

# Kempner Police Department Manual

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By the City of Kempner Police Department

This manual has been compiled from the Texas Best Practices (TBP) manual and modified to meet the needs of a city the size of Kempner. All references herein to TBP may be found on-line at [TBP.gov](http://TBP.gov).

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<b>KEMPNER TEXAS POLICE DEPARTMENT</b>	
<b>Policy 1.1 Mission, Values, and Written Directive System</b>	
<b>Effective Date: 11/18/16</b>	<b>Publish Date: 02/17/17</b>
<b>Approved: <u>Forrest Spence, Chief of Police</u></b>	
<b>Reference: TBP 1.04</b>	

## I. POLICY

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

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

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

## II. PURPOSE

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

## III. AGENCY MISSION AND VALUES

### A. Mission:

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

## B. Core Values

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

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

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

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

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

## IV. DEFINITIONS

A. Policy: A policy is a statement of the department's philosophy on a given issue.

1. Policy consists of principles and values that guide the performance of department employees.
2. Further, policy is based upon ethics, experience, the law, and the needs of the community.
3. Each section of the manual will begin with an agency policy statement.
4. Only the Chief of Police determines policy.

B. Rule: A rule is a specific prohibition or requirement governing the behavior of employees.

1. Rules permit little, if any, deviation. The violation of a rule normally results in discipline.
2. Rules appear in the *Policy and Procedure Manual* as well as other departmental documents.

C. Procedure: A procedure defines the acceptable method of performing an operation or activity. It differs from policy in that it directs employees' actions in performing specific tasks in a prescribed manner within the guidelines of policy.

1. Failure to follow a procedure may or may not result in disciplinary action, depending on the circumstances.
2. Procedures constitute the agency-approved guide to performing tasks.

3. Employees may depart from procedures only when, in their professional judgment, the situation warrants.
  4. Employees must be prepared to justify their actions if they decide not to follow the defined procedure.
- D.** Memorandum: A memorandum provides useful, specific information to employees and may constitute a directive affecting specific behavior for a specific event or period of time, and is usually self-canceling.

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

## **V. WRITTEN DIRECTIVES**

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

Texas law and operations. Revisions may be made at any time. Once a revision is approved and published, each employee shall be deemed to be on notice with regards to the current version.

NOTE: The office of the Chief of Police is responsible for distribution of all material to the employees of the department. A system for ascertaining that each employee has received the material must be set up and maintained. It must include a method for determining that each employee has received the information.

## **VI. COMPLIANCE WITH DIRECTIVES**

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

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 1.2 Jurisdiction, Organization, and Authority</b>	
<b>Effective Date: 11/15/16</b>	<b>Publish Date: 02/17/17</b>
<b>Approved: <u>Forrest Spence, Chief of Police</u></b>	
<b>Reference: TBP 1.01, 1.05, 1.06, 1.07, 2.03, 3.07, 6.05 and 8.10</b>	

**I. POLICY**

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

**II. PURPOSE**

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

**III. AUTHORITY AND AGENCY JURISDICTION**

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

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

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

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

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

1. The City Ordinance #2016-01-12-001 authorizes the creation of a police department to be headed by a Chief of Police. The Chief of Police is responsible for directing all activities of the department. This direction is accomplished through written and oral orders as well as by personal leadership. Written orders take the form of general orders, standard operating procedures, and other directives as needed.
2. The department consists of a police Chief, one sergeant, and as many Police Officers as the City Council determines are required to protect and serve the community and otherwise support or carry out the department's objectives.

##### **B. Chain of Command and Succession**

1. The Police Chief has full control over departmental activities. In the absence of the Police Chief, the Sergeant shall take command and notify the Chief of all major decisions that he or she may make. If the Chief and the Senior Sergeant are not available, then the senior patrol officer shall take command until a ranking officer is available, and shall make any necessary reports to the Chief.
2. Supervisors shall, without specific instructions, undertake the required details and assignments necessary to carry out the business of the department. Supervisors shall be guided in the assignment of personnel by the number of officers available for duty and the necessity to assign them where they will be most useful.
3. Plans for any event utilizing departmental personnel will clearly delineate the command structure and outline the span of control.



### C. Authority and Responsibility

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

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

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

### E. Organizational Chart

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

## F. Oath of Office Required

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

## G. Authority to Carry Weapons and Use Force

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

## H. Off-Duty Authority

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

4. Prohibitions of Off-Duty Arrests: Despite the fact that a police officer has police powers and responsibilities 24 hours a day throughout the jurisdiction, the off-duty officer generally should not attempt to make arrests or engage in other enforcement actions when the provisions of this section are not met or when any of the following circumstances exist:
  - a. The officer is personally involved in the incident underlying the arrest.
  - b. The officer is engaged in off-duty employment of a non-police nature.
  - c. The officer's ability or judgment to use a firearm or take a person into custody has been impaired by use of alcohol, prescription drugs, or other medication, or by a physical ailment or injury.
  - d. A uniformed police officer is readily available to deal with the incident.
  
5. Off-duty officers in plain clothes shall follow all orders issued by uniformed officers without question or hesitation during enforcement encounters and shall identify themselves as law enforcement officers as prescribed by departmental training. The department's training authority shall establish protocols (including the use of signs and signals) for recognition of off-duty officers in plain clothes so as to reduce the potential of misidentification of such personnel during enforcement encounters. Such protocols shall be reviewed periodically during in-service training.

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 1.5 Mutual Aid</b>	
<b>Effective Date: 11/15/16</b>	<b>Publish Date: 02/17/17</b>
<b>Approved: <u>Forrest Spence, Chief of Police</u></b>	
<b>Reference:</b>	

## I. POLICY

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

## II. PURPOSE

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

## III. PROCEDURE

### A. Jurisdiction

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

### B. Mutual Aid

1. For the purpose of this policy, mutual aid is defined as the assistance given or asked for between the department and other law-enforcement agencies during emergencies. The circumstances that require mutual aid can include one or more of the following situations:

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

**C. Statewide Law-Enforcement Support.**

1. The department is a member of and participates in the use of the Statewide Interdepartmental Radio System (SIRS) and complies with the procedures for its use. A copy of these procedures can be found posted in the department communications office.
2. The department participates in the use of the Texas Crime Information Center (TCIC) and complies with the procedures for the use of this exchange. In addition, the department participates in the Uniform Crime NIBRS Reporting system administered by the Texas Department of Public Safety.
3. Some state-owned law-enforcement resources may be made available to the department for special use. These resources, and the state agency to contact, include:
  - a. Special Weapons and Tactics (SWAT) teams.
  - b. Canine teams: DPS. Canine teams, if requested, shall be used only to track, and great caution shall be used in deploying teams in heavily populated or congested areas. Handlers are responsible for compliance with their own agency policies and procedures.
  - c. Helicopter or fixed-wing aircraft: DPS. Normally the Chief of Police requests the use of this equipment in advance from the DPS director. The equipment may be available on an emergency basis.
  - d. Polygraph: DPS
  - e. Riot truck and equipment: DPS.
  - f. Bomb disposal: DPS.

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

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

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 1.6 Departmental Reports</b>	
<b>Effective Date: 11/18/16</b>	<b>Publish Date: 02/17/17</b>
<b>Approved: <u>Forrest Spence, Chief of Police</u></b>	
<b>Reference:</b>	

**I. POLICY**

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

**II. PURPOSE**

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

**III. ADMINISTRATIVE REPORTS**

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

The annual report is used to determine the following:

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

#### **IV. POLICE RECORDS**

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

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

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

#### **VI. DEPARTMENTAL FORMS**

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



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

**I. POLICY**

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

**II. PURPOSE**

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

**III. CODE OF ETHICS**

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

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

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

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

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

I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

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

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

#### **IV. DEFINITIONS**

##### **A. Affirmative Duty**

The personal responsibility and obligation of an employee to report wrongdoing rather than providing such information only when requested.

##### **B. False Report**

A report that is not made in good faith, based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or made with the purpose of harassing or wrongly incriminating another employee.

##### **C. Good Faith**

A report that provides allegations concerning an employee who is reasonably believed to have purposely committed a serious violation of departmental policy, procedures, rules, or laws.

##### **D. Retaliation**

Retaliation of the following kinds is designed to serve as retribution against an employee who, in good faith, has filed a complaint against another employee. In the context of this policy, retaliation includes any deliberate, purposeful actions or failures to act, directed against employees that cause, or that could reasonably be expected to cause, physical harm, property damage, significant emotional stress, or otherwise negatively affect another employee's terms or conditions of employment or that could seriously impair the efficiency, safety or effectiveness of that employee, this department, or both. Such adverse actions may take many forms, including but not limited to, bullying; persistent offensive comments, threats, or intimidation; false accusations; isolating; ostracizing; or acts that malign or disparage an individual's reputation.

**E. Serious Acts of Misconduct**

Deliberate acts or failures to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action would be reasonably likely to adversely affect that employee's terms or conditions of employment up to and including termination of service.

**V. GENERAL DUTIES**

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

  - 1. All employees of this department have an affirmative duty to report serious acts of misconduct or failures to perform actions, defined in departmental policy, procedures, and rules. Failure to report shall result in corrective or disciplinary action.
  - 2. Acts of retaliation against employees who make good faith complaints or disclosures of misconduct against another employee are strictly forbidden. Such acts will form the basis for charges of misconduct resulting in serious disciplinary action.
  - 3. All employees have an affirmative duty under this policy to cooperate fully during the investigation of any allegation of employee misconduct whether conducted by this department or another authorized authority. Protection from retaliation is extended under this policy to all employees who cooperate in good faith.
  - 4. All complaints of retaliation shall be submitted to any supervisor. If the supervisor is the subject of or is involved in the complaint, an employee shall submit the complaint to the next higher-ranking employee in the chain of command.

5. In uncommon situations involving highly egregious offenses or illegality that may have departmental or governmental implications, a complaint may be made directly to the chief executive officer. Examples include but are not limited to broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.

## **VI. PERFORMANCE PROHIBITIONS**

- A. As appropriate, disciplinary action may be taken for any of the following reasons:
  1. Incompetent or inefficient performance or dereliction of duty.
  2. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature that discredits or injures the public. (Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work.)
  3. Mental or physical unfitness for the position that the employee holds.
  4. Conviction of a felony or misdemeanor involving conduct amounting to moral turpitude (see III), or a pattern of misconduct as displayed by a series of misdemeanor convictions.
  5. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of misconduct or negligence of which the employee has knowledge.
  6. Failure of a supervisory employee to take corrective action regarding employees under his or her supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of the dereliction.
- B. Nothing in these rules and regulations limits the charges against employees because the alleged act or omission does not specifically appear in this manual, other orders, or policies of the department, or in the laws or ordinances that the department has the responsibility to enforce.
- C. No member of the department shall be a member of any organization that advocates the violent overthrow of the government of the United States, the State of Texas, or any unit of local government.
- D. No department member shall participate in any organization that has as its purpose, aim, objective, or has any practices that are contrary to the obligations of a law-enforcement officer under these rules and regulations.

## **VII. OBEDIENCE TO RULES OF CONDUCT, LAWS, AND ORDERS**

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

**A. Obedience to Laws**

Employees shall abide by the laws of the United States and the State of Texas as well as the ordinances of the City Of Kempner.

**B. Adherence to Departmental Rules**

Employees shall abide by the rules of the City Personnel Rules, and the Policy and Procedures Manual and other properly issued internal directives of the Police Department.

**C. Applicability of Rules**

Certain rules may not apply in undercover police assignments specifically authorized by supervisors in accordance with this Policy Manual. Officers will be strictly accountable for justifying their actions.

**D. Insubordination**

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

**E. Issuance of Unlawful Orders**

No commanding or supervisory employee shall knowingly or willfully issue an order that violates a federal or state law, a city ordinance, or a departmental rule or policy.

**F. Obedience to Unjust or Improper Orders**

An employee who receives an order he/she believes is unjust or contrary to a departmental General Order or rule must first obey the order and then may appeal the order to the Chief of Police via the proper chain-of-command.

**G. Obedience to Unlawful Orders**

No employee is required to obey an order that is contrary to the laws of the United States or the State of Texas or the ordinances of the City of Kempner. An employee who receives an unlawful order shall report in writing the full facts of the incident and any action taken to the Chief of Police via the chain-of-command.

**H. Conflicting Orders.** If an employee receives an order that conflicts with one previously given by a supervisor, the employee receiving the order shall respectfully point this out to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the

second order shall stand and shall be the responsibility of the second supervisor. If the second supervisor so directs, the second order shall be obeyed first. Orders shall be countermanded only when necessary for the good of the department.

## **VIII. ATTENTION TO DUTY**

### **A. Performance of Duty**

Employees shall be attentive to their duties at all times, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any departmental rules or procedures manual.

