, unless the parent or guardian has been permitted to be present.
- c. Non-custodial interviews of juveniles may be conducted after the interviewing officer or investigator has advised the juvenile that he/she is free to leave at any time, is free to terminate the interview at any time, and the juvenile knows he/she is not under arrest or being detained. There are to be no handcuffs or restraints on the juvenile. If the interview is taking place in a room, the door is to remain open and the doorway accessible to the juvenile. The interview shall be recorded and an attempt to obtain a written statement will be made. The juvenile is **not** to be detained or arrested at the conclusion of the interview.
- d. Custodial interviews of juveniles require the juvenile to go before justice and municipal court judges to magistrate juvenile offenders by reading statutory warnings to them that are similar to the Miranda warnings given to adult offenders. These warnings must be given to a child who is in custody before making any written or recorded statement or confession. The magistrate must be satisfied that the child knowingly, intelligently, and voluntarily waives or gives up these rights before and during the making of the statement and signs the statement in the presence of the magistrate. Law enforcement shall not present while the magistrate is with the juvenile and no firearms may be worn during the interview.
- e. The number of officers engaged in the interrogation of an adult shall be kept to a minimum. The interrogation shall be as short as possible.

- f. Interrogations should not extend more than 5 continuous hours without a break for a meal. Water and toilet breaks should be given frequently if requested by the suspect. These breaks should be documented in the record.
- g. Suspects will occasionally want to make “deals” to provide specific information. Often this is in the form of a promise of a reduced sentence or non-prosecution. Members of this department are prohibited for making or promising any deals or agreements without the express consent of the District Attorney’s Office. If a suspect requests such an arrangement, and if the investigating officer feels it would be beneficial to the completion of the investigation, the investigator will obtain supervisory approval to contact the District Attorney’s office for guidance.

6. Duty to Report Exculpatory Evidence

- a. Both field officers conducting Preliminary Investigations and Investigators conducting Follow-up Investigations are required to report to the Prosecutor in any criminal case, any exculpatory information or evidence gained during an investigation. Officers and Detectives must ensure this information is properly recorded in departmental reports and made part of the Prosecution file.
- b. This obligation to report includes that which comes to the attention of the officer after prosecution has begun or is completed.
- c. Investigators will investigate exculpatory information to determine its validity to the extent required by the District Attorney.

D. Recording of Statements and Confessions

- 1. The circumstances surrounding the conduct of interrogations and recording of confessions shall be fully documented. This includes but is not necessarily limited to;
 - a. location, date, time of day and duration of interrogation;
 - b. the identities of officers or others present;
 - c. Miranda warnings given, suspect responses and waivers provided, if any; and
 - d. the nature and duration of breaks in questioning provided the suspect for food, drink, use of lavatories or for other purposes.
- 2. Officers shall electronically record custodial interrogations involving serious crimes as defined by this department. Officers should record noncustodial interviews with suspects, witnesses, or victims during the initial interview phase of an investigation.

3. Electronic recording of juveniles shall be conducted in a juvenile processing room equipped with audio and video recording devices.
4. If electronic recordings cannot be conducted due to equipment failure, lack of suspect cooperation, or for other reasons deemed pertinent to successful interrogation by the case manager, the basis for such occurrences shall be documented. This includes but is not limited to spontaneous declarations or other statements not elicited by police questioning.

5. Recording Protocol

- a. Suspects do not have to be informed that they are being recorded unless required by law.
- b. Interrogations and confessions shall be recorded in their entirety starting with the interrogator's entrance into the interview room and concluding upon departure of the interrogator and suspect.
- c. When commencing the recording, the primary interrogator shall ensure that voice identification is made of officers, suspect, and any others present, and that the date, time, and location of the interrogation is verbally recorded.
- d. When beginning a new recording, the interviewer shall announce the date and time that the interrogation is being resumed.
- e. Each recording shall include the following:
 - i. Declaration of the time the recording began.
 - ii. Declaration of the start of the interrogation.
 - iii. Concurrence by the suspect that the interrogation has begun.
 - iv. Administration of Miranda warnings, even if the recording is a follow up to a prior interview or the suspect has been previously Mirandized.
 - v. Notation of the time the interrogation ends.
 - vi. Any lapse in the recording for comfort breaks or other reasons shall be accounted for on the recording. As an alternative, during a short recess, the recording may continue without interruption. Recording attorney-client conversations is prohibited.
 - vii. At the conclusion of the interrogation, the interrogator shall state that the interrogation is concluded and note the date and time of termination. The recording shall continue until all parties have left the interrogation room.
- f. Recordings of interviews are considered evidence and shall be handled as such. In addition, the following shall apply:
 - i. The reporting detective's follow-up report shall note if and how the interview was recorded.

- ii. All recordings shall be governed by this department's policy and procedures for the handling and preservation of video/audio evidence.

E. Collection, preservation, and use of physical evidence

1. Physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.
2. All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge.

IX. CONSTITUTIONAL REQUIREMENTS: GENERAL

Compliance with constitutional requirements during criminal investigations

1. All officers when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Officers shall ensure that:
 2. All statements or confessions are voluntary and non-coercive.
 3. All persons are advised of their rights in accordance with this general order.
 4. All arrested persons are taken promptly before a magistrate for formal charging.
 5. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.
 6. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial.

