

# **HARRIS COUNTY PRECINCT 8 CONSTABLE'S OFFICE**



## **DEPARTMENT MANUAL**

**PHIL SANDLIN**

**Constable of Harris County, Precinct 8**

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(281) 488-4040**



This manual is designed to give you, an employee of Precinct 8, specific guidelines and procedures to follow as you go about serving the citizens of Harris County and this precinct. While this manual cannot address every conceivable situation, it does attempt to guide you in the discharge of your duties.

You have been entrusted with a tremendous amount of responsibility. With this responsibility comes an awesome amount of authority to accomplish the tasks that are expected of you. Therefore, it is imperative that you read, comprehend and retain the material contained in this manual. If there is any section you do not understand, seek clarification immediately.

I am proud of the reputation we have built as an agency over the years and I am glad to have you as a part of the "8 Team". If we all work together, we can continue the good works the citizens deserve and expect from us.

Sincerely,

Phil Sandlin  
Constable, Precinct 8

**ACKNOWLEDGEMENT FORM  
HARRIS COUNTY PRECINCT 8 CONSTABLE'S OFFICE  
DEPARTMENTAL MANUAL**

I acknowledge that I have received a copy of the Harris County Precinct 8 Constable's Office Department Manual. As an employee of this Office, I acknowledge that I am expected to know, be familiar with and adhere to the policies and procedures outlined in the contents of the manual. I hereby certify that I have read and understand the manual.

I understand that the Department Manual will be updated from time to time and that I will be responsible for reading and filing any updates.

I understand that this manual remains the property of the Harris County Precinct 8 Constable's Office. This manual, or any copy of this manual, is not to be furnished to any person, corporation, or agency without the written consent of the Constable of Precinct 8, or under Subpoena Duces Tecum from a duly authorized court. The manual is to be returned to the Harris County Precinct 8 Constable's Office upon termination of employment for any reason.

I understand that this manual and its contents in no way, shape or form creates any contract of employment.

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

Printed Name: \_\_\_\_\_

I understand that this original acknowledgement form shall be placed in my personnel file.



## HARRIS COUNTY PRECINCT 8 CONSTABLE'S OFFICE DEPARTMENT MISSION STATEMENT

The mission of the Harris County Precinct 8 Constable's Office is to provide consistent, quality and professional service to the community in carrying out the duties of the Office. We will work hard to provide a safe environment for those who live, work, visit or commute within this precinct. In order to fulfill this mission, the stated Departmental goals must be achieved.

### **We will strive to...**

- *act effectively as the service and enforcement arm of the judicial system.*
- *protect all segments of the community from criminal activities through innovative and proactive crime prevention and suppression techniques.*
- *provide for the safety and protection of the employees of the Department by all reasonable means.*
- *preserve the peace and dignity of the community.*
- *exercise diligence in the recovery of loss.*
- *provide community support directed toward assisting the public with education and awareness.*
- *provide traffic enforcement directed at safe movement of the public throughout the community.*

In pursuit of these goals, we strive to always act with the utmost integrity and to be honest and truthful. We will enforce the laws equally and without bias. We hold ourselves and other members of the Department to the highest ethical standards.

In achieving these goals, progressive techniques and strategic planning must be exercised to maintain a pro-active posture. Utilizing professionalism and courtesy, integrated with compassion and ethical standards, we will strive to understand and meet the needs of our community.

In fulfilling this mission, the Harris County Precinct 8 Constable's Office desires to provide a level of service that exceeds the expectations of the community while continuing to be a leader in the professional delivery of services.



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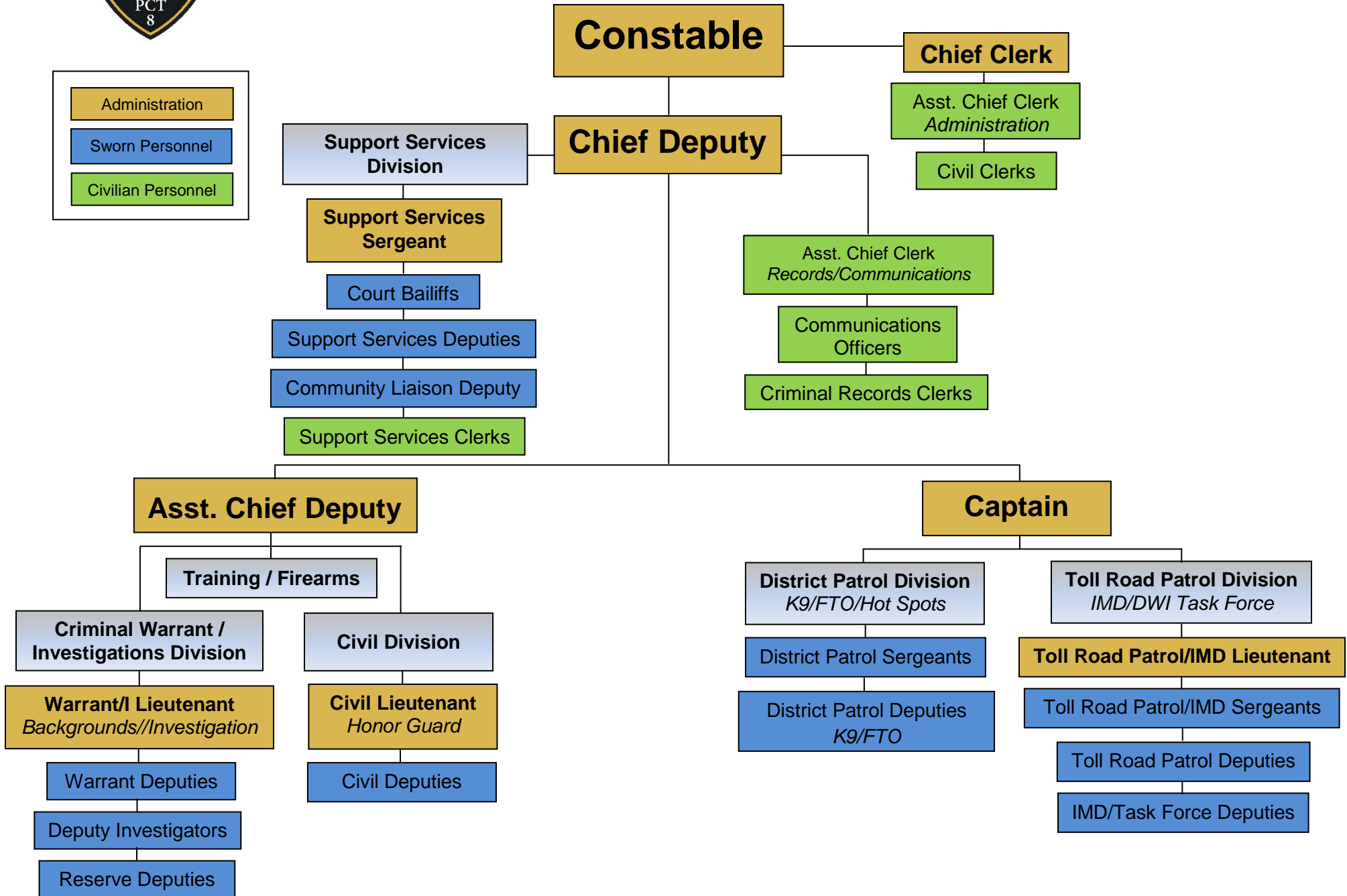
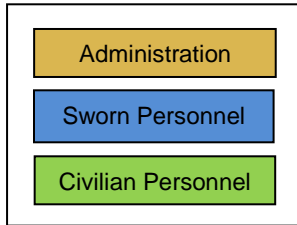
**Chapter V    Drug and Alcohol Screening Policy**

Sect 1        Drug and Alcohol Screening

- *Certificate of Receipt*
- *Acknowledge & Consent Form for Substance Abuse Testing*



# Harris County Precinct 8 Constable's Office Organizational Chart





# HARRIS COUNTY PRECINCT 8 CONSTABLE'S OFFICE

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### CHAPTER I – GENERAL PROVISIONS

| SUBJECT:         | SECTION #: | # of Pages |
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| LEGAL REFERENCES | 1          | 1          |

- 1.00 The Constitution of the State of Texas establishes the Office of Constable in Article 5, Section 18.
- 1.01 All legal power and authorization for the primary responsibilities of the Office of the Constable is cited throughout Vernon's Annotated Texas Statutes, including the Texas Penal Code and the Texas Code of Criminal Procedure.
- 1.02 The major duties of the Constable are to serve as conservator of the peace and to act as executive officer of the Justice of the Peace Courts, serving their writs, subpoenas, processes, and the like.
- 1.03 The Constable selects his own Deputies, within whom are vested the powers and duties of Peace Officers as defined by Texas Law.

#### Revision:

This policy has been revised on the below listed dates:

March 2022



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| DEPARTMENT MANUAL OVERVIEW | 2          | 1          |

- 2.00 The Department Manual of the Harris County Precinct 8 Constable's Office contains the general policy, procedure and rules for operation of the Department and outlines the organizational structure of the Department.
- 2.01 The policies listed in the Department Manual are to be strictly adhered to by all members of the Department at all times.
- 2.02 The Department Manual shall be composed of five chapters, as follows:
- A. Chapter I: General Provisions. This chapter contains explanations, definitions, legal references and procedures for the use of the Department Manual.
  - B. Chapter II: Department Organization. This chapter outlines the organizational and personnel structure of the Department and sets forth the chain of command and rules for supervision.
  - C. Chapter III: General Rules of Conduct. This chapter outlines general personnel rules applicable to all Precinct 8 employees.
  - D. Chapter IV: General Policies and Procedures. This chapter outlines specific policies of this Department and the rules and/or procedures that shall be used to implement them.
  - E. Chapter V: Drug and Alcohol Screening Policy. This chapter outlines the drug and alcohol screening policy and procedures for Harris County.

**Revision:**

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March 2022



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| ISSUANCE OF DEPARTMENT ORDERS AND MEMORANDA | 3          | 2          |

- 3.00 Orders affecting more than one division or the Department as a whole shall be issued only by the Constable or the Chief Deputy. Orders that affect only one division may be issued by any of the above or by the Division Commander.
- 3.01 General orders are directives which may be issued only by the Constable. They are issued to establish or implement Department policy or procedures and also to amend the Department Manual. All general orders will be incorporated into the Department Manual.
- 3.02 Division orders are directives which establish the procedures and rules by which a division will carry out the policies of the Department. These orders may become part of the Department Manual on order of the Constable.
- 3.03 Department and division memoranda are publications which contain advisory information or directives of temporary duration. These memoranda will not conflict with general orders or the Department Manual. In the event of a perceived conflict, the general orders or the Department Manual prevails.
- 3.04 Personnel Orders shall be issued by the Constable, or Chief Deputy at the Constable's direction, for the purpose of announcing the following:
- A. Assignment or transfer of employees.
  - B. Official recognition for superior service.
  - C. Promotion or demotion of employees.
  - D. Disciplinary action, dismissal or restoration to duty.
- 3.05 All orders and Memoranda shall be distributed as follows:
- A. General orders shall be issued to all personnel for inclusion in their Department Manual.
  - B. Division orders, personnel orders and memoranda shall be issued to individuals affected by their contents and to the appropriate supervisor(s).
- 3.06 All amendments to the Department Manual shall be by General Order and will include a reference to amend material in the Department Manual. General orders amending or adding to the manual will be assigned a General Order number preceded by the year in which it is issued. For example, the first General Order issued for 2022 would be given the number of 2022-1. General Orders are in effect and shall be included as part of the





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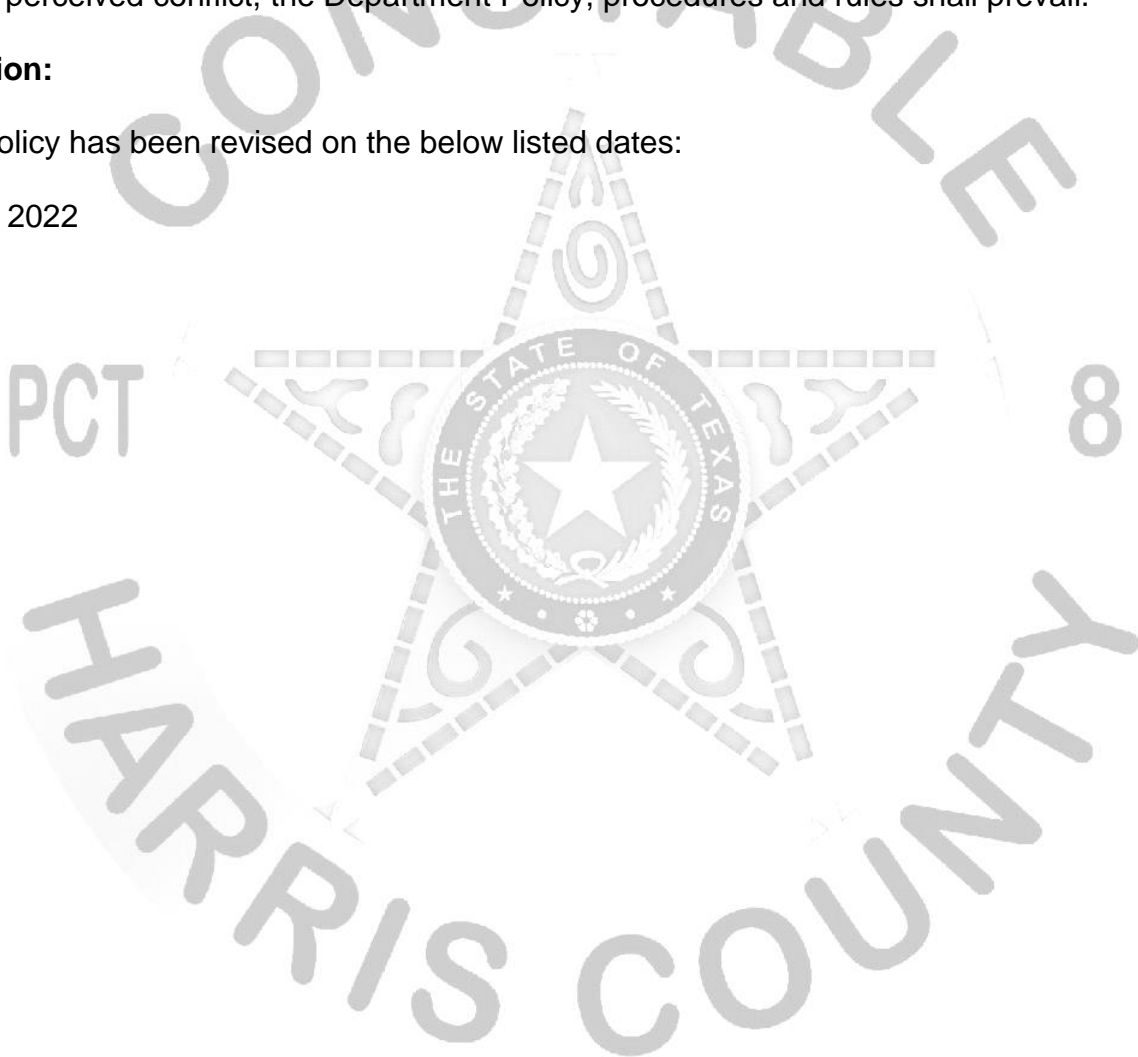
Departmental Manual as soon as they are issued. An updated manual including any revisions made by General Orders will be published periodically.

- 3.07 The Constable's designated representative shall issue training bulletins. They shall provide information pertaining to new applications or interpretations of law and outline appropriate procedures for departmental personnel to observe. Training bulletins shall not establish nor conflict with Department Policy, procedures or rules. In the event of a perceived conflict, the Department Policy, procedures and rules shall prevail.

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| DEFINITIONS | 4          | 1          |

- 4.00 The following definitions are given for clarification of this manual only and shall not be construed as legal definitions.
- 4.01 Deputy shall mean all personnel, regardless of rank, who have received a Peace Officer License by the Texas Commission on Law Enforcement (TCOLE) in order to qualify for their job function, and who have been commissioned as a Deputy by the Constable. A Deputy, whether permanently employed or a member of the Reserve Deputy Organization, shall have taken a solemn oath to support the Constitution and laws of the United States of America and of the State of Texas.
- 4.02 Communications Officer shall mean those civilian department employees who have been appointed to fulfill the needs of the Communications Division as dispatchers and who are certified by TCOLE as licensed Telecommunicators.
- 4.03 Clerk shall mean those department civilian employees who have been appointed to fulfill administrative or clerical positions which do not require certification by TCOLE.
- 4.04 Employees or Personnel shall refer to all persons employed by the Department, including both Deputies and Civilians. The term “employee” and “personnel” shall be synonymous.
- 4.05 Supervisor is any Deputy of the Harris County Precinct 8 Constable’s Office that holds the rank of Sergeant or above, or any civilian employee that holds the position of Communications Supervisor or above.
- 4.06 Division Commander refers to the highest ranking Deputy assigned to oversee a Division.
- 4.07 Shift is the hours of duty set in accordance with the predetermined needs of the Department.

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| EXPLANATIONS | 5          | 1          |

5.00 The following explanations of terminology used in this manual are established for clarification of meaning.

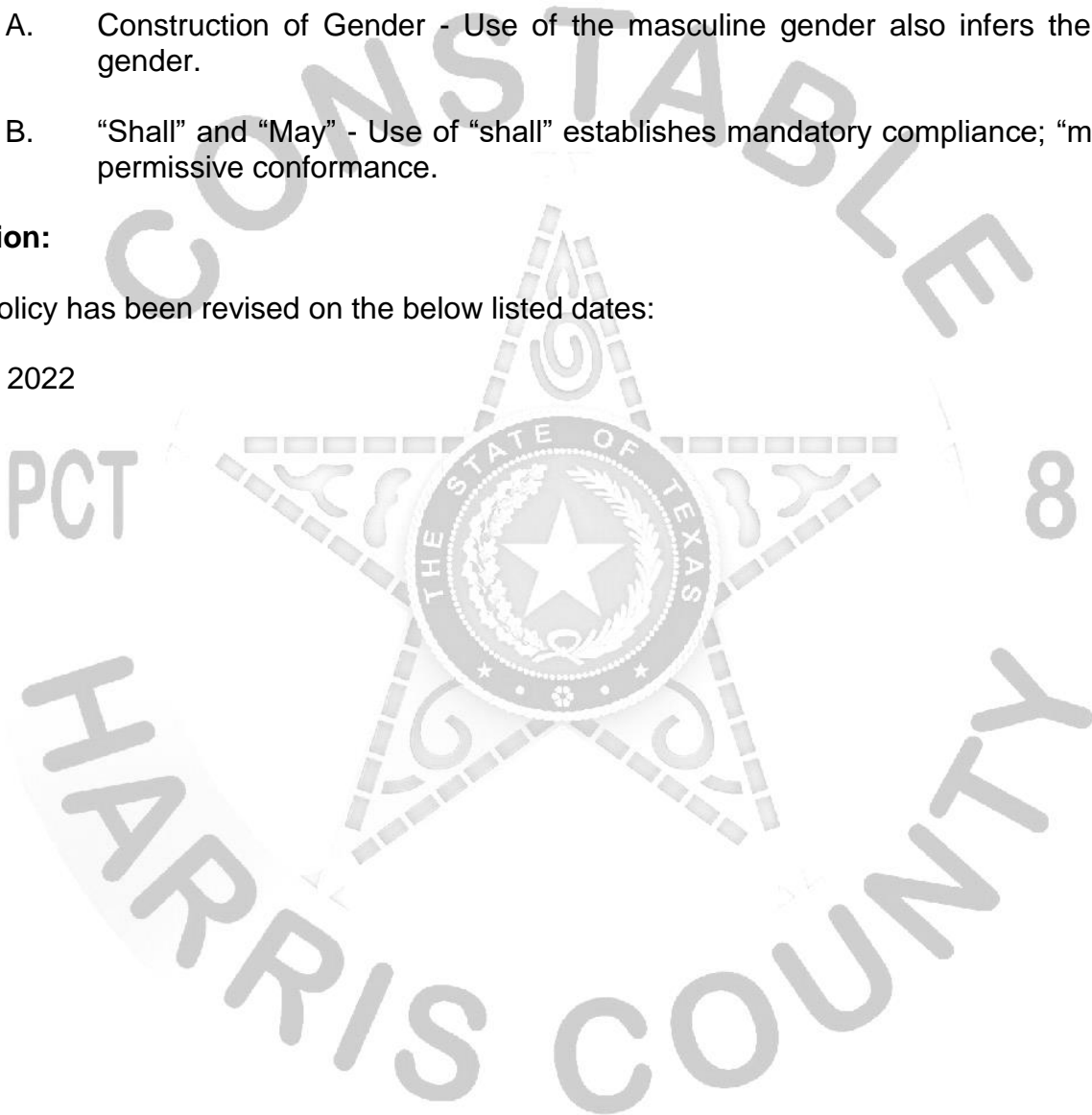
5.01 Construction of tenses - Use of the present tense also includes the past and future tenses.

- A. Construction of Gender - Use of the masculine gender also infers the feminine gender.
- B. "Shall" and "May" - Use of "shall" establishes mandatory compliance; "may" infers permissive conformance.

**Revision:**

This policy has been revised on the below listed dates:

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### CHAPTER I – GENERAL PROVISIONS

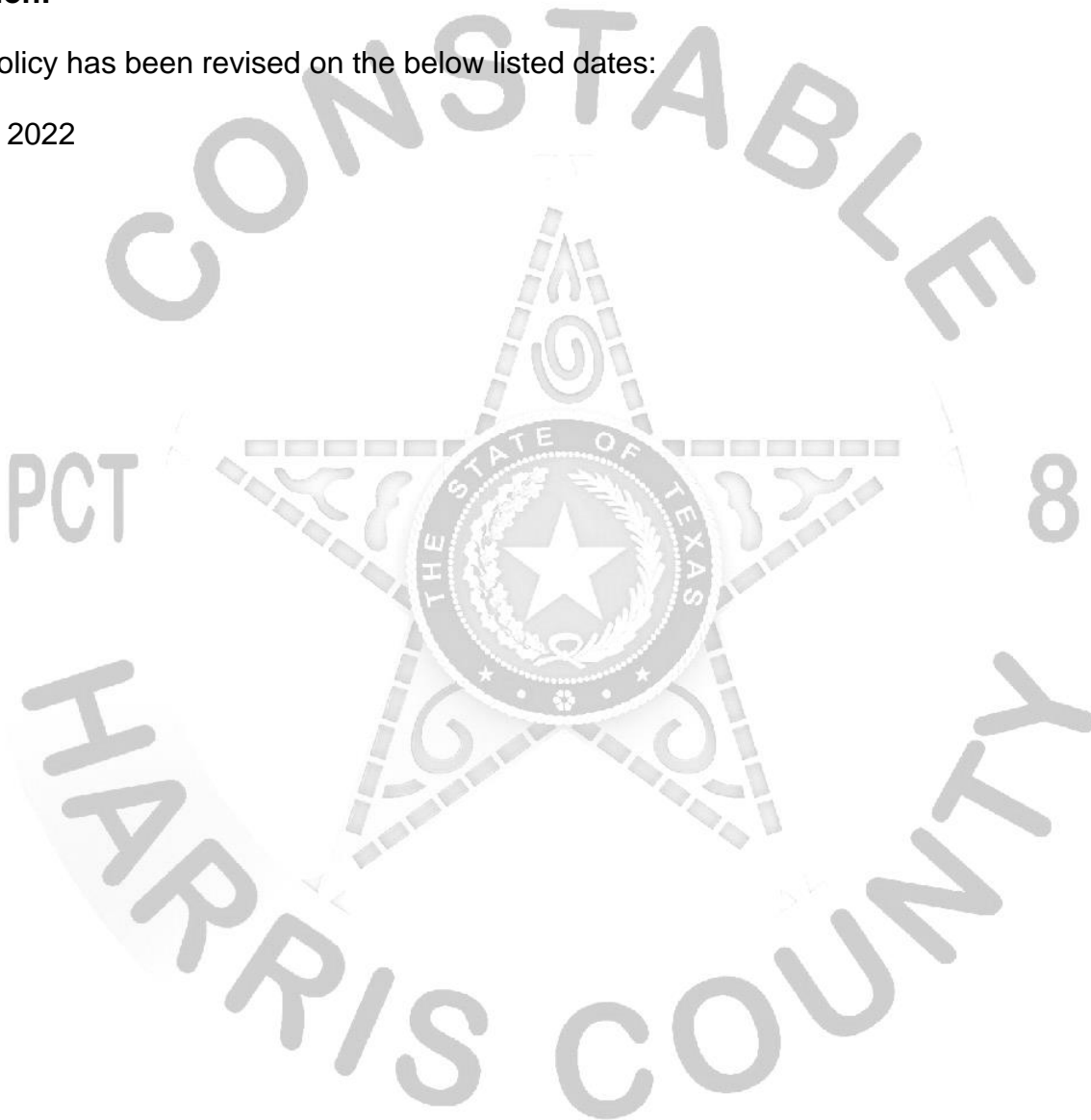
| SUBJECT:               | SECTION #: | # of Pages |
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| SEVERABILITY PROVISION | 6          | 1          |

6.00 If any chapter, section, subsection, item, clause or phrase contained in the Department Manual is found to be illegal or otherwise incorrect or inapplicable, such findings shall not affect the validity of the remaining portions of the manual.

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| PAID INCENTIVES AND ALLOWANCES | 7          | 9          |

#### 7.00 Purpose

The purpose of this policy is to establish the guidelines and procedures for a comprehensive program which encompasses the agency's Career Development Program.

#### 7.01 Definitions

**Basic Assessment Test (BAT)** - The Basic Assessment Test will be used to determine eligibility to participate in the Bilingual incentive pay program. The type of assessment, oral, sign, or computerized will be based on the recommendation of the approved contracted vendor by the Constable. All testing will be scored by qualified language evaluators at the designated testing center and proctored by the Human Resources Division.

**Education / Certification Levels** - Education and training achievements attained by employees for which they are to be compensated accordingly. Education / Certification Levels will be the basis of certain authorized payments for peace officers and Communications Officers of the Harris County Precinct 8 Constable's Office.

**Step-in-Grade** - Pay levels within a rank as determined by creditable months of service in that rank within the Harris County Precinct 8 Constable's Office or through combined qualifying service as outlined in the lateral entry program.

**Incentive Pay** – A type of wage or payment that is made to employees in addition to their normal wages or salaries. Employees must meet the eligibility requirements outlined for each incentive type in order to receive the incentive pay.

**Qualifying Employees** - Qualifying employees are those who meet the approved standards for the specific incentive at the time they apply.

**Salary Schedule** – The rates of pay for all employees within the department as approved by Commissioners Court. This schedule includes hourly rates of pay for all ranks as well as rates for incentive pay and allowances.

#### 7.02 Policy

The Harris County Precinct 8 Constable's Office is dedicated to providing its employees with the opportunity for individual growth and job enhancement. Employees who meet the eligibility requirements for an incentive, allowance or raise will be granted the incentive, allowance or raise, subject to approval by the Constable, available funding and, if necessary, approval from Commissioners Court. The rates for incentives, allowances or raises are set by Commissioners





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Court and are reflected on the current salary schedule found on the department's intranet and internet pages.

#### 7.03 Procedure

The Harris County Precinct 8 Constable's Office (HCCO8) will provide a professional Career Development Program for all active employees. The Career Development Program is designed to match the needs of the employee with those of the HCCO8 through career counseling, training, and monetary benefits. Career counseling provides employees with the opportunity to define career goals and to create career success plans. Training allows the employee to develop and acquire knowledge, skills and abilities required to enhance their current job and prepares them for future job opportunities. Monetary benefits are provided to reward and incentivize consistent contributors, top performers, and unique skills that benefits the HCCO8 and community members.

#### 7.04 Step Raises

- A. Salaries for grade level classifications are determined by the Harris County Commissioners Court. The current approved salary schedule is available for review at the Precinct 8 intranet and internet pages.
- B. Step-in-Grade pay increases will take effect on a monthly basis in the month following the individual's qualification date and will not be prorated.
- C. Step-in-Grade pay increases are not automatic and are subject to budget availability and approval.

#### 7.05 Accident Reconstruction Incentive - **\$2,700 annually (paid monthly)**

To be eligible for the Accident Reconstruction Incentive, an employee must:

- A. Be assigned to the District or Toll Road Patrol Divisions.
- B. Successfully complete the following courses through an approved and accredited source:
  1. Intermediate Accident Investigation
  2. Advanced Collision Investigation
  3. Accident Reconstruction
  4. Death Investigation
  5. National Traffic Incident Management – SHRP2

#### 7.06 Bilingual Incentive - **\$1,800 annually (paid monthly)**



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Bilingual Pay - Incentive pay, the rate of which is determined by the Commissioners Court, given to qualifying employees for proficiency in a non-English language for bilingual service to the Precinct 8 Constable's Office.

To be eligible for bilingual pay, an employee must:

- A. Be an employee of the Precinct 8 Constable's Office for a minimum of six (6) months, or at another Harris County agency for a minimum of six (6) months with no break in service and either already earning a bilingual incentive or be able to pass a proficiency exam.
- B. Pass a fluency exam in Spanish, Vietnamese, German, Greek, Indic, Italian, French, Arabic, Tagalog (Filipino), Chinese, Korean or American Sign Language. Additional languages may be considered based on the needs of the agency.
- C. Employees may receive bilingual pay for one language only.
- D. Must show Precinct 8 Constable's Office Identification (permit the designated language center to photocopy) and complete all required processing before he or she will be permitted to test. NOTE: This procedure may differ slightly for virtual testing.
- E. An employee, who does not pass the BAT test, or otherwise fails to qualify for participation in the Bilingual Incentive Pay Program, may reapply for consideration after one hundred eighty (180) days.
- F. Written or electronic notice of changes in the Bilingual Incentive Pay Program will be made available to all employees.
- G. Upon reporting to the test site at the designated time, each employee will be required to pay for the cost of the test prior to taking the test. Costs will be payable, by personal check only, to the designated test center. If the employee receives a passing grade, the payment for taking the test will be refunded within seven (7) days and Precinct 8 will be billed for the cost of the test. An employee who does not pass the BAT test is not eligible for a refund. Cost information may be obtained from the Administration Division.
- H. Complaints regarding this program will be forwarded to the Constable through the employee's chain of command. The Constable will make a final and binding decision, which will be immediately forwarded in writing to the employee.



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- I. If an employee fails to successfully meet the requirements of the bilingual program, they will lose the bilingual incentive pay. It will be the responsibility of the employee to notify the Administration Division of any change in his or her eligibility for such pay.

**7.07 Canine Handler Incentive - \$2,400 annually (paid monthly)**

To be eligible for the Canine Handler incentive, an employee must:

- A. Be assigned to the Precinct 8 District Patrol Division or any other Division requiring the employee to have a canine.
- B. Have a Basic Canine Handler Certificate.
- C. Meet any specific requirements for the division in which the handler is or will be assigned.

**7.08 Cellphone Allowance - \$600 annually (paid monthly)**

To be eligible for the cellphone allowance, an employee must:

- A. Not currently have a county issued phone.
- B. Be assigned to a specialized area or in a managerial role which necessitates the constant need of a cell phone outside of the work location and shift-hours.
- C. The Constable will review any requests for a cellphone allowance and will render a decision based on need and available budget.

**7.09 Clothing Allowance - \$600 annually (paid monthly)**

To be eligible for the clothing allowance, an employee must:

- A. Be a certified peace officer.
- B. Be assigned to a specialized area or in a managerial role which necessitates wearing civilian clothing.

**7.10 College Education Incentive**

**\$1,320 annually - Associates Degree or 60 hours (paid monthly)**





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**\$3,180 annually - Bachelor Degree (paid monthly)**  
**\$4,500 annually - Master/Doctorate (paid monthly)**

To be eligible for the college education incentive, an employee must:

- A. Be actively licensed through TCOLE as a peace officer or telecommunications officer and assigned to a certified rank job classification or a job classification that requires TCOLE certification.
- B. Provide an official college transcript from a school that is accredited by one of the following:
  1. Southern Association of Colleges and Schools (SACS-CC)
  2. Middle States Association of Schools and Colleges (MSA)
  3. North Central Association of Colleges and Schools (NCA)
  4. Northwest Commission on Colleges and Universities (NWCCU)
  5. Western Association of Schools and Colleges (WASC)
  6. New England Association of Schools and Colleges, Inc. (NEASC-CIHE)
- C. The documented hours must either be a passing letter grade or pass. Credit will not be awarded for failing courses or remedial courses.
- D. A TCOLE College Education Request Form (F7) must be completed, submitted, and approved by TCOLE. The Department Training Coordinator or other designated person will submit an F7 only after reviewing and verifying related official college transcripts. Copies of official transcripts will be kept on file with the department.

**7.11 Communications Training Officer Incentive - \$1,800 annually (paid monthly)**

To be eligible for the Communications Training Officer incentive, an employee must:

- A. Be a TCOLE certified Telecommunicator actively assigned as a Communications Training Officer.
- B. Pass the selection process for Communications Training Officers.
- C. Complete the following courses:
  1. Field Training Officer Course (TCOLE #3702) – within 1st year of appointment.
  2. An eight (8) hour minimal leadership affiliated training course each year of their tenure as a trainer.



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- D. Be willing to periodically shift work schedules to provide training on shifts other than those regularly scheduled for that employee.

#### 7.12 Drug Recognition Expert Incentive - **\$2,700 annually (paid monthly)**

To be eligible for the Drug Recognition Expert incentive, an employee must:

- A. Be assigned to the Harris County Precinct 8 Constable's Office District or Toll Road Patrol Divisions.
- B. Be certified and credentialed as a Drug Recognition Expert (DRE) by the International Association of Chiefs of Police (IACP) and maintain all certifications required.
- C. Complete the eight (8) hour DRE recertification course every two years.
  1. A minimum of four (4) acceptable enforcement evaluations must be conducted since the date of the employee's initial certification or last recertification.
  2. A DRE who does not conduct a minimum of four (4) enforcement evaluations prior to his or her completion of a biennial recertification course or prior to his or her certification expiration date will be ineligible to continue DRE incentive pay; however, he or she may recertify as a DRE by completing the requirements prescribed by the state coordinator (e.g., mock evaluations) and IACP.
  3. A DRE who does not have four (4) enforcement evaluations at the time he or she attends the required biennial recertification course will remain ineligible for DRE incentive pay until he or she has successfully completed the required recertification course and conducted a minimum of four (4) enforcement evaluations since the last recertification course or prior to his or her certification expiration date.

#### 7.13 Equipment Allowance - **\$900 annually (paid monthly)**

To be eligible for an equipment allowance, an employee must:

- A. Be classified as a certified peace officer that necessitates wearing a uniform.
- B. Equipment allowances are processed up to three pay periods after hire/assignment based on the Commissioner's Court schedule or when approved. No back pay will apply.



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#### 7.14 Vehicle Allowance - **\$6,900 annually (paid monthly)**

To be eligible for the vehicle allowance, an employee must:

- A. Be a certified peace officer.
- B. Be assigned to a specialized area or in a managerial role which necessitates the need for a vehicle allowance in order to compensate the employee for the use of a personally owned vehicle to conduct official Harris County business.