### **B. Duty of Supervisors**

Supervisors will enforce the rules, regulations, and policies of the Kempner Police Department. They will not permit, or fail to prevent, violations of the law, departmental rules, policies, or procedures. They will report violations of departmental rules, policies, or procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.

### **C. Conduct and Behavior**

Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall at all time use sound judgment.

### **D. Responsibility to Serve the Public**

Employees shall promptly serve the public by providing direction, counsel, and other assistance that does not interfere with the discharge of their duties. They shall make every attempt to respond personally to the inquiry or request for assistance.

### **E. Responsibility to Respect the Rights of Others**

Employees shall respect the rights of individuals, and shall not engage in discrimination, oppression, or favoritism. Employees shall maintain a strictly impartial attitude toward all persons with whom they come into contact in an official capacity.

### **F. Truthfulness**

Members shall be truthful in all official verbal and written communications and reports. Employees will be truthful in any court related testimony or agency investigations. Officers who are undercover or conducting interviews or interrogations

may find it necessary to provide inaccurate information in order to maintain their cover or determine the truthfulness or veracity of a subject.

**G. Officers Always Subject to Duty**

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

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

**H. Officers Required to Take Action**

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

**I. Reporting for Duty**

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

**J. Exceptional leave**

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

**K. Remaining Alert to Duty**

While on duty or at training, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.

**L. Prohibition of Personal Business while on Duty**

While on duty, officers shall not engage in any activity or personal business that would cause them to neglect their duty.

**M. Availability While On-duty**

Employees while on-duty shall not conceal themselves except for some authorized police purpose. Employees shall keep themselves immediately and readily available at all times while on-duty.

**N. Assistance to Fellow Officers**

An officer shall not display cowardice in the line of duty or in any situation where the public or another officer might be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might be impending.

**O. Prompt Response to All Calls**

Officers, while on-duty, shall respond without delay to all calls for police service. Calls shall be answered in compliance with normal safety precautions, traffic laws, and departmental policy.

**P. Duty to Report All Crimes and Incidents**

Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations, and police information that come to their attention. Employees shall not conceal, ignore, or distort the facts of such crimes, violations, emergencies, incidents, and information.

**Q. Responsibility to Know Laws and Procedures**

Employees shall know the laws and ordinances they are charged with enforcing, all departmental orders and rules, and the duties and procedures governing their specific assignments.

**R. Responsibility to Know Districts and Locations**

Officers shall know the location and boundaries of their assigned areas. Officers also shall be familiar with the names and general locations of Kempner streets and highways and the names and locations of hospitals and major public buildings.

**S. Keeping Posted on Police Matters**

Each day while on-duty and immediately upon returning from an absence, employees shall study and become familiar with the contents of recently issued communications and directives.



**T. Sleeping On-duty**

Employees must be alert throughout their tours of duty. Sleeping while on-duty is forbidden.

**U. Assisting Criminal Activity**

Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.

**V. Reading On-duty**

Employees shall not read newspapers, books or magazines while on-duty and in the public view unless a supervisory officer has assigned such reading.

**W. Studying On-duty**

Employees shall not, during their regularly assigned working hours, engage in any studying activity that is not directly related to their current job assignments.

**X. Maintaining Communications**

While officers are on-duty or officially on call, they shall be directly available by normal means of communication, or shall keep their office, headquarters, or supervisors informed of the means by which they may be reached when not immediately available.

**Y. Reporting Accidents and Injuries**

Employees shall immediately report the following accidents and injuries: all on-duty traffic accidents in which they are involved, all personal injuries received while on-duty, all personal injuries not received while on-duty but which are likely to interfere with performance of assigned duties, all property damage or injuries to other persons that resulted from the performance of assigned duties, and all accidents involving city equipment whether on or off-duty.

**Z. Report Address and Telephone Number**

Employees shall have a working telephone or other means of communication in case of emergency at their residence, and shall register their correct residence address and telephone number with the department on the prescribed form. Any change in address or telephone number must be reported immediately.

**AA. Testifying in Departmental Investigations**

When directed by a competent authority to make a statement or furnish materials relevant to a departmental administrative investigation, officers shall comply with the directive.

**BB. Carrying of Firearms**

All officers are required to carry sidearms while on-duty. While off-duty, officers may use their own discretion as to whether to carry sidearms.

**IX. COOPERATION WITH FELLOW EMPLOYEES AND AGENCIES**

**A. Respect for Fellow Employees**

Employees shall treat other members of the department with respect. They shall be courteous, civil, and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language whether spoken directly to a specific individual, a third party, or a social media, or other electronic format.

**B. Interfering with Cases or Operations**

Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the department or the work or operations of other governmental agencies. Employees against whom a complaint has been made shall not directly or indirectly contact or attempt to contact for any reason, the complainant, witness or any other persons related to the case in an attempt to intimidate or to secure the abandonment or withdrawal of the complaint, charges, or allegations.

**X. RESTRICTION ON BEHAVIOR**

**A. Interfering with Private Business**

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

**B. Use of Intimidation**

Employees shall not use their official positions to intimidate persons.

**C. Soliciting and Accepting Gifts and Gratuities**

Unless approved by the Chief of Police, employees of the Kempner Police Department may not accept any reward, gratuity, gift, or other compensation for any service performed as a result of or in conjunction with their duties as employees of the department regardless of whether the service was performed while said persons

were on or off-duty. Employees also shall not solicit any gift, gratuity, loan, present, fee, or reward.

**D. Soliciting and Accepting Gifts from Suspects and Prisoners**

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

**E. Reporting Bribe Offers**

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

**F. Accepting Gifts from Subordinates**

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

**G. Soliciting Special Privileges**

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

**H. Personal Use of Police Power**

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

**I. Giving Testimonials and Seeking Publicity**

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

**J. Soliciting Business.**

Employees shall not, while on-duty, solicit subscriptions, sell books, papers, tickets, merchandise, or other items of value nor collect or receive money or items of value for any personal gain to themselves or others. Employees may solicit for projects related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the Chief of Police.

**K. Drinking On-Duty**

Employees shall not drink any intoxicating beverages while on-duty.

**L. Intoxication**

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

**M. Drinking While in Uniform**

At no time shall any officer consume alcoholic beverages while in uniform.

**N. Liquor on Official Premises**

Employees shall not bring containers of intoxicating beverages into a Police Department building or vehicle except as evidence.

**O. Entering Bars, Taverns, and Liquor Stores**

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

**P. Drug Usage**

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

**Q. Tobacco Use**

Smoking or vaping is prohibited in all office and building areas under departmental control and occupied by department employees, except in designated smoking areas. Smoking, vaping, and other tobacco use is prohibited in all department vehicles.

**R. Public Tobacco or Vaping Use Prohibited**

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

**S. Playing Games On-Duty**

Officers on-duty or in uniform shall not engage in any games of cards, billiards, pool, dominoes, electronic arcade games, portable electronic games, computer games including both internally programmed games such as solitaire or Internet based games, or other games.

**T. Political Activity**

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

**U. Improper Release of Information**

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

**V. Seeking Personal Preferment**

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

**W. Criticism of the Department.**

Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or its policies, city officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, bigoted, or unlawful, or if it undermines the effectiveness of the

department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

**X. Disruptive Activities**

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

**Y. Operation and Use of Police Radios**

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

**Z. Use of Racial or Religious Jokes and Slurs**

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

**AA. Use of Force**

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

**BB. Indebtedness to Subordinates**

Supervisors shall not become indebted to their immediate subordinates.

**CC. Personal Relationships Prohibited with Certain Persons**

Employees shall not become personally involved or develop a personal or social relationship with a victim, suspect, witness, or defendant while any case is being investigated or prosecuted as a result of such investigation.

**DD. Duty to be Kind, Courteous, and Patient**

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

## **XI. IDENTIFICATION AND RECOGNITION**

### **A. Giving Name and Badge Number**

Officers shall give their name, badge number and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a police assignment.

### **B. Carrying Official Identification**

Officers shall carry their official identification on their persons at all times. All employees will carry their official identification on or about their persons while on-duty.

### **C. Personal Cards**

Employees are not permitted to have or use personal cards showing their connection to the department if such cards bear any information not directly pertaining to their work as police department employees.

### **D. Exchange, Alteration, or Transfer of Badge**

An employee's issued badge shall not be altered or exchanged between employees or transferred to another person except by order of the Chief of Police. Employees retiring or resigning will not be permitted to retain their badge when doing so will hamper normal operations of the department. All badges must be purchased unless exempted by the Chief of Police.

### **E. Plainclothes Officers – Identification**

A uniformed officer shall neither acknowledge nor show recognition of another police officer in civilian clothes unless that officer first addresses the uniformed officer.

## **XII. MAINTENANCE OF PROPERTY**

### **A. Use of City Property or Service**

Officers shall not use or provide any city equipment or service other than for official city business.

### **B. Responsibility for City Property**

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

**C. Departmental Vehicles**

Employees shall operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator shall notify a supervisor immediately. Under no circumstances shall an officer investigate his or her own accident. The Department of Public Safety or Sheriff's Department will be requested to investigate police involved accidents.

**D. Reporting Damage**

At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisors. Failure to report damage or defects creates the presumption that the employee inspected the vehicle and found no damage or defects. The employee, in this case, shall be held responsible for the damage.

**E. Responsibility for Private Property**

Employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.

**F. Care of Quarters**

Employees shall keep their offices, lockers, and desks neat, clean, and orderly.

**G. Property and Evidence**

Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be submitted to the property room prior to the end of shift.

**H. Alteration or Modification of Police Equipment**

Officers shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no changes, alterations, modifications, or substitutions shall be made to such equipment unless approved by the Chief of Police.



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

#### **A. Attendance in Court**

Employees shall arrive on time for all required court appearances and be prepared to testify. Each member shall be familiar with the laws of evidence and shall testify truthfully on any matter.

#### **B. Recommending Attorneys or Bondsmen**

Employees shall not suggest, recommend, advise or counsel the retention of a specific attorney or bondsmen to any person (except relatives) coming to their attention as a result of police business.

#### **C. Testifying for a Defendant**

Any employee subpoenaed or requested to testify for a criminal defendant or against the City of Kempner or against the interests of the department in any hearing or trial shall immediately notify the Chief of Police through the chain of command.

#### **D. Interviews with Attorneys**

Interviews between an officer and a complainant's attorney about a case arising from the officer's employment by the department shall be done in the presence of or with the knowledge and consent of the officer's commanding officer, department legal counsel, or prosecutor.

#### **E. Assisting and Testifying in Civil Cases**

Officers shall not serve civil-process papers nor render assistance in civil cases except as required by law. No employee shall volunteer to testify in civil actions.

#### **F. Notice of Lawsuits against Officers**

Employees who have had a suit filed against them because of an act performed in the line of duty shall immediately notify the Chief of Police in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question.

#### **G. Notice of Arrest or Citation**

Employees who have become the subject of a citation (other than traffic citations) or arrest action in any other jurisdiction shall immediately notify the Chief of Police.

#### **H. Arrest of Officer from Another Agency**

An officer who arrests a sworn officer of another law enforcement agency shall immediately notify his or her own supervisor of the fact. Officers shall take whatever

action is appropriate to the circumstances including issuance of summonses or making a physical arrest. That the person cited or arrested is a law-enforcement officer shall make no difference.

**I. Arrest of a Kempner Police Officer**

If an officer has probable cause to arrest a sworn officer of our department, the officer shall first contact his or her immediate supervisor to review and confirm probable cause. In most cases, the officer may obtain a warrant against the suspect officer. Some occasions may demand an immediate custodial arrest.

**XIV. EXPECTATION OF PRIVACY**

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

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 2.2 Racial Profiling and Unbiased Based Policing</b>	
<b>Effective Date: 11/15/16</b>	<b>Publish Date: 02/17/17</b>
<b>Approved: <u>Forrest Spence, Chief of Police</u></b>	
<b>Reference: 2.01</b>	

## **I. POLICY**

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

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

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

## **II. PURPOSE**

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

## **III. DEFINITIONS**

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

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

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

## IV. PROCEDURES

### A. General Responsibilities

1. Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes.
2. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
4. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
  - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
  - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.

5. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
  - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
  - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaint's process and shall give copies of "How to Make a Complaint" when appropriate.
6. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
7. When concluding an encounter, personnel shall thank him or her for cooperating.
8. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
9. All personnel are accountable for their actions. Personnel shall justify their actions when required.

**B. Supervisory Responsibilities**

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

6. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
7. Supervisors shall facilitate the filing of any complaints about law- enforcement service.