X. RELATIONSHIP WITH DISTRICT ATTORNEY

- A. All personnel shall respond to requests for appointments from the District Attorney, be on time, and have the subject for discussion ready.
- B. In every contested case, misdemeanor or felony, the officer involved should make an appointment with the District attorney or his or her assistant to discuss the case before trial.
- C. During any investigation (or during planning for arrest or pretrial stages), any questions of law or criminal procedure shall be addressed to the District attorney. Questions on law-enforcement procedures shall be addressed to the on-duty or on-call supervisor.

- D. The District attorney may advise the Chief of Police of any cases where a decision was made not to prosecute or where the case was dismissed because of mishandling or error by an officer.



XI. DISPOSITION OF CASES

- A. The officer or investigator shall maintain files of all cases assigned to him or her. To the extent possible all cases should be handled through RMS. Supplementary reports, statements, photographs, lab reports, reports of disposition of any property stolen, confiscated, recovered, or otherwise pertinent to the case, arrest reports, and anything else the investigator deems pertinent will be uploaded or placed in an appropriately labeled case file.
- B. When the investigation is complete, the investigator shall close the case under (and document in RMS) one of the following labels:
1. Cleared (by arrest) - An arrest has been made in this case.
 2. Exceptionally Cleared - The identity and address or exact location of the culprit is known and sufficient evidence to obtain a warrant exists. However, due to some reason outside the control of the police, no arrest will be made. Examples: Complainant will not prosecute; District attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and no charges will be placed by the department.
 3. Unfounded - The offense did not really occur in the first place, although at the time of the original report, it was believed to have occurred. If the investigation has exhausted all leads, yet the possibility remains that new facts may come to light given future inquiry, the case shall remain open.
 4. Suspended Pending Inactive - All leads have been exhausted. No further investigation is possible or practical until new leads develop.
- C. The officer's or investigator's supervisor shall approve the case closure.
- D. Upon closing the case, the case file is forwarded to the records custodian for filing.

XII. FILING OF CRIMINAL CASES

- A. A case report should be filed with the DA's office within 10 days of a defendant's arrest unless the District Attorney's office requires lab results prior to filing.
1. Defendants currently incarcerated should have their case report filed within 10 days.
 2. Felony Drug cases and misdemeanor DWI cases pending lab results cannot be filed until the results are returned from the lab and must be filed within 10 days of receiving the lab report.
 3. Exceptions to filing deadlines must be approved by the Chief of Police.

- B. The Argyle Police Department is a participant of E-filing with the Denton County District's Attorney's Office (DA).
- C. All criminal cases filed with the DA's office must have:
 - 1. A Denton County Case Report cover sheet (DA Form).
 - 2. A complete criminal history.
 - 3. A signed probable cause affidavit. (required on all misdemeanor offenses)
 - 4. A copy of the CR-43 or CR-43J with the TRN and TRS number provided.
- D. All adult felony drug cases filed must have:
 - 1. Narcotics Case Checklist (DA Form)
 - 2. Lab submission form and results, unless the defendant is still incarcerated.
- E. All juvenile felony drug cases filed must have:
 - 1. Narcotics Case Checklist (DA Form)
 - 2. Lab submission form
 - 3. Juvenile cases must be filed within 10 days.
- F. All criminal cases filed must include all video, audio and photographic evidence available when filed this includes, but is not limited to the following:
 - 1. 911 recordings.
 - 2. In-car and body worn camera videos
 - 3. Assisting agencies' video(s) and supplements
 - 4. Interview room video
 - 5. Recorded statements of defendants or witnesses
 - 6. Evidentiary photographs
- G. All Accident Involving Damage to Vehicle and Duty upon Striking an Unattended Vehicle/Object cases shall include a written damage estimate at the time the case is filed.
- H. In no event shall digital images which depict a child younger than the age of 18 years of age who is engaging in sexual conduct as describe in the Texas Penal Code be transmitted via the Denton County e-file system. Users shall manually file all cases containing information pertaining to these child victims.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.41 Crime Scene Processing	
	Effective Date: 16MAR12	Replaces:
	Approved:  <small>Chief of Police</small>	
Reference: TBP: 12.02.1		

I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. It is imperative, therefore, that each officer carefully process a crime scene not to overlook or contaminate or destroy evidence. Physical evidence appears in many shapes, sizes and forms, thereby necessitating various recovery, preservation, and submission techniques. The officer or investigator shall be prepared to collect, identify, and package the evidence so that it will not be changed in form and value when it reaches the laboratory. The officer collecting the evidence shall maintain a chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law.

II. PURPOSE

To establish responsibilities for officers/investigators in processing crime scenes and to establish guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory.

III. DEFINITIONS

- A. Chain of custody - The chain of custody is the series of documented links between the time the evidence was obtained until presented in court. The links are officers who handled the evidence, and where and when they did so.
- B. Exclusionary rule - The exclusionary rule requires that evidence seized or discovered in violation of the suspect's Fourth, Fifth, and Sixth Amendment rights cannot be admitted in court.

- C. Evidence - Any substance or material found or recovered in connection with a criminal investigation.
- D. Evidence custodian - The evidence custodian is the employee designated by the Chief to have administrative oversight over all found or confiscated property which comes into departmental possession.