#### 7.15 Field Training Officer - **\$2,100 annually (paid monthly)**

To be eligible for the Field Training Officer incentive, an employee must:

- A. Be a full-time licensed peace officer assigned by the department as a Patrol Field Training Officer (FTO) specifically to train Probationary Patrol Deputies (PPD) within the District or Toll Road Patrol Divisions.
- C. Complete Field Training Officer Course (TCOLE #3702)

#### 7.16 TCOLE Incentives

TCOLE incentives are provided only for the highest certificate level achieved and is not compounded.

##### A. Peace Officer Certificates

The employee must be classified as an active certified peace officer.

1. Intermediate Peace Officer Certificate - **\$1,560 annually (paid monthly)**
  - a. Must possess an active TCOLE Peace Officer license or appointment, and
  - b. Must possess a Basic Peace Officer Certificate, and
  - c. Must meet specific training hours to qualify for the TCOLE Intermediate Peace Officer Certificate based on the employee's years of service.
2. Advanced Peace Officer Certificate - **\$3,240 annually (paid monthly)**
  - a. Must possess an active TCOLE Peace Officer license or appointment, and
  - b. Must possess both a Basic Peace Officer Certificate and an Intermediate Peace Officer Certificate, and
  - c. Must meet specific training hours to qualify for the TCOLE Advanced Certificate based on the employee's years of service.



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3. Master Peace Officer Certificate - **\$6,000 annually (paid monthly)**
  - a. Must possess an active TCOLE Peace Officer license or appointment, and
  - b. Must possess a Basic Peace Officer Certificate, an Intermediate Peace Officer Certificate, and an Advanced Peace Officer Certificate, and
  - c. Must meet specific training hours to qualify for the TCOLE Master Peace Officer Certificate based on the employee's years of service.

B. Telecommunicator Certificates

The employee must be classified as an active communications officer, supervisor, or trainer.

1. Intermediate Telecommunicator Certificate - **\$600 annually (paid monthly)**
  - a. Must possess an active TCOLE Telecommunicator license or appointment, and
  - b. Must possess a Basic Telecommunicator Certificate, and
  - c. Must meet specific training hours to qualify for the TCOLE Intermediate Telecommunicator Certificate based on the employee's years of service.
2. Advanced Telecommunicator Certificate - **\$1,200 annually (paid monthly)**
  - a. Must possess an active TCOLE Telecommunicator license or appointment, and
  - b. Must possess a Basic Telecommunicator Certificate and an Intermediate Telecommunicator Certificate, and
  - c. Must meet specific training hours to qualify for the TCOLE Advanced Certificate based on the employee's years of service.
3. Master Telecommunicator Certificate - **\$1,800 annually (paid monthly)**
  - a. Must possess an active TCOLE Telecommunicator license or appointment, and
  - b. Must possess a Basic Telecommunicator Certificate, an Intermediate Telecommunicator Certificate, and an Advanced Telecommunicator Certificate, and
  - c. Must meet specific training hours to qualify for the TCOLE Master Telecommunicator Certificate based on the employee's years of service.

7.17 Attendance of Workshops/Seminars/Conferences/Training

- A. Employees may be approved to attend career development opportunities such as workshops/seminars/conferences/training when attendance is shown to be in the





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best interest of the Harris County Precinct 8 Constable’s Office and within limitations of the budget.

- B. Requests to attend workshops/seminars/conferences/training at Harris County expense must be submitted for approval no less than 60 days prior to the event. The submission shall include:
  1. Location and purpose of the travel.
  2. Method and expense for travel (automobile, airplane).
  3. Expenses for lodging.
  4. Registration and materials expenses.
  5. Other projected expenses.
  6. Prior approval must be obtained through the employee's chain of command, the Chief Deputy, the Constable or his/her designee, and Harris County Commissioners Court.
  
- C. Employees attending workshops, seminars, or conferences, will present a professional image and adhere to all rules and standards of the Harris County Precinct 8 Constable’s Office.
  
- D. Employees receiving any expense funds from Harris County will submit a completed expense report, along with receipts, to the Administrative Division no later than two weeks after returning to their normal duty assignment.

**Revision:**

This policy has been revised on the below listed dates:

April 2024



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#### 8.00 Purpose

Monitoring a member's fitness for duty, both medically and psychologically, is essential for the safety and welfare of the members of the agency and the community. The purpose of this policy is to ensure that all members of this agency remain medically and psychologically fit for duty and able to perform their essential job functions.

#### 8.01 Policy

The Harris County Precinct 8 Constable's Office strives to provide a safe and productive work environment and ensure that all members of this agency can effectively perform the essential functions of their jobs. Under limited circumstances, the agency may require a professional examination of a member's physical or mental capabilities to determine the ability to perform essential functions.

#### 8.02 Member Responsibilities

- A. It is the responsibility of each member of this agency to maintain physical stamina and psychological stability sufficient to effectively perform the essential duties of the position.
- B. Any member who feels unable to perform their duties shall promptly notify a supervisor. In the event a member believes that another agency member is unable to effectively perform their duties, such observations or belief shall be promptly reported to a supervisor.

#### 8.03 Supervisor Responsibilities

- A. All supervisors should be alert to any indication that a member may be unable to safely perform their duties due to an underlying physical or psychological impairment or condition.
  1. Such indications may include, but are not limited to the following:
    - a. An abrupt and negative change in the member's usual or normal behavior;
    - b. A pattern of irrational conduct, hostility, or oppositional behavior;
    - c. Personal expressions of instability;
    - d. Inappropriate use of alcohol or other substances, including prescribed medication;
    - e. A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions; and



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f. Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

B. Supervisors shall maintain the confidentiality of any information consistent with this policy.

#### 8.04 Reporting

A. A supervisor observing a member, or receiving a report of a member, who has just cause to believe the member is unable to effectively perform their duties shall promptly document all objective information or observations.

B. The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

C. If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document observations and actions in writing and inform the Constable through the chain of command.

#### 8.05 Duty Status Fitness for Duty Examination

A. Supervisors designated by the Constable or Chief Deputy within the member's chain of command should make a preliminary determination regarding the member's duty status.

B. If a determination is made that the member can effectively perform essential job functions, the member should be returned to duty and arrangements made for appropriate follow-up.

C. If a preliminary determination is made that there is just cause to believe the member's conduct or behavior represents an inability to effectively perform essential job functions, the designated supervisor should immediately relieve the member of duty pending further examination.

D. Members relieved of duty shall comply with the administrative leave provisions as set out by Precinct 8 policy.

E. The Constable shall be promptly notified if any member is relieved of duty.

#### 8.06 Fitness for Duty Examination



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- A. A fitness-for-duty examination (FFDE) may be ordered whenever circumstances reasonably indicate that a member is unfit for duty.
- B. Definition of a FFDE: An FFDE is a formal, specialized examination of an incumbent member that results from:
  - 1. Objective evidence that the member may be unable to effectively perform a defined job function; and
  - 2. A reasonable basis for believing that the cause may be attributable to a medical or psychological condition or impairment.

As such, an FFDE is considered a “medical” examination under the terms of the Americans with Disabilities Act. The central purpose of an FFDE is to determine whether the member is able to effectively perform his or her essential job functions.
- C. Threshold Considerations for a FFDE: Referring a member for an FFDE is indicated whenever there is an objective and reasonable basis for believing that the member, as a result of a medical or psychological condition or impairment:
  - 1. May be unable to perform one or more essential job functions; or
  - 2. Poses a direct threat to themselves or others.

An objective basis is one that is not merely speculative but derives from direct observation or other reliable evidence.
- D. When deciding whether to conduct an FFDE, both the employer and examiner may benefit from considering its potential usefulness and appropriateness given the specific circumstances, and the employer may consider whether other remedies (for example, education, training, discipline, physical FFDE) are appropriate.
- E. The examiner strives to remain impartial and objective and to avoid undue influences by any of the parties involved in the case.
- F. Mental health professionals refrain from rendering fitness-for-duty opinions when they are not conducting an FFDE.

#### 8.07 Process for Non-Sworn Personnel

- A. The Constable or Chief Deputy may order a member to undergo an FFDE whenever a question arises as to whether the member is medically or psychologically fit to continue in their duties. The examination shall be conducted by the member’s personal physician, psychiatrist, or psychologist, as required by agency policy.





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- B. To facilitate the examination of any member, the agency will provide all appropriate documents and available information to the person or entity responsible for conducting the examination.
- C. The examining practitioner will provide the agency with a report indicating whether the member is fit for duty. If the member is unfit for duty, the practitioner will include the existing restrictions or conditions in the report.
- D. A second examination may be ordered by the appropriate authority if the member or the Constable questions the practitioner's report. The examination will be conducted by a physician, psychiatrist or psychologist appointed in accordance with the procedure adopted by the governing body. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the member's fitness shall be decided in accordance with applicable laws, other agreements, or policies.
- E. All reports and examinations submitted by the examining practitioner shall be part of the member's confidential medical file.
- F. Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with designated personnel within the department.
- G. Any member ordered to undergo a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

#### 8.08 Process for Sworn Peace Officers

- A. The Constable, or a designated supervisor at his direction, may order an officer to undergo an FFDE whenever a question arises as to whether the officer is medically or psychologically fit to continue in their duties. The examination shall be conducted by the officer's chosen physician, psychiatrist, or psychologist, as appropriate and in accordance with applicable laws, including Texas Local Government Code.
- B. The Constable shall ensure written notice of the examination is provided to the license holder not later than the tenth business day before the deadline to submit to the examination. Written notice shall include the reasons for the examination.



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- C. To facilitate the examination of any member, the agency will provide all appropriate documents and available information.
- D. The examining practitioner will provide the agency with a report indicating whether the officer is fit for duty. If the officer is unfit for duty, the practitioner will include the existing restrictions or conditions in the report.
- E. A second examination may be ordered by the appropriate authority if the officer or the Constable questions the practitioner's report. The examination will be conducted by a physician, psychiatrist or psychologist appointed in accordance with the procedure adopted by the governing body. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the officer's fitness shall be decided in accordance with applicable laws, other agreements, or policies.
- F. All reports and examinations submitted by the examining practitioner shall be part of the officer's confidential medical file.
- G. Determinations regarding duty status of officers who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with designated personnel within the department.
- H. Any officer ordered to undergo an FFDE shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the officer to discipline, up to and including termination.

#### 8.09 Agency's Responsibilities to Notify TCOLE

- A. License Holder: Peace Officer or Telecommunicator
- B. The Constable shall ensure the Texas Commission on Law Enforcement (TCOLE) is notified upon a final determination that a license holder is unable to effectively perform essential job functions. This notification shall be in writing and submitted to TCOLE within 30 days of the final determination that the license holder is unable to effectively perform essential job functions.
- C. The Constable shall ensure TCOLE is notified if a license holder fails to submit to an examination within the deadline set by the agency. This notification shall be in



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writing and submitted to TCOLE within 30 days after the deadline set by the agency has expired.

- D. The Constable shall ensure TCOLE is notified as soon as practicable if a license holder has completed the required examination or received notice that the license holder's circumstances have been successfully resolved.

#### 8.10 Fitness for Duty Examination Minimum Standards

- A. Given the nature of these examinations and the potential consequences to the employer, the examinee, and the public, it is important for examiners to perform FFDEs with maximum attention to the relevant legal, ethical, and practice standards and guidelines. Such standards include, but are not limited to, the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct. Consequently, it is recommended that these examinations be conducted by a psychologist, psychiatrist, or medical doctor with the appropriate qualifications.
- B. Depending on the referral question and the examiner's professional judgment, an FFDE examiner strives to utilize multiple methods and data sources to optimize the accuracy of findings. Examiners integrate the various data sources, assigning them relative weight according to their known reliability and validity. The range of methods and data sources used by an FFDE examiner can vary, but such suggestions and further information about this process can be found in the International Association of Chiefs of Police (IACP) 2018 Psychological Fitness-for-Duty Examination.
- C. When conducting the FFDE, it may be necessary for the examiner to receive background and collateral information regarding the member's past and recent performance, conduct, and functioning. The information may include, but is not limited to, job class specifications or job description, performance evaluations, previous remediation efforts, commendations, testimonials, internal affairs investigations, formal citizen or public complaints, use-of-force incidents, reports related to officer-involved shootings, civil claims, disciplinary actions, incident reports of any triggering events, health care records, prior psychological examinations, and other supporting or relevant documentation related to the member's psychological fitness for duty. In some cases, an examiner may ask the examinee to provide relevant medical or mental health treatment records and other data for the examiner to consider. It is important that all collected information be related to job performance issues or the suspected job-impairing mental condition. Where possible and relevant, it may prove helpful to gather information from other collateral sources.



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#### 8.11 Appeals

Members disputing the application or interpretation of this policy may submit a grievance as provided in the applicable grievance policy.

#### 8.12 Resources for Medical and Psychological Examinations

- A. 2018 Psychological Fitness-for-Duty Evaluation Guidelines from the IACP
- B. The APA Professional Practice Guidelines for Occupationally Mandated Psychological Evaluations
- C. 2017 American College of Occupational and Environmental Medicine Guidance for the Medical Evaluation of Law Enforcement Officers

#### Revision:

This policy has been revised on the below listed dates:

August 2024





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| RANK STRUCTURE | 1          | 6          |

1.00 Structure and scope of the Harris County Precinct 8 Constable's Office is reflected in the Organization Chart. Titles of Organizational Units are listed in order of rank.

1.01 Department is a term used in this policy to describe the Harris County Precinct 8 Constable's Office.

1.02 Division shall be a specialized unit within the Department.

1.03 Deputy Positions Established

The order of Commissioned Positions, by rank, in the Department shall be:

- A. Constable
- B. Chief Deputy
- C. Assistant Chief Deputy
- D. Captain
- E. Lieutenant
- F. Sergeant
- G. Deputy Constable / Reserve Deputy Constable

1.04 Function by Rank

- A. Constable

The Constable is the Chief Executive Officer of the Department. Upon him rests the final authority for determining office policies, together with full responsibility for the complete discharge of all duties imposed on him by law.

As Chief Executive Officer, the Constable must officially sanction and approve any changes in office organization and/or policy.

The Constable shall designate any position of command or responsibility deemed necessary for the administration of the Department.



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**B. Chief Deputy**

The Chief Deputy is responsible for the day to day operations of the Department and exercises command over all Divisions delegated to him/her on the Organizational Chart. The Chief Deputy is subordinate in rank only to the Constable.

**C. Assistant Chief Deputy**

An Assistant Chief Deputy is charged with performing all duties delegated to him/her by his/her superiors and assisting the Chief Deputy as required with administrative duties. He/she is responsible for and exercises command over the Divisions delegated to him/her on the Organizational Chart and supervises the activities of these Divisions in accordance with the policies prescribed by the Constable. An Assistant Chief Deputy is subordinate in rank to the Chief Deputy and the Constable.

**D. Captain**

A Captain is charged with performing all duties delegated to him/her by his/her superiors. He/she is responsible for and exercises command over the Divisions delegated to him/her on the Organizational Chart and supervises the activities of these Divisions in accordance with the policies prescribed by the Constable. He/she shall be directly responsible for the actions of subordinate personnel assigned to him/her. A Captain is subordinate in rank to an Assistant Chief Deputy, the Chief Deputy and the Constable.

**E. Lieutenant**

A Lieutenant is charged with performing all duties delegated to him/her by his/her superiors. He/she is responsible for and exercises command over the Divisions delegated to him/her on the Organizational Chart and supervises the activities of these Divisions in accordance with the policies prescribed by the Constable. A Lieutenant reports to the Captain or Assistant Chief Deputy over his/her Division. It is his/her duty to aid, advise and cooperate with his/her Captain or Assistant Chief Deputy in general administrative matters. A Lieutenant is subordinate in rank to a Captain, an Assistant Chief Deputy, the Chief Deputy and the Constable.

**F. Sergeant**

A Sergeant is designated as a first-line supervisor and is responsible for the actions of subordinates under his/her command in the performance of their duties. A



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Sergeant is charged with enforcing the Laws of the State of Texas and the performance of specific functions as designated by his/her supervisors. He/she is responsible for the implementation and enforcement of all Department policies and individual assignments as delegated by his/her divisional supervisors. A Sergeant is subordinate in rank to a Lieutenant, Captain, Assistant Chief Deputy, the Chief Deputy and the Constable.

G. Deputy Constable

A Deputy Constable is charged with enforcing the Laws of the State of Texas and the performance of specific functions as designated by supervisors. A Deputy Constable is charged with carrying out his/her duties in accordance with Department policy and division procedures. He/she shall exercise authority to preserve order and/or protect life and property and shall act to preserve public welfare and safety in service to the Department. A Deputy is subordinate in rank to a Sergeant, Lieutenant, Captain, Assistant Chief Deputy, the Chief Deputy and the Constable.

H. Reserve Deputy Constable

A Reserve Deputy is classified as a peace officer commissioned by the Constable not on the Harris County payroll. A Reserve Deputy Constable is charged with enforcing the Laws of the State of Texas and the performance of specific functions as designated by supervisors. A Reserve Deputy Constable is charged with carrying out his/her duties in accordance with Department policy and division procedures. A Reserve Deputy is subordinate in rank to a Sergeant, Lieutenant, Captain, Assistant Chief Deputy, the Chief Deputy and the Constable.

1.05 Civilian Positions Established

Civilian positions within the Department are established to perform administrative support duties and do not fall within the formal rank structure of certified personnel. The Chief Clerk and Assistant Chief Clerks are designated as supervisors and are charged with managing the support staff assigned to them.

A. Chief Clerk

The Chief Clerk is directly responsible for all personnel records, payroll and auditing procedures. He/she reports directly to the Constable, who may, at any time, detail or relate specific administrative and executive duties to him/her. He/she is responsible for implementation and enforcement of all Department policies within the Administrative Division.



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C. Assistant Chief Clerk - Administration

The Assistant Chief Clerk in the Administration Division is responsible for performing duties delegated by his/her supervisors and assists the Chief Clerk as needed. He/she is designated as a first-line supervisor over the civilian personnel in the division and is responsible for the assigned actions of those subordinates in the performance of their duties. He/she is also responsible for implementation and enforcement of all Department policies within the Administration Division.

D. Assistant Chief Clerk – Records and Communications

The Assistant Chief Clerk over the Criminal Records and Communications Division reports directly to the Chief Deputy and is a first-line supervisor over civilian personnel in those respective divisions. He/she is responsible for the actions of subordinates under his/her command in the performance of their duties. He/she is also responsible for implementation and enforcement of all Department policies within the Criminal Records and Communications Divisions.

E. Clerical Personnel / Communications Officers

Clerks and Communications Officers are assigned to specific divisions and are responsible for adhering to their division policies as well as the Department Policy. They report to a designated supervisor over the division and perform all duties delegated by the same. Communications Officers are licensed by the Texas Commission on Law Enforcement as Telecommunicators and must meet the mandated requirements as set by the Commission.





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| RESERVE DEPUTY PROGRAM | 2          | 3          |

#### 2.00 Reserve Organization

The purpose of the Reserve Organization shall be to support and assist the Precinct 8 Constable's Office under the orders and directions of the Constable. The Reserves shall render volunteer service on any occasion when, in the opinion of the Constable, such services are justified. In addition, the Reserves shall augment the Department for public welfare and safety. They shall exercise authority to preserve order and/or protect life and property.

- A. Administration and Structure
  1. A Reserve Coordinator shall be designated at the direction of the Constable to oversee the Reserve Organization.
  2. The Reserve Coordinator shall function as the liaison between the Department and the Reserve Organization.
  3. Reserve Deputies may be assigned to various Divisions within the Department and its members shall undergo the same field training as mandated of all regular division personnel.

- B. Policy and Procedure Accountability
 

Each Reserve Deputy shall familiarize himself/herself with the Department Manual. Each Reserve Deputy is held accountable for adherence to any and all rules, policies and regulations for Precinct 8. Violations of rules and regulations may result in disciplinary action up to and including discharge from the Reserve Organization.

- C. Function
  1. A Reserve Deputy, while on duty, shall perform all assignments given them by the Division supervisor or Reserve Coordinator.
  2. When a Reserve Deputy, while not on active duty, comes upon a situation that requires police action, he/she will first notify the proper authorities. He/she will render whatever aid necessary; handle traffic, etc., until assistance arrives. On arrival of the proper authorities, he/she shall identify himself/herself and give them what information he/she has and offer further assistance if needed.
  3. Any time a Reserve Deputy takes any law enforcement action while not on duty with the Department, he/she will immediately notify the on duty supervisor. A report will be completed following normal division policies.

- D. Telephone and Address Requirement



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Reserve Deputies are required to provide a primary phone number or a reliable number where they may be reached. They are also required to keep their home address, business address and telephone numbers current with the Department. Deputies are to notify the Reserve Coordinator and the Support Services Division of any phone or address change.

**E. Court and Trial Responsibility**

Reserve Deputies will stay informed of court cases filed so they can be available for court when subpoenaed. They will notify the Reserve Coordinator of any reason for not being able to appear in court prior to any dates subpoenaed. Reserve Deputies will appear in court as ordered and shall be appropriately dressed for all court appearances (see dress code).

**F. Emergency Equipment/Vehicle Identification**

No Reserve Deputy shall be permitted to install any emergency equipment or Precinct 8 identification on their personal automobiles without prior approval of the Constable.

**G. Minimum Obligation Time Requirements**

The minimum monthly obligation time required of each Deputy with a Reserve classification status is sixteen (16) hours. Deputies are required to put in their obligation time each month in order to remain in good standing with the Department. Record of this time must be made in the designated "Reserve Deputy Log" and will be audited regularly by the Reserve Coordinator. Failure of any Reserve Deputy to work his/her required obligation time may result in disciplinary action up to and including discharge from the Reserve Organization.

**2.01 Special Positions**

In the temporary absence of the Constable, the Chief Deputy will assume all duties and responsibilities of the Constable. In the absence of the Constable and the Chief Deputy, a designated Assistant Chief or Captain will assume the command responsibilities. In the absence of the Constable, Chief Deputy, Assistant Chief and Captain, the Constable will appoint an individual to act on his behalf. In this instance, the Constable will denote the Supervisor in charge, in writing, for distribution to the Staff.



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#### Revision:

This policy has been revised on the below listed dates:

March 2022





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| CHAIN OF COMMAND | 3          | 1          |

- 3.00 All command authority is derived from authority given to the Constable by the Constitution and laws of the State of Texas.
- 3.01 Command authority is that authority necessary to operate the Department and ensure that the work of the Department is handled in a professional manner. It is not to be confused with police authority inherent in the law enforcement commission.
- 3.02 Command authority is delegated to each supervisor in the Department by the Constable to oversee the functions of the agency's various divisions and assignments.
- 3.03 Command authority is delegated to non-supervisory personnel when necessary.
- 3.04 Chain of command dictates that each person in the Department has one direct supervisor to whom they are responsible, and all official communications will be through that supervisor unless necessity dictates otherwise.
- 3.05 Official communications, when possible, whether written or oral, must follow the chain of command both up and down. When this is not possible, the appropriate supervisor of the person affected will be notified as soon as it is practical. Employees should refer to the Organizational Chart for details on the chain of command.

**Revision:**

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| COMMAND SITUATIONS | 4          | 1          |

4.00 Any supervisor of senior rank may take command of a situation by notifying the junior supervisor or by his presence on the scene, if there is sufficient reason for this action. Such reasons will be documented as soon as is practical and forwarded up the chain of command.

4.01 A supervisor or Deputy of equal or lesser rank may take command of a situation by informing the supervisor or Deputy then in charge if there is a physical or mental inability on the part of the equal or higher ranking supervisor to complete the assignment. Such actions and reasons will be documented as soon as is practical and forwarded up the chain of command.

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| CONFLICT OF ORDERS | 5          | 1          |

- 5.00 A conflict of orders arises when an employee, acting under orders of a supervisor not present, receives an order that conflicts with or prevents him from complying with his original instructions from another supervisor.
- A. This fact should be discretely and respectfully brought to the attention of the supervisor who issued the conflicting order.
  - B. If the conflicting orders are not rescinded, then the last order shall be obeyed and the Deputy shall not be held responsible for the failure to comply with the original instructions.
  - C. The supervisor issuing the last order shall notify the supervisor issuing the original order, and must justify his overruling the original instructions.

#### Revision:

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| ILLEGAL OR UNJUST ORDERS | 6          | 1          |

6.00 Any employee who has a sound reason to believe they have received an illegal or unjust order has the right to discretely and respectfully advise the supervisor issuing the order of his reasons for believing the order to be illegal or unjust.

- A. In the case that the order is illegal, if the order is not rescinded after notifying the supervisor, the employee may refuse to carry out the order and request that the next higher supervisor be contacted immediately. If the employee issuing the order refuses to contact the next higher supervisor, then the ordered employee may discretely and respectfully take all reasonable steps to contact the next higher supervisor or other higher supervisor if necessary. The employee, in this circumstance, must be prepared to justify his actions in any Departmental investigation into his refusal to carry out the order. It must be noted by the employee that this subsection pertains only to orders that, if carried out, would force the employee to violate clearly defined law.
- B. In the case of an order that the employee feels is unjust, but not clearly illegal, if the order is not rescinded after informing the supervisor of his feelings, the employee will carry out the order. The employee may, after carrying out the order, avail himself of the Department grievance procedure.

**Revision:**

This policy has been revised on the below listed dates:

March 2022



# HARRIS COUNTY PRECINCT 8 CONSTABLE'S OFFICE

## DEPARTMENT MANUAL

### CHAPTER II – DEPARTMENT ORGANIZATION

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| SUPERVISION | 7          | 1          |

7.00 It is the duty and responsibility of each supervisor to ensure that the policies of the Precinct 8 Constable's Office are carried out by himself/herself and those employees that he/she supervises in a professional, respectful and courteous manner.

7.01 A Supervisor will:

- A. Be familiar with the job assignment of each of the employees he/she supervises.
- B. Know and understand the goals and policies of the Constable and the procedures and rules by which these goals are to be met and policies are to be carried out.
- C. Be able to communicate these goals and procedures, as well as the rules, to those he/she supervises.
- D. Understand that authority may be delegated, but responsibility for task completion cannot.
- E. Assist the Constable in determining the performance level of those he/she supervises, and make appropriate recommendations as to rewards and disciplinary measures concerning them.
- F. Each supervisor must decide at what point to recommend action, with the understanding that repeated recommendations of this nature may reflect upon his/her performance as a supervisor.
- G. Understand that there are both pleasant and unpleasant duties to be performed in the normal range of duties, and assign these tasks in a fair and equitable manner without favoritism.

7.02 Supervisors are role models for the Department. Professional conduct will be replicated by supervised personnel.

**Revision:**

This policy has been revised on the below listed dates:

March 2022





# HARRIS COUNTY PRECINCT 8 CONSTABLE'S OFFICE

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### CHAPTER II – DEPARTMENT ORGANIZATION

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| PERFORMANCE OF DUTY | 8          | 1          |

- 8.00 All employees shall cooperate to assist each other in the maintenance of law and order and shall act in a manner to bring credit upon themselves and the department in accordance with the laws of the State of Texas and the United States.
- 8.01 Each employee shall have the responsibility to ensure that their duties are performed in a professional manner as outlined in the Department Manual and by the rules of their respective divisions.
- 8.02 It shall be the duty of each supervisor to ensure that all employees under their supervision adhere to the policies, procedures and directives of the Department.
- 8.03 Failure to perform duty: An employee who displays unwillingness to perform his assigned duties, or who acts in a manner to bring discredit upon himself or the Department, or who fails to assume responsibility or exercise due diligence in the performance of his duties shall be subject to disciplinary action up to and including immediate dismissal from the Department.
- 8.04 General Duties: All employees shall perform any duties as may be required of them by competent authority in accordance with Departmental policy and procedures.
- 8.05 Attention to Duty: Employees shall devote full time and attention to service of the Department during duty hours and shall not engage in any other business or occupation during these hours.
- 8.06 Lawful Orders: Employees shall execute any lawful order given them by a supervisor, or other employee given supervisory authority by a supervisor. The term "lawful order" shall be construed as an order in keeping with the performance of any duty prescribed by law or rule of the Department or for the preservation of order, efficiency, or proper discipline.
- 8.07 Cowardice: No employee shall display cowardice or fail to support their fellow employees in the performance of duty.

#### Revision:

This policy has been revised on the below listed dates:

March 2022



# HARRIS COUNTY PRECINCT 8 CONSTABLE'S OFFICE

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### CHAPTER III – GENERAL RULES OF CONDUCT

| SUBJECT:         | SECTION #: | # of Pages |
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| DUTY REGULATIONS | 1          | 6          |

- 1.00 Addressing Fellow Employees: While on-duty, all employees shall address and converse with fellow employees by their rank or title in a courteous and respectful manner.
- 1.01 Adherence to Laws: Members of this Department shall abide by the Laws of the United States and the State of Texas and the general orders and rules of conduct of the Department.
- 1.02 Motor Vehicle Registration: It will be the responsibility of each employee to insure that the vehicle they drive, either privately owned or assigned by Precinct 8, meets all Texas Transportation Code requirements. This includes current vehicle registration.
- 1.03 Liability Insurance: All employees, including those who receive a car allowance or who uses his/her automobile for official County business, must maintain liability insurance or have proof of financial responsibility in accordance with state law. Proof of such coverage shall be provided upon request from the Department.
- 1.04 General Vehicle Maintenance
  - A. All employees who are assigned and operate a county owned motor vehicle shall maintain the vehicle in good working order through the Harris County Vehicle Maintenance Center in accordance with established Department procedures.
  - B. All employees who receive car allowance or any employee who uses his/her vehicle for official County business shall maintain their vehicle in good working order.
  - C. All vehicles utilized for County and/or Department business (including extra-jobs) shall be kept clean, orderly and professional in appearance as is reasonably possible. All vehicles as noted herein are subject to inspection by a designated supervisor at any time.
- 1.05 Obey Lawful Orders: Employees shall obey all lawful orders and follow directions given by supervisors. This includes orders issued by a Field Training Officer (FTO) if the employee is a Probationary Police Officer (PPO) assigned to the Field Training Program (FTP).
- 1.06 Confidential Information:
  - A. Employees of the department shall treat the official business of the department as confidential. They shall not discuss or impart the same to anyone except those for whom it is intended, or as directed by their Supervisors, or as required by law.



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B. Contents of any Criminal Record file in the department shall be exhibited or divulged only to those persons as prescribed by Departmental Orders or pursuant to State or Federal Statutes or pursuant to a Subpoena Duces Tecum properly issued by a duly authorized court.

- 1.07 Removal of Records: Employees of the Department shall not remove any official record of the Department except as directed by their supervisors or as required by law.
- 1.08 Information to Citizens: An employee, when required by a supervisor or his job description, shall give all proper public information to persons requesting same in a careful, courteous and accurate manner.
- 1.09 Duty to Report Information: It shall be the duty of every employee to properly report any information given to him in good faith by any citizen regarding matters that indicate the need for action by the Department.
- 1.10 False Information: No employee shall create false reports, make untruthful statements, or knowingly or willingly enter or cause to be entered in any departmental books, records, databases or reports any inaccurate, false or improper information.
- 1.11 Duty to Give Statements: During the course of any official investigation, employees shall be required to give full, complete, and truthful statements if requested. Requests for statements from outside agencies shall be reported to the employees' immediate supervisor prior to giving such statements. These incidents shall be relayed up the chain of command.
- 1.12 Police Action: All sworn personnel, whether on duty or off duty, shall report and/or take proper action in any situation requiring police attention while within their jurisdiction.
- 1.13 Conduct in Making Arrests: Every Deputy must be firm and resolute in exercising the necessary means in making an arrest. When it is necessary to use force in making an arrest, only the minimum force necessary is to be used. When force is used, a full written report shall be made and a use of force form shall be filed describing the force used and the facts that caused the Deputy to believe that force was necessary. *See Use of Force policy.*
- 1.14 Custody of Prisoners: Any employee of the Department who has custody of any person under arrest or detention shall be responsible for the proper safeguarding of such person and their property. No employee shall use uncomplimentary terms of speech or threatening or vulgar language in referring to any prisoner or inmate.



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### CHAPTER III – GENERAL RULES OF CONDUCT

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| DUTY REGULATIONS | 1          | 6          |

- 1.15 **Impartial Attitude:** Members of the Department, while being vigorous and unrelenting in the enforcement of the law, must maintain a strictly impartial attitude toward complainants, reportees, witnesses and violators. Members shall, at all times, consider it their duty to be of service to anyone who may be in danger or distress.
- 1.16 **Recommendation of Lawyers or Bail Bondsmen:** No Department employee shall recommend or suggest to anyone the employment of any person, firm, or corporation as attorney or bondsman. Nothing in this section shall be construed as restricting the rights of any employee in connection with the conduct of their private affairs.
- 1.17 **Soliciting or Acceptance of Rewards, Loans, or Gifts:** No employee shall solicit or accept any reward for the performance of his duty other than compensation or benefits paid by the Department. No employee shall ask for or accept a gratuity of any kind, individually or collectively, from any person the employee knows is under departmental investigation or whose arrest is imminent, or is in custody, or who has been released from custody, or from any friend, relative, or agent of such person acting on that person's behalf.
- 1.18 **Handling of Monies and Property:** Any monies or other property coming into the possession of any employee (which is not his own) shall be delivered to the proper custodian and a report made of the transaction.
- 1.19 **Incurring Indebtedness against County:** No employee shall incur a debt or liability against the Department or Harris County except with the knowledge, consent, or approval of a proper authority.
- 1.20 **Sleeping on Duty:** No employee shall sleep while on a tour of duty, except in situations where the tour may be extended beyond normal hours due to an emergency, or when provisions are made for stand-by status by a supervisor.
- 1.21 **Insubordination:** The failure or deliberate refusal of any member to obey any lawful order given by any ranking officer shall be deemed insubordination. Flouting the authority of any ranking officer by obvious disrespect or by disputing his/her orders shall likewise be deemed insubordination.
- 1.22 **Statements Concerning Administration:** Public speeches and appearances regarding the role or duties of the Harris County Precinct 8 Constable's Office or any of its employees and/or County Government must first be communicated and approved by the Constable or Chief Deputy.
- 1.23 **Circulating Scandalous Stories, Gossip or Criticism:** Members of the Department shall refrain from circulating scandalous stories about other members of this Department or other





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governmental employees and shall refrain from circulating criticism of or gossip about other governmental employees or agencies.

- 1.24 **Interfering With the Criminal Justice System:** Employees shall not take part in making or negotiating any compromise for any person with a view toward permitting such person to escape the penalty of the law; nor shall they seek to obtain any continuance of any trial for the benefit of any defendant or otherwise interfere with the Courts (this section shall not be construed as preventing an employee from cooperating with a prosecuting attorney in the altering of any charge or other action in any case in which he is the arresting officer).
- 1.25 **Use of Official Correspondence / Use of Department Property:** No employee shall engage in the official Department correspondence or use Department stationery unless he has specific authority to do so. No employee shall misuse, abuse, sell or use for his own purposes property of the Department without Department authority or sanction to do so.
- 1.26 **Use of Department Logos / Insignias:** No employee shall utilize, recreate, duplicate or alter any Department logo or insignia, nor use or present any item that represents the Department, for public or private use without expressed authorization of the Constable. This includes, but is not limited to, the use of such logos or insignias or use of the Department name for business cards, coffee mugs, cups, t-shirts, etc.
- 1.27 **Solicitation of Free Admissions, Services, Merchandise or Favors:** No employee shall use their position with the Department to seek free admission to places of amusement, sporting events, or other events for which the general public must pay a fee for admission. No employee shall solicit free meals, refreshments, or transportation or any other favors or gratuities which would not ordinarily be given to a private citizen.
- 1.28 **Court Attendance:** All employees subpoenaed to Court shall:
  - A. Be punctual in attendance.
  - B. Have the cases in which they are concerned properly prepared and physical evidence arranged for presentation.
  - C. Observe the utmost attention and respect towards, judges, magistrates, and justices at all times.
  - D. Speak calmly in a clear and audible tone, so as to be heard by the Court and Jury.
  - E. Testify with the strictest honesty.