**C. Disciplinary Consequences**

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

**D. Training**

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

**V. COMPLAINTS**

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

**VI. RECORD KEEPING**

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

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 2.4 Internal Investigation Process</b>	
<b>Effective Date: 11/18/16</b>	<b>Publish Date: 02/17/17</b>
<b>Approved: Forrest Spence, Chief of Police</b>	
<b>Reference: TBP 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, and 2.10.</b>	

## **I. POLICY**

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

## **II. PURPOSE**

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

## **III. PROCEDURES – GENERAL**

### **A. Receipt of Complaints**

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

### **B. Responsibilities of Supervisors**

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



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

**C. How To Make A Complaint**

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

**D. Responsibility For Handling Complaints**

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

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

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

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

**F. Disposition Of Complaints Generally**

The Chief of Police or his/her designee shall:

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

3. Maintain complaint files separate from personnel files.
4. Take disciplinary action following the investigation, if appropriate.

#### **G. Disposition Of A Serious Complaint**

1. Allegations of misconduct that might result in discharge, suspension, or demotion, or allegations of criminal charges are serious complaints. The term "serious complaint," in this manual, means that there will be an "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, or allegations involving supervisory or multiple personnel.
2. If a criminal offense is alleged, two separate investigations shall be conducted: a criminal investigation and an administrative or internal investigation. The criminal investigation examines compliance with criminal law while the internal investigation determines compliance with policy and procedure. The Chief of Police will assign these investigations as required.
3. In cases of a serious complaint the Chief of Police shall:
  - a. Determine if the officer complained of should remain on-duty, be relegated to non-contact assignments, or put on administrative leave until the investigation is complete.
  - b. Determine and assign responsibility for the investigation.
  - c. Cause the complaint to be registered and assigned an investigation number in the complaint log.
  - d. Maintain close liaison with the district attorney in investigating alleged criminal conduct. Where liability is at issue, the Chief shall similarly maintain contact with the city attorney or legal counsel.
4. All investigations will be completed within 45 days to include the taking of disciplinary action when necessary. If additional time is necessary to conclude the investigation, a request for extension will be presented to the Chief in writing providing justification for the extension. If the Chief agrees to an extension, a specific number of days will be approved. A copy of the request for extension will be provided to the involved officer and the original placed in the case file. (TBP: 2.05)
5. Upon completion of any investigation, the Chief of Police will notify the complainant in writing of the results of the investigation and any action taken.

### **IV. INVESTIGATIVE PROCEDURES**

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

### C. All Interviews

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

### D. Interviews For Criminal Investigative Purposes

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

### E. Interview For Administrative Purposes

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

## V. INVESTIGATIVE TOOLS AND RESOURCES

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

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

B. Photograph And Lineup Identification Procedures

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

C. Financial Disclosure Statements

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

#### **D. Polygraph**

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

#### **VI. ADJUDICATION OF COMPLAINTS**

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

**D. Disciplinary Records**

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

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 2.5 Employee Disciplinary Process</b>	
<b>Effective Date: 11/18/16</b>	<b>Publish Date: 02/17/17</b>
<b>Approved: Forrest Spence, Chief of Police</b>	
<b>Reference:</b>	

## **I. POLICY**

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

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

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

## **II. PURPOSE**

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

## **III. DEFINITIONS**

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



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

#### **IV. PROCEDURES**

##### **A. Positive Reinforcement**

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

##### **B. Consistency In Discipline**

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

##### **C. Relief From Duty**

1. An employee may be relieved from duty whenever a supervisor, whether the Chief of Police, or sergeant questions an employee's physical or psychological fitness for duty. An internal investigation may follow.
2. The sergeant has authority to relieve an employee from duty, but must promptly report this action to the Chief of Police, accompanied by a written report setting forth details and circumstances.

3. If the necessity to relieve from duty is not immediate, the behavior or actions of the employee shall be deemed a matter for internal investigation. In an internal investigation, only the Chief of Police may relieve an employee from duty. Only the Chief of Police, in consultation with the Mayor, may suspend an officer without pay.
4. An officer who refuses to obey a direct order in conformance with the department's orders may be relieved from duty by the sergeant, who may recommend suspension to the Chief of Police. The Chief, in consultation with the Mayor, may then suspend without pay.

**D. Penalties: Documented Oral Reprimand, Counseling, and/or Training.**

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

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

- h. The employee shall sign and date the form on which the statement appears.

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

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

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

F. Demotion or Suspension Without Pay

1. If the situation warrants, the Chief of Police, in consultation with the Mayor, may demote an employee, suspend without pay, or take other measures normally considered equivalent, such as the forfeiture of vacation or compensatory time.
2. Suspensions without pay will normally apply to a period of up to 15 days, as determined by the Chief of Police and Mayor.
3. If an employee becomes a candidate for suspension a second time within one year after the first suspension, the employee may be dismissed.

4. Suspensions resulting from the arrest or criminal investigation of an employee may be indefinite or result in termination.
  - a. Should an employee be arrested or identified as a suspect in any felony, misdemeanor involving violence or moral turpitude, family violence or DWI, he/she shall immediately be placed on administrative leave with pay and an internal investigation shall commence. At the conclusion of the internal investigation the Chief of Police may take appropriate disciplinary action based on the results of the internal investigation, including indefinite suspension or termination.
  - b. An employee who is acquitted of criminal charges may yet be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.
5. Any employee suspended for a period five days or longer shall return all department-owned property. On any suspension, the officer must return to department custody his or her badge, identification card, and issued firearm.
6. During a suspension, the employee shall not undertake any official duties.
7. Demotion shall be to the next lowest rank. Demotion shall apply only to the sergeant.
8. An employee may appeal a suspension within five days of notice. An employee may appeal a suspension through the Chief of Police to the Mayor, whose decision is final.

#### **G. Termination**

1. Terminations are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the misbehavior.
2. Employees may appeal a dismissal within five days of receipt of notice, and may appeal in accordance with the procedure outlined under Policy 4.7

#### **H. Reporting Arrests**

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

### **V. PROGRESSIVE DISCIPLINE**

- A. Except for gross breaches of discipline, moral turpitude, or serious violations of law or conduct, the department generally follows the principles of progressive discipline.

- B. Probationary employees shall be dismissed, suspended, or otherwise disciplined according to the foregoing. The only difference is that a probationary employee has no right of appeal. In the case of a dismissed probationary employee, the official record shall merely indicate that the person was dismissed during probationary employment.

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

- A. After an appropriate investigation, should the Chief of Police sustain the allegation and determine that the discipline may be a suspension, demotion, or termination the Chief may request review of the investigation by the officer's chain of command to obtain their recommendations for disciplinary action.
- B. Upon receipt of the recommendations, if the Chief of Police believes the discipline should be greater than a written reprimand, the Chief shall request that the officer read the written investigation summary and initial each page. The review will take place in the presence of the investigating officer or other staff member. The employee will be allowed to add a written statement to the investigative package stating any arguments with the evidence or investigation process. This statement will be prepared and added to the investigation summary before the employee and the investigating officer leave the review site.
- C. The Chief of Police will meet with the employee and allow the employee to make any statement regarding the evidence or investigation, and review any written statement provided by the employee. The Chief of Police will then have the employee report back after a period of time determined by the Chief.
- D. The Chief of Police will again review the investigation, considering the employee's input and may then decide on the discipline or send the investigation back for further investigation.
- E. The Chief will meet with the employee to inform him or her of his/her decision. The Chief will present the employee with a letter outlining the discipline, the effective date of the discipline, the reason for the discipline, and the employee's appeal rights.
- F. Copies of all investigation reports that indicate disciplinary action and all other disciplinary paperwork will be filed in the employee's personnel file. A copy of the investigation report will be maintained in the internal investigations files.

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 4.5 Uniforms, Appearance, and Equipment</b>	
<b>Effective Date: 09/26/17</b>	<b>Publish Date: 09/22/17</b>
<b>Approved: Forrest Spence, Chief of Police</b>	
<b>Reference: 1.11, 1.12, 2.13, 7.17, and 7.23</b>	

**I. POLICY**

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

**II. PURPOSE**

The purpose of this policy is to provide officers with a list of uniform and equipment items and to provide a department dress code for all employees, sworn and unsworn.

**III. UNIFORMS AND EQUIPMENT**

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

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

- A.** Uniforms and equipment provided to police officers by the City of Kempner shall include:
1. Two (2) pair of trousers
  2. Two (2) short-sleeved shirts (\*may substitute a long-sleeve for a short sleeve)
  3. Two (2) long-sleeved shirts
  4. One (1) shirt badge
  5. One (1) name plate
  6. One (1) raincoat
  7. One (1) cap cover
  8. One (1) winter jacket
  9. One (1) protective vest (body armor)
  10. One (1) traffic vest
  11. One (1) duty handgun and magazines
  12. Rank insignia as needed
- B.** Uniforms and equipment that are excessively worn or damaged through normal usage are replaced by the department. An employee requesting replacement should have the item inspected by his/her supervisor, who will provide written approval for the replacement.
- C.** With the written approval of the Chief of Police officers are allowed to purchase additional uniforms and equipment as needed or desired. These items may be purchased from any vendor, but they must comply with current uniform or equipment standards and color schemes.

Uniform items and equipment meeting departmental specification and provided by individual officers shall include the following:

1. Socks, black, white or navy blue
  2. Undershirts, navy, black or tan (neutral colors)
  3. Footwear, black leather
- D.** Replacement of personally-owned uniforms, equipment, or jewelry, including watches – that are lost or damaged in the performance of duty shall be limited to a maximum of \$250.00. Replacement will not be allowed in those cases where the employee was negligent in the loss or damage. Officers requesting reimbursement shall forward a memorandum to the Chief of Police through their chain of command citing the item lost or damaged, the circumstances involved, and proof of value of the item or replacement cost.
- E.** Uniforms or civilian business attire (coat and tie for men or equivalent for women) shall be worn for all court appearances.

## **V. PROTECTIVE VESTS**

- A.** Body armor is purchased by the department for all sworn officers. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.
- B.** Uniformed Officer, when working field assignments, will wear departmentally issued protective vests when on-duty or when off-duty if they are engaged in law enforcement activities. Officers not working field assignments will maintain their vests where they are readily accessible in the event they are needed. Any officer participating in any search warrant execution or other high-risk activity will wear a protective vest.
- C.** The Chief of Police may grant exceptions to this requirement during periods of extreme weather. During such period, officers working in the field must keep their protective vests where they are immediately accessible.
- D.** Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness. Because dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.

## **VI. REFLECTIVE VESTS**

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

## **VII. DEPARTMENTAL APPEARANCE REQUIREMENTS**

- A.** Uniformed Employees
  - 1. When wearing the uniform, employees will be in full uniform, including all items that are integral parts of the uniform. All uniform and accessories must be clean and well pressed. The hat is optional except at formal occasions. No part of the uniform is worn with civilian clothing or vice-versa.
  - 2. Undershirts worn with an open-collar, short-sleeve shirt shirttails will be worn tucked in at all times. Employees wearing a long-sleeved shirt may wear a dark navy or black turtleneck or mock turtleneck during cold weather.
  - 3. Nameplates. Each employee, regardless of rank, will wear a departmentally issued nameplate, centered ½ inch above the right shirt pocket seam. The nameplate will have the officer's last name and a first initial or first name.
  - 4. Department Shirt Badges. All sworn personnel when in the standard duty uniform will wear their department badge prominently displayed above the left-shirt pocket.
  - 5. Footwear. Footwear will be solid black and capable of being shined.
  - 6. Officers are authorized to wear baseball style caps only during inclement weather or in conjunction with a utility uniform during specialized assignments or outdoor training. Winter headgear may consist of a navy blue or black knit cap.



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

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

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

## **C. Special Assignments**

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

## **D. Court Attire**

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

## **E. Physical Appearance**

1. Employees shall maintain their physical appearance in accordance with good taste and professionalism. Hair shall not be dyed, colored, or styled in a manner that would draw undue attention to the employee. Female employees will apply their makeup tastefully. Male employees shall not appear for work needing a shave or haircut.

2. Hair length.
  - a. Male employees shall wear their hair so as to present a groomed appearance. Hair will not extend past the collar at the back of the neck. Hair on the sides will not extend below the top of the ear and must be mildly tapered. Hair in the front will not extend below the middle of the forehead. Sideburns may extend no lower than the lowest tip of the employee's ear lobe. They shall be of a naturally even width and shall end with a clean-shaven horizontal line.
  - b. Female employees shall wear their hair so as to present a groomed appearance. They shall not be restricted as to the length of their hair; however, if the hair extends below the bottom of the collar it shall be secured in a bun or ponytail. It shall not hang in to the employee's face, either in front or on the sides.
3. Mustaches and beards  
Mustaches will not extend beyond the corner of the mouth on a horizontal line, or below the corner of the mouth on a vertical line, nor below the top line of the upper lip. They shall be neatly trimmed at all times. Goatees and beards will not be permitted except by order of the Chief of Police.
4. Jewelry
  - a. Female employees may wear earrings, provided they are small and tasteful in appearance. Male employees are not permitted to wear any type of earring.
  - b. Employees in uniform are discouraged from wearing chains and necklaces as they could be lost or cause an injury during the performance of police activities.
  - c. A female employee in civilian attire may deviate from these regulations with the approval of her supervisor.
5. Personal Hygiene  
Employees shall practice good personal hygiene at all times, including use of soap, water, and deodorant. Employees shall not report for work emitting an offensive body odor. A moderate amount of perfume or aftershave may be used.
6. Tattoos, Body Art, Piercing, or Branding
  - a. While representing the department in an official capacity, no department personnel shall exhibit any visible tattoos, body art, or branding. The only acceptable methods for covering tattoos, body art, or branding are with the official uniform or plain-clothes apparel. This regulation does not apply to undercover officers when they are, in fact, undercover. No agency personnel will have tattoos, body art, or branding that cannot be covered by the official uniform or plain-clothes apparel.
  - b. With the exception of pierced ears, body piercing is not authorized for any agency personnel while representing the department. Body piercing(s) must be covered by the official uniform or plainclothes apparel when agency personnel are representing the department.