IV. PROCEDURES - General crime scene processing

- A. Depending on the nature of the crime and the type of evidence present, patrol officers will normally collect and submit physical evidence to the extent they have been trained and have the equipment to do so. Normally patrol officers will collect and submit evidence on misdemeanor offenses and some felony offenses where a document, video evidence, photographs or latent print are the only physical evidence present.
- B. The department has a number of investigators trained and equipped to collect physical evidence. Patrol officers will contact their supervisor and the supervisor will determine the need for an agency assisted crime scene where the evidence present is beyond the capabilities of the officers training or equipment.
- C. The officer/investigator responding to a crime scene shall make a determination of equipment needed for processing. The department maintains a complete evidence collection kit to include a camera, film, sketching equipment, fingerprint recovery tools, blood recovery materials, tweezers, scissors, boxes, bags, envelopes, tape, marking tools, evidence tags, and materials for lifting impressions (footprints, tire tracks).
- D. The property and evidence form/section in OSSI Sungard shall be used to document all property and evidence coming into custody of the department.
- E. Officers and investigators shall use the following general order of processing crime scene unless reason dictates otherwise.
 - 1. Before moving objects or collecting evidence at major crime scenes (except where necessary to help a victim, apply first aid, or handle a suspect), officers will photograph the scene. Photographs should start at the edge of the property and progress into the scene as needed to show the scene and relationship of the evidence present. Close up photographs of each piece of evidence will be taken with and without a measuring device in the picture.
 - 2. At major crime scenes, investigators will also prepare a sketch of the scene. Sketches of any crime scene will be done if it will show relationships or locations of where evidence is collected.

3. Before collecting any item of evidence, take measurements using triangulation or the coordinate method and record.
4. Collect perishable evidence first. Perishable evidence such as fresh blood, blood-stained objects, physiological stains and tissue, or biological material shall be collected only by a trained evidence technician who shall arrange to submit the material to a lab.
5. If the immediate destruction of evidence is not a concern, work through the scene systematically, collecting in a logical sequence, trying to avoid disrupting other items of evidence.
6. Collect comparison samples: The forensic laboratory can only compare known items with those showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items of hairs, fibers, paint, glass, soil, and tool marks.
7. Once perishable and other evidence has been collected, fingerprints shall be identified and lifted where possible. If transporting evidence may damage or destroy the latent prints on it, then the evidence shall be processed for prints at the scene.
8. Take overall measurements, obtaining wall, room, and building measurements is one of the last operations to be performed in processing the crime scene. The overall measurements are vital in the production of the final crime scene sketch but must be obtained last so as not to damage or destroy items of evidence.
9. Conduct a final organized search. Conduct a final, thorough search of the crime scene in case evidence may have been overlooked. Wherever possible, on a final search use an officer who has not participated in processing the scene.
10. The officer processing the crime scene shall list each item collected on the evidence recovery log. Note the following information for each item.
 - a. A complete description of the item (including make, model, and serial numbers, if any);
 - b. The source (from whom or location from which the item was obtained); and
 - c. The name of the person collecting the item.
11. The officer/investigator processing a crime/incident scene shall prepare a report giving an accurate account of events. This information shall be placed in a supplement to the offense/incident report.

12. All evidence shall be properly and prominently tagged or identified.
13. Officers shall observe principles regarding the legal use of physical evidence. Officers shall rigorously maintain the chain of custody of all evidence and shall always remain mindful of constitutional safeguards. If officers are not scrupulous in observing these safeguards, then the exclusionary rule may prohibit key evidence from being introduced at trial and the case may be lost or dismissed.

V. PROCEDURES - Evidence and property control

A. Collection of evidence

1. When collecting evidence, the officer shall use tongs or tweezers where possible. The officer shall avoid touching the evidence with his hands or anything that might contaminate the item.
2. Officers shall wear gloves while processing any crime scene. When collecting and tissue or bodily fluid evidence, officers shall discard the gloves and put on a new set after collecting each separate evidentiary item.
3. In collecting evidence, officers shall remain mindful about the possibility of contagion if the crime scene contains body fluids. Further, some evidence may consist of hazardous chemicals or waste products, explosives, or highly combustible materials. The evidence custodian in consultation with an evidence technician shall decide the best disposition of such items.
4. If a firearm is present at the crime scene, do not unload it. The evidence technician shall unload the weapon: the evidence technician must examine the weapon in its exact condition as when it was discovered.

B. Marking evidence

1. In many instances, marking and labeling evidence may represent a single process. In instances where the evidence is large, complete identifying data may be recorded directly on the evidence to include the officer's name, date, time, location of recovery, item number, and case number.
2. In other instances, the small size or nature of the item collected will not permit complete information to be noted directly on the item. In these instances, the container or attached tag shall be marked with appropriate information.

3. The evidence technician or the officer searching the crime scene shall mark similar items in the same place to save time and embarrassment in looking for the identifying marks when asked to identify the evidence in court.
4. Instruments which may be used for marking physical evidence include permanent markers (felt tip pens), scribes (diamond tip or awl), or where labels are used, ballpoint pens.
5. The officer who collects the evidence shall mark it.
6. Each officer or investigator shall develop his own identifying mark, normally his or her initials.

C. Packaging items of evidence

1. The officer who collects the evidence shall choose a container suitable to the type of evidence for packaging. Considerations in choosing the proper container include:
 - a. The size and weight of the item.
 - b. Whether the item is moist or wet (which could rot or deteriorate if packaged in plastic or an airtight container for an extended time).
 - c. Avoid any contamination of evidence by packaging all items separately.
 - d. Pack the item to minimize interior movement within the package.
 - e. Seal the package with evidence tape and initial or sign across the seal.
 - f. Label the exterior of the package before placing the evidence within it.
2. Special circumstances
 - a. Weapons
 - i. No officer shall, under any circumstances, personally retain custody of any found or confiscated weapon.
 - ii. Officers bringing weapons into custody shall inspect them to ensure their safe storage. All firearms shall be unloaded before storage.
 - iii. The recovering officer or investigator shall check all confiscated or found weapons against NCIC/TCIC files.
 - b. Narcotics
 - i. Items should be weighed in their original container and should not be handled by the officer or dumped onto the scale.