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F. Cooperate with the prosecuting attorney in preparing and presenting the case.

#### 1.29 Emergency Contact

As employees of a law enforcement agency, we are required to be available to respond during emergency situations. Each employee shall furnish emergency contact information to the Department that will permit dispatch or supervisors to contact that employee for emergency purposes. If an employee does not have a cell phone, that employee must furnish dispatch a phone number where the employee can be immediately contacted at all times. If an employee will be in an area where their cell phone does not have service, the employee shall notify dispatch of a temporary phone number and/or address where the employee may be reached in an emergency and give the period of time the temporary information will be valid.

It is the responsibility of each employee to provide the most current information at all times.

#### 1.30 General Correspondence

All personnel are required to be responsive to correspondence related to their duties as a Precinct 8 employee. This includes phone calls, memos, email or any other type of correspondence that may require attention. All effort should be made to respond to such correspondence in a timely manner, even if it requires the employee to respond outside of their normal duty hours. (For example, should an Assistant District Attorney request a return phone call from an Evening or Night Shift Deputy regarding a case they have filed, the Deputy shall return the call at a time when the ADA can be reached.) Personnel should be mindful that often, correspondence may be related to active criminal cases and failure to respond or failure to respond in a timely manner could jeopardize such cases. Personnel who may be off for extended periods of time should consider leaving alternate contact methods on their voice mail or email (“out of office”) when possible.

#### 1.31 Civil Litigation

Any employee who becomes a party in civil action or suit that arises from an incident or situation which occurs in the scope of their employment, whether as a defendant or as a plaintiff, shall notify the Constable in writing through their chain of command. This notification shall be made within twenty-four hours of filing a suit or action or upon being notified they are a defendant in a suit or action.



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#### Revision:

This policy has been revised on the below listed dates:

March 2022







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| UNPROFESSIONAL CONDUCT | 2          | 2          |

- 2.00 Definition: Unprofessional conduct is defined as any action or inaction of an employee that violates Federal, State, or County statutes and/or the policies, procedures and rules of the Department. Further, action or inaction of an employee that does not conform to the expected standards of the law enforcement profession or that brings discredit to the employee or the Department is deemed unprofessional.
- 2.01 All persons reporting unprofessional conduct or citizen complaints against an employee of the Department will be referred to the employees' Division Supervisor, whenever possible (refer to section 3.00 – 3.11 regarding Complaint Process). All allegations of unprofessional conduct will be investigated to insure that:
- A. The citizens of Harris County Precinct 8 are served by a cadre of professionals.
  - B. The employees of this Department are protected against false allegations.
  - C. The good name of the Department is protected by professional enforcement of internal discipline.
  - D. The Department has an effective procedure that provides feedback and accountability in Departmental operations for the citizens of Harris County.
- 2.02 Anyone who reports unprofessional conduct shall be treated in a courteous and professional manner. Retaliation by any member of the Department upon any person(s) reporting such conduct, or any other member of the Department, shall be grounds for disciplinary action.
- 2.03 Reports of unprofessional conduct shall be handled in a timely manner.
- 2.04 Employees accused of unprofessional conduct shall be notified and allowed to respond to the allegation. This notification may be withheld until an inquiry has been completed, if this is deemed necessary by the Chief Deputy.
- 2.05 All reports of unprofessional conduct shall be documented.
- 2.06 The Constable or the Chief Deputy shall assign investigations into unprofessional conduct or citizen complaints to a supervisor, or may investigate personally.
- 2.07 Unless the Constable or Chief Deputy has given prior approval, no employee of Precinct 8 shall record or be a party to recording, by audio or video, another employee (either subordinate, equal or superior in rank) while in the offices or vehicles of, or in the conduct



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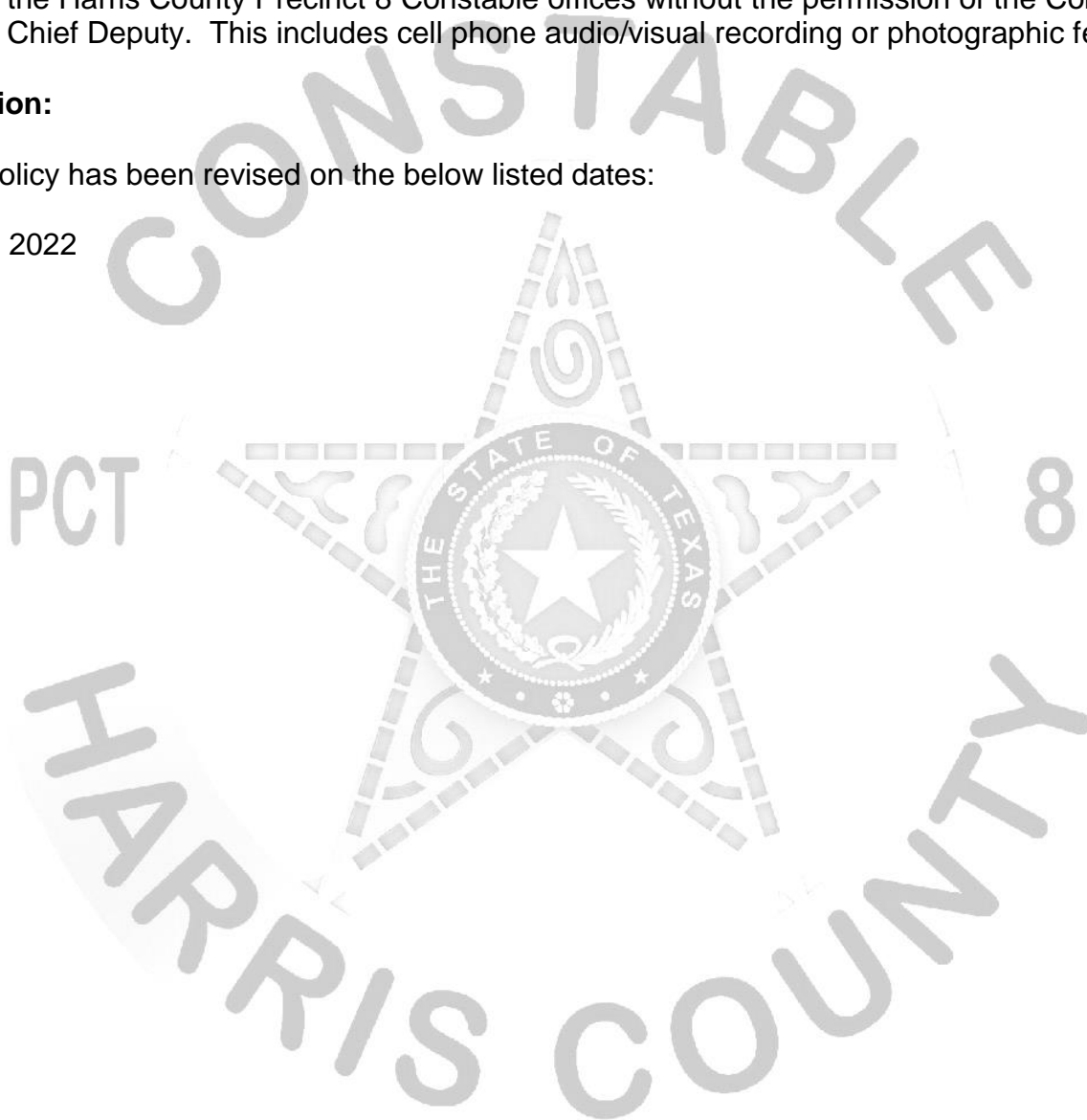
of business for this Department without that employee's prior knowledge and approval. Violation of this directive shall be grounds for immediate dismissal.

- 2.08 No personal audio/visual recording equipment will be permitted to be used within or around the Harris County Precinct 8 Constable offices without the permission of the Constable or Chief Deputy. This includes cell phone audio/visual recording or photographic features.

#### Revision:

This policy has been revised on the below listed dates:

March 2022





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| COMPLAINT PROCESS AND DISCIPLINARY ACTION | 3          | 4          |

- 3.00 Employees serve at the pleasure of the Constable. That is, employees have no right to continued employment and serve “at will.” The Constable may terminate an employee at any time, for any reason.
- 3.01 The Constable intends to ensure that disciplinary action is administered in an equitable, consistent and compassionate manner.
- 3.02 Disciplinary action is administered to ensure:
- A. The work of the Department is handled in a professional manner.
  - B. Unprofessional conduct is not tolerated.
  - C. Employees who perform their assignments in a professional manner are not harmed by those who do not.
  - D. Department members and the public are assured that those who serve in the Department are trustworthy and professional and that there will be a process to remove those who are not.
- 3.03 Formal Complaints: The following steps will be taken in the event a formal complaint of misconduct is made regarding the actions or inactions of any employee. All complaints must be submitted to and received by a sworn department supervisor.
- A. All formal complaints shall be submitted in writing.
  - B. When a formal complaint is received, the “Affidavit of Complaint Instruction Sheet” is to be given to the complainant. The instruction sheet informs the complainant about perjury, aggravated perjury, inconsistent statements and false report to a peace officer. After this is read and signed by the complainant, the actual “Affidavit of Complaint” (Article: 6252-20 - Complaint against Law Enforcement Officer) will then be filled out and signed by the complainant. We request that these documents be notarized.
  - C. When a formal written complaint is filed, it shall be documented in the Department’s “Complaint Control Book” by the supervisor who takes the complaint and assigned an Internal Affairs number.
  - D. The supervisor logging the formal complaint shall notify the Chief Deputy and provide him with the original written complaint and any supporting documentation or evidence.



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- E. The Chief Deputy will assign the complaint to a supervisor for investigation.
  - F. The investigating supervisor will issue an “Employee Notification of Complaint” to the employee who is the subject of the complaint. The assigned internal affairs number (and case number if applicable) will be noted on the notification form. A complete copy of the complaint shall be provided to the employee at the time of issuance.
  - G. The employee shall respond to the formal complaint in writing within 24 hours of being served with the notification unless directed otherwise. This written and signed response is to be turned in to the supervisor who issued the notice.
  - H. The supervisor assigned to conduct the investigation shall document their findings thoroughly and completely.
  - I. The findings, all written documentation and any evidence will be forwarded to the Chief Deputy to make a final determination on the formal complaint.
    - 1. Disciplinary action resulting from the investigation shall be documented and issued to the employee on an “Employee Disciplinary Record”.
    - 2. Whether a formal complaint is deemed “founded” or “unfounded”, the complainant and the subject(s) of the investigation will be notified in writing of the outcome of the investigation by the Chief Deputy or his designee.
  - J. Should a complaint of misconduct be made regarding the actions or inactions of any employee that is not in writing (such as a phone complaint), the Department still has an obligation to determine the legitimacy of the allegation(s). In these cases, if the allegation(s) is deemed legitimate, then the Department may become the complainant and the employee will be issued a written notification of complaint.
- 3.04 Internal complaints of misconduct: The following steps will be taken in the event a complaint of misconduct is alleged by a supervisor regarding the actions or inactions of any employee.
- A. The supervisor shall notify the Chief Deputy of the complaint who will then assign it for investigation.
  - B. The complaint must be in writing and signed.
  - C. The supervisor assigned to investigate the complaint shall notify the employee of the allegations utilizing the Department’s “Employee Notification of Complaint Form” and provide them with the written complaint.





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- D. The employee shall respond to the complaint in writing within 24 hours of being served with the notification unless directed otherwise. This written and signed response is to be turned in to the supervisor who issued the notice.
  - E. The findings, all written documentation and any evidence will be forwarded to the Chief Deputy to make a final determination on the matter.
    - 1. Disciplinary action resulting from the investigation shall be documented and issued to the employee on an “Employee Disciplinary Record”.
    - 2. Whether the complaint is deemed “founded” or “unfounded”, the complainant and the subject(s) of the investigation will be notified in writing of the outcome of the investigation by the Chief Deputy or his designee.
- 3.05 Complaints of misconduct against fellow employees: Complaints by an employee regarding misconduct on the part of another employee shall be made to a supervisor of higher rank. The Chief Deputy shall be notified regarding all complaints of this nature.
- A. The complaint shall be in writing and signed.
  - B. Investigation will be assigned by the Chief Deputy to a supervisor.
  - C. The investigating supervisor shall notify the employee who is the subject of the complaint utilizing the Department’s “Employee Notification of Complaint Form”.
  - D. The employee shall respond to the complaint in writing within 24 hours of being served with the notification unless directed otherwise. This written and signed response is to be turned in to the supervisor who issued the notice.
  - E. The findings, all written documentation and any evidence will be forwarded to the Chief Deputy to make a final determination on the matter.
    - 1. Disciplinary action resulting from the investigation shall be documented and issued to the employee on an “Employee Disciplinary Record”.
    - 2. Whether the complaint is deemed “founded” or “unfounded”, the complainant and the subject(s) of the investigation will be notified in writing of the outcome of the investigation by the Chief Deputy or his designee.
- 3.06 If a complaint is deemed to be founded, it will result in either a verbal or written warning; letter of reprimand; suspension and/or termination.
- A. A major disciplinary report is one that results in suspension from duty, demotion in rank, probation or termination. Documentation of this type will be placed in the employee’s disciplinary file.





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B. A minor disciplinary report is one that results in a written warning or a letter of reprimand. Documentation of this type will be placed in the employee’s disciplinary file.

3.07 The Constable shall approve all major disciplinary reports. The Chief Deputy shall approve all minor disciplinary reports. Employees who are terminated may be given an opportunity to appeal when required by law.

3.08 An employee may petition the Constable through his/her chain of command to have a written warning removed from his disciplinary file, provided:

A. There have been no disciplinary reports of a similar nature in a three (3) year period following the issuance of the initial written warning.

B. The written warning has not been combined with other progressive disciplinary records, resulting in a letter of reprimand; suspension from duty; demotion in rank; probation or termination.

3.09 Major disciplinary reports and letters of reprimand remain in the disciplinary file permanently.

3.10 If a founded complaint is against the laws of this state, the complete report and all documentation are to be forwarded by the Chief Deputy or Constable to the Harris County District Attorney’s Office for review.

**Revision:**

This policy has been revised on the below listed dates:

March 2022



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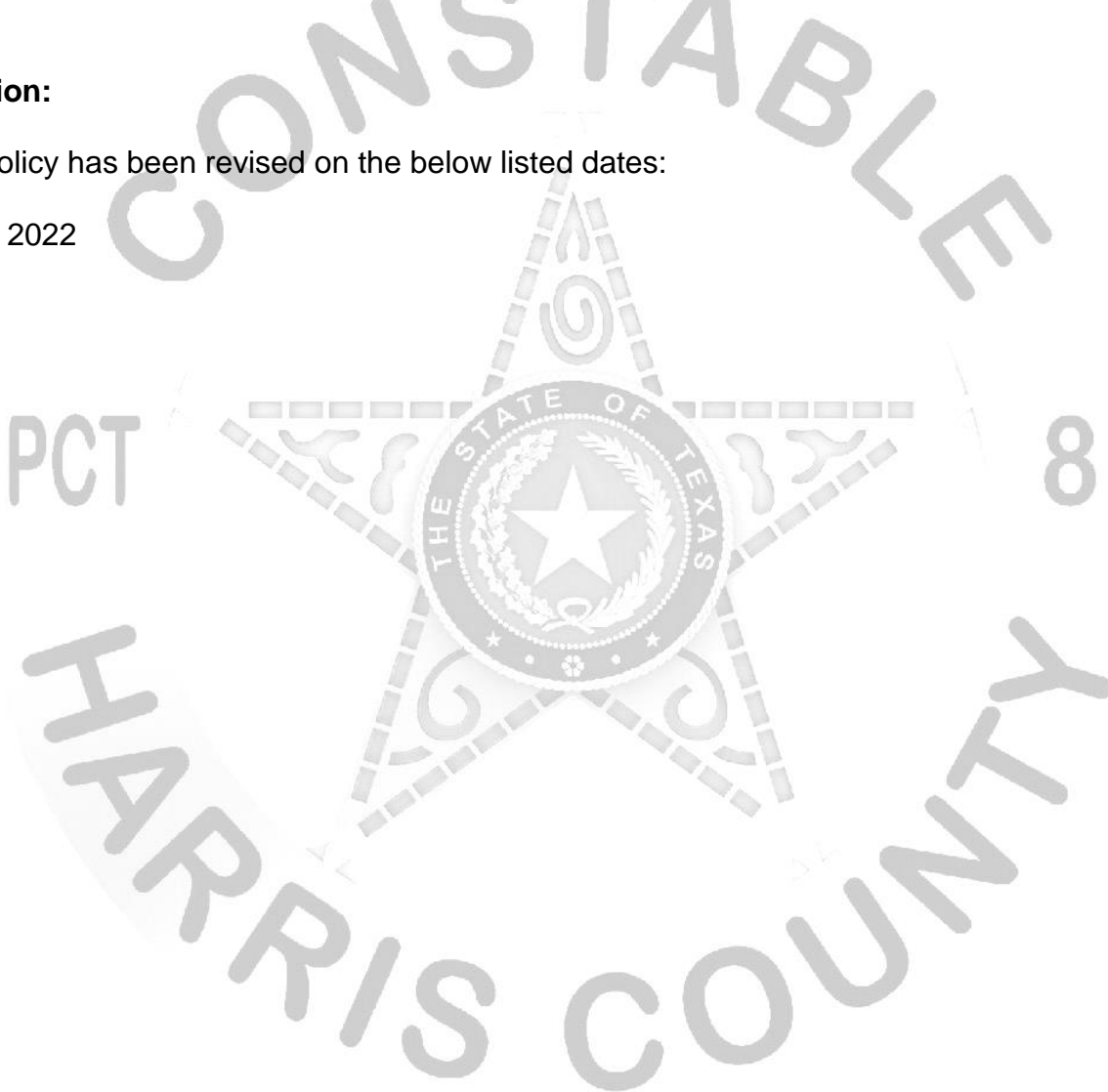
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| DUTY TO REPORT | 4          | 1          |

4.00 Employees charged with any criminal offense, other than a minor traffic citation, must notify the Constable in writing through the chain of command on the first working day after being charged. Employees must also notify the Constable through the chain of command in writing if they are detained by a law enforcement agency or are the subject of any criminal investigation, whether or not they are charged with a criminal offense. This notification must be made on the first working day following any such incident.

#### Revision:

This policy has been revised on the below listed dates:

March 2022





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| EQUAL EMPLOYMENT OPPORTUNITY PRACTICES AND NON-DISCRIMINATION | 5          | 2          |

#### 5.00 Discrimination

The Harris County Precinct 8 Constable's Office and Harris County are equal employment opportunity employers. No member of this office may fail or refuse to hire or may discharge an individual or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, sex, national origin, age or disability; or limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee, because of the individual's race, color, religion, sex, national origin, age or disability.

#### 5.01 Harassment

- A. Harassment is strictly prohibited. Actions, words, jokes, or comments based upon an individual's sex, race, color, religion, national origin, age, disability, or other legally protected characteristic will not be tolerated.
- B. Sexual harassment is strictly prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- C. If an employee perceives that she or he has been the victim of harassment of any kind, it is not a defense that the person doing the harassing did not intend to harass or that the person was merely "joking" or "teasing".
- D. An employee who has harassed or participated in harassment is subject to disciplinary action up to and including immediate termination.

#### 5.02 Reporting Violations

- A. Employees who believe that they have witnessed or been the subject of discrimination, including harassment or retaliation, must report the alleged act(s)



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immediately to their supervisor, the Chief Deputy, the Constable or the Director of the Harris County Office of Human Resources and Risk Management.

- B. A prompt and thorough investigation of the facts and circumstances of any claim of discrimination, harassment or retaliation will be conducted and appropriate corrective action will be taken.
- C. An employee who knowingly makes a false complaint under this section is subject to discipline up to and including immediate termination.

**5.03 Retaliation**

Retaliation of any kind against an individual who makes a complaint of discrimination or harassment, or against an employee who participates in any investigation of a complaint of discrimination or harassment, is strictly prohibited.

**5.04 Consequences of Violations**

Employees who violate any portion of the non-discrimination policy are subject to disciplinary action, up to and including immediate termination.

**Revision:**

This policy has been revised on the below listed dates:

March 2022



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### CHAPTER III – GENERAL RULES OF CONDUCT

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| RACIAL OR BIAS-BASED PROFILING AND GENERAL LAW ENFORCEMENT INTERACTION | 6          | 5          |

#### 6.00 Overview

The purpose of this policy is to state unequivocally, that law enforcement activities that are the result of racial or bias-based profiling are not condoned, are unacceptable and will not be tolerated. Bias-based profiling is unethical and illegal and serves to foster distrust of law enforcement by people in the community we serve. This policy will serve as a guideline for law enforcement personnel to prevent such occurrences and to protect our personnel, when they act within the provisions of the law and this policy, from unwarranted accusations.

#### 6.01 Definitions

- A. Racial Profiling is defined as any pattern or practice, including but not limited to stopping, detaining, frisking and searching by deputies that is based upon a generalized belief that a person of a particular race, ethnicity, or national origin is more likely to commit certain types of crimes. Law enforcement action must be based upon credible information known to the Deputy which leads him/her to believe that an individual is, has been or is about to be engaged in activity which is in violation of the law. Any other motivation for such actions is strictly prohibited. Race or ethnicity means of a particular descent, including but not limited to, Caucasian, African, Hispanic, Asian, Native American or unknown descent.
- B. Bias-based Profiling is defined as the selection of individuals based solely on a trait common to a group for enforcement action. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. Enforcement Activities are defined as activities both on and off-duty, undertaken by law enforcement personnel, that arise from their authority related to employment, oath of office, State statute, Federal Law or County ordinance. Activities include, but are not limited to, traffic contacts, field contacts, arrests, investigations, asset seizure and forfeiture and general law enforcement contact with citizens.
- D. Reasonable Suspicion is defined as suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution to believe that a violation of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This information can be based on observations, training and experience and/or reliable information received from credible outside sources.

#### 6.02 Procedures





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A. Traffic and Field Contacts

1. The Communications Division will be notified and a CAD entry made for every traffic stop or field contact. Traffic and field contacts between law enforcement officers and citizens will be conducted in a professional and courteous manner.

Basic interpersonal communication protocol is as follows:

- a. Greet the person contacted in a respectful manner and identify yourself.
  - b. State the reason for the stop or temporary detention, focusing on the actions of the vehicle or circumstances rather than personalizing the violation.
  - c. Ask the person if there was a reason for the violation, giving him the opportunity to establish a dialogue.
  - d. Politely ask for identification and other required documents.
  - e. Inform the driver or pedestrian as to what action is being taken and what actions, if any, the person must perform as a result of the enforcement action.
  - f. Give a professional closing statement to end the contact. Refrain from using trite or colloquial expressions.
2. Appropriate enforcement action should always be completed and documented, generally in the form of a written warning, citation, field contact entry or an arrest.
  3. When enforcement action is taken, the appropriate law enforcement agency documentation will be completed as is required by the specific type of enforcement action and the guiding written directives pertaining to such enforcement action. All enforcement action documentation will include the gender, race or ethnicity of the person stopped or contacted, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.
  4. No violator, once cited or warned, will be detained beyond the point where there exists no reasonable suspicion of further criminal activity.
  5. No person or vehicle will be searched in the absence of a search warrant, or a legally recognized exception to the search warrant requirement, or without the person's voluntary consent. Specific guidance pertaining to searches of vehicles, persons, or structures is provided in Search Procedures and Arrest Procedures.
  6. In the absence of a specific, credible report containing a physical or vehicle description, a person's race, ethnicity, gender or sexual orientation or combination thereof will not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.



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7. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited, and is a cause for disciplinary action up to an including, immediate termination of employment.

#### B. Investigations

1. Criminal Profiling can be a useful tool to assist law enforcement officers in carrying out their duties, including the investigation of criminal activity and subsequent arrest, as well as asset seizure and forfeiture efforts. Bias-based profiling, however, is the selection of individuals based solely on a common trait of a group as defined in this manual.
2. Harris County law enforcement agencies do not condone and will not allow the use of bias-based profiling in their enforcement programs to include investigations, both incidental and on-going, as well as subsequent arrest and asset seizure and forfeiture.
3. Law enforcement personnel will focus on a person's conduct or other specific suspect information supported by articulated facts which indicate that the person has committed a crime, is about to commit a crime, or is presenting a threat to the safety of themselves or others.
4. All law enforcement agency investigations will be carried out in accordance with established written directives.

#### C. Bias-Based Profiling Complaints

1. Any person may file a complaint with the Department if they feel that they have been stopped, detained, or searched based solely on bias-based profiling.
2. No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
3. Any law enforcement personnel contacted by a person who wishes to file such a complaint will immediately contact a supervisor who will respond to the scene. The supervisor shall advise the complainant of the complaint process procedures and document the complaint. All complaints will be forwarded to the agency representative who will review and process the complaint in accordance with agency policy and procedures.
4. All founded complaints of bias-based profiling, upon conclusion, will be forwarded to the agency department head and will contain findings, suggestions for disciplinary action, or changes in policy, training, or tactics.
5. Depending on the findings of each complaint as well as the specific factors involved, corrective measures will be taken to remedy violations of this policy. Corrective measures may include, but are not limited to, training, counseling,



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policy review, and discipline up to and including immediate termination of employment.

6. On an annual basis, the Department will compile (or cause to be compiled) a statistical summary of bias-based profiling complaints, which will include the findings as to whether each case was sustained, not sustained, or exonerated. Supplemental statistical data may be obtained from a variety of sources, including, but not limited to Communications CAD system, MDT logs and inquiries and activity reports.
- D. Supervisor Responsibilities
1. Supervisors will be apprised of all bias-based profile complaints involving personnel under their command.
  2. It is the responsibility of the first line supervisors to monitor the activities of their personnel and to identify potential bias-based profile activity.
  3. Supervisors will accomplish at least a quarterly review of a sampling of in-car and body worn camera video of traffic stops and citizen contacts as well as reports generated as a result of these incidents and activities. Whenever a complaint is received in which the incident was recorded, that video will be held for a minimum of one year.
  4. All supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate bias-based profiling and treatment of individuals.
- E. Reporting Procedures
1. The Department shall maintain a database of information collected from traffic stops in which a citation is issued or arrest made (based on the traffic stop).  
The data shall include:
    - a. The race or ethnicity of the individual detained.
    - b. Whether a search was conducted and, if so, whether the person detained consented to the search.
    - c. Whether force was used in the course of the stop.
  2. The Constable will cause an annual report (of the previous year) of information collected (as identified in this section) to be submitted to Commissioner's Court. This annual report will not include information that is specific to the identity of the Deputy(ies) or the citizen(s) involved.
- F. Training - Training related to bias-based profiling will be provided to sworn personnel. This training will be provided in coordination with the Department's Training Coordinator and will include TCOLE required curriculum involving:
1. Annual legal update training



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2. Cultural Diversity training, and
3. Other relevant training as established by TCOLE

#### Revision:

This policy has been revised on the below listed dates:

March 2022







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| GRIEVANCE PROCEDURES | 7          | 2          |

7.00 It is the policy of the Precinct 8 Constable's Office that any employee may present a grievance to the administrators of the Department without fear of retaliation or harassment, and that grievances will receive prompt and fair consideration.

A. Underlying Policy

1. Any employee of the Department may initiate a grievance.
2. The grievance procedure is intended to be a positive process that seeks to improve morale, discipline and the functioning of the Department.
3. The administrators of the Department have the right to maintain efficient operations to meet law enforcement needs and Department objectives.
4. The basic responsibility for resolving grievances lies with the employee's direct supervisor.
5. In all proceedings pertaining to his/her grievance, an employee may present witnesses and may be represented by a person of their choosing.
6. A grievance is any action arising from a complaint an employee has concerning the administration of policy, procedure, rules, regulations and operations of the Department, but does not include:
  - a. Decisions pertaining to disciplinary action
  - b. Salaries and/or benefits
  - c. Discrimination complaints based on race, color, religion, sex, national origin, age or disability.

Avenues for the resolution of these complaints are set out in other sections of the Department Manual and in the Harris County Personnel Regulations Manual, as well as in State and Federal Statutes.

7.01 To file a grievance, an employee must:

- A. File the grievance within fifteen days of the action or inaction giving rise to the grievance.
- B. File by submitting a signed and dated written letter to his/her immediate supervisor.

7.02 Each grievance filing and all documents related thereto will be maintained by the Department for an indefinite period of time.

7.03 Upon receipt of the grievance, the supervisor must meet with the filing employee within five days and attempt to resolve the problem. If the grievance is resolved at this point, the grievance may be withdrawn at the agreement of both parties or the solution and action taken may be reduced to writing and forwarded, together with a copy of the original filed grievance, to the Chief Deputy.





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- 7.04 If the grievance cannot be resolved at the above point, both parties shall attach statements to the original grievance stating reasons for their positions. The original filed grievance and all statements will then be forwarded to the Chief Deputy.
- 7.05 Upon receipt of the documents, the Chief Deputy has five days to make his decision and to notify all parties, or to meet with the parties to gain further information. If a meeting is necessary, the Chief Deputy then has five days after the meeting is held to render a decision.
- 7.06 The decision of the Chief Deputy may be appealed in writing to the Constable. The Constable will be provided all documents and may meet with the parties as he deems necessary to make his decision. The Constable will render his decision within ten days after receiving the appeal or within ten days after the last meeting regarding an appeal, whichever is later, and his decision shall be final.
- 7.07 It is strongly hoped that disagreements between employees will be worked out without it becoming necessary to resort to the grievance process. To this end, it is urged that supervisors assist in settling differences between co-workers on an informal basis whenever possible.

#### Revision:

This policy has been revised on the below listed dates:

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| SOCIAL MEDIA AND THE DEPARTMENT | 8          | 4          |

#### 8.00 Overview

Professionalism, ethics and integrity are of paramount importance in the law enforcement community. To achieve and maintain the public's highest level of respect, we must place reasonable restrictions on our conduct and appearance, as well as hold employees to these standards of conduct, whether on or off duty. This policy is meant to provide guidance to Precinct 8 employees to ensure that social media resources are being utilized in a lawful and appropriate manner that upholds the Department's mission, in addition to federal, state, and local laws.

The developments in electronic technology (computers, software, programs, and information available through the internet and web sites) are an invaluable resource to assist us in the performance of our duties. Nevertheless, this technology has the capability to act as a double-edged sword, in that it presents opportunities to access and use technology in both legitimate and illegitimate ways.

As public employees, Department personnel are cautioned that speech, on or off duty, made pursuant to their official duties (that is, speech that owes its existence to the employee's professional duties and responsibilities) is not protected speech under the First Amendment. When using social media, Department personnel shall be mindful of their speech and how it becomes a part of the World Wide Web electronic domain. Employees should also be aware that in some cases, photographs and other materials posted to social media sites may become the property of that site.

Please remember that your reputation online impacts your reputation at work. Whether on duty or off duty, in uniform or in plain clothes, all employees represent the Harris County Precinct 8 Constable's Office and shall be held accountable for their actions, conduct and speech when those behaviors conflict with the core values, mission and creed of the Harris County Precinct 8 Constable's Office.

#### 8.01 Purpose

The purpose of this section is to establish departmental policy concerning social media posts, personal web pages or internet sites when referencing the Harris County Precinct 8 Constable's Office.

#### 8.02 General Considerations

Members of the Harris County Precinct 8 Constable's Office should carefully consider whether or not to identify themselves as such and about what personal information to share while posting to internet websites. Employees should know that any information posted



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may remain accessible to the public for an indefinite amount of time, and may impact potential citizen contacts, courtroom credibility, and the ability to seek and obtain an undercover assignment within the Department.

Department personnel should also be aware that privacy settings on social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

#### 8.03 Policy

- A. Use of social media and internet sites while on duty shall be restricted to official departmental business only.
- B. Department personnel are free to express themselves as private citizens on social media sites off duty, but should be aware that their online social networking activities are easily discoverable, whether they intend them to be or not. As such, the content of social networking may be obtained for use in criminal trials, civil proceedings and departmental investigations. Department employees shall assume that their speech and related activity on social media sites will reflect upon the Department.
- C. Except where required by official duties, no Department employee shall post, transmit, or otherwise disseminate any confidential information to which they have gained access as a result of their employment (including, but not limited to: photos or videos of crime scenes, depictions of potential evidence, personnel performing official duties, official departmental training, official Department correspondence, or offense reports) without prior, written permission from the Constable or Chief Deputy.
- D. Employees shall refrain from making defamatory or harassing comments, using speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express discrimination or bias against any race, religion, or protected class of individuals.
- E. Employees are expected to act responsibly and ethically and not engage in speech that reflects behavior that would reasonably be considered a violation of federal or Texas law or Department policies.

#### 8.04 Departmental Use



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The Harris County Precinct 8 Constable’s Office recognizes the need to communicate and share important information with the community. Social media provides a potentially valuable means of assisting the Department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy is designed to provide reasonable and flexible guidelines for the use of social media as a tool for communicating with the public.

A. Design and Content

1. A clear statement of the intent, purpose and subject matter of the site, as well as a statement clearly articulating that all content and comments posted to the site are subject to public disclosure laws, will be posted on any Department social media site.
2. The Department shall provide a disclaimer on the social media site that posted comments do not necessarily reflect the views or position of the Department.
3. It shall be clearly stated, where public users can recognize and understand, that citizens should not use social media to report an emergency of any kind.

B. Public Comments and Interactive Features

1. The Department will edit public comments posted on an "open forum" if the comments:
  - a. Contain information about departmental business or operations that is confidential and non- public;
  - b. Would be considered pornographic, obscene, or defamatory in nature;
  - c. Directly promote or advocate violence or the threat of violence;
  - d. Are solicitations of commerce or promotion of private business enterprises;
  - e. Are discourteous communications, including personal attacks on an individual's character or appearance;
  - f. Include content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, age, religion, gender, mental status, status with regard to public assistance, physical or mental disability, sexual identification or orientation, or national origin;
  - g. Contain or link to inappropriate sexual content;
  - h. Encourage or promote illegal activity;
  - i. Include information that may compromise the safety or security of the public or public systems; or
  - j. Appear to violate the legal ownership interest of any other party.

C. Roles and Responsibilities of the Administrator





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1. The Constable will assign personnel to be administrator(s) to any Department social media site.
2. The administrator(s) will be responsible for reviewing information posted to the Department's social media site(s) to ensure the content is appropriate, professional, and consistent with the Department's policies and the purpose for which the site exists.
3. The administrator(s) will be required to review and approve requests by citizens and department personnel prior to posting information onto any Department social media site. This includes but is not limited to:
  - a. BOLOs;
  - b. Departmental Ceremonies;
  - c. Community Outreach;
  - d. Crime Bulletins.
4. Administrator(s) shall ensure all Department social media sites are regularly maintained and kept current.
5. The administrator(s) are responsible for the removal of public comments that are inappropriate.
6. The administrator(s) shall consult with the Constable prior to banning any person from future posts to a Department social media site.