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

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

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 4.7 Grievance Procedure</b>	
<b>Effective Date: 11/18/16</b>	<b>Publish Date: 02/17/17</b>
<b>Approved: Forrest Spence, Chief of Police</b>	
<b>Reference: TBP 2.08</b>	

**I. POLICY**

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

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

**II. PURPOSE**

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

**III. APPLICABILITY**

**A. Included:**

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

**B. Excluded:**

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

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

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

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

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

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

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

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

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

## **VI. PROCEDURES**

### **A. Nature Of The Grievance**

The grievance should include the following:

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

## B. First Management Step

1. The employee shall identify the grievance orally to his/her immediate supervisor in an informal meeting within five calendar days after the event or action that is the basis for the grievance. A grievance alleging discrimination or retaliation by the immediate supervisor may be initiated with the next-level supervisor, the Chief of Police, the Mayor, or the human resources director.
  - a. The supervisor shall give an oral response to the employee within five work days following the meeting.
  - b. If a resolution is not reached at this point, the employee shall submit a memorandum to the supervisor that outlines the information listed under section A above within five working days after receipt of the oral response.
2. The supervisor, in turn, shall give the employee a written response within five work days of receipt of the employee's memorandum.

## C. Second Management Step

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

## D. Third Management Step

1. If the employee is not satisfied with the response to the grievance during the second management step, or disagrees with the Chief's decision that the issue is not grievable, the employee should then ask the Chief to present the employee's memorandum to the Mayor for review. The request to submit the grievance to the mayor must be made within five work days following receipt of the Chief's reply. If requested within the time period allowed, the Chief will forward the employee's memorandum and his or her response to the Mayor within five days.

2. Within five days of receipt, the Mayor shall decide whether the issue is grievable within sections IV and V of this order.
  - a. If the issue is not grievable, the employee shall be advised that he or she may appeal to the appropriate court.
  - b. If the issue is grievable, then the Mayor shall, within 10 days, take whatever action he or she deems necessary to review the issue.
  - c. If the issue involves an appeal of disciplinary action, the Mayor will meet with the employee, any supervisor involved, the Chief of Police, and any other parties who are needed to render a just determination.
3. The Mayor shall give the employee a response in writing within five work days following the determination.
4. A copy of both the employee's memorandum and the response from the Mayor shall be placed in the employee's personnel file.
5. If the employee is appealing a suspension, demotion, or termination and the disciplinary action has been taken by the Chief of Police, the first appeal or grievance step is to notify the Mayor in writing of the desire to appeal. The time limits under the third management step apply.
  - a. In these cases the Mayor will schedule a hearing. The employee as well as the city may be represented by counsel. The hearing is informal but both sides are allowed to present witnesses and evidence. The employee or the employee's representative or counsel has the ability to subpoena and call any witnesses and challenge any evidence. The Mayor will, after hearing the witnesses and evidence, make a final decision.
  - b. Any appeal after this decision is through the district court.

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 4.8 Reserve Officer Program</b>	
<b>Effective Date: 12/1/16</b>	<b>Publish Date: 02/17/17</b>
<b>Approved: Forrest Spence, Chief of Police</b>	
<b>Reference: TBP 3.07 and 7.27</b>	

**I. POLICY**

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

**II. PURPOSE**

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

**III. RESERVE PROGRAM**

**A. Requirements And Certification**

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

**B. Certification And Reserve Officer Levels**

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



### C. Training and Performance Standards

1. Reserve police officers serve at the discretion of the Chief of Police and may be called into service at any time the Chief or his designee considers it necessary to have additional officers.
2. Reserve police officers shall be considered "on duty" when they are:
  - a. performing assigned duty
  - b. representing or identifying himself/herself as a peace officer for the purpose of taking enforcement action or discharging legal duties.
3. All reserve police officers must serve a minimum of 20 hours of duty per calendar month. Officers who are unable to meet this requirement must submit a written request through the chain of command to the Chief of Police for an approved leave of absence.

Reserve officers will be assigned their duties on the reserve schedule by the patrol sergeant.

4. Depending on the level of training and experience, reserve officers may perform the same duties as other full-time, sworn personnel or be assigned to work with a regular officer.
5. All reserve police officers are subject to the same rules, regulations, and orders as regular sworn personnel.
6. All reserve police officers must successfully complete the basic and intermediate reserve officer course required by TCOLE and obtain their license as a peace officer.
7. All active reserve police officers must successfully complete the police training officer program under the supervision and evaluation of a departmentally approved field training officer. Upon the successful completion of training, reserve officers will assume duties as designated by the patrol sergeant.
8. For training and evaluation purposes, all active reserve officers will work one tour of duty with a field training officer within the first six months of each calendar year.
9. All reserve officers will be required to attend periodic department in-service training to complete the following:
  - a. The same training as required of regular sworn officers including courses mandated by TCOLE for certification requirements
  - b. All departmentally required qualifications on firearms, the baton, and any other equipment deemed necessary.
10. Reserve officers will carry a weapon when on-duty or performing assigned duties.

### D. Chain-of-Command and Operations

1. The reserve unit functions as a unit of the Police Department and reports to the sergeant.

2. The reserve commander is appointed by the Chief of Police and shall be responsible for the overall administration and planning of the reserve unit.

**E. Organizational Function**

1. The primary function of reserve police officers will be to supplement patrol operations personnel.
2. Additionally, reserve officers will be on call for assistance in emergency situations such as disasters, riots, etc., and to provide additional manpower for special enforcement assignments.
3. All reserve police officer assignments will be coordinated through the office of the sergeant.
4. Reserve officers may, at the discretion of the Chief of Police, be assigned to other functions within the department depending on the skills and experience of each individual.

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 5.3 Computer and Electronic Equipment Usage and Data Security</b>	
<b>Effective Date:</b> 11/18/16	<b>Publish Date:</b> 02/17/17
<b>Approved: Forrest Spence, Chief of Police</b>	
<b>Reference:</b>	

**I. POLICY**

It is the policy of this department to ensure proper use of electronic computing and recording systems by establishing authorized uses and users. It states the protocols for storage, security, and retention. It also establishes what uses of such equipment are prohibited and what constitutes inappropriate use of such equipment.

**II. PURPOSE**

It is the purpose of this policy to define and provide clear direction as to the allowed uses and the prohibited uses of departmental and personal electronic computing and recording equipment, to provide for data security and retention periods, and to establish protocols for proper handling of digital evidence.

**III. DEFINITIONS**

- A. Network Terminals: Desktops, laptops, or any other electronic devices that connect to the department’s internal computer network.
- B. Mobile Digital Computers (MDC): In-vehicle computers or any other electronic devices that in some manner connect to the Internet, department computer networks, or other service, such as TCIC, that provides officers with data or allows officers to conduct field reporting or communications with other officers or the department.
- C. Mobile Phones: Either department owned or personally owned cell phones or smart phones.
- D. Body Cameras / Digital Media Recorders (DMR): Video/Audio recordings made via a camera system that is worn by police personnel.
- E. Mobile Video Recording: In-vehicle camera systems that are permanently mounted in department vehicles.
- F. Digital Media Recorder (DMR): Officer-worn digital audio or video recording device.
- G. Digital Camera: A single-purpose, handheld camera designed to take digital photographs.

## IV. PROCEDURES

The sections below outline the procedures to be used and list the specific prohibitions regarding the use of specific equipment.

### A. General Provisions

1. Any electronic document, report, audio, or video recording, image, email, voice communication, or any other form of electronic data created while on or off duty that is directly related to official department operations or investigations, whether created on personal or department-owned equipment, is considered to be a government record. As such, it is subject to public record laws, and it shall be preserved accordingly.
2. Anything that is created on department-owned equipment, whether or not it is directly related to official department operations or investigations, may be considered a government record, and may be reviewed and shall be preserved as required by state law or department policy. This includes any electronic document, report, audio or video recording, image, email, voice communication, and any other form of electronic data created while on or off duty.
3. All department-owned equipment and its use are subject to routine or specific review and/or investigation by department supervisors as needed to ensure appropriate use.
4. On-duty use of any electronic device, such as a mobile phone or phone camera, for strictly personal purposes not related to departmental operations is generally considered private unless the information would tend to show inappropriate activity. Off-duty use of personal electronic devices is also generally considered private unless the use results in a violation of departmental general orders or state or federal law.
5. All employees that directly access the TCIC/NCIC database will be trained in the appropriate level of access.
6. If any form of digital evidence exists, formal departmental reports will include a notation that such evidence exists, including the type of evidence and the storage location.

### B. General Prohibitions

1. Employees will not release, share, or make copies of any electronic documents, reports, audio or video recordings, images, emails, voice communications, or any other form of electronic data created while on or off duty that is directly related to official department operations or investigations, whether created on personal or department-owned equipment, unless specifically authorized by this order or the Chief of Police.
2. Employees will not use department-owned equipment, electronic or otherwise, for personal benefit or to conduct personal business.
3. Employees are allowed to access the internet for personal use during meal and other breaks as long as the sites accessed are appropriate for public viewing.
4. No video games will be played on department equipment.

5. No inappropriate websites will be visited.
6. Inappropriate use of electronic devices or the release or posting on the internet or various social media sites of another party's private information, or governmental information usually deemed private can lead to internal investigations and subsequent disciplinary action.
7. An officer can be questioned about his/her internet activities by defense counsels in criminal trials, potentially damaging the officer's credibility as a witness.

## **V. DEPARTMENT NETWORK TERMINALS**

### **A. Security**

1. The department has a number of computers, and other devices that have access to the department network. All employees will be issued a unique password to allow access to the system.
2. Employees will safeguard their password to ensure no other person will gain access using their password.
3. Employees will not leave a computer connected to the network with their password if they are not physically able to prevent access, such as by closing and locking a door, or by visible monitoring of the computer.
4. Employees are responsible for all access to the network using their password.
5. The department will assign appropriate security levels within the network to all access to certain files only as required.

### **B. Required Access**

1. All employees are required to sign in to the network at least twice each workday (at the beginning and end of their shifts).
2. Employees must read and respond to all department emails and training assignments.
3. Employees who discover network terminals in need of repair will notify the administrative sergeant as soon as possible.

## **VI. MOBILE DIGITAL TERMINALS/COMPUTERS – MDT/MD**

- A.** The Mobile Data Terminal/Computer (MDT/MDC) is a part of the radio system, which uses frequencies licensed by the FCC. Rules concerning proper radio procedures also apply to use of the MDT.
- B.** Messages (1) will not be personal, (2) will not contain derogatory references to other persons or agencies, and (3) will not contain any text that a reasonable person would find offensive.
- C.** Using the MDT/MDC, field officers may signal (1) receipt of a call for service, (2) arrival at the scene of a call, (3) request for assistance, and (4) clear from a call, but they shall also do so by voice communications so that other field units and supervisors will be kept aware of ongoing operations.
- D.** Because messages sent with the CAD/MDT system slow the system's response time, only concise, work-related messages may be transmitted. Personnel are urged to use abbreviations to help keep the messages brief.

- E. There is NO EXPECTATION of privacy concerning sending or receiving messages via the CAD/MDT system.
- F. Except in emergency situations or in single-key response to dispatched calls or enquiries, the driver of the vehicle will not utilize the MDT/MDC keyboard while the vehicle is in motion. Drivers will pull to a safe location before utilizing the keyboard.