- ii. Items should be packaged individually for ease of processing by the laboratory in accordance with their established policy.

c. Alcohol

- i. All containers of alcoholic beverages shall be sealed or contained to avoid any chance of leakage.
- ii. The only alcoholic beverages that are considered contraband are those seized from underage persons whose possession is in itself illegal. If not destroyed at the scene on video, the contraband alcoholic beverages shall be destroyed upon conclusion of legal proceedings after following all procedures of the local office of the Texas Alcoholic Beverage Commission.
- iii. Alcoholic beverages seized or recovered which are not contraband or evidence shall be returned to the owner.



D. Preservation and submission of evidence to the forensic laboratory

1. Under normal circumstances, the officer or investigator who processed the crime scene coordinates with the evidence custodian for submitting evidence to the forensic laboratory.
2. Where more than one officer processed the scene, the on-duty supervisor shall choose an officer to take custody of all collected evidence and coordinate with the evidence custodian for submitting it to the laboratory for analysis.

E. Preservation of perishable or deteriorating items:

1. When a rapidly deteriorating item of evidence has been collected (for example, a liquid sample of semen, a blood-soaked shirt), it shall be transported to the forensic laboratory the same day, if at all possible.
2. Any time an officer transports a perishable item to the laboratory for immediate analysis, the laboratory shall be called first so they will be ready to receive it.
3. In cases where immediate transport to the forensic lab is not possible, air dry (no more than one week) and transport to lab.
4. Where appropriate, submit known specimens of evidence so that comparisons can be made. The investigating officer shall be responsible

for obtaining any required known specimens and submitting them, along with the items of evidence, to the forensic lab for analysis and comparison.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.42 Eyewitness Identifications	
	Effective Date: 01JUL21	Replaces: 25JUN12
	Approved:  Chief of Police	
	Reference: 7.32	

I. POLICY

Eyewitness identification is a frequently used investigative tool. This Policy is designed to maximize the reliability of identifications, minimize unjust accusations of innocent persons, and to establish evidence that is reliable, and which conforms to established legal procedure.

II. PURPOSE

It is the purpose of this policy to establish department guidelines for photographic line-up identification and field identification procedures. The procedures in this policy are applicable when a person is known to an investigator and is suspected of criminal involvement in the incident under investigation.

III. DEFINITIONS

- A. **Administrator.** The person charged with presenting a photographic line-up to a witness.
- B. **Assigned Investigator.** The officer primarily responsible for investigating an incident.
- C. **Blind Administrator.** An administrator who does not know the identity of the suspect or the suspect's position in the photographic line-up.
- D. **Blind Manner.** The presentation of a photographic line-up by either a blind administrator or a blinded administrator.
- E. **Blinded Administrator.** An administrator who may know the identity of the suspect, but does not know the suspect's position in the photographic line-up.
- F. **Field Identification.** The presentation of a suspect to a witness following the commission of a crime for the purpose of identifying and/or eliminating a possible suspect.

- G. **Fillers.** The photographs used in a photographic line-up whose race, sex, age, height, weight, hair style, and general appearance resemble the suspect.
- H. **Illiterate Person.** An individual who speaks and understands English but cannot read and write English.
- I. **Interpreter.** An individual with the necessary skills that enable them to communicate with an illiterate person or a person with limited English proficiency to the degree they can ensure the person clearly understands all instructions given to them prior to viewing a suspect in any identification procedure.
- J. **Live Lineup.** The presentation of individuals, including a suspect, in person to a witness, usually in a manner preventing the individuals from seeing or identifying the witness, for the purpose of identifying and/or eliminating suspects.
- K. **Person with Limited English Proficiency.** An individual who is unable to communicate effectively in English with a level of fluency that is typical of a native English speaker. Such a person may have difficulty speaking, reading, or writing in English and includes persons who can comprehend English, but are physically unable to write.
- L. **Photographic Line-up.** A collection of photographs including a suspect photograph and *filler* photographs that are placed in random order and shown to a witness for the purpose of identifying and eliminating suspects.
- M. **Sequential Viewing.** An identification procedure in which photographs are shown one at a time to a witness.
- N. **Simultaneous Viewing.** An identification procedure in which all photographs are shown at the same time to a witness.
- O. **Suspect.** An individual who has been specifically identified by the investigation as possibly being the person who committed the crime.
- P. **Witness.** A term referring to a complainant, victim, eyewitness, or any other form of witness to an incident.

IV. GENERAL PROCEDURES FOR LINE-UPS

- A. Live line-ups will not normally be used due to the difficulty of administration and the difficulty in obtaining sufficient number of individuals with similar physical characteristics. Should an investigator determine a need for a live line-up, the investigator should contact the District Attorney for procedural and technical assistance and the line-up should be carried out at a facility conducive to performing a live line-up and with the intent of this policy in mind.

- B. Photographic Line-ups are approved for use by this department if the following procedures are followed. Photographic identification of suspects by witnesses should supplement other investigative actions and/or evidence.