#### 8.05 Compliance

Employees becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions of this policy shall notify his/her supervisor immediately for follow-up action.

#### Revision:

This policy has been revised on the below listed dates:

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| EMPLOYEE EVALUATIONS | 9          | 2          |

#### 9.00 Overview

The primary reason for conducting performance evaluations is improving employee performance. Employees want to understand where they are succeeding in their jobs and where their performance could be improved. Providing employees with regular feedback allows them to enhance their demonstrated skills and improve in areas where needed. Employees should not be surprised by their evaluations if supervisors are effectively communicating with them throughout the year.

9.01 Formal evaluations of each employee shall be conducted semi-annually and are due January 15th and July 15th of each year. These evaluations are to be administered to ensure:

- A. Supervisors are communicating with the employees regarding any strengths or weaknesses.
- B. Employees are provided with relevant feedback regarding their overall job performance.
- C. Employees will know what is expected of them. They will receive feedback, commendation and criticism of their performance and will be on notice regarding any perceived weaknesses or concerns.
- D. Employees are recognized and rewarded for solid job performance.
- E. Employees who are under-performing can be identified and trained or counseled regarding substandard work.
- F. Conduct or performance problems are documented.

9.02 The semi-annual evaluation process will be conducted as follows:

- A. Evaluation forms shall be completed by the employee's immediate supervisor and reviewed by the next level supervisor (and/or Division Commander) in the chain of command prior to being issued to the employee. This will help ensure consistency and fairness in the process.
- B. Supervisors shall individually and privately meet with each employee and discuss the evaluation at the time of issuance.
  - 1. Evaluations shall be signed by the employee to acknowledge receipt.



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2. Employees who disagree with an evaluation may request to go up the chain of command for further discussion.

C. A copy of the evaluation shall be given to the employee.

D. The original evaluation shall be submitted to the Chief Deputy for final review.

E. Original evaluations shall be placed in the employee's personnel file.

9.03 Evaluations will be considered when making decisions regarding promotions, transfers and job assignments.

9.04 Consistently poor evaluations will be grounds for disciplinary action up to and including termination.

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| MERIT AWARDS | 10         | 3          |

#### 10.00 Overview

On occasion, the Constable may deem it appropriate to issue individual merit awards to certified or civilian personnel for acts performed in the course of their duties to the community that are deemed exceptional. Such awards may also be given to citizens in cases where they provide assistance to this agency in the scope of its duties to the community. Nominations for merit awards can be made at any time by any member of the department by submitting a letter to the Constable through his/her chain of command or by submitting a designated nomination form online. The Constable, at his discretion, may convene a review committee to evaluate and vote on the nomination. Such awards include but are not limited to:

#### 10.01 Certificate of Valor

The Certificate of Valor is presented at the discretion of the Constable to any Deputy or Reserve Deputy for an act of outstanding valor. The recipient must have demonstrated the qualities of selflessness, personal courage and devotion to duty. Factors for consideration of the nominee for this award are:

- A. The situation was extremely hazardous; the nominee was able to evaluate the situation, was aware of the hazards, and took action.
- B. An incontestable risk of death or serious physical injury existed when the nominee acted.
- C. The act involved the preservation or attempted preservation of human life.
- D. The nominee's actions were consistent with good judgment, training and policy.
- E. The failure to perform the act would not reflect negatively on the Deputy or the Department.
- F. The objective was of sufficient importance to justify the risk.

#### 10.02 Certificate of Commendation

The Certificate of Commendation may be awarded to a Deputy or Reserve Deputy who performed an act in the line of duty at a risk of personal harm to himself or herself. The act must have been performed under complicated or hazardous conditions during which the Deputy used excellent judgment in accomplishing a specific mission.



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#### 10.03 Distinguished Service Award

The Distinguished Service Award may be awarded to any employee for exceptional accomplishments. This individual must have distinguished himself or herself while performing highly creditable or unusual actions. Factors for consideration for this award are:

- A. The recipient made a significant and major contribution to the development of programs, policies or procedures, which had a substantial and positive impact to the department, community or profession.
- B. The recipient successfully conducted a long-term investigation or solved a neighborhood problem that had a positive impact on the community. (During the course of a long-term assignment their performance must be of an exceptional manner.)
- C. The recipient took an extraordinary action while assisting the community.

#### 10.04 Certificate of Merit

The Certificate of Merit may be awarded to a Deputy or Reserve Deputy who:

- A. Demonstrated a high degree of personal initiative.
- B. Performed substantially above normal requirements in an exemplary manner.
- C. Contributed significantly to the achievement of law enforcement goals.

#### 10.05 Civilian Commendation

The Civilian Commendation may be awarded to civilians who distinguish themselves by the performance of a heroic act involving great personal hazard.

#### 10.06 Meritorious Public Service

The Certificate of Meritorious Public Service may be awarded to civilians whose actions or deeds contribute to the success of this agency in the scope of its duties to the citizens of this community.



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| ATTENDANCE | 1          | 3          |

#### 1.00 General Attendance

- A. All employees of the Harris County Precinct 8 Constable's Office will follow and adhere to all attendance policies and procedures contained in the Harris County Personnel Regulations Manual.
- B. Regular attendance during normal working hours is required of all employees.
  - 1. Department Heads may require you to provide a statement of a health care provider for any period of Sick Leave, including Family Sick and Wellness Leave, upon or before returning to work following the use of such leave.
  - 2. In some cases, use of such leave may be deemed an abuse of Sick Leave or Family Sick and Wellness Leave. Examples include, but are not limited to:
    - a. Patterns of calling in for Sick Leave or Family Sick and Wellness Leave in conjunction with regular off days or in conjunction with other approved time off.
    - b. Calling in for Sick Leave or Family Sick and Wellness Leave on a day which was previously denied off by a supervisor (i.e. comp day, vacation day or holiday).
    - c. Calling in for Sick Leave or Family Sick and Wellness Leave on a County Holiday for which the employee was scheduled to work.
    - d. Calling in for Sick Leave or Family Sick and Wellness Leave during a period of declared emergency or on days that have been "blacked out" by the Department (i.e. New Year's Eve, Independence Day, etc.).
- C. Employees shall contact their first line supervisor, or the appropriate on-duty supervisor in their absence, to request the use of Sick Leave or Family Sick and Wellness Leave. In all such cases, contact shall be made as far in advance as possible prior to the scheduled shift for which this leave is being requested.
- D. Requests for the use of Compensatory Time, Vacation Leave, Holiday Leave or Floating Holidays shall be directed to an employee's first line supervisor or a designated supervisor in their absence. Time off requests of this type shall be made well in advance of such leave so as to allow for proper scheduling. Last minute requests to use these types of accrued time will only be granted with extenuating circumstances and at the discretion of the employee's supervisor or Division Commander.
- E. Employees who are absent for a scheduled shift, and who fail to contact a supervisor in advance of the absence as detailed in this policy, will be considered "Absent



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without Leave”. Unapproved absences may result in disciplinary action up to and including termination of employment.

- F. Time sheet records shall be accurately recorded and submitted in a timely manner in accordance with payroll procedures.

#### 1.01 Election Day and Voting Time

- A. Employees are encouraged to vote in local, state, and national elections.
- B. Employees who do not have two hours to vote either before or after their scheduled shift will be permitted to adjust their work schedule on Election Days so that the employee has adequate time to vote.

#### 1.02 Holidays, Vacations and Compensatory Time

- A. Holidays: Employees shall observe the holiday schedule authorized by the Harris County Commissioner’s Court as outlined in the Harris County Personnel Regulations Manual.
- B. Vacation: Vacation days are accrued at the rate established by the Harris County Personnel Regulations.
  - 1. Vacation days may be taken upon application to the employee’s supervisor and with their approval. Every effort will be made by the Department to allow employees to take vacation days of their choice. However, in some circumstances this may not be possible. In order to provide services without interruption to the public, sufficient personnel must be available for duty at all times. It shall be the decision of the supervisor involved as to whether vacation time may or may not be granted. The Constable may place limitations on the number of employees in any division that may be granted vacations which occur at the same time.
  - 2. In the event that more than one employee from the same Division/Shift requests vacation leave for the same days, preference shall be given to the employee that first submitted the request. Should both requests be received simultaneously, the employee who has been continuously employed by the Department in a full-time capacity for the longest period of time will be granted the leave. No employee having vacation time previously approved by his or her supervisor, may be “bumped” from his or her vacation by an employee senior to them who requests vacation for the same time period, except in case of an emergency. This may be approved only by the Constable or the Chief Deputy.



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- C. Compensatory Time: In lieu of paid overtime, employees who work more than 40 cumulative hours in a work week may be compensated with compensatory time. The Constable may impose limitations on the amount of compensatory time that may be maintained.
  - 1. The use of accumulated compensatory time is subject to schedule availability and supervisor approval. In the event that more than one employee from the same Division/Shift requests compensatory leave for the same days, preference shall be given to the employee that first submitted the request. Should both requests be received simultaneously, the employee who has been continuously employed by the Department in a full-time capacity for the longest period of time will be granted the leave. No employee having compensatory time previously approved by his or her supervisor, may be “bumped” from his or her approved time off by an employee senior to them who requests compensatory for the same time period, except in case of an emergency. This may be approved only by the Constable or the Chief Deputy.
  - 2. Employees can be required to use any part of their accumulated compensatory time at the direction of the Constable or Chief Deputy.

**Revision:**

This policy has been revised on the below listed dates:

- March 2022
- May 2022



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#### 2.00 Policy Overview

The Department recognizes the value of permitting employees returning from an illness or injury to temporarily work on a light duty basis. Light duty assignments may be considered for employees who are unable to perform full and regular duty activity due to illness or injury up to a maximum of ninety (90) work days upon submission of required medical documentation, with re-evaluations occurring every 30 calendar days if necessary. Employees with chronic or permanent disabilities are excluded from this policy. It is a violation of this policy to feign injury or illness and doing so may result in disciplinary action up to, and including, termination.

#### 2.01 Definitions

- A. Light Duty: Temporary work that:
  1. Can be accomplished by an injured or ill employee within the stipulated medical or physical limitations and without exposing others to the risk of being harmed, and
  2. When accomplished will contribute to the fulfillment of the mission statement of the Department. The light duty assignment may consist of alternate duties not normally assigned or may consist of modified duties regularly performed.
- B. Treating Health Care Provider: A licensed and qualified person and/or organization who helps in identifying, preventing, or treating illness or disability.

#### 2.02 Considerations

- A. Applicability - This policy applies to both duty and non-duty related injuries and illnesses. This policy applies to all full-time personnel employed by this Department. Light duty work assignments are not available for part-time, temporary or non-paid personnel.
- B. Availability - There is no right to light duty work. The Department does not maintain regular or permanent light duty positions, but will consider the need to place employees in temporary light duty positions on an “as needed” and “case-by-case” basis in an attempt to ensure continuing employment.
  1. Light duty assignments will be determined and scheduled according to the needs of the Department and with approval of the Constable only.
  2. The availability of light duty assignments may limit the number of individuals who can perform such work at any given time.
  3. No employee will be removed from a Department job or position to make light duty work available for a recuperating employee.





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- C. Priority - Each case of eligibility for a light duty assignment is considered independently of any other past or present assignments. In assigning light duty, the Constable will consider the needs of the Department, the availability of assignments and the nature of the work. Priority consideration should be given to employees who have suffered a duty-related injury.
- D. Reasons for light duty consideration - The Department may consider providing light duty work for reasons including, but not limited to, the following:
  1. To assist an employee in recuperating from a temporary illness or injury by reintroducing them gradually to the demands of full duty work.
  2. To avoid placing a temporarily disabled employee in positions that may aggravate the existing injury or illness or risk harm to themselves, co-workers or to other persons or property,
  3. To conserve resources by having a recuperating employee accomplish meaningful work that is otherwise performed by the regular work force.
  4. To assist in determining an employee's fitness for duty.
- E. Time Period - Light duty is temporary in nature and will not be extended past 90 consecutive work days or made permanent without approval of the Constable. Light duty may be denied if injured employees do not have a reasonable expectation of returning to full regular duties within 90 consecutive working days from the first date eligible for a light duty assignment.

#### 2.03 Procedure

- A. Following an injury or illness, the employee may utilize comp time, sick time, or any other accrued time off as long as the requests are in accordance with Harris County and Department employee guidelines.
- B. Employees recuperating from an injury or illness, and who are unable to perform their normal essential job functions, may request a light duty assignment. As part of that request, the employee shall:
  1. Notify the Chief Deputy through the chain of command of their desire to request a light duty assignment.
  2. Inform all health care providers of the Department light duty policy.
  3. Provide documentation from the treating health care provider that indicates the diagnosis and prognosis, and the functional limitations of the employee regarding all work restrictions/capabilities related to the underlying injury or illness.
- C. The Chief Deputy, with assistance of Division Commanders or other supervisors, shall identify possible light duty work assignments that are within the restrictions of





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the treating health care provider and the needs of the department. However, the Department is not obligated to provide a light duty assignment.

- D. Any request for continuation of a light duty assignment will be reviewed and processed in a manner comparable to the original request. Light duty is available for a maximum of 90 consecutive work days unless extended at the direction of the Constable.
- E. No employee may be assigned light duty or return to full duty without furnishing documentation that:
  1. Recommends light duty for a specified time period with any restrictions for the employee listed.
  2. Documentation listing the next date for employee examination by the treating health care provider if any, or
  2. Releases the employee for full duty on a specified date with no restrictions.

#### 2.04 Employee Responsibilities When Assigned to Light Duty

- A. Any employee granted light duty status is responsible for keeping all medical appointments and following the treating physician's instructions.
- B. The employee should provide progress reports to the designated Human Resource representative and the employee's supervisor when received by the physician.
- B. The employee is responsible for submitting a medical release form to the Human Resource representative and the employee's supervisor at the point the physician releases the employee for full duty.

**Revision:**

This policy has been revised on the below listed dates:

March 2022



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#### 3.00 Dress Code Overview

It is the policy of this Department that a dress code will be observed by all personnel, whether uniformed or non-uniformed, sworn or civilian. The appearance and manner of dress of the personnel of the Precinct 8 Constable's Office should exemplify professionalism to the public. Each employee is responsible for conforming to the dress code that is applicable to the duty to which she or he is assigned.

#### 3.01 General Clothing Regulations for All Personnel

- A. All personnel shall practice good personal hygiene and grooming so that while they are on duty they are inoffensive to others in proximity to them. Employees shall maintain neat and clean attire and grooming. When reporting for duty, clothing shall be clean, pressed and accessories shall be polished and in good condition.
  - 1. Fingernails shall be kept clean and neatly trimmed. For female employees, fingernail polish color shall be consistent on all nails and be modest in shade. No neon, loud colors or extremely dark polish is permitted.
  - 2. Male employees may not wear earrings while on duty. Female employees may wear earrings, but only those that do not present a hazard to them in the event they must deal with an unruly person. No earrings should be worn that might be easily grasped by such unruly person, for the safety of the employee.
  - 3. No visible body piercing other than the ears.
  - 4. While on duty or while wearing a department approved uniform, no employee of the Harris County Constable's Office Precinct 8 will exhibit any visible tattoos or body art. The only acceptable method for covering tattoos or body art are by covering them with the prescribed class of uniform or plain-clothes attire. For uniformed personnel, if the tattoos or body art cannot be covered by the Class B or Tactical Uniform, then the employee will be required to wear the Class A Uniform year round.
- B. Hair
  - 1. Hair must be a natural hair color.
  - 2. Hair may not be worn in an unusual or extravagant manner, which would distract from the professional goal of this agency.
  - 3. Prohibited styles include, but are not limited to, abnormal coloring or multicoloring, carvings, ducktails, ponytails (for men), locs, mohawks, mullets, exaggerated raised or sculpted hair styles, variations of these styles, or any other similar styles.
  - 4. Hair may not be worn in a manner that would prevent or interfere with the proper wearing of a respirator, riot helmet, or other issued headgear.



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5. Barrettes, combs, or other items used to confine or ornament hair must closely approximate the color of the hair or the main color of the uniform shirt or pants.
6. **Length Requirement for Men** - Hair must not extend further than the top edge of the uniform shirt collar while holding the head erect. At the side, it must not extend further than one-third of the distance down from the top of the ear.
7. **Length Requirement for Women** - Hair must be neat and not of an excessively long length which would present an unprofessional appearance. If wearing a Class A, B, or tactical uniform, hair must not fall below the yoke line on the back of the shirt. Although hair may not be worn in an exaggerated style, it may be braided or pinned in order to comply with length requirements when wearing a uniform.

#### C. Facial Hair

Male personnel are permitted four options for neatly kept facial hair:



Fig 1



Fig 2



Fig 3



Fig 4

1. **Clean shaven** – No facial hair (Fig 1)
2. **Mustache** (Fig 2)
  - a. Must be trimmed and not extend below the upper line of the upper lip.
  - b. If worn alone, may not extend below the corners of the mouth.
  - c. Extreme styles such as handlebar mustaches are prohibited.
3. **Goatee** – a mustache that extends down around the side of the mouth and joins hair on the chin, also referred to as a circle beard (Fig 3).
  - a. Must be worn with a mustache.
  - b. The cheeks, jaw line and neck must remain clean shaven.
4. **Natural Beard** – also referred to as a full set (Fig 4).
  - a. Must be worn with a mustache.
  - b. Must cover the complete jaw line.
  - c. Cheeks must be shaved on and above the cheekbone.
  - d. The neck must be no more than one inch below the jaw line.



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5. The following styles of facial hair are NOT permitted:
  - a. Chin Strap Beards – Beards that are trimmed to a thin line along the jaw.
  - b. Patchy Beards – Beards of uneven or patchy growth.
  - c. Stubble – Beards shorter than 1/16th of an inch.
6. Facial hair must conform to the following restrictions:
  - a. The bulk of the beard (distance that the mass of facial hair protrudes from the skin of the face must not exceed half an inch and be kept trimmed to a consistent length;
  - b. The beard will consist of a naturally-occurring hair color;
  - c. No designs may be shaved into facial hair;
  - d. Facial hair must be neatly sculpted and trimmed.
7. Supervisors must ensure employees conform to an approved style of facial hair.

**NOTE:** This policy recognizes that facial hair rate of growth may vary for different employees. As such, employees will be allowed a reasonable period of time for their facial hair to “grown in”.

- C. All personnel, while on duty, shall refrain from wearing excessive/gaudy jewelry or accessories. Uniformed personnel shall not wear necklaces that are exposed to view. Uniformed personnel may wear identification, medical alert or other plain bracelets, but shall not wear ornamental bracelets.
- D. All personnel, when appearing in court for testimony, shall be dressed in proper attire conforming to on-duty status as outlined in this Manual.
- E. Only persons whose assignment dictates their dress or those otherwise directed by proper authority shall be excluded from the dress code requirement.
- F. While on or off duty, Deputies shall carry or have in their possession their badge or departmental identification, Texas Commission on Law Enforcement License and a weapon approved by the Department. (This Rule shall not be applicable when engaged in sports or activities of such a nature that it becomes impractical, while attending classes at a school, while attending places of worship, or while at any location or event where the carrying of firearms is prohibited by law. [See Texas Penal Code, Section 46.04]).
- G. While not in uniform, Deputies shall not wear their service weapon in a conspicuous manner, or exposed to view, other than when specifically authorized by their supervisor.





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- H. While on duty, in or around their office or while involved in an investigation, Deputies attired in civilian clothing shall carry their badge in a conspicuous manner. Handcuffs and service weapons shall be carried in such a manner as not to be provocative or offensive to the public. For all other public activities the badge, handcuffs and service weapon must be carried in an inconspicuous manner.
- I. All weapons and equipment worn or used by sworn personnel shall be approved by the Department.
- J. When a part of the uniform that is normally supplied by the Department becomes unserviceable due to wear, the Deputy shall return the article to Support Services and request replacement.
- K. The true name tag of the Deputy shall be worn on the uniform at all times while the employee is on duty in the uniform.
  - 1. Uniformed Deputies possessing special certifications such as Firearms Instructor, Intoxilyzer Operator or Field Training Officer may wear approved emblems above the name tag denoting that special status. No more than two such emblems may be worn at one time and they must have a black background with gold writing. Any other emblems worn must have the express approval of the Constable.
  - 2. Merit award pins issued by the Constable may be worn above the name tag and above any certification emblems. No more than two merit award pins may be worn at one time. If more than one merit award pin is worn, the pins should be adorned with the highest level award obtained above any other awards. These awards are defined in the section of the policy governing Merit Awards and are listed in the following order (highest level to lowest level): Valor, Commendation, Distinguished Service and Merit.
    - a. Merit award pins that are earned shall be worn while in Class A uniform (optional for Class B).
    - b. If more than two Merit Award pins have been earned, the two highest level pins shall be worn (Class A).
- L. The class of uniforms are defined below and are to be worn accordingly:
  - 1. Class A Uniform
    - a. The long sleeved regular uniform shirt (or embroidered "Cool Max" shirt) with shoulder patches is to be worn. The patches shall be centered on the sleeves and positioned one inch below the shoulder seams. Note: "Cool Max" shirts will not be worn for mandated Class A events (i.e. funeral, memorial service, or other such activity).





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- b. The Department approved outer vest uniform carrier or “Molle” carrier is allowed with this uniform (ranks Deputy through Captain) unless the Class A uniform is mandated for a particular event (i.e. funeral, memorial service, or other such activity). In lieu of the standard long sleeved uniform shirt, the approved uniform vest undershirt may be worn with the outer vest carriers.
- c. The Department issued badge is to be worn above the left breast pocket of a regular long sleeved uniform shirt, centered on the crease of the shirt, placed so that the bottom edge of the badge is one-half inch above the top edge of the pocket flap. A badge patch shall be affixed to the “Cool Max” shirt.
- d. The Department issued name tag shall be worn above the right breast pocket, centered above the top edge of the pocket flap. The first initial and last name shall be embroidered on the “Cool Max” shirt in the appropriate gold colored thread.
- e. Department issued “CD” pins shall be worn on both sides of the regular long sleeved uniform shirt collar, one and one-half inches from the collar tip. The lower edge of the pins shall be horizontal, even with the top edge of the seam of the collar. “Cool Max” shirts shall have “C.D.” embroidered in the appropriate gold colored thread affixed in the same manner.
- f. Department supervisors shall have the appropriate symbol of rank affixed to the uniform shirt.
  - (1) Regulation issued stripes shall be worn on the sleeves of the shirt of employees appointed to the rank of Sergeant. The stripes shall be centered under the Department patch with the point of the stripes touching the bottom point of the patch.
  - (2) Lieutenants and above shall wear appropriate insignias on the epaulets of the shirt centered on the sewn portion of the epaulet closest to the shoulder. These insignias shall be sewn on the “Cool Max” shirt in the appropriate gold colored thread affixed in the same manner.
- g. A Department issued tie shall be worn with the regular Class A uniform (ties are prohibited with the “Cool Max shirt”). The issued tie tack shall be placed in the center of the tie and horizontally in line with the buttons of the uniform shirt breast pockets. The Department approved turtleneck or mock turtleneck with “CONSTABLE” embroidered in the appropriate gold color thread may be worn with this uniform in lieu of the tie unless the Class A uniform is mandated for a particular event (i.e. funeral, memorial service, or other such activity). In such cases, the Department issued felt hat and Department issued tie shall be



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worn and radio extended mics are prohibited. The long sleeved shirt may also be worn without the tie, turtleneck or mock turtleneck unless the Class A uniform is mandated. Turtlenecks and mock turtlenecks are allowed with the "Cool Max" shirt.

- h. Department issued uniform pants with piping are to be worn.
  - i. All black leather shoes or boots are to be worn. They are to be kept clean and shined with no extreme pointed toe or stitching of a different color than the leather. Shoes shall have walking heels. Boots shall not have full riding heels and shall be plain round-toed "trooper" style. Socks shall be plain navy or black if visible with the footwear.
  - j. The defined Class A uniform may be worn for normal day to day duties throughout the year by uniformed personnel in all divisions as the weather warrants. Any uniform item or duty gear that becomes worn or damaged shall be replaced as soon as possible.
2. Class B Uniform
- a. The short sleeved regular uniform shirt (or embroidered "Cool Max" shirt) with shoulder patches is to be worn. The patches shall be centered on the sleeves and positioned one inch below the shoulder seams.
  - b. The Department approved outer uniform vest carrier or "Molle carrier" is allowed with this uniform (ranks Deputy through Captain). In lieu of the standard short sleeved uniform shirt, the approved uniform vest undershirt may be worn with the outer vest carriers.
  - c. The Department issued badge is to be worn above the left breast pocket of a regular short sleeved uniform shirt, centered on the crease of the shirt, placed so that the bottom edge of the badge is one-half inch above the top edge of the pocket flap. A badge patch shall be affixed to the "Cool Max" shirt.
  - d. The Department issued name tag shall be worn above the right breast pocket, centered above the top edge of the pocket flap. The first initial and last name shall be embroidered on the "Cool Max" shirt in the appropriate gold colored thread.
  - e. Department issued "CD" pins shall be worn on both sides of the regular short sleeved uniform shirt collar, one and one-half inches from the collar tip. The lower edge of the pins shall be horizontal, even with the top edge of the seam of the collar. "Cool Max" shirts shall have "C.D." embroidered in the appropriate gold colored thread affixed in the same manner.
  - f. Department supervisors shall have the appropriate symbol of rank affixed to the uniform shirt.



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- (1) Regulation issued stripes shall be worn on the sleeves of the shirt of employees appointed to the rank of Sergeant. The stripes shall be centered under the Department patch with the point of the stripes touching the bottom point of the patch.
- (2) Lieutenants and above shall wear appropriate insignias on the epaulets of the shirt centered on the sewn portion of the epaulet closest to the shoulder. These insignias shall be sewn on the "Cool Max" shirt in the appropriate gold colored thread affixed in the same manner.
- g. Department issued uniform pants with piping or approved navy blue tactical pants are to be worn. (Employees above the rank of Captain are not permitted to wear the tactical pants with this uniform).
- h. A Department approved straw hat is optional with this uniform.
- i. All black law enforcement style shoes or boots are to be worn. They are to be kept clean and shined with no extreme pointed toe or stitching of a different color than the leather. Shoes shall have walking heels. Boots shall not have full riding heels and shall be plain round-toed "trooper" style. Socks shall be plain navy or black, if visible with the footwear.
- j. The defined Class B uniform may be worn for normal day to day duties throughout the year by uniformed personnel in all divisions. Any uniform item or duty gear that becomes worn or damaged shall be replaced as soon as possible.
- 3. Tactical Uniform
  - a. An approved short sleeved tactical uniform shirt (polo or "Cool Max") with shoulder patches is to be worn. The patches shall be centered on the sleeves and positioned one inch below the shoulder seams.
    - (1) An embroidered Department badge patch above the left chest pocket shall be affixed.
    - (2) The embroidered name above the right chest pocket (first initial and last name) in the appropriate gold color thread shall be affixed.
    - (3) "C.D." shall be embroidered on both sides of the shirt collar in the appropriate gold thread color, one and one-half inches from the collar tip. The lower edge of "C.D." shall be horizontal, even with the top edge of the seam of the collar.
    - (4) Department supervisors shall have the appropriate symbol of rank affixed to the uniform shirt.
      - (a) Regulation issued stripes shall be worn on the sleeves of the shirt of employees appointed to the rank of Sergeant. The stripes shall be centered under the





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Department patch with the point of the stripes touching the bottom point of the patch.

(b) Lieutenants and Captains shall have the appropriate insignia sewn on the epaulets of the shirt in the appropriate gold thread color centered on the sewn portion of epaulet closest to the shoulder.

- b. The Department approved outer uniform vest carrier or “Molle carrier” is allowed with the tactical uniform.
- c. Approved navy blue tactical pants are to be worn.
- d. A Department approved straw hat is optional with this uniform.
- e. All black law enforcement style shoes or boots are to be worn. They are to be kept clean with no extreme pointed toe or stitching of a different color than the leather. Shoes shall have walking heels. Boots shall not have full riding heels and shall be plain round-toed “trooper” style. Socks shall be plain navy or black, if visible with the footwear.
- f. The defined Tactical Uniform may be worn for normal day to day duties throughout the year by uniformed personnel with the rank of Deputy, Sergeant, Lieutenant or Captain in all divisions. Any uniform item or duty gear that becomes worn or damaged shall be replaced as soon as possible.

4. Honor Guard Uniform

- a. The honor guard uniform shall consist of the Department issued Honor Guard uniform shirt and uniform pants. These items shall only be worn when performing duties as an Honor Guard member and shall be meticulously maintained at all times. All aspects of the Class A uniform definition shall be adhered to unless specified.
- b. A Department issued gold ascot shall be worn in lieu of the tie.
- c. Department issued white gloves shall be worn.
- d. A Department issued felt hat shall be worn.
- e. A Department issued duty rig and accessories shall be worn and in a like manner as all other Honor Guard members.
- f. Department issued boots shall be worn and shall be highly polished.
- g. The Department issued gold braid shall be worn affixed to the left shoulder epaulette.
- h. A Department issued Honor Guard name tag and CD pins shall be worn in the appropriate manner (see Class A uniform). No other pins or insignias shall be worn on the Honor Guard uniform.
- i. A Department issued mourning badge cover shall be worn when appropriate and as outlined in the policy governing protocol. All badge covers worn by Honor Guard members shall be identical to each other given the particular circumstance.



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#### M. Outerwear

The jacket worn with the uniform shall be the Department issued jacket as conditions warrant (the outer shell, inner jacket, or combination). Deputies engaging in motorcycle operations may wear a black leather jacket of an approved design. Honor Guard members shall not wear jackets or rain coats while in the Honor Guard uniform.

#### N. Molle Carriers

1. A Department approved “Molle Carrier” is authorized to be worn with the Class A, B or Tactical uniform unless the Class A uniform is mandated for a particular event (i.e. funeral, memorial service, or other such activity). “Molle Carriers” shall have a Precinct 8 badge patch affixed to the left breast panel and the true name (first initial last name) of sworn personnel shall be affixed to the right breast panel on a name strip in the appropriate gold colored thread. The back panel shall have a “CONSTABLE” patch affixed to the center in the appropriate gold colored thread. K9 Deputies will have a patch noting “K9 UNIT” in addition to the name patch on the front and “CONSTABLE” over “K9 UNIT” patches affixed to the back panels in silver thread.
2. Due to warranty related matters, the body armor issued to you by the Department must be left in the original carrier and then placed into the “Molle Carrier”. The Velcro straps may be removed before doing so. This is not optional.
3. The following accessory attachments have been approved for wear on the “Molle Carrier”. All pouches/holders must be black in color (radios may be worn in the included sewn-in pouch). They must be made by a reputable manufacturer designed to be durable and withstand everyday wear.
  - a. Department issued Taser (worn on the opposite side of the Deputy’s duty weapon in a cross-draw fashion) and in the issued Serpa holster
  - b. Department issued body worn camera (affixed using provided mount)
  - c. Single style handcuff case/pouch (maximum of two) or double handcuff case – may be open or closed style carrier pouch
  - d. Handheld radio extended mic
  - e. Duty weapon magazine pouch (maximum of 3 magazines only)
  - f. ASP Baton may carried in a pouch on the carrier.
  - g. Pepper spray carrier
  - h. Tourniquet carrier
  - i. Narcan carrier
  - j. Flashlight carrier





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- k. AR-15 magazine pouch designed to carry a maximum of 3 mags may be inserted into carrier pocket ONLY when the rifle is being actively deployed in the field. The mag carrier will not be continuously worn otherwise.
    - 4. No firearm of any kind will be worn on or in the “Molle Carrier” at any time.
    - 5. When on duty, “Molle Carriers” may be temporarily removed when inside of Precinct 8 offices only.
  - O. A duty belt constructed of clarino leather shall be worn with the Class A and B uniforms. All duty gear affixed to the belt shall be that of clarino leather or high gloss black resembling clarino. Any metal snaps on any gear must be that of a polished brass finish. Metal buckles shall also be of a polished brass finish.

A duty belt constructed of nylon web material shall be worn with the Tactical Uniform and all accessories shall be that of nylon web or synthetic material that is flat black in color. Nylon web or synthetic gear must be made by a reputable manufacturer designed to be durable and withstand everyday wear.

Exceptions to the style of duty belt are at the discretion of the Constable and will be dependent on the duty assignment.

Gear worn on the duty belt shall consist of:

1. A weapon holster of approved design with at least a Level 2 retention, a handcuff pouch or pouches (not more than two shall be worn) and four keepers, worn two in front and two in back.
2. Automatic cartridge magazine holders may be worn on the duty belt. No more than one holder accommodating up to three magazines may be worn.
3. Hidden snaps attached to the trouser belt and the inside of the duty belt may be worn in place of leather keepers. If leather keepers are worn, no more than four, two in front and two in back, may be worn. Wide keepers may be worn only in back.
4. Retainer rings (0 rings) may be worn for the specific purpose of carrying a flashlight or baton as regulated by the Manual.
5. The Deputy's service weapon shall be regulated by the Department as described in this Manual.
6. At least one pair of handcuffs shall be carried in the handcuff pouch attached to the duty belt. No more than two handcuff pouches may be carried on the duty belt.
7. A flashlight (employee purchase) may be carried on the duty belt. The maximum length flashlight shall not exceed five “D” cell or six “C” cell battery capacity.



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- 8. A baton may be carried on the duty belt by those Deputies certified in the use of batons.
- 9. A Department issued or employee purchased radio holder (high gloss black) shall be worn on the duty belt. Extended mics are permissible unless in Honor Guard or Class A uniform for a particular event.
- P. Raincoats worn shall be Department issue. Umbrellas shall not be used with uniforms.
- Q. Special uniforms and equipment authorized for use by personnel of the Department will be the subject of separate orders.
- R. All metallic uniform accessories worn by full-time and Reserve sworn personnel shall be gold in color, except Special Duty Status badges worn above the name tag. All metallic accessories worn on a uniform shall be kept highly polished.
- S. An approved traffic vest or reflective jacket must be worn to ensure good visibility while on foot in a public roadway, or in any place where vehicular traffic could impose a hazard, for any length of time for the purpose of traffic control, traffic direction, the processing of accident scenes, crime scene management, etc.
- T. Mourning Band Protocol

On certain occasions, it is appropriate for sworn personnel to wear a mourning band around the badge. Specific circumstances dictate when and which cover is to be worn as outlined herein.

- 1. The Department issued mourning badge cover embroidered with the Latin phrase, "Nemo Me Impune Lacessit", should be worn:
  - a. Upon the line of duty death of an active sworn officer with this department for a period of thirty days from the date of death.
  - b. Upon the line of duty death of a law enforcement officer from a neighboring jurisdiction. The mourning band will be worn from the date of death and removed at the conclusion of the day of burial.
  - c. When attending the funeral of an active law enforcement officer killed in the line of duty. Upon the completion of the funeral, the mourning band shall be removed.
  - d. While attending any Peace Officer Memorial Service honoring law enforcement officers killed in the line of duty.
  - e. At the direction of the Constable when special circumstances dictate that a department display of official mourning is appropriate.
- 2. A black (or black with a blue line) mourning band should be worn:



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- a. Upon the death of an active sworn officer with this department not killed in the line of duty until the conclusion of the day of burial.
- b. While attending the funeral or memorial service for any active or honorably retired/former law enforcement officer with this or any other law enforcement agency not killed in the line of duty.