## VII. MOBILE VIDEO RECORDING SYSTEMS

- A. The use of a Mobile Video Recording (MVR) system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Such evidence is often used in court cases, and can help in determining the guilt or innocence of accused people.
- B. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the MVR and the integrity of evidence and related video documentation.
- C. General Procedures
  - 1. It shall be the responsibility of this department to ensure that the audio- video recording equipment is properly installed according to the manufacturer's recommendations.
  - 2. MVR equipment shall automatically activate when emergency equipment (lights) or a wireless transmitter is operating.
  - 3. The system may also be activated manually from the control panel affixed to the interior of the vehicle.
  - 4. Placement and operation of system components within the vehicle shall be based on officer safety requirements.
  - 5. All officers shall successfully complete this department's approved course of instruction prior to being deployed with MVR systems in operational settings.
  - 6. Inspection and general maintenance of MVR equipment installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle.
  - 7. Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the MVR is performing in accordance with the manufacturer's recommendations covering the following matters:
    - a. Remote activation of system via transmitter
    - b. Windshield and camera lens free of debris
    - c. Camera facing intended direction
    - d. Recording mechanism capturing both audio and video information, that is, the system plays back both audio and video tracks.
    - e. Logging into the system with the flash drive to personalize the recording.
  - 8. Malfunctions, damage, or theft of in-car camera equipment shall be reported to the immediate supervisor prior to placing the unit into service.

9. Mandatory Use:
  - a. All official contacts whether on a call or officer initiated
  - b. Traffic stops (to include, but not limited to, traffic violations stranded motorist assistance, and all crime-interdiction stops)
  - c. Priority responses
  - d. Vehicle pursuits
  - e. Prisoner transports
10. When the MVR is activated, officers shall ensure that the audio portion is also activated so that all events are properly documented. Officers are encouraged to narrate events using the audio recording, which will provide the best documentation for pretrial and courtroom.
11. Officers using the 900 MHz digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
12. When officers park patrol units in their designated parking place, the MVR downloads automatically to the server and is maintained by the lieutenant.
13. Officers shall not erase, alter, reuse, modify, or tamper with MVR recordings.
14. Only a supervisor may erase what is on a tape and reissue it, and may do so only pursuant to the provisions of this policy.
15. When the MVR is activated to document an event, it shall not be deactivated until one of the following has occurred:
  - a. the event has been concluded
  - b. the incident or event is of such duration that the MVR may be deactivated to conserve recording times
  - c. the officer decides that deactivation will not result in the loss of critical documentary information
  - d. the intention to stop the recording has been noted by the officer either verbally or in a written notation.
16. Supervisor Responsibilities
  - a. Supervisors shall issue each officer a personalized flash drive.
  - b. When an incident arises that requires the immediate retrieval of the recorded media (e.g., at serious crime scenes, departmental shootings, or departmental accidents), a supervisor shall respond to the scene and ensure that the crime scene investigator removes the recorded material.
  - c. The technician or investigator shall then place the media into evidence and provide copies to authorized investigative personnel.
  - d. The technician shall ensure that the appropriate notation is made in the chain-of-custody log.
  - e. All recordings are maintained on the server.
  - f. The supervisor shall periodically check the disk printer to ensure recordings are being downloaded.
  - g. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.

- h. Supervisors shall conduct periodic reviews of officer-assigned media in order to periodically assess officer performance.
  - i. Supervisors will assure proper functioning of MVR equipment and determine if MVR equipment is being operated properly.
  - j. Supervisors will identify recordings that may be appropriate for training.
  - k. Supervisors shall conduct bi-weekly reviews of personnel who are newly assigned MVR equipment in order to ensure compliance with departmental policy.
  - l. Supervisors shall conduct quarterly reviews.
    - i. Minor infractions (not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions.
    - ii. Should the behavior or action persist after it has been informally addressed, the appropriate disciplinary or corrective action shall be taken.
  - m. Supervisors shall ensure that adequate recording media is on hand and available for issuance
17. Technicians' Responsibilities
- a. A designated officer or other employee shall be responsible for the ordering, issuance, retrieval, storage, erasing, and duplication of all recorded media.
  - b. Recorded media may only be degaussed/erased pursuant to a court order, or in accordance with established retention guidelines of at least 90 days.

## VIII. MOBILE TELEPHONES

### A. Department Issued Cell Phones

- 1. Cell phones are issued by the department to increase the level of communication between field officers and the department as well as citizens.
- 2. Cell phones are to be used for appropriate departmental activities only.
- 3. Employees are allowed to use department cell phones for emergency and short personal calls during breaks.
- 4. The department regularly inspects cell phone usage records for inappropriate activity.

- B. Personally Owned Cell Phones: The department allows employees to carry personally owned cell phones when their use does not negatively impact department operations.

## IX. CELL PHONE CAMERAS

### A. Departmental Cell Phones

- 1. Cell phone cameras, both still and video, may be used to record department activities only when another more suitable camera or recording device is unavailable.
- 2. Activities may include victim, witness, or suspect information, crime scenes, field and eyewitness identifications, witness statements, etc.



3. All activities recorded on cell phone cameras will be transferred immediately to departmental records systems as soon as the incident can be concluded and no later than the end of shift. Appropriate information technology staff will be consulted regarding the safest transfer method.

**B. Personal Cell Phones**

1. Personal cell phones, both still and video, may be used to record department activities only when another more suitable camera or recording device is unavailable.
2. If any department activity is recorded using a personal cell phone, a department supervisor will be notified immediately.
3. All activities recorded on cell-phone cameras will be transferred immediately to departmental records systems as soon as the incident can be concluded and no later than the end of shift. Appropriate information technology staff will be consulted regarding the safest transfer method.
4. After transfer to departmental media, all parts of the activity recorded will be permanently deleted from the personally owned cell phone prior to end of shift. Department supervisors may require proof of deletion.

**X. DIGITAL CAMERAS**

**A. Department Issued Cameras**

1. Personnel assigned to crime scene investigations are assigned appropriate camera systems for recording crime scenes and incidents.
2. Field officers are assigned field cameras to record images and data beneficial to an investigation when crime scene personnel do not respond.
3. Department-issued cameras will not be used for any personal use.
4. All images or data recorded will be transferred to appropriate departmental media or storage before the end of shift.

**B. Personally Owned Cameras**

1. No employee will carry a personally owned camera on duty unless authorized in writing by the Chief of Police.
2. If a personally owned camera has been authorized in writing by the Chief of Police, the employee will report any use of the camera during a police incident to his/ her supervisor immediately and shall transfer the data to department media before the end of shift.
3. After transfer to departmental media, all parts of the activity recorded will be permanently deleted from the personally owned camera prior to end of shift. Department supervisors may require proof of deletion.

## **XI. DIGITAL MEDIA RECORDERS (Body Worn Audio/Video Recorders)**

Note: These procedures do not apply to mounted in-vehicle audio/video systems, which are covered elsewhere in this order.

### **A. Department Issued Digital Media Recorders DMR.**

1. All digital multimedia evidence that is captured during the scope of an officer's duties is the property of the department and shall not be converted or copied for personal use. Accessing, copying, editing, erasing, or releasing recordings or depictions of recordings without proper approval is prohibited and subject to disciplinary action.
2. The Chief of Police will designate an individual to manage the receipt and storage of DMR data. The DMR manager will routinely save DMR data as necessary to long-term storage media. DMR data not identified as necessary will be deleted after 90 days.
3. Officers issued a DMR shall use the device as required in B.

### **B. When usage is required. NOTE: If the DMR is activated for any of the reasons listed below, the recording shall continue until the incident is complete or the officer has left the scene.**

1. During any citizen contact outside the officer's vehicle.
2. During any interview with a victim, witness, or suspect.
3. During any field or eyewitness identification.
4. During any enforcement contact when the officer is outside his/her vehicle.
5. During building searches and alarm responses.

### **C. Prohibitions**

1. Officers shall not intentionally create digital recordings of other employees in areas where a reasonable expectation of privacy exists.
2. Officers shall not intentionally create digital recordings of citizens' activities in areas where a reasonable expectation of privacy exists, unless the recording is made while the officer is legally in the area for one of the situations listed in section B. Officers should be aware that under certain circumstances, e.g. victims or suspects in various stages of undress, the officer may consider stopping the recording and will explain the stopped recording in the report.
3. Officers shall not knowingly record undercover officers or informants.
4. Officers shall not use a departmental device to record any personal activities.
5. Officers shall not allow any non-sworn personnel to view the DMR or any other recorded data without the permission of the officer's supervisor.
6. Uploading of any DMR data to any social media site is prohibited.
7. Officers may use DMRs only in patient care areas of hospitals or emergency rooms when the recording is for official business.
8. To the extent possible, officers will attempt to prevent the recording of non-involved individuals.

#### D. Officer Responsibilities

1. Officers issued a department-owned DMR shall attend training, and they will demonstrate proficiency with the recording and transfer of recorded data.
2. Officers shall inspect the device at the beginning of each shift to ensure proper operation, including sufficient battery life and recording medium.
3. Any device found deficient at any time will be reported to the officer's supervisor who will issue a replacement if one is available.
4. Any DMR data created will be downloaded or copied to the appropriate department storage location before the end of shift.
5. Much of the recorded data will not be needed – as in a building search where nothing is found, or a citizen contact that did not result in any action. But any data that an officer believes might be evidence or is likely to be needed for any other purpose, such as a potential employee complaint, should be noted in official reports. If the recording may be needed and no report is made, the officer should contact the DMR manager so the data may be flagged and kept secure as needed; however, all recorded data will be held in accordance with applicable laws

#### E. Personally Owned Digital Media Recorders – DMRs

1. Department personnel not issued a department DMR may carry a personally owned DMR with written permission of the Chief of Police.
2. Prior to approval, the officer must demonstrate proper use and transfer of data to department media.
3. The officer carrying a personally owned DMR is subject to the same rules and regulations as those with a department-issued DMR.
4. All data recorded while on-duty is the property of the department, regardless of the device ownership and will be handled as such.
5. All data will be transferred to department media and the device erased prior to the end of shift.
6. Supervisors may request proof of erasure.

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 6.1 Use of Force</b>	
<b>Effective Date: 11/18/16</b>	<b>Publish Date: 02/28/17</b>
<b>Approved: Forrest Spence, Chief of Police</b>	
<b>Reference: 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, and 6.09.</b>	

## I. POLICY

This department values the protection and sanctity of human life. It is, therefore, the policy of this department that officers use only the force that is reasonably necessary to effectively bring an incident under control while protecting the lives of the officer and others.

The use of force must be objectively reasonable. The officer must use only the force that a reasonably prudent officer would use under the same or similar circumstances.

The officer's actions will be reviewed based upon the information known to the officer at the time the force was used. Information discovered after the fact will not be considered when assessing the reasonableness of the use of force.

Officers are prohibited from using any force as a means of punishment or in the process of an interrogation.

## II. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for the use of deadly and non-deadly force. This policy does not set forth a higher standard of care with respect to third party claims.

## III. DEFINITIONS

- A. **Deadly Force:** Any use of force that creates a substantial risk of causing death or serious bodily injury.
- B. **Non-Deadly Force:** Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.
- C. **Objectively Reasonable:**
  - 1. This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to themselves and the community.

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

#### **IV. PROCEDURES**

##### **A. Use Of Non-Deadly Force**

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

##### **B. Use Of Deadly Force**

Law enforcement officers are authorized to use deadly force when one or both of the following apply:

1. To protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily harm.
2. To prevent the escape of a fleeing violent felon whom the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others. Where practicable, prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.

##### **C. Deadly Force Restrictions**

1. Warning shots shall not be fired.
2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. Because of the low probability of penetrating a vehicle with a handgun, officers threatened by an oncoming vehicle should attempt to move out of its path, if possible, instead of discharging a firearm at it or any of its occupants. However, if an officer reasonably believes that a person is immediately threatening the officer or another person with deadly force by means of a vehicle, an officer may use deadly force against the driver of the vehicle.
4. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure if the animal is seriously injured and the officer reasonably believes that deadly force can be used without harm to the officer or others. In these circumstances, a supervisor shall be contacted prior to the use of deadly force if time permits.

#### **V. LIMITATIONS ON FORCE**

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

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

## **VI. TRAINING**

- A. All officers shall receive training in the use of their firearms and all non-lethal weapons authorized by the department, hands-on arrest and defensive tactics, as well as the "Use of Force" policy prior to performing any law enforcement duties.
- B. All officers shall be trained and qualified with their firearms at least annually.
- C. All officers shall receive training in the department's "Use of Force" policy at least annually.
- D. All officers shall receive hands-on arrest and defensive-tactics training at least every two years.
- E. Officers shall receive training in all non-lethal weapons issued or used by the department and demonstrate proficiency with those weapons at least every two years.
- F. All use-of-force training shall, at a minimum, comply with the standards established by TCOLE.

## **VII. REPORTING USE OF FORCE**

- A. Officers shall document any application of force except for those arising in training, departmental demonstrations, or off-duty recreational activities.
- B. If officers have employed any use of physical force (other than the routine use of handcuffs or use of a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, or pointed or discharged any firearm, they shall first provide for appropriate medical aid for the subject (TBP: 6.07) and then they will do the following:
  - 1. Immediately notify the on-duty supervisor or the Chief of Police (if the on-duty supervisor is unavailable) of any use of force or discharge of a weapon. The supervisor or Chief of Police shall determine if an immediate investigation is required.
  - 2. Photographs of the subject will be taken as soon as possible after the use of force to document any injury or lack of injury.