V. PREPARING PHOTOGRAPHIC LINE-UPS

A. The Assigned Investigator is responsible for:

1. Preparing the photographic line-up, including selecting the fillers and ensuring each of the photographs are numbered or lettered for later reference. Whenever possible, the investigator will contact the Texas Department of Public Safety (DPS) to request a group of drivers license photos, to include the suspect, which are similar in physical characteristics to the suspect.
2. Determining before any presentation if the witness is deaf, illiterate, or has limited English proficiency. If the witness is deaf, illiterate, is non-English speaking, or has limited English proficiency, the investigator will arrange for assistance to translate the Photographic Lineup Form in the language of the witness or otherwise assist the witness in understanding the instructions before proceeding. The identification of the assisting individual will be documented as well as the assistance provided.
3. Obtaining a sworn law enforcement officer who is familiar with the contents of this policy and understands the line-up presentation process to act as a blind administrator of the line-up. The investigator will also give the officer who is administering the line-up a copy of written directions to follow during the line-up process.
4. Preserving the photo line-up, whether an identification is made or not, together with full information about the identification process for future reference, by placing the photos in their original condition, the Photographic Lineup Form, and audio/video recording of the administration process into evidence after the procedure.
5. Preparing the photographic line-up; the Assigned Investigator should:
 - a. Include only one suspect in each identification procedure.
 - b. Select fillers that generally fit the witness' description of the perpetrator. Fillers should be selected where no person stands out from the others.
 - c. Use photographs of individuals who are reasonably similar in age, height, weight, and general appearance and of the same sex and race. Avoid use of fillers that so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

- d. If multiple photos of the suspect are reasonably available to the investigator, select a photo that resembles the suspect's description or appearance at the time of the incident.
- e. Include a minimum of five fillers per identification procedure.
- f. Avoid reusing fillers in lineups shown to the same witness if showing a new suspect.
- g. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness. Do not mix color and black and white photos.
- h. Use photos of the same size and basic composition. Mug shots should not be mixed with other photos. If mug shots are to be used, cover any portions that provide identifying information about the subject.
- i. All individuals in the photographic line-up and/or the origin of the photos should be known to the investigator, if possible.
- j. Photos should be reasonably contemporary.
- k. Do not use more than one photo of the same suspect.
- l. If there is more than one suspect, include only one suspect in each line-up presentation.
- m. View the array, once completed, to ensure that the suspect does not unduly stand out.

B. The Administrator (who may be the assigned investigator) is responsible for:

- 1. Ensuring that everyone associated with the line-up is familiar with the contents of this policy and the line-up presentation process.
- 2. Ensuring the photographic line-up is presented in a manner consistent with this policy.
- 3. Documenting the conduct and results of the line-up presentation in the manner approved within this policy.
- 4. If a blind administrator is utilized, returning all line-up materials and documentation to the assigned investigator.

VI. PRESENTING PHOTOGRAPHIC LINE-UPS

- A. It is the intent of this department to present all photographic line-ups to witnesses in a blind manner and using a sequential presentation of the photographs.

- B. If a department sworn member is not available to conduct the lineup, a blind administrator or a sworn member of another local agency may be used. The assigned investigator preparing the lineup should ensure the assisting officer is given a copy of written directions to follow during the line-up process.
- C. Police personnel present at the presentation should not make any suggestive statements or take any other actions that may influence the judgment or perception of the witness.
- D. Prior to beginning the presentation, determine if the witness has seen the suspect at any time since the crime occurred (whether in person or in newspaper or television reports, etc.) If so, contact the assigned investigator to determine if the identification process should continue. Document this action in the supplement report.
- E. Provide the witness with a Photographic Lineup Form and explain the instructions for the line-up. Instructions given to the witness prior to viewing a photographic line-up can facilitate an identification or non-identification based on the witnesses' memory. The officer conducting the line-up should (1) Read the instructions and admonitions verbatim from the form, (2) ensure the witness understands the instructions before proceeding, (3) obtain the witness' signature indicating they understand the procedure, and (4) sign the form as "Administrator." Any instruction given to the witness prior to the procedure shall include a statement that the person who committed the offense may or may not be present in the procedure.
- F. Show the witness the photographs in a random order, one at a time, sequentially, and document the order shown. Remove each photograph from the witness prior to providing a new one. Allow the witness to see only one photograph at a time.
- G. If the witness identifies a suspect, record the number or other identification of the photograph and ask the witness for a statement of how confident they are about their identification. No person shall suggest wording of any kind to the witness. If the witness seeks clarification an officer shall only reply that the statute requires the statement of confidence to be in the witness's own words.
- H. Show the remaining photographs even if a suspect is identified.
- I. Complete the Statement of Witness portion of the form, including documenting the witness' confidence statement in their own words, regarding how certain they are of any identification. Have the witness complete and sign the appropriate portion of the form. Return all files, photographs and forms to the assigned investigator and complete an offense supplement on the identification procedure.
- J. Do not provide any feedback of any kind to the witness during the procedure including whether or not the suspect was picked.

VII. DOCUMENTATION OF PHOTOGRAPHIC LINE-UPS

All presentations of photographic lineups to witnesses will be video and audio recorded unless the below issues prevail. The recording device will be turned on prior to entering the room and all parties will be identified. Upon completion of the presentation process, the video/audio recording will be placed into evidence per agency policy. The administrator will also complete a detailed supplement report outlining the line-up presentation process and results. The recording, supplement report and original of all photographs and the Photographic Line-up Form will be returned to the assigned investigator.

If the witness is afraid or refuses to be recorded, or if the identification process might put the witness in danger if subsequently identified, a detailed written report in an offense supplement outlining the line-up presentation process and result will substitute for the video and audio taping. Information shall be included in the report as to why the recording process was not used.