U. Any uniform item or duty gear that becomes worn or damaged shall be replaced as soon as possible.

3.02 Plain-Clothed Personnel

A. Males:

Male personnel are expected to wear appropriate dress slacks with coordinated sport coat (optional), shirt and tie. Male personnel are expected to maintain an appropriate appearance. Dress should reflect the prevailing conservative business standard. Extreme styles, colors, fabrics, etc., are not acceptable. Footwear color and type should be coordinated with the style of dress.

The following items are specifically prohibited:

1. Leisure suits
2. High heeled platform shoes
3. Extreme or ornate tie-tacks
4. Athletic shoes
5. Shirts without collars
6. Blue Jeans

B. Females:

Female personnel involved in normal operations, whether as commissioned personnel, clerks, or dispatchers, are expected to wear dresses, suits, sport coats with skirts and/or slacks, or modest blouse and slacks. Dress standards should reflect the prevailing conservative business standard. Extreme or immodest styles, colors, fabrics, etc., are not acceptable. Footwear color and type should be coordinated with the style of dress.

The following items are specifically prohibited:

1. High heeled platform shoes
2. Athletic shoes
3. Sports-type pullover shirts (T-shirts, etc.)
4. Blue Jeans



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5. Skirts with the bottom of the hem ending more than three inches above the middle of the kneecap when the wearer is standing erect.
- C. An approved navy blue polo style shirt and approved beige tactical pants may be worn in lieu of dress attire for both male and female sworn personnel. The shirt shall have the Department badge embroidered on the left chest in the appropriate colored gold thread. With this attire, black law enforcement style shoes or boots are to be worn. They are to be kept clean with no extreme pointed toe or stitching of a different color than the leather. Shoes shall have walking heels. Boots shall not have full riding heels and shall be plain round-toed "trooper" style. Socks shall be plain navy or black, if visible with the footwear.
  - D. For all sworn personnel in plain-clothes positions:
    1. The duty weapon shall be worn in a conspicuous manner in an approved holster.
    2. The Department issued badge shall be worn conspicuously on the belt (same side as the duty weapon) or hanging from a chain around the neck.
    3. At least one pair of handcuffs shall be worn in an approved handcuff case.
    4. Automatic cartridge magazine holders may be worn on the duty belt. No more than one holder accommodating up to three magazines may be worn.

#### 3.03 Body Armor

Definition: For the purposes of this policy, body armor shall be defined as a soft ballistic vest worn under the uniform shirt or in an approved outer vest carrier or approved tactical carrier.

- A. Uniformed personnel shall wear body armor either issued by the Precinct 8 Constable's Office or body armor purchased by the Deputy at all times while on duty.
  1. If a deputy chooses to provide his/her own body armor, the body armor must meet the same threat level standards (or greater) as the body armor issued by the Department.
  2. All vest covers worn under the uniform shall be dark blue in color.
- B. Body armor shall be worn by all personnel involved in the execution of any high-risk tactical duty (i.e., planned warrant execution, drug raid, barricaded armed subject, etc.)
- C. Personnel are not required to wear body armor while performing a specific task in which the use of body armor may compromise the assignment (attending class,





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administrative duties, ~~extra jobs~~ and/or at the discretion or direction of the Chief Deputy or Constable).

#### 3.04 Communications Division Personnel

- A. Personnel shall wear the approved Department issued uniform pants and uniform shirt. The shirt may be worn untucked or tucked with a black colored belt with modest buckle.
- B. Black law enforcement style shoes or boots are to be worn. They are to be kept clean with no extreme pointed toe or stitching of a different color than the leather. Shoes shall have walking heels. Boots shall not have full riding heels and shall be plain round-toed "trooper" style. Socks shall be plain navy or black, if visible with the footwear.
- C. If a jacket is worn, it shall be the Department issued jacket.

#### 3.05 Exclusions / Exceptions to Dress Code Policy

The dress code applies to all Precinct 8 employees. The Department does not discriminate against any employee because of that person's race, color, religion, sex, sexual or gender orientation, national origin, age, disability, handicap, or veteran status. Accordingly, the Harris County Precinct 8 Constable's Office is committed to accommodating an employee in regard to a dress code issue where the employee proves a unique need due to a medical condition or a firmly-established religious belief and such condition or belief does not otherwise prevent the employee from fulfilling all of his or her normal assigned job duties.

- A. An employee who believes, for religious or medical reasons, he or she should be allowed to deviate from the dress code policy may request an accommodation from the Constable or his or her designee.
  - 1. The request shall include the employee's:
    - a. Name,
    - b. Present assignment,
    - c. Immediate supervisor's name,
    - d. Division Commander's name, and
    - e. Reason for requesting the accommodation.
  - 2. All accommodation requests shall be specific in detail and shall be submitted individually.
  - 3. The employee may request as many accommodations as may be required by his or her religion or medical condition.
  - 4. The Constable or his or her designee shall review each request on a case-by-case basis.





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- a. All circumstances surrounding the request shall be investigated in order to determine whether the accommodation shall be granted or denied.
- b. Any and all potential safety issues and / or operational concerns the requested accommodation would have on the employee, the Department, other employees, and the public shall be taken into account.
5. If an accommodation that refers to the wearing of an article of faith is approved, the employee shall be responsible for the cost associated with obtaining and maintaining the article of faith.
6. Any approved accommodation shall be noted in writing and specifically describe the accommodation being made by the Department. The written approval shall be placed in the employee's personnel file.
  - a. If an employee is not satisfied with the ruling of the Constable or his or her designee, the employee may request a hearing with the Constable to present his or her reasons for the request for the accommodation and / or the objections to the specific nature of the approval or denial.
  - b. A denial of a request for accommodation shall state the reasons for such denial.
7. In the event an accommodation becomes a health or safety issue for any employee or the public, the Constable reserves the right to cancel a previously approved accommodation.

**NOTE:** An employee may appeal the cancellation of an accommodation as he or she would the denial of an accommodation.

- B. The only personnel excluded from compliance with specific portions of this Dress Code policy shall be those assigned to a covert operations assignment, or those assigned to duties that require uniform modification for specific duties not addressed in this policy.

3.06 Only the Constable shall have the authority to make a permanent change to the dress code regulations.

**Revision:**

This policy has been revised on the below listed dates:

- March 2022
- January 2023



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| USE OF COUNTY PROPERTY FOR COMMERCIAL PURPOSES | 4          | 1          |

- 4.00 It is the policy of the Department that no County owned building, property, or equipment shall be used for personal gain; or for the purpose of promoting, advertising, or offering for sale, rental or distribution any private or commercial good, product, item or service, unless authorized by the Harris County Commissioner's Court. Such policy applies to all employees of the Department, as well as non-employees.
- 4.01 Excluded from this prohibition are employee's non-commercial personal notices, which may be posted in designated areas, nor shall the prohibition apply to deputies who wear their uniforms while employed in an off-duty job in accordance with the Off Duty Employment policy.

#### Revision:

This policy has been revised on the below listed dates:

March 2022



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| OFF DUTY EMPLOYMENT | 5          | 5          |

5.00 The Department allows its employees the privilege of accepting extra job employment with organizations or individuals, subject to certain restrictions and conditions.

A. Policy Restrictions

1. No extra job employment will interfere with an employee's performance of duty.
2. No extra job employment will interfere with departmental obligations and responsibilities.
3. No employee will work an extra job while on duty.
4. No extra job will be allowed that creates a conflict of interest, is performed for an individual or organization of questionable character, or is for a business that has been in frequent violation of County, State or Federal laws.
5. During the standard work week, Monday through Friday, Deputies who are normally allowed to flex their duty hours may alter their assigned schedule with the approval of their supervisor and only when such alterations do not effect division responsibilities.
6. Under no circumstances may an employee work more than sixteen (16) straight regular duty hours and/or extra employment combined in a 24 hour period.
7. An employee shall allow at least an (8) hour break following any (16) hour period of extra job hours, regular duty hours or combined.
8. In any calendar week in which the employee performs forty hours of regular duty work, extra employment shall not exceed thirty-two hours.
9. While off duty on comp time, vacation time, days off, or any combination of these, employees shall not work more than 16 hours straight and no more than 16 hours in a 24 hour period.
10. While off duty on comp time, vacation time, days off, or any combination of these, employees shall not exceed 72 hours of off duty employment in any calendar week.
11. No Deputy may enforce another organization's rules, policies or procedures.
12. No employee may operate a business governed by, or work an extra job for any company or individual whose work is governed by the Texas Board of Private Investigations and Security Agencies without the prior consent and approval of the Constable or Chief Deputy.
13. No employee may engage in extra job employment while on any type of leave, with the exception of approved Compensatory time, Vacation time, Holiday or Floating Holiday. This includes, but is not limited to, disciplinary suspension, administrative leave, sick or family sick and wellness leave, worker's compensation leave, FMLA leave, or within twenty-four hours of any day of sick or family sick and wellness leave.



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14. Extra jobs will only be approved if they are located within Harris County. Motorcycle escorts will only be approved if they originate in Harris County, unless authorization is given by the Chief Deputy.
  15. No reserve deputy is allowed to use his official badge, identification, or uniform in any capacity other than when working for a governmental agency. Reserve deputies are not permitted to provide any services in an official capacity unless specifically authorized by the Constable or his designee. Such authority shall insure that Reserve Deputy assignments are limited to non-compensable activities.
- B. Policy Conditions:
1. The Chief Deputy has the authority to approve or disapprove specific employment or cancel the privilege of engaging in extra employment for any reason including, but not limited to:
    - a. failing to comply with the Department Manual while on regular duty, off duty or while working at off duty employment.
    - b. willfully failing to enforce State, County or Federal Laws.
    - c. situations in which an employee is under disciplinary probation status following resumption of duty after a disciplinary suspension.
  2. All employees remain subject to duty call at any time, regardless of whether or not they are working an extra job at the time they are called for emergencies, special assignments or other staffing needs.
  3. Those approved extra jobs that deal with establishments or the parking lot of such establishments that serve alcohol for on-premises consumption require two or more deputies to work simultaneously.
  4. Deputies engaging in approved extra jobs that require traffic direction (“road jobs”), either on public roadways or on private property, must meet the following requirements:
    - a. An approved traffic vest or reflective jacket must be worn.
    - b. A traffic whistle shall be utilized.
    - c. During hours of darkness, a flashlight with a traffic cone attached must be used.
  5. Certified personnel are required to wear an approved duty uniform, as outlined in the Dress Code section of this policy manual, while working any extra employment unless specific authorization is given.
  6. Adequate time must be allotted to travel to and from an extra job location if the job is to be worked following or preceding an employee’s regularly scheduled duty hours.
  7. The employee’s direct departmental supervisor will be notified at once should a labor controversy arise at his place of off duty employment.





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8. Any employee who owns or has an interest in a business will report such ownership or interest to the Department; such report will include the time spent in the operation of the business and the nature of the business. This report will be made on the departmental form used to request off duty employment.
9. Any injury received while working an extra job will be reported to the employee's direct supervisor as soon after the injury is sustained as is possible.

#### 5.01 Before accepting off duty employment:

- A. An employee shall fill out a request for off duty employment on the approved "Extra Job Request" form and submit it to the Chief Deputy (or the Constable in his absence) for approval. All employees, whether certified or civilian and whether the job is paid or non-paid, shall adhere to this requirement.
- B. The Chief Deputy shall determine whether the off duty employment complies with all restrictions and conditions set out herein. If approved, the Chief Deputy will notify the employee of the approval.
- C. If the Chief Deputy disapproves the employment, he will notify the employee and indicate the reason for rejection.
- D. Requests that come in directly to the Department from an individual(s) seeking to hire Deputies to work off duty employment will be directed to a designated liaison.
  1. The liaison shall obtain permission from the Chief Deputy for such jobs prior to scheduling Deputies to work by submitting a "Department Liaison Contact; Request for Extra Job Approval" form listing the details of the job.
  2. The liaison shall maintain a list of certified employees wishing to be considered for extra employment (to be updated annually and as interested new employees complete probation and FTP).
  3. Such approved extra jobs shall be filled on a strictly rotation basis from this list of employees.
  4. Prior to filling these jobs with officers from outside agencies, the rotation list must be exhausted.
  5. Deputies shall fill out an "Extra Job Request" form and submit it to the Chief Deputy for approval to work such jobs, as with any other extra employment. Proof of approval must be submitted to the liaison prior to being scheduled to work.





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6. Should a Deputy be unable to work an assigned shift after accepting the job, they are responsible for making sure the shift is covered by someone else and notifying the liaison of the change.
    - a. Deputies filling in for such absences must also have approval to work the extra job.
    - b. The liaison shall document such changes.
    - c. Deputies with a documented pattern of not fulfilling the job assignments they take may be removed from the rotation.
  7. The liaison shall maintain a log of all such approved jobs, work schedules and signed request forms.
  8. This log and documentation is subject to audit and will be periodically compared to the official Blue Log.
- E. Employees approved for off duty employment shall notify the Chief Deputy in writing once the employment ends unless such job was submitted as “temporary” with a designated end date.
- F. Any changes in the scope of the duties to be performed while engaging in extra employment, change in geographic location of the employment, or hours/days to be worked shall be reported to the Chief Deputy in writing by submitting a revised “Extra Job Request” form. Should any of these changes result in the disapproval of the continued extra employment; the Chief Deputy will notify the employee in writing as to the reason.
- G. Deputies approved to work extra employment involving the use of motorcycles must meet the following requirements:
1. The Deputy must have a Class M endorsement on their Texas Driver’s License.
  2. The Deputy must have successfully completed a Police Motorcycle training course approved by TCOLE.
  3. The motorcycle must have been inspected by a designated Department Administrator to insure:
    - a. it is in good mechanical working order.
    - b. it has adequate lighting and markings.
    - c. it is properly insured and registered with the State of Texas.
  4. The Deputy must wear approved motorcycle uniform apparel and an approved helmet while operating the motorcycle.

#### 5.02 Procedures for working off duty employment



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The following procedures shall be followed when engaging in off duty employment. These procedures also pertain to Deputies acting as courtesy officers walking properties and any call-outs of courtesy officers.

- A. All employees shall notify the dispatcher by radio to enter them on duty on the “Blue Log” and give the address of the location where the off duty employment is to be performed and the name of the business if applicable. The dispatcher will note this information on the designated “Blue Log” form.
- B. Employees are to notify the dispatcher by radio when they are no longer on the off duty job. The Dispatcher will note the off duty time on the designated “Blue Log” form.
- C. Motorcycle officers shall notify the dispatcher of the origin and destination of any escorts performed. This information will be noted on the designated “Blue Log” form.
- D. All off duty employment shall be logged on the “Blue Log” without exception. “Blue Logs” shall be kept for a period of two years and will be audited on a regular basis to ensure policy compliance.

**5.03 Failure to Comply with Policy**

Failure to comply with any part of this policy may result in disciplinary action and/or loss or suspension of extra job privileges.

**Revision:**

This policy has been revised on the below listed dates:

March 2022



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| RETIREMENT | 6          | 1          |

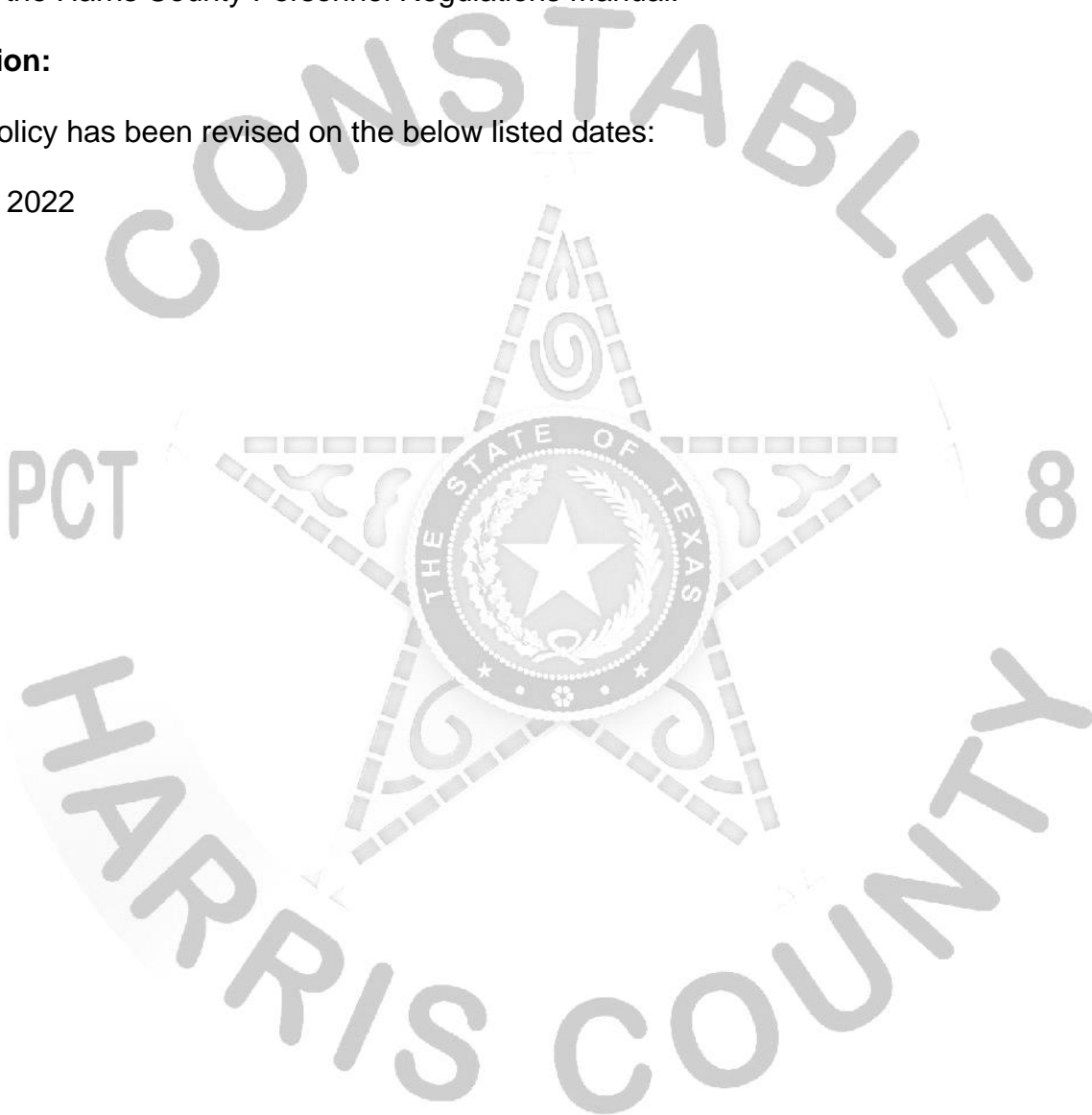
6.00 Harris County participates in the Texas County and District Retirement System. Information regarding TCDRS is available at its website at [www.tcdrs.org](http://www.tcdrs.org).

6.01 Additional information regarding retirement for Harris County employees can be found in the Harris County Personnel Regulations Manual.

#### Revision:

This policy has been revised on the below listed dates:

March 2022





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| DISSEMINATION OF INFORMATION | 7          | 1          |

- 7.00 In light of the duties and responsibilities associated with law enforcement, employees of the Precinct 8 Constable's Office are in a unique position to acquire and to have access to information, which by law or regulation, is deemed confidential or privileged. Additionally, certain national security operations involving departmental personnel may involve access to classified information. It is the policy of the Department that the dissemination or transmittal of any such information shall be in strict compliance with all applicable laws, regulations, guidelines and orders governing such dissemination, or, in appropriate situations, as may be determined by the Constable or his designated representative.
- 7.01 Departmental information is often requested by and through a type of subpoena known as a subpoena duces tecum (literally, "bring with you"). Employees should be aware that many subpoenas duces tecum received by the Department are not issued by a court, but rather by a private reporting service employed by an attorney for that purpose. All subpoenas duces tecum are subject to objection regardless of who issues them, although such subpoenas issued by criminal courts are generally honored by the Department, without objection. Employees are advised to consult with their supervisor if there are any questions regarding whether and how a subpoena duces tecum should be handled.

**Revision:**

This policy has been revised on the below listed dates:

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| DEPARTMENT REPORTS | 8          | 4          |

8.00 Department reports of activity shall be submitted upon forms generated by the Department or into designated computer applications. These reports are designed to provide:

- A. A basis for continuity of operation
- B. Accountability
- C. Efficient operation through elimination of double effort
- D. A permanent record
- E. Proof of departmental action
- F. The official memory of the Department
- G. Protection from unjustified accusations
- H. A method to provide statistical data
- I. A source of information

8.01 Situations which must be documented in an incident or offense report include:

- A. Arrests
- B. Uses of force
- C. Any criminal incident
- D. Any situation requiring further investigation
- E. Non-criminal activity which may later escalate into criminal activity or civil litigation, and
- F. Any other situation which may need to be documented or the facts could later be at issue.

8.02 Required Elements for Incident and Offense Reports

- A. Scene Summary



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Incident and offense reports must include a scene summary.

1. A scene summary describes the location of the offense, type of premise, vehicle information if applicable, and location of any evidence.
2. It should explain how the objects on scene, like a vehicle or evidence, relate to the offense being investigated.

#### B. Narrative

Incident and offense reports must have a detailed narrative.

1. The narrative must introduce subjects involved by role and full name – e.g. “the suspect John Doe.”
2. Subjects can be addressed by last name or role after being introduced.
3. Explain what happened, what was said, who was spoken to, what actions were taken and any other relevant information.
4. Check the policy that pertains to the topic of your report. The policy often contains suggestions as to what you need to include in your report.
5. An incident or offense report will serve as a legal record and may be read by attorneys, judges, news media, and the public. With that in mind, remember it must be precise and professional.

#### C. Disposition

Deputies are required to assign a disposition to their incident or offense reports.

1. Deputies must assign the case to themselves and notate that the case is closed if no further investigation is needed. i.e. no crime was committed, case resulted in arrest with no additional follow-up required, etc.
2. Deputies will notate the status of cases requiring follow-up investigation in their report disposition. i.e. pending further investigation, pending awaiting toxicology results, etc.
3. Deputies must not notate a disposition of “closed” in their initial report for any case involving:
  - a. Sex crimes
  - b. Child abuse
  - c. Robbery or Aggravated Assault when no suspect is arrested and charged
  - d. A suspect still at large
  - e. Continuing follow-up investigation
  - f. In any case where a Deputy Investigator responded

#### D. Supplement Reports



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A supplement report is an addition to an incident or offense report. A supplement report must be completed for any incident in which there is already an existing incident or offense report and there is no new offense.

1. Deputies are able to submit supplement reports to cases generated by most Harris County agencies.
2. If a Deputy is unable to submit a supplement report for any reason, an incident report must be completed instead.

#### 8.03 Citations

The citation module form allows Deputies to issue either a warning or a citation for Class C misdemeanors. A warning or citation shall be issued for every traffic stop unless extenuating circumstances prevent it.

#### 8.04 Racial Profiling Form

A racial profiling form must be completed for every traffic stop.

#### 8.05 Property and Evidence

A property and evidence form must be completed for every item submitted as property or evidence.

#### 8.06 Tow Slip

A tow slip must be completed any time a vehicle is towed from a Precinct 8 scene at a Deputy's direction.

#### 8.07 Call Notes

Certain calls for service, such as a loud noise disturbances, may not require an incident report. Whenever an incident report is not required, information should be documented in the call notes. If call notes span several pages, complete an incident report instead.

#### 8.08 Attachments

Physical documents acquired in the course of investigation, like notes, forms, and worksheets, must be attached to the related incident report. Deputies should reference included attachments in the report. This establishes a record of the attachment in case it is lost. Attachments should be uploaded in the reporting system. If for any reason that is not possible, they should be submitted as physical evidence.



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#### 8.09 Supervisor Responsibilities

Supervisors are responsible for managing submitted reports and ensuring those reports are correctly categorized. Supervisors must:

1. Ensure reports are free of spelling and grammatical errors;
2. Ensure reports have the essential details and structure, such as a scene summary and suspect description if applicable;
3. Ensure reports are approved, or denied if corrections need to be made, in a timely manner to prevent delay in any investigation;
4. Ensure approved reports are disseminated to the appropriate investigative unit or other personnel; and
5. Ensure outstanding reports are completed.
6. Check at least once per shift for pending or missing reports and notify the affected personnel of their responsibility to complete the report.

8.10 All official reports and documentation must be completed and submitted in a timely manner. This includes, but is not limited to, offense reports, incident reports, wrecker slips, associated arrest paperwork (such as DIC forms and witness statements), etc. Continued failure to meet this requirement may result in disciplinary action up to and including demotion in rank or termination.

8.11 All records completed and submitted by Department personnel must be accurate, honest and never falsified.

#### Revision:

This policy has been revised on the below listed dates:

March 2022





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#### 9.00 Overview

It is the policy of this Department that proper evidence handling procedures will be followed to ensure the integrity and safe keeping of all evidence and property coming into the possession of this agency. Personnel who are submitting evidence will ensure that items are packaged properly in accordance with all sections of this policy and that they have true evidentiary value. Accurate records shall be maintained to document the chain of evidence in all cases.

#### 9.01 Identification of Permanent and Temporary Evidence Storage Locations

- A. Monitored secured temporary evidence storage – Evidence lockers located within the Precinct 8 office building at 16602 Diana Ln., Houston, TX.
- B. Monitored secured permanent evidence storage – Designated property room located within the Precinct 8 office building at 16602 Diana Ln., Houston, TX.
- C. Unmonitored secure storage areas
  - 1. Enclosed garage area located within the Precinct 8 office building at 16602 Diana Ln., Houston, TX.
  - 2. Securable offices, closets, safes, cabinets etc. that are only to be utilized in times of exigency and/or when items are too large or too numerous to be placed in the designated evidence lockers and none of the designated property room custodians are available to receive the property.
  - 3. Personal custody. When evidence/property is in the possession of Department personnel prior to deposit in one of the designated locations or pursuant to its disposition.

#### 9.02 Roles

- A. Designated Property Room Custodians – Personnel who have access to evidence storage locations, including the property room, and who have the authority to add and remove evidence/property in accordance with evidence handling procedures.
- B. Property Room Evidence Technician – The person designated as the primary custodian responsible for records maintenance, control and security of items located in the permanent and monitored secure storage.

#### 9.03 Responsibilities





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- A. It is the responsibility of the Department's Property Room Evidence Technician and/or designated custodians to ensure the security of items located in the monitored secured temporary storage areas and the monitored secured permanent storage areas. They shall:
1. Keep the property room locked and secured at all times.
  2. Do not allow unauthorized persons into the property room. Unauthorized persons include but are not limited to:
    - a. Civilians, with the exception of civilian department personnel who are assisting the Property Room Evidence Technician and who are under his direct supervision.
    - b. Law enforcement officers with no official business to transact.
  3. Maintain the Property Room Visitor and Evidence Review Log and ensure the reason for the visit/review is properly documented.
  4. Routinely inspect the property room for signs of intrusion, damage, insect or animal infestation, leaks or other mechanical malfunctions. Report of any of these should be made to the Chief Deputy upon discovery.
  5. Empty the contents of evidence lockers daily and reset locks.
  6. Inspect all property or evidence submitted for proper handling and packaging.
  7. Document the entry of all property and evidence by scanning bar code labels into the evidence tracking software.
  8. Make note of items requiring special disposition, such as items requiring transport to other facilities (i.e. Medical Examiner's Office, DA's Office, etc.), and store them in a manner so as to be easily accessible for transport.
  9. Store items in a way that they can be easily located using the evidence tracking software.
  10. Keep passageways clear.
  11. Ensure that storage of items in the property room which are not property or evidence is strictly limited to supplies used in the course of business by the Property Room Evidence Technician.
- B. It is the responsibility of the person maintaining possession of or who places an item into unmonitored secure storage areas to ensure its security until such time as it can be submitted to the Department's Property Room Evidence Technician and/or monitored secured storage locations.

#### 9.04 Receiving Evidence or Property

- A. Lost, Abandoned or Found Property



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The Deputy who recovers lost or abandoned property shall make every effort to notify the rightful owner or custodian of the property for possible release prior to submitting the same to the property room.

- B. Inspection
1. The Property Room Evidence Technician will inspect items submitted for placement in the property room.
  2. It is the responsibility of the Property Room Technician to ensure all such items are properly tagged and packaged in accordance with the following rules before admitting them into the property room.
- C. Evidence Bags
1. All items which will fit into a plastic evidence bag are to be placed into a plastic evidence bag. Multiple items per bag are permitted providing their inclusion does not violate any other property room procedures or promote contamination of other items within the same bag. Note: Items that require special handling for processing (DNA, fingerprint analysis, GSR, blood stained items, etc.) may be submitted in paper bags.
  2. The fields on the form portion of the evidence bag are to have been completely and properly filled out by the submitting Deputy.
  3. The evidence bag is to have been properly sealed and initialed in the blank provided on the bag by the submitting Deputy.
  4. A barcode sticker is to be placed on the evidence bag so as not to interfere with the legibility of the form portion of the evidence bag.
- D. Evidence Tags
1. Items which will not fit into evidence bags must have affixed to them an evidence tag.
  2. Evidence tags must have been completely and properly filled out by the submitting Deputy.
  3. A barcode sticker must have been attached to the reverse side of the evidence tag and must not interfere with the legibility of the evidence tag.
- E. Evidence Boxes
1. Multiple items originating from a single case number that will not fit into an evidence bag and are submitted in an evidence box must have been labeled properly as described below:
    - a. A barcode label must have been attached to one end of the box.
    - b. A list of the contents of the evidence box must have been affixed to the outside of the box.



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#### F. Digital Evidence

Digital evidence must be submitted to the property room in accordance with established procedures and is to be stored away from any magnetic/electromagnetic device.

#### G. Paperwork

Any associated paperwork (i.e. HCIFS Forms) submitted with evidence and/or property must have been completely and properly filled out by the submitting Deputy.

#### 9.05 Receiving Firearms and Edged Weapons

A. The Property Room Evidence Technician will inspect all firearms, ammunition and edged weapons submitted for placement in the property room.

B. It is the responsibility of the Property Room Evidence Technician to ensure that all such items are properly tagged and packaged in accordance with the following rules before admitting them into the property room.

1. Loaded firearms will not be accepted.
2. Firearms must have been unloaded and their actions or breeches locked in the open position in such manner that they will not close and so they can be visually inspected for the presence of ammunition.
3. Handguns must have been packaged in plastic evidence bags. Note: Handguns that require special handling for processing (DNA, fingerprint analysis, GSR, etc.) may be submitted in paper bags.
4. Magazines must have been completely unloaded of ammunition. Handgun magazines must have been placed in the same evidence bag as their associated handgun. Rifle or shotgun magazines must have been packaged separately from their associated firearms in evidence bags.

#### C. Ammunition

1. Live ammunition that is badly corroded or appears in any way to be unstable will not be accepted.
2. Live ammunition must have been placed into a separate sealed clear bag and placed into the evidence bag with the associated firearm if applicable.
3. Spent casings or bullets must have been placed into a separate sealed clear bag and placed into the evidence bag with the associated firearm and live ammunition if applicable.



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#### D. Edged Weapons

1. Edged or pointed weapons must have been made safe by having their edges and or points covered in cardboard or similar material prior to having been placed into an evidence bag. In the case of swords, machetes and larger items, they are to be tagged when submitted to the property room.
2. Folding edge weapons which can be opened by centrifugal force or spring action must have been placed in the closed position and are to be wired or taped so as not to open before having been placed into an evidence bag and submitted to the property room.

#### 9.06 Receiving Drugs and Narcotics

The following procedures shall be employed by the Property Room Evidence Technician when processing drugs or narcotics submitted as evidence or for safekeeping:

##### A. Inspection

1. The Property Room Evidence Technician will inspect all drugs, narcotics and associated paraphernalia submitted for placement in the property room.
2. It is the responsibility of the Property Room Evidence Technician to ensure that all such items are properly tagged and packaged in accordance with the rules outlined herein before admitting them into the property room.

##### B. Marijuana and other plant substances

1. Live plants will not be accepted.
2. Plants must have been thoroughly dried and stripped of non-evidentiary matter (i.e. roots, stalks, and limbs) before they can be accepted.
3. Larger quantities which will not fit in standard evidence bags or boxes, such as bales, must have been securely wrapped in plastic material.

##### C. Liquid drugs or narcotics

Liquid drugs must have been placed into a watertight container before having been placed inside an evidence bag.

##### D. Powder or pill formed drugs or narcotics

1. These items must have been secured inside their original container if available before having been placed into an evidence bag.
2. Loose powder or pills having no original container must have been placed into a plastic bag or other sealable carrier before being placed into an evidence bag.





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- E. Drug or narcotic paraphernalia
  1. These items must have been bagged separately from any drugs or narcotics.
  2. Syringes and/or needles must have been placed into a plastic syringe container or similar protective container prior to having been placed into an evidence bag.

#### 9.07 Receiving Bicycles

As a general rule, bicycles will not be accepted into the property room (nor placed in into unmonitored secure storage areas) except under very limited circumstances. These would include, but are not limited to:

- A. Cases where the bicycle itself is or contains evidence related to a criminal investigation. Examples would include: accident investigations involving serious bodily injury or death and recovered stolen bicycles that are verified by serial number or other identifying information.
- B. Cases where the bicycle rider is arrested or incapacitated and there is no method of properly securing the bike and no responsible party is located that it can be released to. Efforts made to do both of these things shall be documented in the offense or incident report.

#### 9.08 Rejection of Evidence or Property

All evidence submitted will be screened to ensure it has true evidentiary value. That is, evaluated to ensure the evidence is necessary for the prosecution of the associated case. When evidence or property is submitted to the Property Room Evidence Technician and he is unable to accept it due to conditions set forth in this policy, or if it is deemed to not be of evidentiary value, the following procedure will be employed:

- A. Return to Deputy
  1. If possible, the item will be returned to the submitting Deputy immediately without being placed in a Permanent Storage Area.
    - a. The Deputy will be told specifically why the property or evidence will not be accepted.
    - b. The Property Room Evidence Technician will provide evidence supplies to the Deputy if needed.
  2. If it is not possible to return the item to the Deputy immediately and the item is located in a Permanent Storage Area or Monitored Temporary Storage Area:





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- a. The Property Room Evidence Technician will hold the item in the Property Room area temporarily until such time as it can be released to the submitting Deputy for correction or alternative disposal. It will be entered into the evidence tracking software as “rejected” and stored in a designated holding area pending correction by the Deputy.
- b. The Property Room Evidence Technician will notify the following persons of the rejection using the Department’s email system:
  - i. The submitting Deputy
  - ii. The submitting Deputy’s supervisor or a supervisor designated as a liaison. The e-mail will identify the item and contain a notice that the item has been rejected. It will also contain the case number related to the item and a specific reason for the rejection. If there is no response and correction from the submitting Deputy after 72 hours, the Property Room Evidence Technician will notify the next person in the chain of command of the situation.
3. If it is not possible to return the item to the Deputy immediately and the item is located in an Unmonitored Temporary Storage Area:
  - a. The Property Room Evidence Technician will not accept the item from whoever is acting on the submitting Deputy’s behalf.
  - b. The Property Room Evidence Technician will notify an on-duty supervisor of the rejection and the reason for it.