3. Submit a use-of-force form to the Chief of Police prior to the end of shift describing the incident, the force used, and any medical aid rendered. The use of force form shall be in addition to any other required reports.

## **VIII. DEPARTMENTAL REVIEW**

### **A. Review**

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

### **B. Internal Investigations**

1. An internal investigation will be conducted on any firearms discharge (other than training), and any other use of deadly force by any member of the department. An internal investigation may be conducted on other use-of-force incidents if a violation of law or department policy is suspected. In addition to the internal investigation, a criminal investigation shall also be conducted of any incident involving the discharge of firearms or any other use of force incident where an officer or other person is injured or killed and in any other circumstances where a violation of law is suspected. The criminal investigation may be conducted by another law-enforcement agency with concurrent jurisdiction, and the results may be presented to the grand jury for review.
2. Procedures for officer-involved-shooting investigations are covered in Policy 6.6.

### **C. Assignment**

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

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 6.2 Firearms and Qualification</b>	
<b>Effective Date: 09/26/17</b>	<b>Publish Date: 09/22/17</b>
<b>Approved: Forrest Spence, Chief of Police</b>	
<b>Reference: 3.01, 3.02, 3.03, and 6.04.</b>	

## **I. POLICY**

The department's policy is to ensure that members are properly trained not only in the use of appropriate firearms and the circumstances of their use, but also in their safety and maintenance, regarding both on- and off-duty weapons. Supervisors and the department armorer shall rigorously enforce departmental firearms standards. All personnel shall qualify at least annually with his or her sidearm and with any other firearm used or carried either on-duty or off-duty.

## **II. PURPOSE**

The purpose of this policy is to establish policy and procedures governing the care and maintenance of issued weapons and ammunition, the selection and use of holsters, off-duty weapons, firearms training, and qualification.

## **III. PROCEDURES**

### **A. Authority**

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

### **B. On-Duty Weapons, Issuance and Use**

1. Only weapons issued by the department or approved by the Chief of Police will be carried or used while on-duty. The department currently issues the Glock 19 .9mm Lugar caliber as the standard duty firearm for officers.
2. The departmental armorer or firearms instructor shall issue departmental weapons to authorized personnel.
3. Department firearms and ammunition are determined by the Chief of Police based on the needs of the agency.



### C. Shotguns

Shotguns are assigned to patrol cars and individual officers as appropriate.

1. All shotguns shall be carried with the magazine fully loaded with approved ammunition, chamber empty, trigger released, and safety off.
2. A minimum of five extra rounds of approved ammunition shall be carried with each shotgun.
3. All shotguns left at the police department shall be unloaded, with chamber open, and stored in gun vault or other designated location.

### D. Patrol Rifles

Patrol rifles, e.g., the AR-15, may be issued or used by officers and supervisors who have received appropriate training and have maintained their required qualifications.

### E. Off-duty and/or secondary weapons

1. Off-duty and/or secondary weapons, either revolvers or semi-automatic pistols, and their ammunition, are purchased at the officer's expense. The armorer shall inspect and certify the off-duty or secondary weapon before it may be carried. Only weapons manufactured by Colt, Smith and Wesson, Glock, Sig Sauer, Beretta, Ruger, Springfield Armory, and FN are permitted. Officers using off-duty or secondary weapons shall qualify with the off-duty or secondary weapons at the annual qualification.
2. While off duty, officers may carry either an issued weapon or one purchased at officer expense, subject to the terms of this policy.
3. Officers should not carry weapons when it is socially inappropriate to do so.
4. Officers will not carry weapons when consuming alcoholic beverages.
5. Off-duty weapons shall be carried safely and concealed from public view.
6. Officers shall carry the departmental badge and identification any time that they are carrying an off-duty weapon.

### F. Departmental Ammunition

1. Only factory ammunition manufactured by Winchester, Federal (Fiocchi), or Speer will be used in departmental personal weapons for on-duty or off-duty use. No reloaded ammunition will be used except for practice. The department will select and purchase on-duty ammunition for each qualification and old ammunition will be fired during qualification to ensure fresh ammunition is carried in on-duty firearms.
2. Officers are responsible for the purchase of ammunition for their off-duty weapon.
3. Remington, Winchester, Hornady or Federal Factory 00 Buck and slug rounds will be used in departmental shotguns.
4. Only Remington, Hornady, Speer, Federal, Fiocchi, Black Hills .223, 55-grain or above soft-point of ballistic tip ammunition will be used in departmental patrol rifles unless otherwise authorized by the Chief of Police.

**G. Security of weapons**

1. Officers are responsible for the care, cleaning, and security of departmental weapons issued to them, whether on-duty or off-duty.
2. Officers shall report any weapon malfunction to the Chief of Police via the armorer.
3. Officers are responsible for the safe and secure storage of issued weapons when off-duty in a manner that prevents theft or unauthorized access or use.

**H. Department Firearms Proficiency Officer and Armorer**

1. The Chief of Police shall appoint at least one sworn member of the department to be the departmental firearms proficiency officer and armorer. The armorer shall be a firearms instructor certified by the Texas Commission on Law Enforcement.
2. The duties are as follows:
  - a. Schedule, supervise, and maintain records on all firearms qualifications required by the department.
  - b. Maintain non-issued departmental weapons and associated equipment.
  - c. Inspect all weapons being returned to the armory to ensure they are clean and serviceable.
  - d. Repair or submit to a qualified gunsmith for repair all departmentally owned malfunctioning weapons.
  - e. Maintain records of issuance, care, and maintenance of departmental and personally owned weapons and associated items used on-duty.
  - f. Issue departmental ammunition.
  - g. Annually inspect and certify as serviceable both departmental and personally owned firearms that are authorized for on-duty and off-duty use.
3. The armorer shall maintain a record that includes identification of all firearms that have been certified as safe, and identification of those officers who have qualified with each of the firearms. This record shall include the following:
  - a. Officer's name and identification number.
  - b. Make and model of weapon.
  - c. Serial number of weapon.

**I. Modification of weapons: Departmental weapons shall not be modified or altered without the written approval of the Chief of Police except as outlined below.**

1. Substitution of grips
  - a. Grips shall be of high quality rubber.
  - b. Grips shall be the color of plain black or brown.
  - c. Target-style grips, or any grips that interfere with the operation of the weapon, are not authorized.
2. Modification of privately owned weapons designated by officers as duty weapons.
  - a. Substitution of grips as outlined in 1.b above is authorized.
  - b. Trigger shoes are prohibited.

## **J. Firearms inspections**

1. Annually, either the firearms instructor or the armorer shall thoroughly inspect each weapon during qualification on the range. Documentation of this inspection will be maintained by the department firearms instructor.
2. Monthly supervisors shall inspect subordinate officers' issued firearms to ensure that they are maintained in a clean and serviceable condition.
  - a. Firearms inspections shall include side arms, shotguns, authorized rifles, ammunition pouches, and holsters.
  - b. Ammunition shall be inspected to ensure that it is of departmental issue, of correct quantity, and in serviceable condition.
  - c. Upon completion of monthly inspections, the supervisor shall forward a memorandum to the Chief of Police that documents the following information:
    - i. The date the inspection was held.
    - ii. The name of each officer inspected.
    - iii. The findings of the inspection.

## **IV. PROCEDURES FOR QUALIFICATION**

### **A. Qualification rules**

1. Officers must qualify at least annually with any weapon they carry or use on-duty or when they change weapons.
2. The firearms instructor or armorer shall be in charge at all times when officers are on the firing range for qualification.
3. Officers using departmentally issued weapons must qualify with ammunition issued by the department.
4. Every officer shall fire the regular firearms course approved by the Texas Commission on Law Enforcement.
5. Officers who fail to qualify on their first attempt shall immediately attempt qualification a second time. Officers who fail to qualify on the second attempt shall be placed in remedial training as soon as practicable and shall be removed from patrol or investigative duties until the standards expressed herein are met. Officers who cannot qualify within fifteen days of the original qualification shall be subject to termination.
6. The armorer will maintain records of each officer's firearms qualifications including:
  - a. The officer's name and identification number
  - b. The date of qualification
  - c. The weapons(s) used during qualification
  - d. A description of the course of fire and score.
7. The armorer or firearms instructor shall inspect all weapons before firing to (1) ascertain that the weapons are safe and (2) to ensure that the weapons have been properly maintained.

### **B. Shotgun**

1. Every officer must pass the shotgun qualification course before carrying a shotgun on duty.

2. The qualification course shall include the following:
  - a. Knowing how to load and unload the shotgun combat style.
  - b. Firing at least 10 shots, not all from the same position.
3. Officers shall qualify with the shotgun at least annually.

**C. Patrol Rifle**

Officers who are trained and authorized to use the patrol rifles must qualify at least annually with the rifle on a TCOLE approved course of fire.

**D. Firearms and Use of Force Instruction**

1. All department personnel whose duties require the carrying of firearms shall receive familiarization instruction on their firearms before range qualification.
2. At least annually, personnel whose duties require the carrying of firearms shall receive training in the mechanics of the weapon (stripping, lubricating, nomenclature, troubleshooting, and misfires), and sound safety practices.
3. At least annually and in connection with firearms training, personnel whose duties require the carrying of firearms will receive training in the department's use-of-force policy.
4. Use-of-force and use-of-deadly force training will be conducted at least annually in conjunction with firearms use and firearms qualification.

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 6.4 Officer Involved Shooting Investigations</b>	
<b>Effective Date: 11/18/16</b>	<b>Publish Date: 02/28/17</b>
<b>Approved: Forrest Spence, Chief of Police</b>	
<b>Reference:</b>	

**I. POLICY**

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

**II. PURPOSE**

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

**III. DEFINITIONS**

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

**IV. PROCEDURES**

- A. Officer’s responsibility when involved in a shooting incident
  - 1. Officers involved at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and others, and to preserve evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate:
    - a. Ensure that the threats to officer safety and the safety of others are over.
    - b. Notify communications of the shooting incident and request immediate assistance.
    - c. Secure and separate any suspects.
    - d. Relay information on any fleeing suspects to communications and other field units and work with them to establish a containment area.

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

**B. Supervisor Responsibilities.** A supervisor shall be dispatched as soon as possible to the scene of the incident, and shall assume primary responsibility for protecting the scene and caring for involved personnel.

1. The supervisor will ensure the safety and determine the condition of the officer(s), suspect, and third parties, and summon emergency medical service providers if not yet summoned for officers, suspects, and third parties.
2. If the officer has been shot or otherwise injured, the supervisor will do the following:
  - a. Ensure that an officer accompanies and remains with the officer at the hospital.
  - b. Ensure that the officer's family is notified on a priority basis and in person when possible.
  - c. Ensure that family members are assigned transportation to the hospital or any other location where they are needed as soon as possible.
  - d. Not release the officer's name prior to the family's being notified.
  - e. Assign an officer to the family for security, support, control of the press, and visitors.
  - f. Establish communications and related matters.
  - g. Ensure that the clothing of officers and other injured persons is collected for potential evidentiary purposes.

- h. See that related equipment of the officers is safeguarded.
3. The supervisor should contact communications and advise them of the condition of the officers and suspects and the exact location of the incident and request they immediately contact the following:
  - a. The Chief of Police
  - b. Investigators
  - c. Crime scene search personnel
  - d. Police chaplain or advocate
  - e. Police legal advisor
4. The supervisor is to establish a command post and appoint a recorder to make a chronological record of all activities, including the names and actions of any personnel who enter the crime scene. The recorder shall prepare a supplemental report detailing his/her activities and observations. The original chronological record and the supplemental report will be placed in evidence after the scene is cleared.
5. The supervisor shall ensure that all audio/video recording systems, including squad-car video systems that were at the scene at the time of the incident, are stopped and secured to protect any evidence thereon.
6. If the officer is not immediately transported to the hospital, the supervisor shall briefly meet with him/her. Only minimal, preliminary questions should be asked about the incident. The officer should be advised that a more detailed debriefing will be conducted at a later time. The supervisor must, however, obtain sufficient information to protect the scene and begin an investigation. At a minimum the supervisor should determine the following:
  - a. If any other suspects are at large and get descriptions;
  - b. Approximate number and direction of shots fired (to protect crime scene and ensure no other persons are injured);
  - c. Description and location of any known victims or witnesses;
  - d. Description and location of any known evidence;
  - e. Any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.
7. During any period where the involved officer is required to remain on the scene but has no immediate duties to fulfill, the supervisor should see that the officer is taken to a quiet area away from the scene of the incident. If available, a peer counselor or other supportive friend or officer should remain with him/her, but that person should be advised not to discuss details of the incident.
8. The supervisor will see that a color picture of the involved officer is taken.
9. The supervisor will ensure that the overall scene and evidentiary items are photographed and videotaped.
10. The supervisor will ensure that all persons at the scene are videotaped.
11. The supervisor should advise the officer that he/she may seek legal counsel.
12. The supervisor will explain to the officer that any standard investigations concerning the incident will be discussed with the involved officers, and that the investigations shall include a criminal and an internal investigation.