VIII. FIELD IDENTIFICATION PROCEDURES

The use of field identification should be avoided whenever possible in preference for the use of a photographic or live lineup. If there is some question regarding whether an individual stopped in the field may be the right suspect, an attempt at field identification may prevent the arrest of an innocent person. Therefore, when circumstances require the use of field identification the following guidelines should be followed:

A. Procedures to Using Field Identifications

1. Supervisory approval should be obtained prior to any Field Identification. The officer is responsible for ensuring the witness is able to understand the instructions given by officers. If the witness is deaf, illiterate, or has limited English proficiency, the officer will provide for an interpreter or other assistance, or not continue with the field identification.
2. Single suspect field identification shall not be used if there is adequate probable cause to arrest the suspect.
3. A complete description of the suspect should be obtained from the witness prior to conducting field identification. If the witness indicates they are unsure if they can identify the individual, field identification **will not** be done.
4. Whenever possible, the witness should be transported to the location of the suspect rather than bringing the suspect to the witness.
5. Field identifications should not be attempted more than two hours after the commission of a crime.

6. Field identification should not be conducted when the suspect is in a patrol car, handcuffed, or physically restrained by police officers, unless such protective measures are necessary to ensure safety.
7. Field identification should only be conducted with one witness present at a time. If the field identification is conducted for more than one witness, it should be done separately. If one witness positively identifies the individual, consider making an arrest and using the above photographic lineup procedures for other witnesses.
8. The same suspect should not be presented to the same witness more than once in either field or photographic line-ups.
9. Field identification suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
10. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator will be avoided.

B. Documentation of Field Identifications

1. The officer conducting a field identification, after supervisory approval, should use the Field Identification Form to inform the witness of the procedure and obtain evidence of their understanding of the procedure.
2. The Officer will video/audio tape the witnesses viewing using either the in-car or body worn camera system and document the witness' comments regarding the suspect on the Field Identification Form. The Form will be given to the assigned investigator who will include the Form in the original Case Report.

ARGYLE POLICE DEPARTMENT

Photographic Lineup Form

Case Number: _____

Admonition: Read the following to the witness:

1. You will be shown a number of photographs.
2. I have been asked to show these photographs to you, but I do not know the identity of the perpetrator.
3. These photographs are numbered, and I will show them one at a time, in a random order. Please take as much time as you need before moving to the next photograph.
4. All of the photographs will be shown even if you make an identification.
5. The person who committed the crime may or may not be in this lineup and you should not feel compelled to choose anyone.
6. Regardless of whether you make identification, we will continue to investigate this incident.
7. If you recognize anyone, please tell me which photograph you recognize and how or why you recognize the individual.
8. You should not discuss the identification procedure or its results with other eyewitnesses involved in the case and should not speak with the media regarding any identification you may make.
9. If you make an identification, I am required to ask you to state in your own words, how certain you are if you make an identification.

I, _____ understand the above information.

Lineup Administrator: _____

Order of Photographs shown: _____

Statement of Victim/Witness:

On the ___ day of _____, 20___, at ___ o'clock __m), I viewed a Photo lineup. This lineup contained photographs of _____ persons.

I did identify the person with the number _____.

Identification comments / Level of certainty: _____

Viewer's Signature: _____

I was unable to positively identify any of the persons in the lineup.

Viewer's Signature: _____

Other persons in attendance during lineup-including any translator if used:

Name and Address: _____

Name and Address: _____

ARGYLE POLICE DEPARTMENT

Field Identification Form

Case Number: _____

Read the following to the witness:

1. You will be advised of the procedures for viewing the field identification.
2. The fact that an individual is being shown to you, should not cause you to believe or guess that the guilty person(s) has been identified or arrested.
3. This *may or may not* be the person who committed the crime.
4. You are in no way obligated to identify anyone. It is as important to clear the innocent as it is to identify the guilty.
5. Regardless of whether you make an identification, the police will continue to investigate this incident.
6. If you recognize anyone, please tell me how you recognize the individual. We are required to ask you to state in your own words, how certain you are of any identification.

I, _____ understand the above information.

I understand the need to describe my level of certainty regarding identification and after viewing the person(s) shown have identified them as _____

Viewer's Signature: _____

Officer's printed name: _____

Officer's signature: _____

Other persons in attendance during field identification.

Name and Address: _____

Name and Address: _____



ARGYLE POLICE DEPARTMENT

Policy 7.44 Sex Offender Registration

Effective Date: 26MAR12

Replaces:

Approved:

[Signature]
Chief of Police

Reference: TBP: 7.31

I. POLICY

Police Departments are required by law to register sex offenders who intend to reside within their jurisdiction. Citizens of our town expect the department to be protective of their children by registering registered sex offenders and ensuring they comply with the terms of their court imposed requirements. The Argyle Police Department will meet those expectations by accurately registering sex offenders, conducting periodic compliance checks to ensure offenders are complying with their requirements, and prosecuting those who fail to do so.

II. PURPOSE

To define procedures for sex offender registrations and compliance checks.