#### B. Return to Supervisor

In the event that the submitting Deputy is unavailable to correct a problem for more than 72 hours, the Property Room Evidence Technician will contact the submitting Deputy’s supervisor, or a supervisor designated as a liaison, and make arrangements for the item to be corrected by the supervisor or his designee.

#### 9.09 Release of Evidence or Property

- A. Property or evidence shall not be released to civilians unless authorized by law.
- B. Evidence will be released for court by:
  1. Releasing it to the Deputy requesting it.
  2. Delivering the evidence to the court in person. Unless informed by the court otherwise, the Property Room Evidence Technician should be prepared to offer testimony to the court regarding the handling of the evidence.



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- D. Evidence will only be released to third party laboratories via delivery in person to the laboratory by the Property Room Evidence Technician.
- D. When authorized by law, Evidence or Property will only be released to an authorized destruction facility via delivery in person by the Property Room Evidence Technician and an accompanying designated custodian.
- E. The Department's Property Room Evidence Technician and/or designated custodians shall document all property or evidence released from the property room.
  - 1. Scan items having bar codes using the Department's evidence tracking software.
  - 2. Notate any court orders, subpoenas, or other documentation related to the release of evidence or property in the Department's evidence tracking software for the related case.
- F. Property or Evidence shall be cleared from the property room as soon as legally possible and consistent with the Texas Code of Criminal Procedure and other Texas State Laws in one of the following manners:
  - 1. Release to the owner
  - 2. Transfer to Harris County Purchasing Agent
  - 3. Destruction
- G. It is the responsibility of the Property Room Evidence Technician to conduct ongoing research on the property and evidence under his control to determine if it may be released.
- H. It is the responsibility of the Property Room Evidence Technician to procure court orders or other paperwork required for the disposition of property or evidence.

#### 9.10 Disposal of Evidence and Property

The following procedures shall be followed related to the request for and the actual destruction of evidence or property.

- A. The offense report and case files will be reviewed and the name of the defendant obtained.
  - 1. Disposition of the defendant's court case will be researched in JWEB.
  - 2. A printout will be made of the final disposition details of the defendant's case, including identification of the court in which the case was tried.



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- B. A motion and order will be drawn up to request the evidence or property be authorized for destruction.
  - 1. The JWEB printout, the motion, the order and a copy of the offense report will be forwarded to the Assistant District Attorney assigned to the court of jurisdiction for review.
  - 2. After the Assistant District Attorney presents the motion and order to the judge, he/she will return the order to the Property Room Evidence Technician.
  - 3. If the motion is granted and the order is issued by the judge, the order will be noted in the evidence tracking system and the destruction of the evidence or property will proceed as defined in Section C.
  - 4. If the motion is denied by the judge, the Property Room Evidence Technician will review the paperwork and determine if the reason the motion was denied reveals any remedy. If so, he shall take corrective action and resubmit the amended paperwork. If not, the offense report relating to the evidence or property will be supplemented to reflect the denial of the motion and the evidence or property will remain in the property room until such time as an order can be obtained.
- C. Destruction of the evidence or property
  - 1. Evidence or property that has been ordered destroyed will be collected and stored in a container(s) located in the Property Room and designated for that purpose.
  - 2. No less than twice annually, the Property Room Evidence Technician and a second designated custodian will transport the designated container(s) to the designated destruction facility.
  - 3. The Property Room Evidence Technician and the designated custodian will remain at the facility and witness the destruction of all of the evidence and property. He will obtain a receipt identifying each piece of evidence or property as destroyed from the facility operator and both the Property Room Evidence Technician and the facility operator will sign the receipt. The transport container(s) will be returned to the Property Room.
  - 4. The Property Room Evidence Technician will file the receipt and will supplement all reports relating to the evidence or property destroyed. The supplement shall contain the name of the court ordering the destruction, the date and time of destruction, the name and address of the facility where destroyed and the name of the facility operator.

9.11 Certification of the Property Room Evidence Technician



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- A. Property Room Evidence Technicians will attend training through the International Association for Property and Evidence, or similar training recognized by TCOLE.
- B. Once trained, Property Room Evidence Technicians will maintain their training and attend update courses when necessary.

#### 9.12 Audit and Procedures

Internal audits of the property room will be conducted no less that once annually.

- A. A designated supervisor will create a listing of property from RMS covering a random period and incorporate it into a checklist.
- B. The supervisor will conduct a meeting with the Property Room Evidence Technician. They will review the checklist and the Property Room Evidence Technician will locate or provide a disposition for each item on the list based on information stored in the evidence tracking system while the supervisor monitors.
- C. Once the internal audit is completed, the Property Room Evidence Technician and the supervisor will sign the checklist.
- D. If all items on the checklist are located or otherwise accounted for, the internal audit is concluded.
- E. If any item on the checklist is unaccounted for, a detailed investigation will be initiated to attempt to locate or provide a disposition for the missing item.
  - 1. If after a thorough investigation the item has not been located and its disposition remains unknown, the supervisor will notify the Chief Deputy of the result of the audit and subsequent investigation.
  - 2. The signed checklist and any subsequent documentation shall be maintained by the Support Services Sergeant.
  - 3. If the case is active and has been submitted to the District Attorney's Office, the originating Deputy will notify the prosecutor for the case regarding the item's status, then add the name of the prosecutor and the date/time he/she was notified to a supplemental report.
    - a. The Property Room Evidence Technician shall verify that a supplement has been completed as described above and shall immediately electronically place it into a "Missing Item" status using the evidence tracking software bar code designated for this purpose.
    - b. Missing items will remain in "Missing Item" status indefinitely.





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#### Revision:

This policy has been revised on the below listed dates:

March 2022





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#### 10.00 Purpose:

To establish guidelines for use and security of Department TLETS Terminals, Mobile Data Terminals (MDT) equipment and general Criminal Justice Information System (CJIS) procedures. Failure to comply with this policy can result in disciplinary action or termination.

#### 10.01 Policy:

It shall be the policy of Precinct 8 to protect the integrity of the CJIS database and all data and information obtained through use of Mobile Data Terminals and/or hard-wired TLETS terminals by strictly following the procedures outlined in this General Order.

#### 10.02 Definitions:

- A. TLETS Terminal - This term includes all computers (normally desktop) that have access, via wireless or hardwired network, to TLETS, TCIC, NCIC or any law enforcement database.
- B. Mobile Data Terminal (MDT) - This term includes all computers that have access, via wireless or hard-wired network, to TLETS, TCIC, NCIC or any law enforcement database.
- C. Secure location - This term includes the areas of Precinct 8 that are not open to the public and accessible only by authorized personnel. This term also includes official police vehicles that are locked and/or attended by authorized sworn police personnel.
- D. Non-secure location - This term includes all locations not defined as "secure location" above.

#### 10.03 Procedures:

- A. CJIS, TLETS, TCIC and NCIC data shall be accessed ONLY from secure locations, as defined above.
- B. Each person authorized to access Terminal/MDT data shall receive security awareness training within six months of appointment or employment and thereafter at least every two years, in accordance with CJIS policy; this training will be documented.



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- C. Maintain a roster and/or agency-issued credentials (officer badge, access card, etc) of authorized personnel with unescorted access into physically secure areas.
- D. When transporting non-law enforcement personnel in police vehicles, officers will close the screen of the MDT or position it in a manner that will prevent unauthorized viewing of MDT data. TLETS terminal screens shall be positioned to prevent unauthorized viewing.
- E. User/Operator Lists shall be reviewed annually and as needed; document when this was performed. Changes in authorized personnel will be immediately reported to the TCIC Training section.
- F. All printouts of CJIS data shall be promptly filed with the corresponding incident records. Otherwise, such printouts should be promptly shredded; if not shredded, then incinerated. Disposal or destruction is to be witnessed or carried out by authorized personnel.
- G. All storage media containing or used for CJIS data that is no longer used shall be secure-formatted using methodology that over-writes all data in three iterations or degaussed prior to disposal or release for reuse by unauthorized personnel; if no longer needed, media will be destroyed. Inoperable electronic media shall be physically destroyed. Sanitation or destruction is witnessed or carried out by authorized personnel.
- H. The Department shall keep a list of all MDT IDs and contact(s) so that devices can be promptly disabled, should the need arise.
- I. The local CJIS network equipment shall be located in a physically secure location.
- J. All law enforcement vehicles containing MDTs shall be securely locked when not in use.
- K. All computers used for processing CJIS data shall have anti-virus software installed; all will have latest available updates for the operating system & anti-virus. MDT(s) shall have a personal firewall enabled.
- L. The Department will employ a Formal Incident Response Plan. It shall be the responsibility of each authorized user to report any violations of this security policy up the chain-of-command and/or to proper authorities.



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- M. No personal hardware (PC, laptop, etc) or software shall be allowed on the agency's TLETS network.
- N. No publicly accessible computers shall be allowed on the agency's TLETS network.
- O. The agency shall authorize and control information system related items entering and exiting the physically secure location.
- P. The agency shall establish a Security Alert and Advisories process.

#### 10.04 Best Practices:

- A. Periodically check to ensure Servers/Terminals/MDTs connected to the CJIS network are receiving the latest updates in regards to the Operating System & Antivirus software; ensure personal firewalls are enabled on MDTs; ensure Sessions are locked within thirty (30) minutes on non-dispatch Terminals. Take appropriate action if required.
- B. Periodically check physically secure location(s) to ensure safeguards such as locks are in working order, doors are closed & properly secured, and terminals are not viewable by unauthorized personnel. Take appropriate action if required.
- C. Periodically check to ensure that all network components (routers, firewalls, switches) that process CJIS information are still supported by the manufacturer. If warranties/contracts are in place, ensure they are valid and not out of date. Take appropriate action if required.
- D. Periodically check pertinent documents to ensure they are up to date. Take appropriate action such as making editing changes or replacement if required.

#### 10.05 General Computer Usage Guidelines

- A. Usage of any Department owned computer terminal, tablet device or MDT, whether used to access TLETS/CJIS information or not, is restricted to official Department business use only.
- B. No Department owned computer terminal, tablet device or MDT is to be operated by or loaned to any person not authorized to access TLETS/CJIS data, whether it is used to access TLETS/CJIS information or not.





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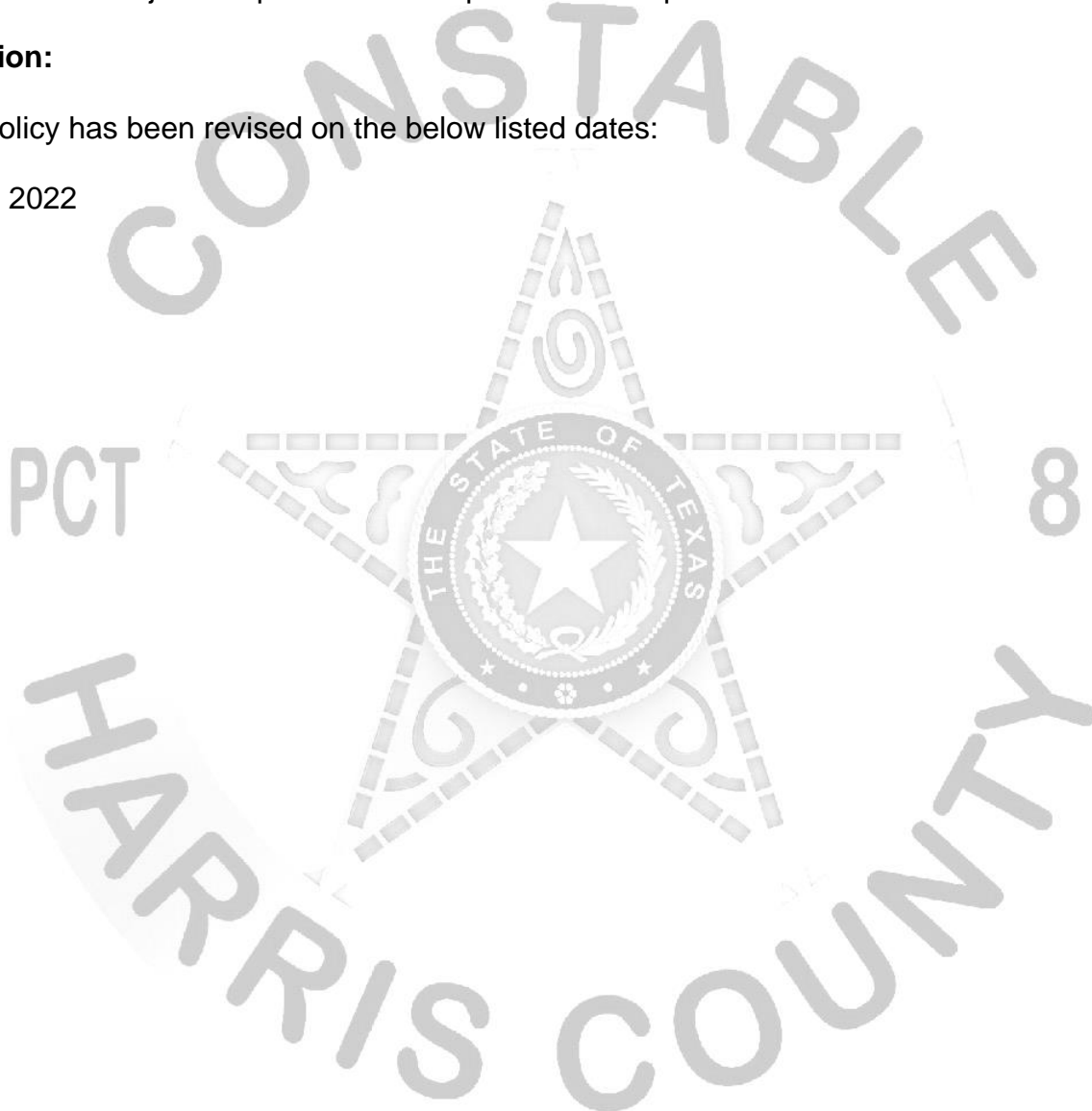
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- E. Employees shall exercise the utmost professionalism when operating any Department owned computer terminal, tablet device or MDT. This includes, but is not limited to, email correspondence, instant messaging, MDT messaging or letter/memo writing. Users should be mindful that all such correspondence is subject to open records requests and subpoenas.

#### Revision:

This policy has been revised on the below listed dates:

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| EYEWITNESS IDENTIFICATION | 11         | 5          |

#### 11.00 Purpose:

The purpose of this policy is to outline proper protocol for eyewitness identification procedures for photographic, show-up, and live lineup identifications which maximize the reliability of identifications, protect innocent persons, and establish evidence that is reliable and conforms to established legal requirements.

#### 11.01 Policy:

Eyewitness identifications are a significant component of many criminal investigations. The identification process must be carefully administered to minimize the likelihood of misidentifications. Moreover, constitutional safeguards must be observed in the process. The goal of reducing erroneous convictions can be furthered in many ways. Employing the most rigorous eyewitness identification methods is one way of doing this, but there are others. The eyewitness identification process is only one step in the criminal investigative process, albeit an important one. Corroborative evidence, for example, will lessen the impact of erroneous eyewitness identification. The more other evidence that is available, the less risk there is of conviction based solely on erroneous eyewitness identification. There is no substitute for a competent and thorough criminal investigation.

This policy provides guidance on eyewitness identification procedures based on credible research on eyewitness memory and best practices designed not only to reduce erroneous eyewitness identification but also to enhance the reliability and objectivity of eyewitness identifications.

Evidence-based and best practices surrounding the collection and preservation of eyewitness evidence are addressed as are procedures to be employed where witnesses or victims are unable to read or write, are non-English speaking, or possess limited English language proficiency.

#### 11.02 Procedural Guidelines:

##### A. Definitions

1. Blind Procedure – A procedure wherein the person administering the live lineup or photo array does not know who the suspect is.
2. Blinded Photo Array Procedure – A procedure wherein the person who administers the photo array knows who the suspect is, but each photo is presented so that the administrator cannot see or track which photograph is being presented to the witness.
3. Folder Shuffle Method – A method of administering a photo array such that the administrator cannot see or track which photograph is being presented to



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the witness until after the procedure is completed. This method is employed when a blind procedure is not possible.

4. Fillers – Non-suspect photographs or persons. Fillers are selected to both fit the description of the perpetrator provided by the witness and to ensure that no individual or photo stands out.
  5. Illiterate Person – An individual who speaks and understands English but cannot read and write in English.
  6. Interpreter – An interpreter is a person who is fluent in English and the language of the witness or victim and who facilitates communication between two parties in two different languages. The term includes persons who facilitate communication with persons who are deaf, hearing impaired, or speaking impaired.
  7. Live lineup – An identification procedure in which a group of persons is displayed to the witness or victim in order to identify or exclude the suspect.
  8. Person with Limited English Proficiency – An individual who is unable to communicate effectively in English with a level of fluency that is typical of native English speakers. Such a person may have difficulty speaking, reading, or writing in English and includes persons who can comprehend English, but are physically unable to talk or write.
  9. Photo Array – An identification procedure in which a series of photographs is displayed to the witness or victim in order to identify or exclude the suspect.
  10. Sequential Live Lineup or Photo Array – An identification procedure in which the persons in the live lineup or the photographs in the photo array are displayed one by one (sequentially).
  11. Show-up – An identification procedure in which a single suspect is shown to a victim or witness soon after the commission of a crime for the purpose of identifying or eliminating the suspect as the perpetrator.
  12. Witness Certification Statement – A written statement that is read out loud to the witness or victim describing the procedures of the identification process.
- B. Selecting the Best Identification Method
1. Photo arrays are preferred over other techniques because:
    - a. they can be controlled better
    - b. nervousness can be minimized, and
    - c. they are easier to manage logistically.
  2. Because they involve multiple persons under relatively controlled circumstances, a properly conducted live lineup, like a properly conducted photo array, is preferable to a show-up.
  3. Because they are highly suggestive, show-ups are vulnerable to challenges to their validity. Consequently, a show-up should be employed only where



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other indicia of guilt are present (e.g., suspect located relatively close in time and place to the crime).

4. Because witnesses may be influenced, however unintentionally, by cues from the person administering the procedure, a blind administrator should be used. This can be achieved through the use of a blind procedure or a blinded photo array procedure (e.g. the folder shuffle method).
5. Because research shows the sequential presentation of live lineups and photo arrays is less likely to result in misidentification and carry very little risk of increasing the likelihood of failure to identify the suspect, a sequential presentation should be used.

#### C. Selecting Fillers

All persons in the photo array or live lineup should be of the same sex and race and should be reasonably similar in age, height, weight, and general appearance. Ideally, the characteristics of the filler should be consistent with the description of the perpetrator provided by the witness(es). Where there is a limited or inadequate description of the perpetrator provided by the witness(es), where the description of the perpetrator differs significantly from the appearance of the suspect, where a witness has provided a highly detailed description, or where the witness's description of the perpetrator or the suspect has a highly distinctive feature, fillers should be chosen so that no person stands out in the live lineup or photo array.

#### D. Explaining that the Perpetrator May or May Not Be Present

Because witnesses may be under pressure to identify a suspect, they should be informed that the suspect may or may not be present in a live lineup or photo array and that the person presented in a show-up may or may not be the perpetrator.

#### E. Explaining that the Investigation will continue

The administrator should also explain to the witness that the investigation will continue, regardless of whether identification is made, as another way of alleviating pressure on the witness to identify a suspect.

#### F. Witness Contamination

Precautions must be taken to ensure that witnesses do not encounter suspects or fillers at any time before or after the identification procedure. Avoid multiple identification procedures in which the same witness views the same suspect more than once. When showing a different suspect to the same witness, do not reuse the





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same fillers from a previous live lineup or photo array shown to that witness. Witnesses should not be allowed to confer with each other before, during, or after the identification procedure. Ensure that no one who knows the suspect's identity is present during live lineup or photo array procedure. In some live lineups, exceptions must be made to allow for the presence of defense counsel.

#### G. Documenting the Procedure

In order to strengthen the evidentiary value of the identification procedure, it should be documented in full. Video documentation is the preferred method. Audio recording is the preferred alternative. If neither method is employed, then the reason for not video or audio recording should be documented.

### 11.03 Standard Operating Procedures

The procedures which follow have been designed to reduce erroneous eyewitness identifications, enhance the reliability and objectivity of eyewitness identifications, collect and preserve eyewitness evidence properly, respect the needs and wishes of victims and witnesses, and address the needs of witnesses with limited English proficiency, where applicable.

In order to choose among the various identification methods, a brief description of each method follows in order of most preferred method to least preferred. Once the appropriate method is selected, the administrator should go directly to the Sample Standard Operating Procedures for that particular method. In any given situation only set of Standard Operating Procedures applies.

#### A. Descriptions of Eyewitness Identification Methods

1. Sequential, Blind Photo Array – photo arrays where the photographs are presented one at a time to the witness or victim by a person who does not know who the suspect is. This method requires a preparer who may be familiar with the case and an administrator who does not know the identity of the suspect.
2. Sequential, Blinded Photo Array – photo arrays where the photographs are presented one at a time to the witness or victim by a person who knows who the suspect is, but who takes steps (putting the photographs in folders and shuffling them) to avoid knowledge of which person the witness or victim is looking at. This method typically involves an administrator who is familiar with the case and knows who the suspect is.
3. Sequential Live Lineup – live lineups where the persons in the live lineup are presented one at a time to the witness or victim. This method requires a



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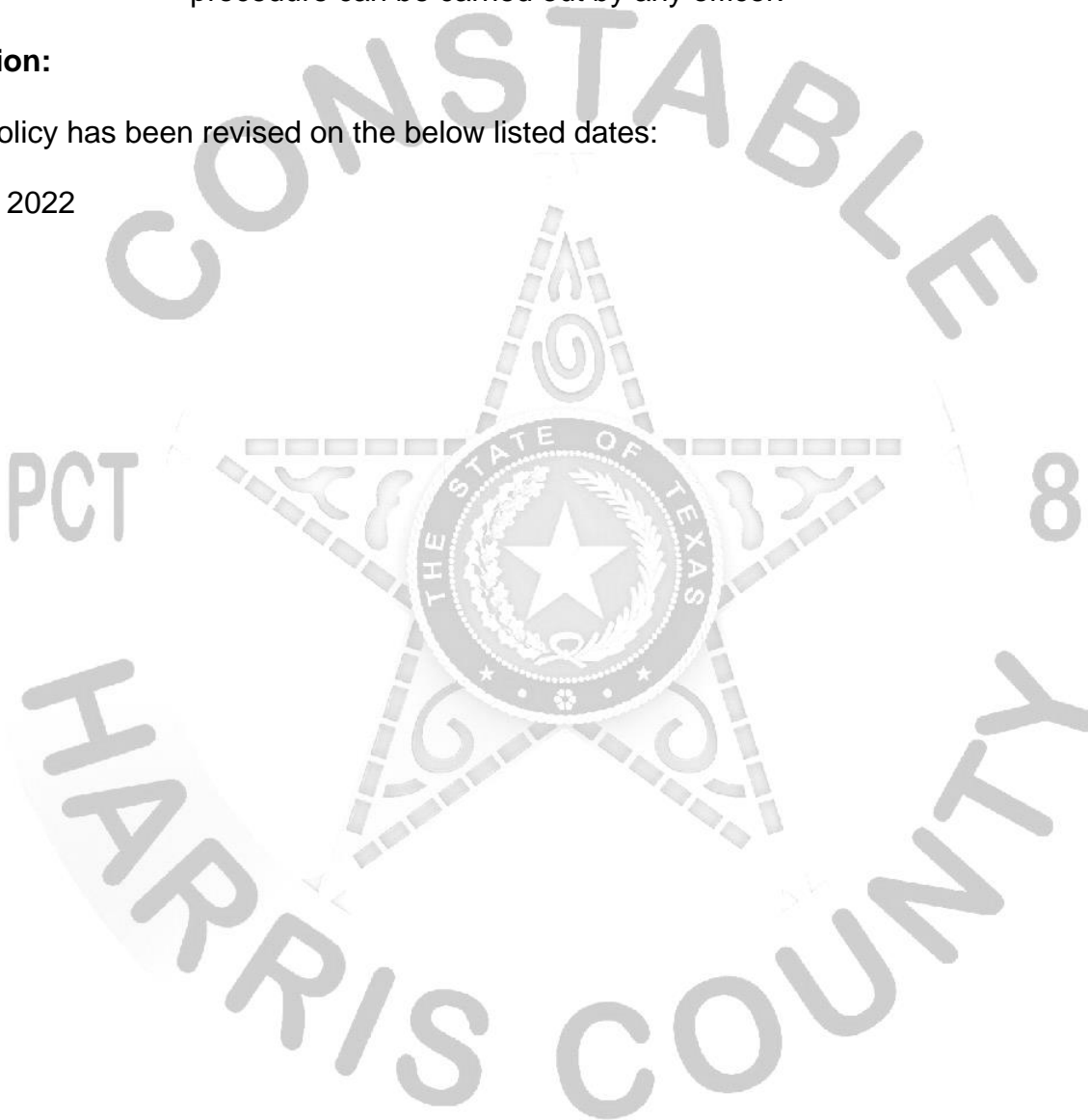
preparer who may be familiar with the case and an administrator who does not know the identity of the suspect.

4. Show-up – procedure where the witness or victim is presented with a single suspect and asked to identify whether that suspect is the perpetrator. This procedure can be carried out by any officer.

#### Revision:

This policy has been revised on the below listed dates:

March 2022





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- 12.00 A child is any person from birth through age sixteen.
- 12.01 A juvenile is a child at least ten years of age, but not yet seventeen, and who has criminal responsibility under the law. Juveniles also include persons 17 years or older and under 18, who are alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before turning 17.
- 12.02 Children may be encountered as victims, suspects, defendants or witnesses in daily operations.
- 12.03 The Department is governed by and will abide by rules, policies and procedures set out in the Texas Penal Code, the Texas Family Code, Children's Protective Services, the Harris County Juvenile Probation Department, Juvenile Courts and the District Attorney's Office Juvenile Division.
- 12.04 Each Division within the Department is responsible for following policy and procedure for compliance with State Law and legal regulations as it pertains to its operations.
- 12.05 The Department's responsibility is to protect abused or neglected children and to investigate reports of same. The Department will coordinate with and will report suspected abuse or neglect to Children's Protective Services.
- 12.06 All runaway children should be considered as victims, not criminals or delinquents, barring evidence to the contrary.
- 12.07 Arrest, Detention and Transportation of Juveniles
- A. Texas law permits a juvenile to be taken into custody under the following circumstances:
1. Pursuant to an order of the juvenile court
  2. Pursuant to the laws of arrest
  3. By a law enforcement officer, if there is probable cause to believe a child has violated a penal law of this state, has committed delinquent conduct or CINS, or conduct that violates a condition of probation imposed by the juvenile court
  4. By a probation officer if there is probable cause to believe a child has violated a condition of probation or release imposed by the juvenile court; or
  5. Pursuant to a directive to apprehend
- B. Taking a child into custody is not considered an arrest. If asked, a child who has been taken into custody may truthfully state that he or she has never been arrested.



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- C. If a peace officer decides to take a child into custody, the officer may transport the child to an officially designated juvenile processing office, where the juvenile may be kept for up to six hours. A child may be detained in a juvenile processing office only for:
  1. Return of the child to a parent or other responsible adult
  2. Completion of essential forms and records
  3. Photographing and fingerprinting of the child if authorized
  4. Issuance of warning to the child as required by law; or
  5. Taking a statement from the child

Note: An exception to this rule is that an officer who has probable cause to believe a child is truant is able to take the child into custody for the purpose of returning the child to the appropriate school campus if the school agrees to assume responsibility for the child for the remainder of the day.

- D. When transporting juveniles who have been placed in custody, the same procedures and practices shall be followed as with adult prisoners (see section related to prisoner transports). Juveniles shall not be transported in the same vehicle as adult prisoners.

12.08 A designated “juvenile processing area(s)” shall be established and utilized when processing juveniles for criminal offenses. At no time shall a juvenile be secured, either temporarily or for extended periods, in areas used for the processing of adult prisoners. Juveniles are to be kept separate (sight and sound) from adult prisoners, inmates and/or trustees at all times.

- A. These areas shall be designated and approved by the Harris County Juvenile Board.
- B. Each area shall have prominently displayed the designation approval letter from the Harris County Juvenile Board.
- C. A child may not be left unattended in a juvenile processing area and is entitled to be accompanied by a parent, guardian or other custodian, or by the child’s attorney. The law guarantees the parent of a child taken into custody the right to communicate in person privately with the child for reasonable periods of time while the child is in a juvenile processing office.
- D. A child is not to be handcuffed or secured to any bench or other object while in custody and shall not be held securely within any enclosed space.





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- E. If the child is not released to the parent or guardian, it becomes the law enforcement officer's duty to transport the child to the appropriate juvenile detention facility.

#### 12.09 Juvenile Confessions

The Family Code contains very specific provisions that govern the taking of juvenile confessions by law enforcement. These provisions amount to special protections that are afforded to juvenile suspects after they have been taken into custody. For example, a child must first be taken to a juvenile processing office "without unnecessary delay and without first taking the child to any [other] place." A person taking a juvenile into custody must also "promptly give notice" of the person's action and a statement of the reason for taking the child into custody to:

- the child's parent, guardian or custodian; and
- the office or official designated by the juvenile board

#### A. Written Statement or Confession

Before making a written confession, the child must receive from a magistrate a warning that:

1. the child may remain silent and not make any statement at all and that any statement the child makes may be used as evidence against the child
2. the child has the right to have an attorney present to advise the child either before or during any questioning
3. if the child is unable to employ an attorney, the child has the right to have an attorney appointed to counsel with the child before or during any interviews with peace officers or attorneys representing the state; and
4. the child has the right to terminate the interview at any time
  - a. The magistrate must also ensure that the child is voluntarily waiving, or giving up, these rights before and during the making of the statement.
  - b. After the magistrate determines that a child wishes to waive his or her rights and wants to give a statement, the child can be returned to the juvenile processing office by law enforcement to obtain a written confession. The statement, however, cannot be signed until the child is again brought before the magistrate. The Family Code requires that the confession be signed by the child in the presence of a magistrate with no law enforcement officer or prosecuting attorney present. The magistrate must also be fully convinced that the child understands the nature and content of the statement, and that the child is signing it voluntarily. Finally, the magistrate must certify that the child knowingly, intelligently and voluntarily waives his or her rights before



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and during the making of the statement, and that the child understands the nature and contents of the statement.

#### B. Recorded Statement or Confession

If the custodial confession is recorded, the magistrate's warnings and the child's waiver of those warnings must be contained within the recording. If the magistrate chooses to review the recorded confession to ensure voluntariness, the magistrate must advise law enforcement at the beginning of the warning process that the magistrate is exercising the option to review the recording and the magistrate must make written findings that are dated and signed by the magistrate regarding voluntariness of the statement.

After this process is completed, law enforcement must release the child or deliver the child to court by doing one of the following:

1. release the child to the parent or guardian
2. bring the child before the office or official designated by the juvenile board, if there is probable cause to believe that an offense has been committed or for conduct that violates a condition of probation imposed by the juvenile court
3. bring the child to a detention facility designated by the juvenile board
4. bring the child to a secure detention facility (if a juvenile detention facility is not available in the county where the child is taken into custody)
5. bring the child to a medical facility if it is believed prompt treatment is required; or
6. dispose of the case without a referral to juvenile court if the law enforcement agency has established guidelines for such a disposition either under §52.03, F.C. or §52.031, F.C. (§52.02(a), F.C.)

#### C. Fingerprinting and Photographing

As a general rule, a child may not be fingerprinted or photographed without the consent of the juvenile court unless the child is taken into custody or referred to the juvenile court for conduct that constitutes a felony or a misdemeanor punishable by confinement in jail (Class B or above). Other exceptions to the general rule include fingerprinting and photographing a child with a parent or guardian's voluntary written consent, or for the purpose of obtaining a driver's license or personal ID card, or for inclusion in the missing children information clearinghouse.

1. Another exception allows a peace officer to place a child in temporary custody in order to take the child's fingerprints if:
  - a. the officer has probable cause to believe the child engaged in delinquent conduct



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- b. the officer investigated that conduct and found other fingerprints during the investigation; and
    - c. the officer has probable cause to believe the child's fingerprints will match the other fingerprints
  - 2. A peace officer may also take temporary custody of a child to take the child's photograph if:
    - a. the officer has probable cause to believe the child engaged in delinquent conduct; and
    - b. the officer has probable cause to believe the child's photograph will be of material assistance in the investigation of that conduct

Under these provisions, if a child is not taken into custody, the child must be released from temporary custody as soon as the fingerprints or photographs are obtained. If the fingerprints or photographs do not lead to a positive comparison or identification, law enforcement must immediately destroy them and make a reasonable effort to notify the child's parent, guardian or custodian of the action taken. A peace officer may obtain fingerprints or photographs from a child at a juvenile processing office or a location that affords reasonable privacy to the child. These laws permit law enforcement to thoroughly investigate cases without unnecessarily creating a juvenile record of the event.
  - 3. A peace officer may also fingerprint and photograph a runaway child when it is deemed necessary to identify the person. Once the child is identified (or if the child cannot be identified), law enforcement must immediately destroy all copies of the fingerprint records or photographs of the child.
  - 4. Juvenile fingerprints and photographs, however, are not available to the public. Only the judge and court staff, a court-ordered agency providing care for the child, a child's attorney and certain governmental agencies may have access to juvenile fingerprints and photographs. Additionally, all information regarding a juvenile, including fingerprints and photographs, must be destroyed if the child is not referred to a juvenile court within 10 days after the child is taken into custody.

#### 12.10 Law Enforcement Files and Juvenile Records

All law enforcement files and records concerning juveniles may not be disclosed to the public and must be kept strictly separate from adult criminal files and records. However, a child and the child's parent or guardian may inspect or copy the file concerning that child. Before an inspection or copies can be made, all information identifying other juveniles must be redacted.

#### 12.11 Communicating Information to Schools



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The child's school district superintendent and school principal must receive oral notification within 24 hours or before the next school day whichever is earlier, following a child's arrest, referral, conviction or adjudication for any felony offense and for certain misdemeanor offenses. The oral notice must be followed within seven days by written notification mailed to the superintendent or the superintendent's designee. Notification may be made electronically if initiated within the 24-hour time frame and the single electronic notification will satisfy both oral and written notification.