13. The supervisor shall advise the officer not to discuss the incident with anyone except a personal or agency attorney, or departmental investigator until the conclusion of the preliminary investigation.
  14. The supervisor will ask all officers present at the time of the incident if they are carrying any firearms other than their primary duty weapon. If so, these weapons will be examined before crime-scene personnel have left the scene.
  15. The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. If the duty weapon is taken, the supervisor shall:
    - a. Take custody of the officer's weapon in a discrete manner;
    - b. Replace it with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.
  16. The supervisor should ensure that the involved officer may notify his/her family about the incident as soon as possible. Where an officer is unable to do so, an agency official shall personally notify his family and arrange for their transportation to the hospital if needed.
  17. At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
  18. Once the scene is secure, if investigators have not yet arrived, the supervisor shall begin doing the following:
    - a. Locate and secure in place the officer's weapon and shell casings.
    - b. Locate and secure the weapons and shell casings of any suspects.
    - c. Collect information about the suspect including name, address, age, and DOB.
    - d. Locate and secure any clothing that may have been removed from the suspect or officer by medical personnel.
    - e. Attempt to determine the original shooting positions of the suspect and officer.
  19. Upon arrival of investigators, the supervisor will brief the appropriate personnel on the details of the incident.
  20. The supervisor shall prepare the original basic offense report concerning the incident and prepare a detailed supplement report of his/her activities after being notified.
  21. The supervisor shall also complete a departmental use-of-force report on the incident.
- C. Investigation: This agency requests another agency to investigate incidents of officer-involved shootings.
1. Two different investigations may be conducted after an officer involved shooting incident.
    - a. If the officer was shot at, injured, killed, or otherwise the victim of a criminal offense, a criminal investigation will be conducted to determine the identity of the suspect and for subsequent prosecution.



- b. If an officer shot at a suspect, an administrative investigation shall be conducted to determine compliance with departmental policy, as well as a criminal investigation to determine if the officer is criminally culpable.
  - c. If an officer shot at and hit a suspect, a criminal investigation shall be conducted to determine if the officer is criminally culpable for his or her actions, as well as an administrative investigation to determine compliance with departmental policy.
2. These investigations, if both are required, may run simultaneously with the criminal investigation taking precedence.
3. To avoid improper contamination of the criminal investigation investigators will be well versed in the issues of Garrity v. NY.
4. Upon arrival, investigators will first ensure the tasks itemized above have been completed. They shall then conduct their investigation, which will include the following:
  - a. The investigators will receive a general briefing and walk-through by the supervisory officer regarding the circumstances surrounding the shooting. The decision to conduct a walk-through with the involved officer present at this time must be made based on the following:
    1. The type of investigation being conducted
    2. The physical and mental state of the officer
    3. The availability of the officer's attorney
    4. The circumstances at the scene
  - b. The investigators will make a thorough inspection of the scene and they will review the collection of all items and substances of evidentiary value, including photos and videotapes taken at the scene.
  - c. The investigators will obtain taped statements from the suspects.
  - d. The investigators will ensure that notification is provided to next-of-kin of injured or deceased suspects.
  - e. The investigators will locate and identify witnesses and conduct initial tape-recorded interviews.
  - f. The investigators will tape record interviews with fire department personnel, emergency medical service providers, and other first responders to the scene.
  - g. They will conduct separate tape-recorded interviews with each officer involved. (Involved officers will not be required to provide written or videotaped statements sooner than 48 hours after an incident.)
  - h. They will conduct the interview in a private location away from sight and hearing of agency members and others who do not have a need or a right to the information.
  - i. They will advise the officer not to discuss the incident with anyone except a personal or agency attorney, union representative, or departmental investigator until the conclusion of the preliminary investigation.
  - j. They will be cognizant of symptoms of post-traumatic stress, which might include time and space distortions, confusion, hearing and visual distortion, and emotional impairment, including shock. (Defer tape-recorded interviews if these symptoms are evident.)

- k. They will take any weapon fired by the officer into custody and handle it as evidence. Firearms shall be taken from officer in a discrete manner and the OIC shall ensure that arrangements are made to replace them with other firearms or advise the officer that they will be returned or replaced at a later time.
  - l. They will contact the coroner and obtain the autopsy report for any officer and/or suspect if required.
  - m. They will determine entrance and exit wounds, estimates of the shooter's position, the presence of alcohol or controlled substances, or other related evidence.
5. The results of any criminal investigation conducted will be presented to the grand jury for independent review.

**D. Post-Incident Procedures**

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

#### E. Daily Stress Recognition

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

<b>KEMPNER POLICE DEPARTMENT</b>	
<b>Policy 7.30 Traffic Enforcement</b>	
<b>Effective Date: 11/18/16</b>	<b>Publish Date: 02/28/17</b>
<b>Approved: Forrest Spence, Chief of Police</b>	
<b>Reference: TBP: 7.21, 7.22, and 7.28</b>	

## **I. POLICY**

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

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

## **II. PURPOSE**

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

## **III. PROCEDURES**

### **A. Legal Basis for Stopping Motor Vehicles**

1. Officers have legal justification for stopping a motor vehicle as provided by the Fourth Amendment to the U.S. Constitution. Without such justification, evidence of illegal activity discovered during the course of a stop may be inadmissible in court.
2. Officers are prohibited from stopping vehicles under the guise of legal authority when in fact the stop is based solely on the officer's prejudice concerning a person's race, ethnicity, sex, or similar distinction.
3. A motor vehicle may be stopped only for a period of time that is reasonable to issue a citation or conduct other legitimate police business.
4. Officers should avoid arrests solely for minor vehicle infractions even if permitted by law when a citation in lieu of arrest is a reasonable alternative.

5. Officers are reminded that they have full discretionary authority in the type of enforcement actions to be taken, subject to the guidelines contained herein. Officers are encouraged to use good judgment, understanding, and compassion in making a decision on the proper enforcement activity.

## **B. Types Of Enforcement Actions**

### 1. Warnings

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

### 2. Traffic Citation

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

NOTE: A violator may not be physically arrested, but must be issued a citation for the offenses of speeding or violation of the open container law.

### 3. Physical Arrest

- a. In compliance with Transportation Code 543.002, officers shall make a physical arrest and take the violator before a magistrate when the officer believes that the violator
  - i. has committed a felony
  - ii. has failed to stop at the scene of an accident involving property damage or committed any other violation where the punishment is greater than a fine only
  - iii. refuses to give a written promise to appear under TRC 543.005 (Promise to Appear).
- b. If the violator refuses to sign the citation, the officer will write "Refused to Sign" in the signature block and issue the citation to the subject. Physical arrests for refusal to sign will not be made by this agency.

## **C. Handling Special Categories Of Violators**

### 1. Juveniles

Juvenile traffic offenders are prosecuted in municipal court. Juveniles over the age of 14 may be issued citations for offenses committed in cars. Juveniles over the age of 10 may be issued citations for offenses on motorcycles, motorized scooters, or ATVs. Officers issuing traffic citations to juvenile offenders shall advise them that

a parent or guardian must accompany them when they appear before the court. Juveniles must appear in court with their parents or other responsible adult. No prepayment is allowed.

2. Foreign diplomatic or other consular officials

- a. Diplomatic immunity is granted by the United States Government. Generally, immunity may apply to diplomats, members of their families, and employees of diplomatic missions concerning acts performed in the course of their official duties.
- b. Different levels of immunity exist. The burden is on the diplomat to claim immunity and show the appropriate U.S. State Department-issued credentials.

3. Members of Congress

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

**D. Information Regarding Traffic Summons**

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

1. The court appearance schedule and contact information.
2. Whether the court appearance by the motorist is mandatory
3. Whether the motorist may be allowed to pay the fine before court and enter a guilty plea
4. Answers to the motorist's questions about the summons, being as thorough as possible.

**IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS**

**A. Speed Violations**

1. On public streets within the city that have a speed limit of 30 mile per hour or higher, officers shall not write citations for under 40 miles per hour unless specifically approved for a particular operation or problem solving activity.
2. In school zones where the speed limit is 20 miles per hour, citations may be written for any vehicle traveling 25 miles per hour or greater.

**B. Other Hazardous Violations**

Citations may be issued for any hazardous violation which in the officer's experience has caused accidents at the specific location.

**C. Equipment Violations**

With only annual inspections required of vehicles, citations may be issued for any essential equipment defects which creates a danger or hazard to the driver or others or for expired inspections stickers. Officers shall not issue an inspection citation until the 10<sup>th</sup> day of the month following the month the inspection expired.

**D. Public Carrier/Commercial Vehicle Violations**

In issuing a summons, consider traffic congestion, lack of parking, and carrier needs for delivery access. Repetitive violators shall be cited.

**E. Multiple Violations**

Officers may issue summonses for all appropriate violations. In the event of multiple violations, officers may issue multiple citations for the most serious violations and may warn on others, if appropriate.

**F. Newly Enacted Laws**

The law usually does not provide for a grace period when new laws take effect. Officers, though, may use discretion in observing a reasonable grace period before issuing a summons for the following:

1. A violation of a newly enacted traffic law.
2. Speeding violations in an area which the speed limit has been reduced.
3. Expired state license tags or expired state inspection stickers for approximately ten days after their expiration.

**V. TRAFFIC LAW ENFORCEMENT PRACTICES - General**

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

- A.** Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
- B.** Line patrol involves traffic enforcement with concentration on a particular section of roadway.
- C.** Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.

- D. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location.
- E. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind other drivers to comply with traffic laws.
- F. Objectives Of Traffic Stops
  - 1. The two primary objectives of any traffic stop are
    - a. to take proper and appropriate enforcement action; and
    - b. to favorably alter the violator's future driving behavior.
  - 2. Achievement of these objectives requires the officer to evaluate the violator's mental and physical condition when assessing the facts of the violation itself. In achieving these objectives, officers must exhibit flexibility to minimize conflict or argument with the violator.
- G. Stopping A Violator / Issuing a Citation
  - 1. Rules to be followed in all traffic stops:
    - a. Be alert at all items for the unexpected.
    - b. Be absolutely certain that the observations of the traffic violation were accurate.
    - c. Present a professional image in dress, grooming, language, bearing, and emotional stability.
    - d. Be prepared for the contact by having the necessary equipment and forms immediately available.
  - 2. Before making a vehicle stop:
    - a. Maintain a reasonable distance between the violator and the patrol vehicle.
    - b. Locate a safe spot to stop the vehicle.
    - c. Activate the emergency lights and, when necessary, the siren to signal the vehicle to stop.
    - d. Advise the dispatcher of the intention to stop the particular vehicle, and give the following information:
      - i. The location of the stop.
      - ii. The vehicle's license tag number and a description when necessary.
    - e. The officer shall position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle shall be positioned so that it will offer the officer some protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle.
  - 3. Additionally, when stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, perform the following actions.
    - a. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before making the actual stop;
    - b. Train the unit's auxiliary lights (spotlight) on the occupant(s) of the vehicle when applicable;
    - c. When necessary use the vehicle's public address system to give instructions to the occupant(s) of the violator's vehicle.



4. Hazards

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

5. Approaching The Violator (Left Side Approach)

- a. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Follow these procedures unless circumstances dictate another reasonable method.
- b. After properly advising the dispatch of the traffic stop, location, and vehicle license number, the officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
- c. The officer shall approach from the rear of the violator's car, look into its rear seat, and stop behind the trailing edge of the left front door not standing in the traffic lane. On busy roadways, officers should consider the option of approaching the vehicle from the passenger's side (right) for officer safety. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, and at the same time keep all occupants of the vehicle in view.
- d. In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to the trailing edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
- e. In traffic stops made by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes, and act as an observer and cover for his or her fellow officer.

6. Approaching the Violator (Right Side Approach)

- a. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Follow these procedures unless circumstances dictate another reasonable method.
- b. After properly advising the dispatch of the traffic stop, location, and vehicle license number, the officer shall leave the patrol vehicle and be continuously

alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.