III. PROCEDURES

A. Sexual Offender Registration



1. The Police Administrative Assistant, with the assistance of CID (if needed) will conduct all sexual offender registrations.
2. Sexual Offender registrations require the following steps:
 - a. Address verification.
 - i. Are they in the Town limits? Verified by utility bill, invoice, letter from home owner etc.
 - ii. Are they in a restricted zone as defined by our sex offender safety zone ordinance? (2006-12)
 - b. Status verification.
 - i. If registrant is transferring from another police jurisdiction then The Texas Department of Public Safety (DPS) has implemented the Sex Offender Registration Secure Web Site to allow law enforcement agencies to search, view, verify, and update sex offender registration information in a more timely and secure manner, thereby increasing the accuracy of the Texas Sex Offender Registry.
 - ii. If a new registrant:

- iii. Texas Department of Public Safety Sex Offender registration form CR-35 is completed.
 - iv. Two DPS fingerprint cards are completed
 - v. Two photographs are taken of the offender, front and profile
 - vi. Two photographs are taken of the offender's vehicle, front and profile
 - vii. The white copy on the CR-35, one photograph, and one fingerprint card are sent to the Texas DPS Crime Records Service.
 - viii. The canary and pink copy of the CR-35 form, one photograph and fingerprint card are placed in the offender's folder, which is maintained in the Sexual Offender File.
3. If the sexual offender is convicted of the sex offense after September 1, 1995, the following steps are taken for public notification:
 - a. Public notification of the sexual offender's registration is made in a local newspaper in the following circumstances:
 - i. The offender's victim is a child younger than 17 years of age,
 - ii. The basis on which the person is subject to registration is not an adjudication of delinquent conduct or deferred adjudication,
 - iii. It is not a conviction under section 25.02 of the Penal Code (Prohibited Sexual Conduct).
 - b. The public notification is printed in the newspaper in both English and Spanish.
 - c. The public notice contains the following information:
 - i. The person's age and gender,
 - ii. A brief description of the offense for which the person is subject to registration,
 - iii. The municipality, street name and zip code number where the person intends to reside.
 - iv. A recent photograph or a website where the photograph may be viewed;
 - v. The subject's numeric risk level
4. If the sexual offender's victim is a child younger than 17 years of age (regardless of the basis on which the person is subject to registration), notification is made to the superintendent of the school district in which the person subject to registration intends to reside. A copy of the letter to the superintendent is placed in the offenders file.
5. The notice to the superintendent includes any information that is determined to protect the public except the following:

- a. The offender's social security number, driver's license number or telephone number,
 - b. Any information that would identify the victim of the offense for which the person is subject to registration.
6. No public notifications or notice to school superintendents are made on sexual offenders that are juveniles or that were convicted as a juvenile offender.

B. Sex Offender Compliance Checks

1. Under CCP 62.06, Sex offenders subject to registration are also required to report periodically and at a frequency dependent upon the number of convictions. The department shall maintain a schedule to ensure these offenders report as required and if an offender fails to report properly, shall investigate to determine if a violation has occurred.
2. At least annually, the Criminal Investigations Division personnel will locate the sex offender and update the offenders file with:
 - a. A new photograph
 - b. A new photograph and license numbers of any vehicles the offender owns or has access to.
 - c. New employment information.
 - d. Any new descriptive information (weight, scars, tattoos, etc)
3. If the offender cannot be located, an investigation will be conducted to determine if terms of registration have been violated and if so, a criminal case filed and a warrant issued.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.45 Automated License Plate Readers	
	Effective Date: 25May20	Replaces:
	Approved:  <small>Chief of Police</small>	
Reference:		

I. PURPOSE

The primary purpose of the Argyle Police Department Automated License Plate Reader (ALPR) system is to provide an investigative tool for officers and Criminal Investigative Division personnel. This tool will assist in the detection and apprehension of vehicles and/or persons traveling through the jurisdiction of the Argyle Police Department in a vehicle that has a license plate that has been entered either into the National Crime Index Computer (NCIC) or the Argyle Police Department (PPD) ALPR Hotlist. The ALPR system will assist in the development of leads, which can eventually identify suspects who have committed crimes within the City of Argyle or surrounding municipalities.

II. POLICY

The Argyle Police Department has established this policy for the use and deployment of Automated License Plate Readers (ALPR) to assist in providing safety to the residents of the Town of Argyle. This policy establishes the use of ALPR technology.

III. DEFINITIONS

- A. Automated License Plate Readers (ALPR) – High-speed, computer-controlled camera systems which automatically capture all license plate numbers that come into view, along with the location, date, and time data.
- B. Hotlist - A local listing of vehicle license plates that are associated with:
 - 1. Stolen vehicles and/or stolen license plates
 - 2. Wanted persons
 - 3. Missing persons
 - 4. Vehicles related to, or used in the commission of, a criminal act
 - 5. Registered Sexual Offenders
 - 6. Officer Safety Concerns (including, but not limited to violent offenders, threats towards law enforcement officers and suspected gang members)

IV. PROCEDURE

This policy establishes procedures for the lawful and proper use of ALPR technology while at the same time protecting the rights of residents and motorists traveling on public roadways in the Town of Argyle.

- A. General - The ALPR Program will be managed by the Command Staff of the Police Department to ensure that the equipment is being effectively utilized and maintained. The Chief of Police and Criminal Investigation Division detective will be responsible for establishing the locations for the placement of ALPR system equipment. ALPR locations will be determined based on maximum captures of license plates at points of ingress and egress, and natural traffic choke points where vehicles must pass before entering sections of the Town of Argyle.

At the time of this policy, the Argyle Police Department has been authorized and funded for a total of six (6) ALPR systems, all at fixed locations.