This notification should include details regarding:

- A. assaultive behavior or other violence
- B. weapons used in the commission of the offense; or
- C. weapons possessed during the commission of the offense

#### 12.12 Child Custody Cases

In order to ensure Precinct 8 is exercising due diligence and filing Penal Code charge 25.03 (Interference with Child Custody) when applicable, the following guidelines are to be followed:

- A. All calls for service related to child custody and the actions taken by a Deputy need to be, at the very least, thoroughly documented on a call slip. The call slip number should be provided to the reporting party.
- B. An offense report needs to be completed when there is no known location for the child or there is credible evidence indicating the child is in danger. An offense report should be completed when there is evidence the reporting party has made numerous attempts to recover their child without success.
- C. The Harris County District Attorney Domestic Violence Unit needs to be contacted in order to file charges of Interference with Child Custody.
- D. The reporting party needs to be made aware that the process of filing Interference with Child Custody will take time to accomplish. The Harris County District Attorney Domestic Violence Unit may not be available after hours.
- F. Deputies need to provide the reporting party with a list of agencies and organizations that may be able to assist in obtaining the necessary court order in order to recover their child. Reference cards are available and can be used for this purpose. Reporting parties should contact a family law attorney for assistance in obtaining





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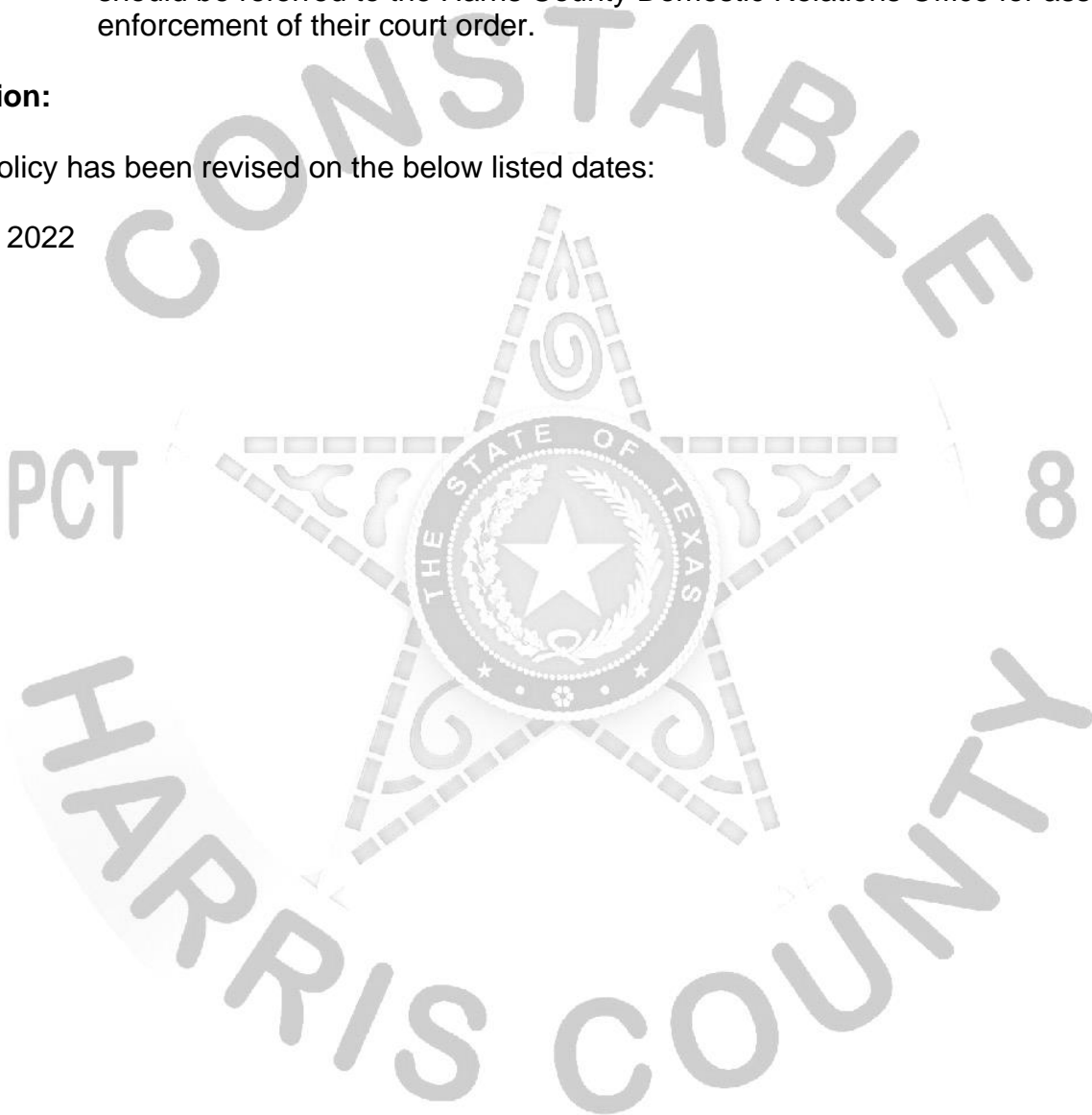
court orders for child custody situations. Deputies shall not refer anyone to a specific attorney.

- G. For existing cases in the Harris County Family District Courts, the reporting party should be referred to the Harris County Domestic Relations Office for assistance in enforcement of their court order.

#### Revision:

This policy has been revised on the below listed dates:

March 2022





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| MOBILE VIDEO AND AUDIO RECORDING POLICY | 13         | 4          |

#### 13.00 Overview

Mobile video/audio recording (MVR) equipment has proven to be a valuable law enforcement tool for collecting evidence to be used in the prosecution of persons who violate the law. The Harris County Precinct 8 Constable's Office has adopted the use of in-car video/audio recording systems in order to accomplish several objectives, including but not limited to; documentation of events and statements made during arrests, accidents, and other incidents to strengthen officer reports; collection of evidence and testimony in court; and the enhancement of the Department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction and evidence for investigative purposes, as well as for officer evaluation and training.

#### 13.01 Purpose

The purpose of this policy is to provide officers with guidelines for the utilization of mobile video/audio recording (MVR) equipment.

#### 13.02 Procedure

##### A. Equipment Operation:

Deputies shall be responsible for the operation and care of their assigned MVR equipment. Lost or misused equipment may result in disciplinary action being taken. Prior to the start of each shift, Deputies shall determine whether their MVR equipment is working satisfactorily and shall bring any problems at this or other times to the attention of their immediate supervisor as soon as possible.

B. Deputies shall only use video equipment authorized by the department. No alterations or additions to the existing MVR equipment shall be permitted without written authorization.

C. Deputies will ensure proper alignment, focusing, positioning and use of MVR equipment to facilitate quality documentation of:

1. Each traffic stop, pedestrian stop, or other law enforcement action;
2. The actions of suspects during interviews, when undergoing sobriety checks or when placed in custody;
3. The circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.

D. Deputies shall use the MVR system to record the entire traffic stop, pedestrian stop, pursuits, response to emergency calls, or other events including, but not limited to,



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armed encounters, acts of physical violence and/or felonious conduct. The term “entire traffic stop” refers to the time any contact or action is initiated and continues for as long as the Deputy has any interaction with the parties being stopped. If a prisoner/subject being detained in the vehicle or transported becomes combative or attempts to damage the vehicle, the Deputy shall reactivate the MVR system to capture the prisoner/subject’s actions until the appropriate destination is reached and the prisoner/subject is removed from the vehicle.

- E. Deputies may manually activate the MVR system prior to initiating a traffic or pedestrian stop for evidentiary purposes.
- F. The video/audio recording system, including the audio recording from the wireless microphone carried by the Deputy, will not be stopped or otherwise interfered with at any time during the stop or incident, except that audio may be muted in order to confer with the District Attorney’s Office or other law enforcement personnel regarding a case.
- G. At the scenes of extended incidents (other than traffic contacts), the Deputy has discretion in terminating video/audio recording when there is no evidentiary value. Examples of these types of events include, but are not limited to: traffic accidents while waiting for cleanup of the scene, motorist assists or abandoned vehicles while waiting for wreckers to arrive.
- H. Deputies shall speak the following information into the wireless microphone at the outset initiation of any of the above actions involving vehicles if available:
  1. Vehicle license number and state of issuance
  2. Location of Stop
  3. Vehicle Make
  4. Vehicle Color
- I. If the MVR system is malfunctioning or otherwise not operable, the Deputy making the stop shall complete the field contact form that is in current use.
- J. Deputies shall not tamper with the MVR equipment in any way. Unauthorized altering, erasing, or destroying any portion of the video recording will be grounds for disciplinary action, up to and including immediate termination.
- K. Should recorded video be needed as evidence in a criminal case, the Deputy operating the equipment or needing the video evidence shall note the request on the designated Video Log in order for the recording to be retrieved from the server. An individual person(s) within the Support Services Division may be designated to



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the task of processing video evidence. All MVR videos submitted as evidence shall, when possible, be deposited with the DA's Office via server transfer. MVR videos that are burned to DVD for evidence submission shall be tagged and marked as evidence and processed in the same manner as any other digital evidence. A supplement to the original report shall be completed stating video evidence was submitted in all situations.

- L. A supervisor may review video on the monitor in the patrol unit on the scene in the event of a critical incident (Deputy is disabled, etc.) to obtain any critical information.

#### 13.03 Video Control and Storage

##### A. Control

1. All MVR recordings are the property of Harris County Constable Precinct 8.
2. Requests to view MVR recordings and their contents will be considered as an open records request, and as such will be forwarded to the Chief Deputy for approval. Requests by other agencies for access to an MVR recording can only be approved by the Chief Deputy. If approved, a copy will be provided to the requesting agency.
3. MVR recordings that contain information that may be of evidentiary value or used in civil adversary proceedings shall be safeguarded, and a chain of custody maintained, as with other evidentiary items.

##### B. Storage

1. Unless governed by established retention schedule requirements, all MVR video will be maintained on the server for at least (90) days, after which time it will be deleted.
2. If a complaint is filed with the Department alleging that a Deputy has engaged in racial profiling with respect to a traffic or pedestrian stop, the Department shall retain the video until final disposition of the complaint.
3. Evidence needing to be delivered to the District Attorney's Office shall be done in a timely manner.

#### 13.04 Duplication of Video

- A. All video duplication shall be done by a Sergeant, employee of higher rank, or an employee(s) designated by the Chief Deputy.
- B. Requests for video will be submitted to the Chief Deputy in writing.
- C. All duplicated media shall be labeled as follows:





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1. Harris County Constable Precinct 8
2. Date of Duplication
3. A statement prohibiting further duplication or distribution of the video without express written consent of the Constable or his designee.

D. No employee of the Harris County Precinct 8 Constable’s Office will duplicate, or make available a duplicate video, or any portion of a video, to any other person without the consent of the Constable or Chief Deputy.

E. Unauthorized duplication or provision of department MVR video or any portion of an MVR video will be grounds for disciplinary action.

**13.05 Supervisor Responsibilities**

A. Supervisors shall review a recording made by each Deputy regularly to ensure Deputies utilizing MVR equipment adhere to established procedures, guidelines and policies.

B. Nothing contained in this section shall be construed as prohibiting a supervisor from addressing with a Deputy an apparent violation of policy or procedures with regard to arrest, investigation, officer/suspect communications, or officer safety issues that are discovered during review of an MVR video.

**Revision:**

This policy has been revised on the below listed dates:

March 2022



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| BODY WORN CAMERA (BWC) POLICY | 14         | 9          |

#### 14.00 Overview

The purpose of this policy is to establish guidelines for the operation of body worn camera (BWC) equipment assigned to Precinct 8 personnel for capturing audio/video evidence of police interactions including, but not limited to, traffic violations, field interviews, field sobriety testing and other official police activity.

#### 14.01 Policy

- A. It is the policy of the Harris County Precinct 8 Constable's Office to present for prosecution audio/video evidence of traffic and other law violations as outlined herein. To this end, deputies with properly functioning BWC equipment shall record all events surrounding the contact, stop, detention, interview and arrest of suspected violators and maintain this recorded evidence for consideration in criminal prosecution.
- B. All recordings generated on department owned BWC equipment is the property of the Harris County Precinct 8 Constable's Office. The copying or reproducing of any recordings generated by members of the department for use outside of department business is prohibited. The Support Services Division will process requests for copies in the same manner as is outlined in the policy governing Mobile Video.
- C. Distribution of any recordings generated by Department members in any format or for any purpose must be in compliance with this procedure and in the same manner as is outlined in the policy governing Mobile Video.

#### 14.02 Administrative

- A. All generated recordings will be retained according to the section governing "Video Retention" in this policy.
- B. Recordings shall not be altered, modified, misused or tampered with in any manner. In addition, disabling of any BWC system is prohibited.
- C. Standardized viewing privileges of recordings for administrative and investigatory purposes shall be as follows:
  1. All deputies will be able to view their own recordings;
  2. Supervisors and Support Services Division staff will have viewing privileges for all recordings.

#### 14.03 Start Up



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- A. At the start of their shift, deputies will perform a function test of the BWC to ensure the unit powers on and recording initiates. The test should:
  1. Ensure proper alignment and positioning of the BWC on the Deputy's outer most garment and no object shall be placed in front of the camera in such a manner that it interferes with recording of video.
  2. Perform a functions test by activating the BWC and stating their name, unit number and the date. (If possible, the Deputy should then play back the recording to ensure the system recorded correctly.)

#### 14.04 Recording

- A. Deputies are not required to advise citizens they are being recorded.
- B. Deputies may not allow any citizen to view a video which they have recorded on their BWC.
- C. Deputies shall begin recording events and continue recording, in accordance with this procedure, until an event is concluded. Any deviations, including equipment malfunctions, must be documented in the Deputy's video or report in accordance with this procedure as outlined in the section governing "When Deactivation of BWC Equipment is Authorized". This applies:
  1. Upon observation of suspicious or criminal behavior;
  2. During all calls for service;
  3. During Deputy initiated contacts:
    - a. Arrests
    - b. Field Contacts
    - c. Traffic Stops;
  4. During all prisoner or witness transports. Note: If a Deputy arrives at a facility that is recorded, such as the station, JPC, etc., the Deputy may cease recording upon entering the facility or transferring custody of the prisoner/witness;
  5. Contact with complainants regarding crimes against persons; and
  6. In instances where the Deputy reasonably believes that the recording may provide evidence in criminal investigations.
- D. Subsequent arrest, handcuffing and search of violators should take place in view of the camera when practical and in accordance with Departmental policy and this procedure. All arrests, handcuffing and searches occurring out of view of the camera must be documented in the Deputy's video or report in accordance with the section governing "When Deactivation of BWC Equipment is Authorized".



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- E. Deputies may stop recording an event where its use may compromise police operations. The BWC should be turned back on immediately following the event that caused the stoppage or should a significant event arise.
  - 1. Examples include, but are not limited to: conversations with criminal informants, private conversations between officers or supervisory personnel, working traffic control, performing crime scene duties or situations where the Deputy would be placed in a tactical disadvantage.
  
- F. All stoppages, other than administrative functions testing or accidental activation, of the BWC must be documented in the Deputy's video or report in accordance with the section governing "When Deactivation of BWC Equipment is Authorized".
  
- G. Recording Suspected DWI Violators
  - 1. When a Deputy makes a decision to start an investigation of a violator for suspicion of DWI, the Deputy shall activate the BWC and may verbally articulate the initial traffic violation observed, thus starting the process of building reasonable suspicion. This articulation may continue through the entire recording including the field sobriety testing, arrest, search and transportation of the suspect.
  - 2. Optimum lighting for recording should be considered whenever possible.
  - 3. The Deputy may articulate reasonable suspicion and probable cause as it develops with the understanding that any articulation made by the Deputy may not be solely used to establish reasonable suspicion or probable cause.
  - 4. Any intoxicants found in the suspect vehicle, as well as any evidence seized, shall be brought in view of the camera and the Deputy may articulate the description of the evidence in order to record such information in the Deputy's video or report in accordance with the section governing "When Deactivation of BWC Equipment is Authorized".
  
- H. Deputies shall not:
  - 1. Intentionally create recordings of themselves or other employees in areas where a reasonable expectation of privacy exists such as locker rooms, restrooms, etc.
  - 2. Use of the BWC for the clandestine recording of the voice or image of a member of the Department is prohibited unless specifically authorized.
  - 3. Knowingly record undercover officers or confidential informants.
  - 4. Use a departmentally owned recording device to record any type of personal activities.
  - 5. Allow non-sworn personnel to view the BWC video without permission from the Deputy's immediate supervisor. Note: Governmental employees who are directly involved in the investigation and/or prosecution of a criminal case





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related to the BWC video or who are charged with Internal Affairs or IT Services supporting body worn camera are exempt from this provision.

6. Create recordings in patient care areas of medical facilities unless the recording is for official police business such as a criminal investigation, dying declaration, Horizontal Gaze Nystagmus (HGN) on injured drivers or a specific call for police service; in compliance with Federal HIPPA regulations.

#### 14.05 When Deactivation of BWC Equipment is Authorized

- A. Unless otherwise permitted by this procedure, once the BWC is activated, it shall remain on until the incident has concluded.
- B. For the purpose of this section, conclusion of the incident has occurred when:
  1. All arrests have been made and arrestees have been transported and released from the Deputy's custody;
  2. All witnesses and victims have been interviewed; and
  3. The continued recording will not serve to obtain additional evidence.
- C. Whenever the body worn camera device is deactivated during an incident, the Deputy will provide a brief verbal explanation for the deactivation prior to turning off or stopping the recording and will document it via a report.
- D. Failure to record activities as denoted in this policy will not be considered a policy violation as long as reasonable justification is documented via a report and articulated to the Deputy's chain-of-command.

#### 14.06 Reports/Records Data Entry

- A. Deputies will upload video in accordance with the specific device's operational instructions.
- B. Upon uploading BWC recordings or immediately thereafter, the Deputy shall ensure the pertinent data field identifiers associated with each video were annotated and at minimum, include the following:
  1. Full Harris County Precinct 8 Constable's Office case number for all arrest cases or incidents requiring a case number;
  2. Traffic citation number(s) for any citations issued; and
  3. The appropriate video classification at the conclusion of each incident.
- C. Deputies shall annotate in their reports the existence or absence of any associated recordings.



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#### 14.07 Equipment

- A. On an individual basis, Deputies will sign for and be issued a BWC as well as the device's associated accessories. It will be the Deputy's responsibility to ensure the BWC device is fully charged and operable prior to their tour of duty.
- B. No Department member assigned BWC equipment shall alter, modify, reuse, tamper with or disable the device or associated accessories in any manner.
- C. Department BWC equipment shall not be connected to unauthorized computers. Non-department-issued equipment shall not be connected to any department-issued body worn camera device.
- D. Deputies assigned BWC equipment are responsible for ensuring the equipment remains in operating condition. Deputies shall notify their immediate supervisor of damaged or malfunctioning BWC equipment. Damaged BWC devices will be returned to the Support Services Division.
- E. Lost BWC equipment will be documented via an incident report and reported to the Deputy's immediate supervisor and the Support Services Division.
- F. A replacement BWC will be issued by the Support Services Division.
- G. Deputies who will be reassigned to duties where they will not be utilizing the BWC will return their BWC to the Support Services Division or their designee within 72 hours of the transfer.

#### 14.08 Video Copies/Records Requests

- A. Requests for recordings will be handled in accordance with the Texas Public Information Act as outlined in the policy governing Mobile Video.
- B. A copy (for internal use only) of recordings may be requested through the Chief Deputy (who is the Public Information Officer) or his designee. If such copy is provided, the Support Services Division staff shall not further copy except the file requested.
- C. Requests for recordings from other criminal justice agencies are to be submitted in writing and signed by the agency's chief executive officer, or their designee, to the Chief Deputy (PIO) or his designee.



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- D. Upon approval from the Chief Deputy or his designee, the Support Services Division staff will produce all copies of recordings. Note: A copy is defined as a reproduction of the primary recording of the event.
- E. Requests for recordings for prosecutorial purposes may be submitted directly to the Chief Deputy or his designee.
- F. Requests for recordings from defense attorneys in county, district, or federal courts must be made through the appropriate prosecutor.
- G. The cost for producing the recordings will be determined by the agency in accordance with established open records request policies.
- H. An automated internal electronic data access log (chain-of-custody) will be generated and kept for every recording produced via BWC to document the authenticity of the recording. Members shall be prepared to justify the reason for accessing/viewing recording.
- I. The Support Services Division in conjunction with Harris County Universal Services and the camera vendor will be responsible for data security to ensure recordings are not lost prior to the end of the retention period.

**14.09 Complaints Received/Video Review**

- A. When a complaint is received alleging misconduct involving a Deputy who is assigned a BWC, the following procedures shall be followed:
  - 1. The supervisor assigned to investigate the complaint (as outlined in the policy governing Complaint Process) shall first determine if body worn camera recording exists.
  - 2. The assigned supervisor shall view the video of the public contact in question and determine if there is any cause for the allegations in the complaint.
  - 3. All findings shall be documented and forwarded to the Chief Deputy for review as outlined in the policy governing the Complaint Process and Disciplinary Action.
- B. A supervisor required to respond to a citizen or administrative complaint shall have the ability to review any body worn camera recording of the subject incident.
- C. The Internal Affairs Investigator may, for the purposes of an investigation or complaint, export or copy recordings as needed.



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#### 14.10 Video Retention

| Category                                 | Retention Schedule |
|--|--------------------|
| Admin/Default                            | 90 days            |
| Crash                                    | 90 days            |
| DWI                                      | 10 years           |
| Felony Offense Report                    | 10 years           |
| Incident                                 | 90 days            |
| Class C Misdemeanor Offense Report       | 180 days           |
| Class A and B Misdemeanor Offense Report | 2 years            |
| Traffic                                  | 180 days           |

- A. Deputies shall ensure a supplement to the original report is completed when BWC video is needed for evidence submission as outlined in the policy governing Mobile Video.
- B. When any video considered to have evidentiary value needs to be retained past the standard retention period, the Support Services Division staff must be notified.
- C. Any video that becomes part of an internal investigation will be placed on hold for indefinite retention until it is no longer needed.

#### 14.11 Video Uploads

- A. When a Deputy records a call for service and/or incident, they will review and ensure the video was classified properly and includes the appropriate incident information;
- B. Prior to the end of shift Deputies should:
  1. Ensure all video has uploaded and if not, bring it to the attention of the Support Services Division. Note: In some cases, this may require the Deputy to turn in their BWC to Support Services for troubleshooting.
  2. Deputies will ensure all recordings are classified appropriately.
- C. Special/Exigent Circumstance Recording Uploading
  1. Deputies involved in collisions and/or who otherwise are not able to upload video for any reason:
    - a. A designated supervisor or on-duty Patrol Supervisor shall coordinate the retrieval and upload of the BWC;
    - b. Upon completion of the video upload, the BWC must be returned to the Deputy it is assigned to.
  2. Critical Incidents





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- a. As soon as possible following the conclusion of a critical incident, all Deputies assigned a BWC will ensure all recordings uploaded.
- b. The BWC device will not be returned to service until confirmation of video upload for all recordings has been received.

#### 14.12 Supervisor Responsibilities

- A. Supervisors shall ensure Deputies are using the recording equipment according to established guidelines, policies, and procedures.
  - 1. Supervisors, on a quarterly basis, will review at least one recording for all Deputies under their command to ensure proper usage of recording equipment and adherence to established policy and procedures.
  - 2. Supervisors will take corrective action for any procedural violation they observe and document the findings.
- B. Supervisors shall record all incidents (i.e. use of force, Deputy involved accidents, and complaints on Deputies) when requested or required to respond to a scene, in addition to what is required under the section of this policy governing Recording.
- C. Supervisors shall view the recordings of all use of force incidents, fleet vehicle crashes and pursuits prior to completing their evaluations of such incidents.
- D. Supervisors may view the recordings of their subordinates in the field at any time during the shift.
- E. Minor infractions (non-criminal) discovered during the routine reviews of recorded material should be addressed by the reviewing supervisor, including retraining when appropriate. Disciplinary actions will be addressed in accordance with department policy.
- F. Any supervisor made aware of damaged or malfunctioning recording equipment shall arrange for repair of the equipment. The equipment shall be inspected by the supervisor and he/she will report damage to the Support Services Division as outlined in this policy.

#### 14.13 Reviewing Body Worn Camera Video

- A. The viewing of videos is restricted for official use only. Videos may be viewed for the following purposes:
  - 1. Criminal investigations;
  - 2. Internal Affairs or complaint reviews in accordance with the section governing "Complaints Received/Video Review";



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3. Pursuits;
  4. Use of force reviews;
  5. Open Record Requests in accordance with the section governing "Open Record Requests";
  6. Deputy involved fleet accidents; or
  7. Other – any purpose not listed in this procedure shall have prior approval by a supervisor and documented.
- B. Personnel requiring access to locked videos will send a request for access/viewing of the specific recordings through their chain-of-command to the Chief Deputy.
- C. The making of unauthorized copies and/or copies for personal use is prohibited.

**Revision:**

This policy has been revised on the below listed dates:

- March 2022
- February 2023



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| USE OF EMERGENCY VEHICLE EQUIPMENT AND CALL PRIORITIZATION | 15         | 4          |

15.00 The nature of law enforcement on occasion requires a Deputy to use emergency equipment either for the purpose of vehicular pursuit or when responding to calls. Using this equipment creates a danger for all concerned. The decision to use this equipment shall be made only after weighing all consequences which could be expected to result from such actions. Weather conditions, traffic density and geographical concerns all should be considered. The importance of apprehension in a pursuit, or the importance of arriving at the scene of an emergency at the first possible instant, must be carefully weighed against the hazards created by the use of emergency equipment and high speed.

15.01 The policy of the Department shall be as follows as regards high speed driving and use of the Emergency Equipment.

- A. In the event that emergency equipment is used to facilitate a high-speed pursuit or high-speed driving to the scene of an emergency, the dispatcher shall be notified immediately upon commencing such action.
- B. A vehicular pursuit shall be abandoned when the hazard becomes too high, exposing the Deputy, the violator or the general public to unwarranted risks or when conditions clearly indicate the futility of further pursuit.
- C. Departmental vehicles shall not be used to force a pursued vehicle off the roadway or engage in other techniques that unduly raise the risk of collision.
- D. Emergency equipment shall not be used for escorts without prior approval from a supervisor.
- E. Emergency equipment will not be employed when unauthorized personnel are present in the police vehicle, i.e. prisoners, citizen riders etc.
- F. In the event of an accident occurring during the use of emergency equipment, a supervisor shall be notified, and an investigation of the accident shall take place. An Officer from another Department in whose jurisdiction the accident occurs shall be requested to make an official report of the accident.

15.02 Deputies shall be familiar with the Statute governing use of emergency equipment as stated in Chapter 546 of the Texas Transportation Code:

- A. Permissible Conduct

In operating an authorized emergency vehicle the operator may:

1. park or stand, irrespective of another provision of this subtitle;



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2. proceed past a red or stop signal or stop sign, after slowing as necessary for safe operation;
3. exceed a maximum speed limit, except as provided by an ordinance adopted under Section 545.365, as long as the operator does not endanger life or property; and
4. disregard a regulation governing the direction of movement or turning in specified directions.

B. When Conduct Permissible

This section applies only when the operator is:

1. responding to an emergency call;
2. pursuing an actual or suspected violator of the law; or
3. responding to but not returning from a fire alarm.

C. Duty of Care

This chapter does not relieve the operator of an authorized emergency vehicle from:

1. the duty to operate the vehicle with appropriate regard for the safety of all persons; or
2. the consequences of reckless disregard for the safety of others.

15.03 Prioritization of Calls for Service. All calls for service will be assigned a priority code of either Priority 1 or Priority 2. All calls are automatically assigned a priority code by CAD when entered.

Priority Codes are defined as follows:

Priority 1 – In-progress calls of a life threatening nature.

Priority 2 – Non-Life threatening calls for service.

- A. Any call that has a priority code of 1 will be dispatched as such.
  1. Priority 1 calls will be responded to immediately.
  2. The responding unit is authorized to utilize emergency equipment (lights and siren)
- B. All other calls will be given a priority code of 2.
  1. Priority 2 calls will be responded to as soon as possible.
  2. Priority 2 calls should be responded to without the use of emergency equipment.





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C. Supervisor's Responsibilities:

Supervisors may upgrade or downgrade a call's priority should they receive additional information, and the dispatcher will enter that information into the CAD, noting the name of the supervisor who gave the order.

D. Deputy Responsibilities:

1. Deputies shall utilize their best judgment when responding to emergency calls, evaluating all factors including weather, traffic and road conditions.
2. Deputies may downgrade the call for service to a Priority Code 2, if in their judgment, it is not safe to operate the patrol car utilizing emergency equipment, and they advise the dispatcher of the downgrade including the reason for the downgrade.
3. Deputies may request permission from a supervisor to upgrade the priority based on all factors involved.
4. Once a unit arrives on the scene and advises the situation is under control, additional responding units will downgrade their response to Priority 2.
5. Deputies should exercise due caution when operating a patrol vehicle using emergency equipment as required by state law.

E. Dispatch Responsibilities:

1. Dispatchers shall advise the responding unit(s) what priority the call has been given as the call is dispatched over the radio.
2. Dispatchers may upgrade or downgrade a call's priority should they receive additional information and note that information in the CAD.
3. Dispatchers, when receiving a call, are responsible for obtaining as much information as possible to have adequate knowledge to determine the proper code assignment and enter that into CAD.
4. Dispatchers shall obtain detailed information for return contact should more details be needed.
5. Dispatchers receiving a call involving a life-threatening situation should assign and dispatch the call to an available unit(s) prior to entering the information into CAD. When possible, the Dispatcher should stay on the line with the reporting party until a unit arrives on the scene.

15.04 A Deputy engaging in emergency vehicle operation shall immediately cease such operations when directed to do so by a supervisor, or directed to do so by the dispatcher on the supervisor's authority.

15.05 Unattended Vehicles: The rules set forth in the Texas Transportation Code §545.404 shall be followed.



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The Texas Transportation Code § 545.404

An operator may not leave the vehicle unattended without:

- (1) stopping the engine;
- (2) locking the ignition;
- (3) removing the key from the ignition;
- (4) setting the parking brake effectively; and
- (5) if standing on a grade, turning the front wheels to the curb or side of the highway.

- A. The above state law and the following policy apply to all vehicles; both Harris County owned and personally owned vehicles.
- B. When being used in an official capacity, vehicles shall not be left unattended or unsecured, with the motor running, beyond view of the employee. If the vehicle is not in the employee's control or out of view, the vehicle will be locked with the ignition off. Exception: For designated K-9 patrol vehicles, the engine may be left running while the vehicle is unattended so long as the canine is in the vehicle, the vehicle remains locked and the vehicle and canine are not unattended for extended periods of time.
- C. It is permissible to leave your vehicle motor running while conducting a traffic stop, accident investigation, or serving a civil paper, if the employee is in close proximity and has visual contact with the vehicle.

**Revision:**

This policy has been revised on the below listed dates:

March 2022



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| RESTRICTED USE OF COUNTY OWNED VEHICLES AND GENERAL GUIDELINES | 16         | 1          |

16.00 The operation of County vehicles, marked and unmarked, is restricted to authorized Precinct 8 employees only. Each employee assigned a County owned vehicle must have read and signed a current Take Home Vehicle Agreement applicable to his/her assignment and will adhere to the conditions outlined in the agreement. No officer, regardless of rank or assignment, will drive an assigned County vehicle home if he/she lives outside of the boundaries of Precinct 8 to exceed 20 miles one way. The assignment and use of all unmarked vehicles will be at the discretion of the Constable.

16.01 Department employees who are assigned a County vehicle and who are authorized to take the vehicle home are permitted to drive the vehicle to an approved extra job as long as the following conditions are met and adhered to:

- A. The scheduled extra employment is occurring immediately prior to or after the employee's regularly scheduled shift for the department.
- B. The vehicle is not being used in any manner for completion of the extra job (to include sitting in the vehicle for the purpose of comfort and convenience). A vehicle assigned to a patrol K-9 unit may be left running as required to provide air conditioning or other needs to a patrol service dog.
- C. Mileage to the extra job cannot be outside of the boundaries of Precinct 8 by more than 20 miles one way.
- D. The employee to whom the vehicle is assigned must obtain the separate "Non-Owner" insurance policy offered through Harris County Human Resources and Risk Management to cover any damage that may be deemed outside the scope of the employee's regular assignment.

16.02 Except as outline in section 15 regarding permissible conduct while operating emergency vehicles, all personnel are expected to adhere to all traffic laws while operating vehicles while on duty. This includes strictly adhering to Texas seat belt laws for both drivers and passengers when operating a motor vehicle while on duty.

16.03 Violations of this policy could result in disciplinary action that includes loss of extra employment privileges and/or take-home vehicle privileges.

**Revision:**

This policy has been revised on the below listed dates:

March 2022



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| FLEET ACCIDENT REVIEW BOARD | 17         | 2          |

#### 17.00 Accident Review Board

The establishment of an Accident Review Board is set forth to analyze each Departmental accident and/or incident involving damage to County vehicles and equipment or private vehicles in County service. This will be an effort to render fair and impartial findings of fact as well as to determine if the employee could have prevented the accident.

- A. On every occasion of a fleet accident and/or damage to County equipment as the result of a fleet accident, there shall be convened an Accident Review Board.
  1. The Board shall be appointed by the Chief Deputy or his designee and shall be comprised of four members. The members, when at all possible, shall be accident reconstructionists and at least one member shall be a supervisor. A mediator will also be appointed by the Chief Deputy or his designee and shall be a supervisor.
  2. The employee involved in the fleet cannot be a review board member or mediator.
  3. The Board shall review all available and pertinent evidence, all investigative reports, video if available, the driver's past record and witness interviews and statements from the accident and/or incident.
  4. The Board shall render an opinion as to whether the employee could have prevented the accident. This will be annotated by a ruling of "preventable", "preventable with extenuating circumstances", or was "not preventable". The findings shall be documented on the designated Fleet Accident Review Board form.
  5. Should a member's opinion contradict the independent accident report completed by an outside agency, the member shall give a written explanation detailing their reasoning for the decision and this explanation will be submitted with the Fleet Accident Review Board form.
  6. In the event of a split decision, the mediator will cast the deciding vote.
  7. In all cases, the mediator shall document the board's majority decision in a written narrative to the Chief Deputy and include the following information:
    - a. Road description (or description of property where the accident occurred)
    - b. Weather conditions at the time of the accident
    - c. Vehicle and occupant information of all vehicles involved
    - d. Witness information
    - e. Description of the event
    - f. A written opinion based on the board's findings





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- B. Accident Review Boards shall be conducted within a reasonable amount of time following such accidents and after all investigative reports and documentation are available.
- C. When established that any individual employee has been involved in a fleet crash (county vehicle or P.O.V.), in which it is determined the accident was preventable, the employee may be subject to receive disciplinary action up to and including termination.
- D. All documentation from the board shall be submitted back to the Chief Deputy in a timely manner for review and a decision will be rendered based on all facts involved. Should the Chief Deputy's opinion differ from that of the Review Board and/or independent accident report, his reasons shall be documented fully and submitted to the Constable.
- E. The Constable will have the final say on the outcome of the review in all cases.
- F. The employee involved in the fleet will be notified in writing of the outcome of the review process.

**Revision:**

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March 2022



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| CANINE POLICY AND PROCEDURES | 18         | 13         |

#### 18.00 Overview

The Precinct 8 Constable's Office recognizes that Canines, because of their superior sense of smell, hearing and physical capabilities are a valuable supplement to Law Enforcement personnel. The utilization of police service dogs requires adherence to procedures that properly control their Use-of-Force potential, while ensuring their specialized capabilities are directed at legally acceptable crime prevention and control activities.

To ensure the mission of the Canine Unit is successful, the Department must ensure ALL Precinct 8 canines, canine Handlers and all other department personnel, regardless of their assignment, adhere to the procedures stated within this policy.

#### 18.01 Definitions

- A. Canine Handler – an employee of the Precinct 8 Constable's Office, regardless of rank or assignment, who has met the requirements outlined in this policy and been assigned a Precinct 8 canine.
- B. Canine Trainer – a canine Handler that has received training in the proper techniques for training canines and has been designated a Precinct 8 Canine Trainer.
- C. Canine Supervisor – a designated supervisor charged with overseeing the operations of the Canine Unit.