- c. The officer shall approach from the rear of the violator's car on the right side of the vehicle opposite the active traffic lane, look into its rear seat, and stop behind the trailing edge of the right front door. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, and at the same time keep all occupants of the vehicle in view.
  - d. In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to the trailing edge of the right front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
  - e. In traffic stops made by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes, and act as an observer and cover for his or her fellow officer.
7. Communicating With the Violator

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

- a. Greet the violator courteously with an appropriate title.
  - b. Inform the violator what traffic law he or she has violated and the intended enforcement action (do not keep the violator in suspense).
  - c. Ask for and accept only the violator's driver license and vehicle registration. If the driver offers money, the officer shall refuse it and advise the driver of the illegality of the offer.
  - d. If the driver has no driver's license, obtain another document of identification.
  - e. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.
  - f. Complete the forms required for the enforcement action or give an oral warning, if appropriate.
  - g. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
  - h. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
8. Conducting the transaction
- a. Return the violator's driver's license, registration, and a copy of the citation or warning, if given.
  - b. Release the defendant after he or she signs the summons, and receives a copy of the summons.
  - c. Assist the violator in safely re-entering the traffic flow.
  - d. Do not follow the violator.

## **VI. CITATION ACCOUNTABILITY**

### **A. Citation Book Security**

Citation issuing information, records, and storage of citations is the responsibility of the municipal court. Citation books are stored by the municipal court. The Chief will notify the court when new citations are needed. A supervisor will verify the number of books delivered and place them in a designated locked area.

### **B. Citation Accountability**

1. Officers are directly accountable for each citation issued to them. Failure to be able to account for each citation issue may result in disciplinary action as appropriate.
2. Officers will keep the yellow copy of their citations for personal reference. Officers should maintain their copies for a minimum of six months in order to answer any questions regarding the citation on quarterly audits. Since these are copies and not originals, they do not have to be kept permanently under the governmental records rules.
3. Officers who make errors on citations and chose not to use a citation form will write "VOID" and the reason for the voiding on all copies of the citation, staple all copies and forms together, (except the yellow copy which the officer keeps), and place the voided citation in the Chief's box to be filed.
4. Officers who discover errors after citations have been sent to municipal court must prepare a memorandum for Request for Dismissal, or a request that the violations be amended including any pertinent information regarding said changes, and send the request through their supervisor to the Chief of Police for approval and forwarding to court.
5. It is permissible for one officer to use a citation out of another officer's assigned book; however, the assigned officer should not loan the entire book to a fellow officer. The assigned officer is still responsible for the citations issued.

## **VII. DWI/DUI ENFORCEMENT PROCEDURES**

### **A. Laws**

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

### **B. Responsibilities**

Officers shall be alert for suspected DWI offenders. Officers shall use and document standardized roadside sobriety tests. Officers must carefully document the behavior of the DWI beginning with observations of driving. Once the violator has been stopped, the officer shall note the suspect's appearance, responses to stimuli, speech, admissions of drinking, or drug ingestion.

**C. Breathalyzer**

1. The security, care, and maintenance of the breathalyzer and all physical evidence obtained from it are every officer's responsibilities.
2. The breathalyzer is located at City Hall.

**D. Sobriety Tests**

1. Officers shall administer a minimum of three field sobriety tests from the following list, which names the most commonly administered tests.
  - f. Gaze nystagmus (only if properly certified).
  - g. Walk and turn.
  - h. One-leg stand.
  - i. Reciting of alphabet.
  - j. Ten count.
  - k. Nose find.
  - l. Coin lift.
  - m. Officers may employ additional tests, but they must be performed in the same order and manner every time. (If these are used, they should be part of standardized instruction).
2. At the officer's discretion or if the operator fails the alco-sensor test, he/she shall be arrested for DUI and taken before the magistrate.
3. If an officer suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, he may require the operator to have a blood test performed in addition to testing for alcohol. Blood samples shall be analyzed by a Texas DPS Lab for evidence of alcohol and for various illegal, prescription, and over-the-counter drugs.
4. The officer shall make a full written report of the circumstances of the DWI arrest, formation of probable cause, and witnesses' observations.

**E. Arrest**

The arresting officer shall perform the following:

1. Advise the arrestee that any person, whether or not licensed by Texas, who operates a motor vehicle in this state gives implied consent to have a sample of his blood or breath taken for a chemical test to determine the alcoholic content of this blood or for the presence of drugs if such person is arrested for DWI.
2. Advise the arrestee that he/she may elect to have either a breath or blood sample taken, when available, but not both unless the officer suspects the presence of drugs. It is not a matter of defense for the driver in court that neither test was available.
3. If the arrestee refuses the available test, advise him/her that unreasonable refusal of the test constitutes grounds for the revocation of the driver's license and that a separate charge shall be placed to which he/she will have to answer in court.

4. If he/she still refuses, the arrestee shall be advised of the implied- consent statute and penalties by the magistrate. If the arrestee refuses to sign a declaration of refusal, which shall be presented to the arrestee at this point, then the magistrate may sign the form certifying the refusal.

**F. Blood-Test Procedure**

1. Take the arrested person to a physician, registered professional nurse, graduate laboratory technician, or other technician designated by order of the court who shall withdraw blood for the purpose of determining its alcoholic content and drugs.
2. The arresting officer shall also witness the doctor or technician taking the blood sample and ensure that an alcohol solvent is not used to cleanse the withdrawal location. The officer shall initial the vial labels (on two vials) before the doctor or technician seals the vials in their containers. The initial shall be placed on the label where it does not interfere with the date written by the doctor or technician who took the blood sample.
  - f. The medical person taking the sample shall place his or her name and the name of the accused on the label of each vial with the date and time the blood was taken.
  - g. The arresting officer shall take possession of the two vials and seal them in two containers designed to hold them.
  - h. The arresting officer shall further perform the following:
    - i. Place the name of the arrested person, officer's name, date and time of arrest on each of the containers.
    - ii. Mail one of the containers to the laboratory selected by the accused, if the accused so directs. If the accused does not recommend disposition of the sample at this time, the officer shall keep the sample in the department refrigerator for up to 72 hours.
    - iii. Destroy the container if no such direction is received in writing within 72 hours.

**G. Breath Analysis**

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Division of Forensic Science. This may include the arresting officer or anyone participating in the arrest. In the event the breathalyzer is inoperable or a licensed operator is not available, this test is deemed not available.
2. The type of equipment and the methods used to perform breath analysis shall be in accord with the regulations of the Division of Forensic Science.
3. The testing officer shall issue a certificate of breath alcohol analysis that indicates that the test was conducted per the manufacturers' specifications, the equipment on which the test was conducted has been tested in the last six months and was found to be accurate, the name of the accused, the date, the time the sample was taken from the accused, the alcohol content of the sample, and by whom the sample was examined.

## **H. Accident Investigation**

If the DWI suspect has been involved in a traffic accident, officers shall also undertake the following:

1. Identify any witnesses who saw the suspect operating a motor vehicle.
2. Question the witness about the suspect's condition, actions, and statements immediately after the accident.
3. Establish a time lapse from the time of the accident to the time of arrest.
4. Question the witnesses and the suspect about what, if anything, the suspect ingested between the time of the accident and the officer's arrival.

## **VIII. SPECIAL TRAFFIC PROBLEMS**

**A.** Identification and referral of driver recommended for reexamination to the Department of Public Safety (DPS). During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement he or she may take, the officer shall notify DMV of these findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description of the disability noted. A driver deficiency report may be used for this purpose.

### **B. Pedestrian And Bicycle Safety**

The Chief of Police 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.

### **C. Off-Road Vehicles (Including Dirt Bikes, Motorized Scooters And ATVs)**

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

## **IX. ESCORTS**

### **A. General Rules**

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

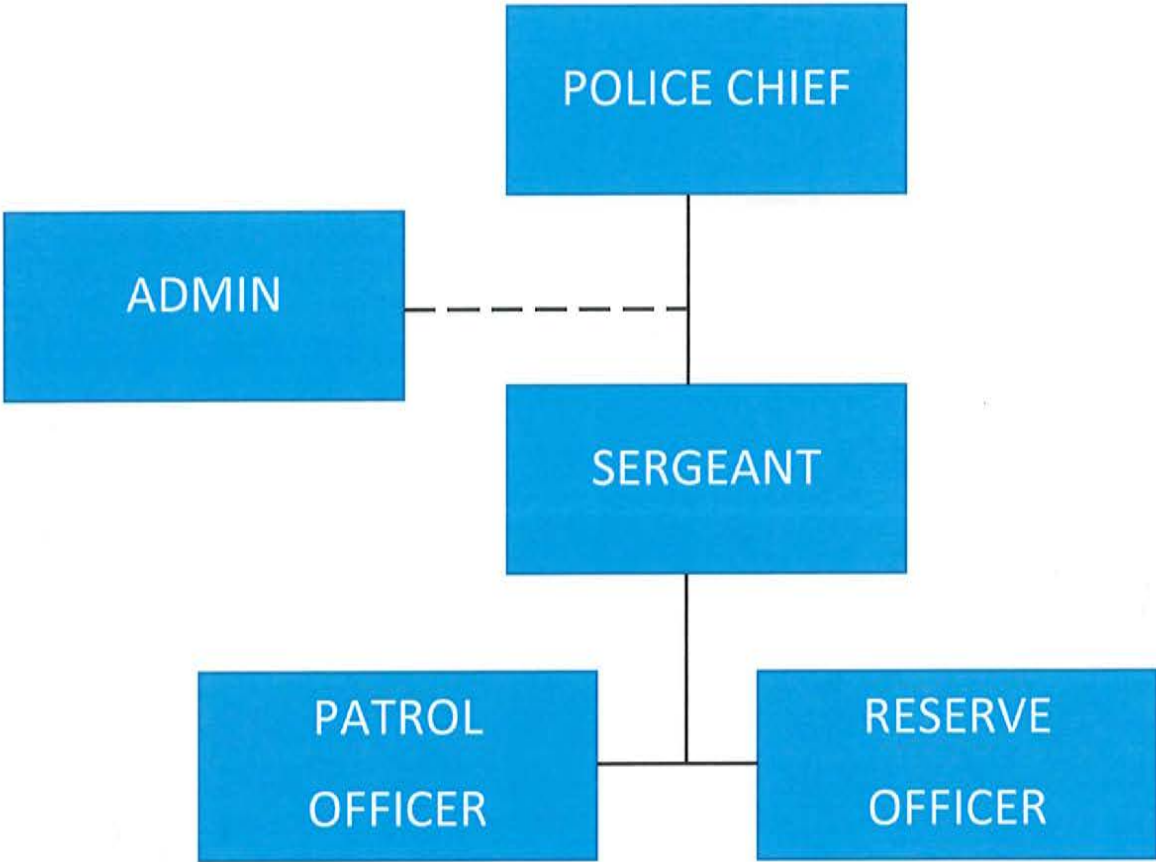
### **B. Funeral Escorts**

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





# KEMPNER POLICE DEPARTMENT ORGANIZATIONAL CHART



**KEMPNER POLICE DEPARTMENT COMPLAINT PROCESS**

**ABOUT THE PROCESS**

The complaint process is designed to deal with each case factually and fairly. Citizens who file complaints are treated respectfully, and their accusations are taken seriously. All complaints are investigated thoroughly, and all findings are based on impartial evidence gained during the investigation. However, many complaints can be explained satisfactorily by visit or telephone call to the employee's supervisor, usually the sergeant or officers. The supervisor will talk with you about your complaint and try to resolve it. The chief of police will review and follow-up with your complaint should it not be resolved by an immediate supervisor.

**SUBMITTING A COMPLAINT**

Formal external allegations that assert misconduct, not criminal in nature, must be received by the department within 45 days of the act, or when the complainant can show good cause for not making the complaint within the specified time limit. The determination of good cause shall be the sole judgment of the chief of police. Allegations of misconduct that is criminal in nature will be received within their respective statute of limitations period, as specified in the Texas Code of Criminal Procedure.

When possible, formal allegations of misconduct received from external sources will be reduced to writing, signed by the complainant and notarized. A notarized Department form describing Texas Penal Code Section 37.08 (False Report to a Peace Officer or Law Enforcement Employee) and the Texas Government Code Section 614.021-.023 (Subchapter B. Complaint Against Law Enforcement Officer or Fire Fighter) will be attached to the written complaint.

Anonymous allegations of misconduct, whether verbal or written, will be accepted; however, an anonymous allegation will be investigated only at the Chief's discretion or if it involves an alleged felony or Class A or B misdemeanor. All complaints will be dealt with in the same manner. Formal Complaints will be responded to in writing once the investigation is completed.



# CITY OF KEMPNER

## Police Department Manual Employee Acknowledgement Form

This is to acknowledge and certify that I have received a copy of, or a copy has been made available to me of the *Police Department Manual*. I acknowledge my obligation to read and abide by the contents of this manual as a condition of employment.

At the conclusion of my employment with the City of Kempner, I will be responsible to return this manual in good condition to the Chief of Police.

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Chief of Police Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

RETURNED:

\_\_\_\_\_  
Employee Signature

Date

RECEIVED BY:

\_\_\_\_\_  
Signature

Date