- B. Patrol - Patrol Officers of the Argyle Police Department will be responsible for monitoring the ALPR system via a web-based application. All hits received will sound an alert on the officers' Mobile Data Terminals (MDTs). Upon receiving an alert, an on-duty officer will immediately confirm the captured license plate (photo) as related to a wanted/suspect vehicle through either NCIC, TCIC or the Argyle Police Department Hotlist. Upon visual verification of the license plate, the officer will manually verify the wanted plate to determine if it is still outstanding as wanted.
 - 1. Wanted/stolen license plates that are verified, will result in an immediate response by an officer in that patrol section as a priority event. The Officer shall notify dispatch of the incident and that he/she is responding.
 - a) Stolen License Plates – On all stolen license plate hits, the officer will check the stolen plate through TCIC/NCIC. Should the stolen license plate come back to a vehicle with the same make, model and color of the vehicle that the stolen plate is currently being displayed on, the responding officer(s) shall confirm the Vehicle Identification Number (VIN) to confirm the identity of the vehicle upon making an investigative stop. **Officers should be mindful that Texas requires two license plates.** Therefore, even though a license plate could have been entered as stolen, a vehicle could be displaying the correct matching license plate for said vehicle if the owner had not yet requested or obtained new registration plates.
 - 2. Hotlist Alerts may include specific instructions for the officers in the field. These instructions shall be followed by the responding officer; e.g. *“stop only with probable cause and ID occupants”*.

3. Argyle Police Officers shall be responsible for requesting that Denton County dispatch personnel notify the NCIC/TCIC information submitting jurisdiction of the recovery of any wanted stolen vehicle(s) and the status of any arrestee(s). All notifications shall be made per established NCIC/TCIC protocols.
4. Upon being notified of an ALPR Hit/Alert, on-duty officers will respond to the area of the capture and look for the suspect vehicle. If the vehicle is located, proper traffic stop procedures shall be followed based upon the type of hit, officer observations, and other factors present. Where possible and tactically appropriate, the first officer identifying the wanted vehicle shall wait for adequate back-up before initiating a traffic stop or engaging the vehicle. Felony stops will be conducted where warranted by the situation and officers shall prioritize the safety of the public and responding officers.
5. Argyle Police Officers shall be bound by the restrictions of the Argyle Police Department vehicle use and pursuit policies when weighing whether to pursue vehicles with stolen vehicle ALPR hits.

C. Criminal Investigation Division (CID) responsibilities

1. Detectives shall utilize ALPR data to assist in the identification of suspects involved in criminal activity in the City of Argyle and surrounding areas.
2. Detectives shall have search access capability, enabling them to search the database to aid in criminal investigations.
3. When Detectives utilize ALPR data to assist in the identification of a suspect or vehicle linked to criminal activity, the ALPR data shall be downloaded from the ALPR System and scanned into the investigative incident as evidence.

D. Supervisory responsibilities

1. Supervisors shall monitor radio traffic for incidents where officers are responding to an ALPR hit. Should a vehicle fail to stop for a police unit with all emergency equipment activated, the on-duty Supervisor shall determine if the reason for the ALPR hit, along with other information provided by the responding officer, authorizes a vehicle pursuit based on Argyle Police Department General Orders. Supervisors shall immediately notify officers via the radio to terminate any pursuit which is unauthorized.
2. An on-duty supervisor may make the final determination, if necessary, as to whether to make an arrest or release a subject stopped as a result of an ALPR hit and shall document the incident and his/her decision.

V. ALPR DATA

The Argyle Police Department ALPR system database and capture information are to be used for official law enforcement purposes only.

- A. Personnel shall use the database only for investigative/administrative purposes and shall treat all data as confidential.
- B. Personnel will not enter any license plates into the Argyle Police Department "Hotlist" unless the vehicle and/or known driver/occupant is currently wanted and/or suspected of involvement in criminal activity. All hotlist vehicles shall include an Incident Number and the reason for the vehicle being entered into the system. All vehicles entered in the hotlist shall include an expiration date. In order to enter a license plate into the Local Hotlist Database, an officer should have reasonable suspicion to believe the license plate is directly associated with the person sought (owner, regular driver, regular passenger, driver or passenger involved in previous criminal activity in said vehicle, etc.), or a person or vehicle connected to an officer safety alert or other criminal activity.
- C. ALPR capture data shall be purged after 30 days unless it is evidence or necessary for an on-going investigation.
- D. When personnel become aware of invalid data being contained within the state NCIC/TCIC database, the employee finding the error shall notify the contributing agency and document who was notified by name and title.
- E. The Argyle Police Department may enter into data-sharing agreements with other law enforcement agencies as determined by the Chief of Police.
- F. Use of the ALPR system for unauthorized purposes, including for personal business, may result in discipline up to, and including, termination.

VI. PRIVATELY OWNED/FUNDED ALPR SYSTEMS - The Argyle Police Department recognizes that residents, businesses and/or community organizations such as Homeowner Associations, Apartment complexes, etc. may want to purchase privately owned ALPR systems and link them to the Argyle Police Department network of systems.

- A. All private ALPR systems linked to the Argyle Police Department system must be approved by the Chief of Police.
- B. All data received by the Argyle Police Department shall become subject to all provisions of this policy.

- C. The Argyle Police Department must be provided search capabilities to any linked ALPR system.
- D. The Argyle Police Department shall not be responsible for any costs associated with a privately funded ALPR system.
- E. The Argyle Police Department may not share any TCIC/NCIC information with the owner of any privately owned ALPR system.
- F. Privately owned ALPR systems must meet all local government right of way ordinances, rules and regulations.
- G. The Argyle Police Department will not actively monitor any privately owned ALPR or Video system.