#### 18.02 Procedures

##### A. Administration of the Canine Unit

The Canine Unit is assigned to the District Patrol Division. The designated Canine Supervisor is the first-line supervisor of the Canine Unit. The designated Training Coordinator is responsible for maintaining all administrative documentation related to ALL Precinct 8 Constable's Office canines, canine Handlers and canine Trainers. This documentation includes, but is not limited to:

1. All canine training records
2. All canine Handler training records
3. All canine Trainer training records
4. All Use-of-Force reports related to the use of canines
5. Other documentation necessary to ensure compliance with accreditation standards for each specific canine discipline



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#### B. Selection of the Canine Handler

Personnel requesting assignment as a Precinct 8 Constable's Office Canine Handler must:

1. Have a minimum of two years patrol experience with the Precinct 8 Constable's Office
2. Must live within a 20 – mile radius of the employee's duty station
3. Hold a "Basic Canine Handler Certificate" or be eligible for a certificate
4. Be in good physical condition
  - a. Demonstrate strong character traits, such as:
    - i. Maturity
    - ii. Patience
    - iii. Initiative
    - iv. Flexibility
    - v. Dependability
    - vi. Emotional stability
  - b. Reside in a home with a fenced yard which will provide sufficient space to kennel a dog. Home life should be compatible with the canine and if selected, the Deputy must agree to site inspections of the kennel to ensure compliance with this policy
  - c. Be available for shift work and 24-hour call-out
  - d. Meet any specific duty requirements for which the Handler is or will be assigned
  - e. Be willing to make a five (5) year commitment to both the Precinct 8 Constable's Office and the Canine Program
5. All Canine Handler Applicants who have met the above listed requirements for open Canine Handler positions shall submit a letter of intent and resume to the Patrol Captain. Upon notification, the applicant shall personally appear before a review committee for an oral interview. The purpose of the review committee is to ensure an applicant has met the above listed criteria and is suitable for Canine Handler duty.
  - a. The Review/Selection Committee shall be comprised of the following personnel:
    - i. Chief Deputy
    - ii. Patrol Captain
    - iii. Pct. 8 K-9 Supervisor
    - iv. Other Supervisor
    - v. When practical, a K-9 Handler and/or K-9 Supervisor from an outside Law Enforcement Agency or individual with expertise in K-9 handling



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- b. After successfully completing the oral interview and receiving the recommendation of the Selection Committee, each successful candidate will undergo a final review to ensure they meet all the qualifications outlined in this policy. NOTE: The Constable has exclusive authority to make an exception to this selection process at any time for any reason.
- C. Voluntary Separation of Canine Handler: Any Canine Handler may request to resign from his/her position by providing a written request to the Patrol Captain through the chain of command.
- D. Use of the Precinct 8 Constable's Office Canines is limited to the specific training each canine has received.
- E. Conditions Regarding the Use of the Canine Unit
  - 1. All dogs (canines) shall be under the full control of the handler (Deputy) at all times and should not be permitted to make contact with a person except when such force is justified.
  - 2. The Handler is responsible for evaluating each situation and determining if the use of his canine is appropriate and feasible.
  - 3. All Canine Handlers shall be required to complete a "Canine Use" report in each case where the dog was utilized.
  - 4. All Canine Handlers shall complete a detailed offense report or supplemental report along with the "Canine Use" and "Use of Force" report in all instances involving the use of force by the dog.
  - 5. All Canines shall be secured for their own safety and the safety of others when not accompanied by a Handler.
  - 6. All Canine Handlers are prohibited from demonstrating the abilities of any Precinct 8 Canine to citizens unless prior approval from the Patrol Captain, Chief Deputy or the Constable has been given.
  - 7. All Canine Handlers shall avoid inflammatory situations such as lawful assemblies, picket lines, student gatherings or riots unless authorized by the supervisor in charge of the scene.
  - 8. The Canine Handler shall have authority to decide whether or not to deploy a canine.
  - 9. All Canine Handlers shall be completely aware of the training and ability of their assigned dog in order to use the dog to its greatest potential. The Deputy shall also avoid using the dog beyond its capabilities as it may cause injury to the dog or others.
  - 10. When the Canine Handler is requested at a scene, the situation shall be fully explained by the requesting party. The Canine Handler shall make a





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determination as to whether the circumstances justify the use of the dog. If the Canine Handler believes that the use of the dog is not justified or feasible, he/she shall advise the on duty supervisor. If the on duty supervisor has a question or concern with the decision of the Handler, he/she should contact the Canine Supervisor.

11. In cases of call outs when the K-9 Handler is off-duty, the Canine Supervisor (or Patrol Captain in his absence) shall be contacted by the on-duty supervisor for approval of the deployment.
12. No Canine may be utilized for extra employment. No Canine may be taken to an extra employment job unless the Handler is on active call out and has received prior approval from the Chief Deputy to take their assigned vehicle to the extra employment.
13. No person shall tease or antagonize any Precinct 8 canine.
14. No person shall be permitted to touch a canine without the consent of the Canine Handler.

**F. Care of the Dog**

1. The Precinct 8 Constable's Office shall provide food and veterinary care for the dog. The Canine Handler shall be responsible for the grooming, feeding and obtaining medical care for the dog assigned to him when needed. The Chief Deputy shall be notified through the chain of command should a canine need medical attention.
2. The Canine Handler shall provide a desirable home environment for the dog.
3. The living quarters for the dog shall be kept clean and sanitary and be available for inspection by a supervisor.
4. The living quarters for the dog shall be kept secure to the degree that it will ensure that the dog remains confined when the Canine Handler is not present and to prevent unauthorized persons from entering the confined area.
5. The dog shall receive annual vaccines for distemper, hepatitis, leptospirosis, parainfluenza and rabies, and shall be checked for internal parasites semi-annually by a veterinarian authorized by the Precinct 8 Constable's Office. All records will be maintained by the handler and copies submitted to the designated Training Coordinator through the Canine Supervisor.
6. The dog shall be kenneled in an appropriate animal care facility where it shall receive daily care when the Canine handler is unable to care for the dog for any reason. If such a case should arise, the Handler shall do the following:
  - a. Inform anyone boarding the dog of any special requirements, medications or other pertinent information to properly care for the dog.
  - b. Submit a request in writing to the Canine Supervisor prior to anyone taking care and control of the dog.



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7. All Precinct 8 Canines shall be licensed by Harris County Animal Control with a lifetime license.
  
- G. Injury or Incapacitation to the Canine Handler
  1. It shall be the responsibility of the Canine Supervisor or his/her designee to respond to the scene and take control of the dog should any Handler become incapacitated due to injury while on duty.
  2. The canine shall be cared for at a location designated by the Patrol Captain while the Handler is recuperating.
  
- H. Injury to the Canine
  1. In the event a Precinct 8 canine is injured, whether on or off duty, the Handler shall first determine if immediate medical attention is necessary. If immediate medical attention is necessary, the Handler shall obtain the medical treatment. If the medical condition does not require immediate medical attention, the Handler shall notify the Canine Supervisor who will obtain approval prior to seeking medical treatment.
  2. In all cases of injury to a Precinct 8 canine, the Handler must notify, as soon as practical, the Canine Supervisor and generate an offense report titled "Damage to County Property-Injured Canine" within 24-hours of the incident.
  
- I. Injury to Others
  1. In the event an injury is sustained by a suspect or any other person as a result of any Precinct 8 canine, the Handler shall:
    - a. Notify the Supervisor on duty who will then inform the Canine Supervisor
    - b. Ensure the victim receives appropriate medical attention
    - c. Photograph the injury
    - d. If the injury was a result of an accidental bite or incident outside the scope of what is deemed an authorized use of the dog in the performance of duty, contact Harris County Rabies Control. In such cases, ensure that the dog is examined by an approved veterinarian.
    - e. Generate an offense report
    - f. Generate a "Canine Use Report"
    - g. Complete a "Use of Force" form when appropriate
  
- J. Training and Equipment
  1. The Training Coordinator shall ensure appropriate training is received, which shall, at a minimum, consist of an annual evaluation of each canine handler, yearly recertification in the canine's area of proficiency, and at least (16) sixteen hours of in-service training monthly.



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2. Each Canine Handler shall receive notification of scheduled training days required to maintain competency and certification. Any canine or Handler who fails to meet the monthly training requirements or fails to meet the training requirements of their specialization, shall be removed from active duty as a Handler/canine until such time as the training requirements have been met. The Patrol Captain or Chief Deputy have the authority to remove a canine or Handler from active duty. In any case that a canine or Handler is removed from active duty due to failing to meet their training requirements, it shall be documented and forwarded through the chain of command to the Constable.
3. The Canine Handler shall provide copies of all certification and training records to the Training Coordinator through the Canine Supervisor. The Training Coordinator is responsible for ensuring all appropriate training records are maintained in a permanent file.
4. The Chief Deputy must approve any equipment used in conjunction with the Canine Unit operations.
5. Each month, the Canine Supervisor and Training Coordinator shall:
  - a. Review all training records, ensuring each Canine/Handler is current on their training and recertification requirements
  - b. Review each deployment and Use of Force to ensure compliance with Departmental policy

K. In-service training:

The Canine Supervisor shall coordinate annual in-service roll call training for all District and Toll Road Patrol units. The roll call should include a brief description of the type of canine disciplines Precinct 8 utilizes, a brief description of the type of scenes that are suitable for each discipline and how Deputies can partner with the Canine Handler to ensure a safe and appropriate canine deployment.

L. Vehicle(s)

Each Canine Handler assigned a canine shall be assigned a specially equipped Precinct 8 vehicle in accordance with current Precinct 8 policy.

18.03 Patrol Service Canine Use

A. Patrol Service Canine

The mission of the patrol service canine is to provide a reliable patrol canine capability through the employment of trained canine handler teams to aid in law



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enforcement. The primary task of the patrol service canine team is to search for human odor. A patrol service canine may be used to apprehend an individual, if the handler reasonably believes that the individual has either committed or is about to commit any offense, and if any of the following conditions exist:

1. There is a reasonable belief that the individual poses an immediate threat of violence or serious harm to the public, any peace officer, or him/herself.
2. The individual is physically resisting arrest and the use of the patrol service canine appears necessary to overcome such resistance.
3. The individual(s) is believed to be actively hiding or evading in an area where entry by deputies would pose a threat to the safety of officers or the public.
4. It is recognized that situations may arise which, may not fall within the provisions set forth in this policy. In any such case, a standard of reasonableness shall be used for the decision to use a patrol service canine in view of the totality of the circumstances.

Note: Absent the presence of one or more of the above conditions, mere flight from the pursuing deputy(ies) shall not serve as a good cause for a canine apprehension.

B. Prior to the use of a patrol service canine to search for or apprehend any individual, the canine handler at the scene shall carefully consider all pertinent information reasonably available at the time.

1. This information shall include, but is not limited to:
  - a. The individual's age or an estimate thereof,
  - b. The nature of the suspected offense involved, i.e. the seriousness of the offense and the threat of future violence if apprehension is not imminent.
  - c. Any potential danger to any other police officers who may attempt to intervene or assist with the apprehension.
  - d. Potential danger to the public, a police officer or other individual which may result from the release of a patrol service canine.
2. Unless it would otherwise increase the risk of injury or escape, a verbal warning followed by a reasonable period of compliance shall precede the release of any patrol service canine.
  - a. The canine warning/announcement should consist of the following: "Constable's Office Canine. Come out or we will release the dog, and the dog WILL bite."(emphasis added)
  - b. This warning/announcement should be given three (3) times when the canine is first deployed and repeated throughout the search/deployment as the situation permits. Handlers should ensure additional canine warnings are issued whenever a natural break or barrier in a suspect search occurs.





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3. The canine supervisor or on-duty supervisor shall be notified as soon as practicable following the utilization of a patrol service canine in an apprehension. In the event of an apprehension, the handler shall document in any related report whether a verbal warning was given and, if none was given, the reasons why.
4. Prior to going off duty, the handler shall complete all necessary reports associated with the use of a patrol service canine in an apprehension.
5. The patrol service canine handler will keep a record of all training, handler's daily logs and deployments performed by the canine.
6. The decision to use the canine rests solely with the canine's handler. The handler is responsible for the deployment of the canine.
7. The patrol service canine team may be available for use by other law enforcement agencies. Request by other agencies must be approved by the canine supervisor or a patrol supervisor in his/ her absence and will be considered on a case by case basis.

#### 18.04 Narcotic Detector Canine Program

The narcotic detection canine program's mission is to provide a practical and credible countywide drug detection capability through the employment of trained canine handler teams to aid in the investigation, apprehension and prosecution of persons engaged in illegal drug activities. The primary task of the narcotic detection canine team is to locate drugs (controlled substances, narcotics).

- A. The narcotic detector canine may be used to:
  1. Search vehicles, buildings, parcels, areas or other items deemed necessary;
  2. Aid in the obtaining of a search warrant by using the canine in support of probable cause;
  3. Assist in the search for narcotics during the execution of a search warrant.
- B. The narcotic detector canine will not be used to search a person for drugs. If a narcotic detector canine alert causes the officer to believe that a person may be in possession of drugs, the officer in charge of the investigation will determine how to proceed. Personal possessions may be searched by the canine only if removed from the person.
- C. The decision to use the canine rests solely with the canine's handler. The handler is responsible for the deployment of the narcotic detector canine.
- D. The narcotic detector canine team may be available for use by other law enforcement agencies. Requests by other agencies must be approved by the



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canine supervisor or a patrol supervisor in his/ her absence and will be considered on case by case basis.

- E. Training of the narcotic detector canine will be conducted using actual controlled substances as training aids. The controlled substances will be secured within a designated safe at the Precinct 8 Clear Lake annex or, while transporting to and from training locations, in an approved securable lock box permanently affixed in the trunk area of a Precinct 8 Canine vehicle. Personnel will adhere to established procedures for access, accountability, use and storage as outlined in this policy.
- H. The narcotic detector canine handler will keep a record of all training, handler's daily logs, deployments and searches performed by the canine.

**18.05 Explosive Detector Canine Program**

The canine explosive detection program's mission is to provide a practical and credible explosive detection capability through the employment of trained canine handler teams to aid in the investigation, apprehension and prosecution of persons engaged in illegal terroristic activities. The primary task of the explosive detection canine team is to locate explosives or explosive components.

- A. The explosive detector canine may be used to:
  1. Search vehicles, buildings, parcels, areas or other items deemed necessary;
  2. Aid in the obtaining of a search warrant by using the canine in support of probable cause;
  3. Assist in the search for explosives during the execution of a search warrant;
- B. The explosive detector canine will not be used to search a person for explosives. If an explosive detector canine alert causes the officer to believe that a person may be in possession of explosives, the officer in charge of the investigation will determine how to proceed. Personal possessions may be searched by the canine only if removed from the person.
- C. The decision to use the explosive detector canine rests solely with the canine's handler. The handler is responsible for the deployment of the canine.
- D. The explosive detector canine team may be available for use by other law enforcement agencies. Request by other agencies must be approved by the canine supervisor or a patrol supervisor in his/ her absence and will be considered on case by case basis.



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- E. Training of the explosive detector canine will be conducted using actual explosives or approved scent kits as training aids. Scent kits will be secured within a designated safe at the Precinct 8 Clear Lake annex or, while transporting to and from training locations, in an approved securable lock box permanently affixed in the trunk area of a Precinct 8 Canine vehicle. Personnel will adhere to established procedures for access, accountability, use and storage.
- F. The explosive detector canine handler will keep a record of all training, handler's daily logs, deployments and searches performed by the canine. It is important to use the canine team as frequently as possible in order to build expertise and credibility.
- G. At no time will an explosive detector canine be used to determine if a suspected device is safe or clear.

#### 18.06 Narcotics Canine Training

- A. Procedure:
  1. The Chief Deputy shall designate a point of contact to be the agency's liaison to the DEA. This designated liaison is authorized to submit an application for a "controlled substance registration" with the DEA.
  2. The liaison, under the supervision of the Patrol Captain, is responsible for the safe keeping of any narcotics utilized for training and any documentation required by the DEA.
  3. Registered canine handlers shall individually possess no quantity larger than the following amounts of controlled substances for training purposes:
    - (a) Cocaine/Powder 1000 Grams
    - (b) Cocaine/Crack 100 Grams
    - (c) Heroin 100 Grams
    - (d) Methamphetamine 100 Grams
    - (e) Marijuana 25 Pounds
  4. The controlled substances shall be secured in a locked safe located at the Clear Lake annex when not being utilized for training. Only Precinct 8 Canine Handler(s), Canine Supervisor and registered Property Room personnel shall have access to this safe unless approved by the Chief Deputy.
  5. A logbook shall be utilized to record the removal and replacement of controlled substances for training purposes. The weight of the substances shall be documented in the log and acknowledged by the handler and a supervisor.



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6. Copies of all other records, licenses, reports, documents, lab analysis, etc. pertaining to the issuance of controlled substances to be utilized for training shall be maintained by the Training Coordinator.
7. The logbook and other documentation related to controlled substances issued for training shall be audited by the Training Coordinator or the Canine Supervisor on a regular basis. Any discrepancies and/or errors recorded in the logbook must be immediately investigated and notification made through the chain of command to the Chief Deputy.
8. Canine training shall be conducted at various sites on a continual basis in order to maintain the canines' effective abilities.
9. In the event the controlled substance packaging is damaged during training exercises, the Canine Handler and Trainer shall immediately submit the controlled substance to the Harris County Institute of Forensic Sciences for complete analysis. An incident report shall be generated regarding the complete details of the particular incident as well as actions taken and notification shall be made to the Chief Deputy through the chain of command.

**B. Procedure/Guidelines: (Harris County Institute of Forensic Sciences)**

Additionally, this protocol outlines procedures and/or guidelines for the Harris County Institute of Forensic Sciences (HCIFS) personnel to follow when assisting the Precinct 8 K-9 deputies with the analysis of the controlled substances. The HCIFS should examine and analyze both the retained controlled substances and the new controlled substances annually for integrity, weight and purity.

**18.07 Explosives Canine Training**

**A. Explosives Scents**

The Harris County Precinct 8 canine supervisor shall request explosive scents for training to be purchased from a credible vendor. The explosive scents to be utilized for training will included but not be limited to the following list:

- Dynamite
- Semtex A/H
- Ammonium Nitrate
- Potassium Perchlorate
- Sodium Chlorate





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1. The explosive scents shall be inspected by the handler on a regular basis and make recommendations to the Canine Supervisor as to which aids are in need of replacement.
2. The explosive training aids will be stored within a designated safe at the Precinct 8 Clear Lake annex.
3. A logbook shall be utilized to record the removal and replacement of all explosive training aids. Only authorized Precinct 8 canine handlers or supervisors are authorized to remove or replace explosives scents issued for canine training.
4. Copies of all other records, reports, documents, etc. pertaining to the issuance of explosive training aids to be utilized for training shall be maintained by the Training Coordinator.
5. Any lost or damaged explosives training aid shall be promptly reported to a Canine Division Supervisor in writing who will determine if any further action will be necessary.
6. Canine training shall be conducted at various sites on a continual basis in order to maintain the canines' effective abilities.

**B. Explosives for Training**

1. The storage of actual explosive material requires the use of a facility/structure suitable for this purpose. When possible, the Canine Supervisor shall assist in facilitating Explosives Canine training with outside agencies who have these resources to allow the canine to train using actual explosive material when possible.
2. Any loss of actual explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) through the agency facilitating the training.

**18.08 Canine Retirement**

After a canine has surpassed its usefulness to the Precinct 8 Constable's Office due to age or other extenuating circumstances, or upon the promotion, transfer or reassignment of the canine handler to a position inconsistent with canine work and the Department decides not to retain the canine for another canine handler; the canine will be retired from active service, upon final approval by the Constable.

- A. Upon retirement, subject to the written agreement by the Constable and authorization from Harris County Commissioners Court, the canine shall become the property of the previously assigned handler if he/she wishes to take ownership of the canine. The handler shall assume all responsibility, liability and cost to maintain the canine, and agree to do so in writing.



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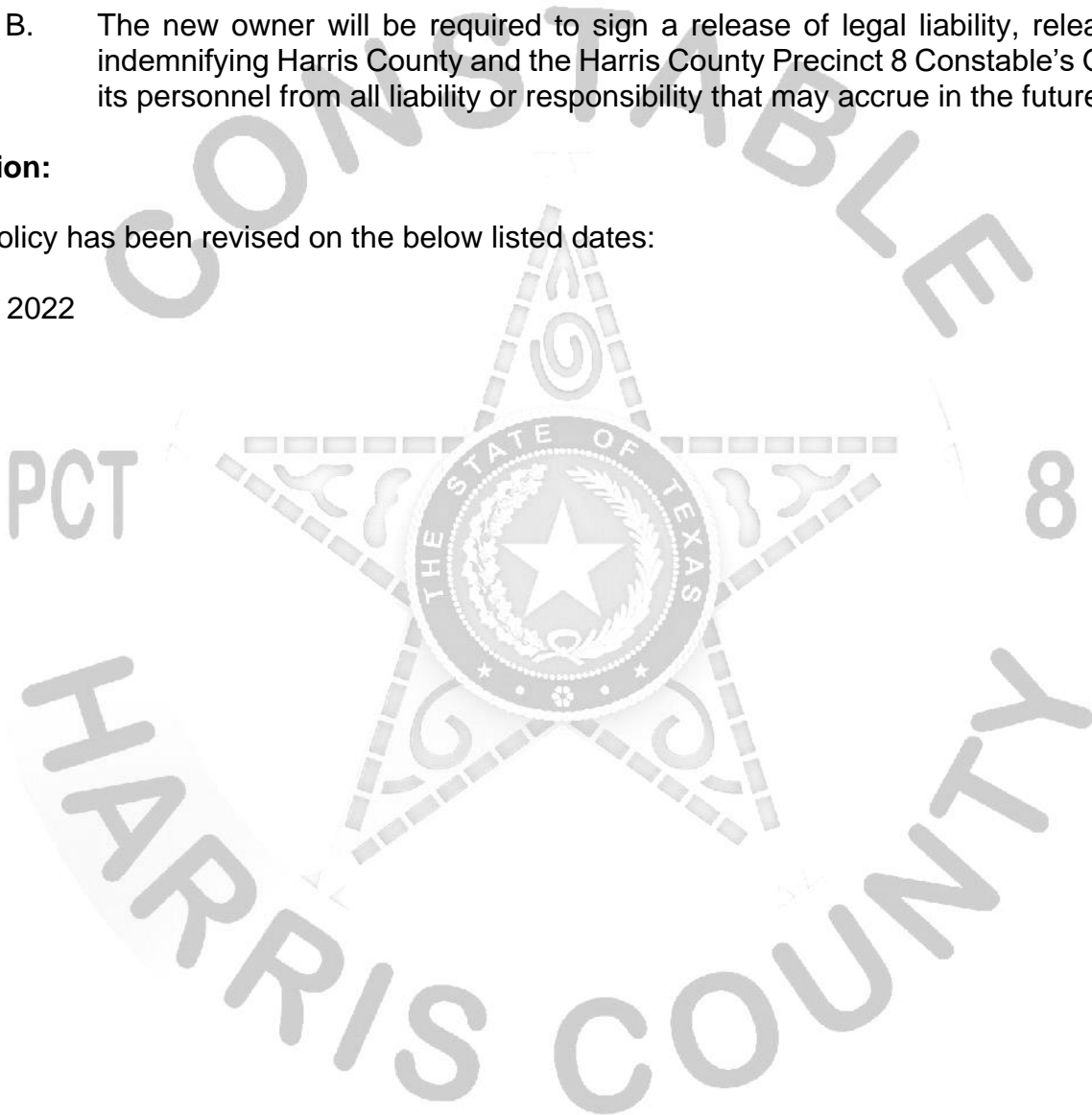
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1. The canine shall be re-licensed under the new owner's name, as a condition of his/her receipt of the canine.
  2. All pedigree papers and titles will transfer to the new owner receiving the canine once all requirements set forth herein have been satisfied.
- B. The new owner will be required to sign a release of legal liability, releasing and indemnifying Harris County and the Harris County Precinct 8 Constable's Office and its personnel from all liability or responsibility that may accrue in the future.

#### Revision:

This policy has been revised on the below listed dates:

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19.00 It shall be the policy of the Precinct 8 Constable's Office that the carrying of firearms, the use of firearms and the carrying and use of all less than lethal weapons, be in compliance with all state and federal laws.

19.01 All personnel shall receive training approved by, and satisfy the proficiency requirements of, the Texas Commission on Law Enforcement as it pertains to any firearm, and/or less than lethal weapons or pepper sprays before being allowed to carry or use these items.

19.02 All personnel will be required to demonstrate continued proficiency in the use of firearms, through regularly scheduled qualification sessions. Employees who carry or use these items are encouraged by the Department to maintain proficiency above minimum standards through regular practice with them.

19.03 This section is not to be construed as preventing any employee from using any weapon available in an emergency that threatens the life or safety of himself, another officer, or that of a private citizen under circumstances that would be justifiable if he or she were themselves a private citizen rather than a law enforcement officer.

19.04 TCOLE Rule 217.21 (Minimum Standards for Annual Firearms Proficiency) requires "each peace officer to qualify annually with any kind of handgun, shotgun, rifle or fully automatic weapon that is carried by the individual officer in an official capacity on or off duty...." Deputies shall, therefore, qualify with any above described weapon before carrying that weapon on or off duty and each time departmental qualifications are scheduled.

19.05 No weapon may be carried on or off duty which falls under the purview of Section 46.05, Texas Penal Code (Prohibited weapons) without specific authorization of the Constable or Chief Deputy, and unless the Deputy is in full compliance with State and Federal law.

#### 19.06 Firearms Safety Rules

##### A. General Firearms Safety Rules

1. Treat every firearm as if it is loaded.
2. Never point a firearm at anything or anybody that you do not intend to shoot, or in a direction where an unintentional discharge may do harm.
3. Never place your finger on the trigger until ready to fire.
4. Always be sure of your target, backstop and beyond.
5. Always handle any weapon in every circumstance with the utmost caution.
6. Never handle a weapon unnecessarily while on duty or in uniform.
7. Always check the chamber of any weapon before handling it.

##### B. General Range/Training Rules



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1. Always wear eye and ear protection.
2. Obey all range commands given by the Range Officers.
3. Know where all personnel are located at all times.
4. There will be absolutely no handling of weapons when instructors are downrange.
5. Only authorized targets will be shot. No shooting at bottles, cans, glasses, barricades, target stands, dumpsters, birds or animals.
6. No shooting at reactionary targets unless under the supervision of the Firearms Training Staff.
7. The use of tracer or armor piercing ammunition is prohibited.
8. At no time during an in-service class will a student/deputy be allowed to leave the training area unless the lead instructor is notified.
9. Work at your own pace; do not overexert yourself.
10. Do not enter any unauthorized areas.
11. All open wounds must be covered prior to the beginning of class, training session or qualification. If an injury occurs, the deputy must notify an instructor. First aid materials at the range are to be used for the care and cleaning of the injury. The participant will not be allowed to continue until all bleeding has stopped. Gloves will be used if there is any possibility of coming into contact with blood or any other bodily fluid.
12. If you need to clear or charge a weapon at any time after arriving at a range/training facility, ask a Firearms Instructor where to do so. Never clear or charge your weapon in the parking lot or other non-authorized shooting area unless instructed to do so by a firearms instructor.

19.07 Primary Duty Weapon

- A. Type - The firearm must be semiautomatic only. It must have a detachable magazine and be full or midsized framed only. Subcompacts are not allowed as a primary duty weapon without express authorization from the Constable or Chief Deputy.
- B. Brand - Any reputable brand is acceptable. If there is any question, consult with the Firearms Proficiency Officer prior to purchase.
- C. Finish/Appearance
  1. All Primary Duty Weapons Shall be blue to black or silver in color. Removable grip panels shall be brown to black in color.
  2. All Primary Duty Weapons should be clean and free of rust at all times. The overall appearance of the weapon should be professional and not decorative or ornate.





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- D. Barrel Length - The barrel length shall be no shorter than 3.9 inches and no longer than 5.5 inches. Barrel length is determined by the distance from a closed breech face to the end of the barrel.
  
- E. Authorized Calibers
  - 1. 9mm (9x19 only)
  - 2. .40 S&W
  - 3. .45 ACP
  
- F. Reliability Standard
  - 1. All primary duty weapons are required to complete the entire current qualification course with no malfunctions or stoppages (that are not ammunition related as determined by a firearms instructor).
  - 2. If a primary duty weapon fails to pass the reliability standard, you will be considered unqualified, regardless of score.
  - 3. After the first failure to pass the reliability standard, you will be given a chance to clean and lubricate the weapon before you attempt it again. If the weapon fails the reliability standard a second time, you will be required to have it checked by a competent gunsmith or armorer.
  - 4. After the weapon has been checked, you will have one more attempt to pass the reliability standard. If the weapon does not pass the reliability standard on the third attempt, it will be considered unserviceable.
  
- G. Accessories
  - 1. Weapon mounted lights, lasers, and aftermarket sights are acceptable as long as they do not interfere with the safety or reliability of the weapon.
  - 2. Optical sights will only be allowed for use on primary duty weapons if approved by the Firearms Proficiency Officer. Before purchasing optical sights, obtain this approval first to ensure the make and model of the sights will be authorized.
  
- H. Modifications
 

No safety devices shall be de-activated nor shall any modification be performed which adversely affects the safety or reliability of the weapon.
  
- I. How Carried
  - 1. Condition: All primary duty weapons will be carried with a round in the chamber and fully loaded, or one round short of a fully loaded magazine inserted. Single action weapons will be carried on safe.



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2. Placement: All personnel will carry their Primary Duty Weapon on their strong side with the butt of the weapon facing to the rear.
3. Holster:
  - a. All personnel will carry their Primary Duty Weapon in a holster that is equipped with at least one retention device. A tension screw will not meet this requirement. A device that must be manipulated separate from the draw stroke is required.
  - b. All duty holsters must be constructed of leather, rigid laminate, or hard plastic regardless of the finish required by individual duty assignments.
  - c. Drop holsters that require a strap around the thigh or shoulder holsters are not allowed without permission from the Constable or Chief Deputy.
- J. Duty Ammunition
  1. All duty ammunition shall be American made, factory produced, brass cased, hollow point ammunition.
  2. Reloaded or hand loaded and steel or aluminum cased ammunition is not allowed for carry in a law enforcement capacity.
- K. When to Carry a Primary Duty Weapon
 

A Primary Duty Weapon shall be carried at all times when on duty except when:

  1. You are in a locked psychiatric facility.
  2. You are in or entering a detention facility that prohibits weapons.
  3. You are testifying in a court that does not allow it.
  4. It would be illegal for you to do so.
  5. You are in class or on special assignment where it would not be practical.
- L. Who May Carry a Primary Duty Weapon
 

All active duty commissioned personnel that have qualified and met all training standards to do so.
- M. Certified personnel must pass the Department approved proficiency qualification course with a minimum score of 70% in order to qualify with their primary duty weapon.
- N. Designated Firearms Instructors must pass the Department approved proficiency qualification course with a minimum score of 90% with their primary duty weapon in order to instruct others in the operation of such weapons.



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#### 19.08 Shoulder Fired Weapons

- A. Types
  - 1. Patrol Carbine - Must be a semiautomatic AR-15 based platform.
  - 2. Shotgun - Must be a pump or a semiautomatic fed by a tubular magazine.
- B. Brand - Any reputable brand is acceptable. If there is any question, consult with the Firearms Proficiency Officer prior to purchase.
- C. Barrel Length
  - 1. Patrol Carbine- No shorter than 16 inches and no longer than 20 inches. Barrel length is determined by the distance from a closed bolt face to the end of the barrel. If the barrel has a permanently attached muzzle device, the overall length of the barrel will be determined by the distance from a closed bolt face to the end of the permanently attached muzzle device.
  - 2. Shotgun- No shorter than 18 inches and no longer than 22 inches. Barrel length is determined by the distance from a closed bolt face to the end of the barrel. Overall length shall not be less than 26 inches.
- D. Authorized Calibers
  - 1. Patrol Carbine - Must be chambered for .223 Remington or 5.56x45 NATO.
  - 2. Shotgun - Must be chambered for 12 gauge
- E. Reliability Standard
  - 1. All shoulder fired weapons are required to complete the entire qualification course with no malfunctions or stoppages (that are not ammunition related as determined by a firearms instructor).
  - 2. If a shoulder fired weapon fails to pass the reliability standard, you will be considered unqualified, regardless of score.
  - 3. After the first failure to pass the reliability standard, you will be given a chance to clean and lubricate the weapon before you attempt it again. If the weapon fails the reliability standard a second time, you will be required to have it checked by a competent gunsmith or armorer.
  - 4. After the weapon has been checked, you will have one more attempt to pass the reliability standard. If the weapon does not pass the reliability standard on the third attempt, it will be considered unserviceable.
- F. Accessories
  - 1. Required Accessories
    - a. All Shoulder Fired Weapons are required to be equipped with a buttstock that was designed to be in contact with the shoulder when



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the weapon is fired. A pistol grip without a buttstock does not meet this requirement and is not allowed.

- b. All Shoulder Fired Weapons are required to be equipped with a tactical sling that allows the operator of the weapon to utilize it effectively while slung.
- c. Mechanical sights are required. A Patrol Carbine must be equipped with a front and rear sight. A Shotgun must be equipped with at least a bead.
- 2. Optional accessories
  - a. An optical sight may be used on all Shoulder Fired Weapons as long as it has no magnification and it does not interfere with the use of the iron sights.
  - b. Weapons mounted lights, laser, and aftermarket sights are all acceptable as long as they do not interfere with the safety or reliability of the weapon.
- 3. Non-Authorized Accessories
  - a. No device that is intended to simulate automatic fire, such as a Bump Fire Stock, Slide Fire Stock, or BMF Activator will be used on any Shoulder Fired Weapon.
  - b. Bipods are not allowed without approval from the Firearms Proficiency Officer.
  - c. No device requiring a registration from the National Firearms Registration Office, a Transfer Record maintained by the Bureau of Alcohol, Tobacco and Firearms or that which requires any form of government tax stamp (such as that needed for a silencer or short barrel firearm) shall be attached to a Deputy's weapon while on duty, without specific authorization of the Constable or Chief Deputy, and unless the Deputy is in full compliance with State and Federal law. In such cases, records for such exceptions shall be kept on file by the department.

G. Modifications

No safety devices shall be de-activated nor shall any modification be performed which adversely affects the safety or reliability of the weapon.

H. How Carried

- 1. Condition
  - a. When not deployed, all Shoulder Fired Weapons will be carried with an empty chamber, safety on and magazine loaded (and inserted in the magwell if applicable).







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Shoulder Fired Weapons will not be carried unless specifically authorized by the Firearms Proficiency Officer after completion of all required training and qualification.

- L. Certified personnel must pass the Department approved proficiency qualification course with a minimum score of 90% in order to qualify and be authorized to carry a shoulder fired weapon. A score of 100% is required for shotguns.
- M. Designated Firearms Instructors must pass the Department approved proficiency qualification course with a minimum score of 90% in order to qualify and be authorized to carry a shoulder fired weapon and in order to instruct others in the operation of such weapons. A score of 100% is required for shotguns.

#### 19.09 Off Duty / Back-Up / Retiree Weapons

- A. Type - Must be a Semiautomatic or a Revolver
- B. Brand - Any reputable brand is acceptable. If there is any question, consult with the Firearms Proficiency Officer prior to purchase.
- C. Barrel Length - No shorter than 1.5 inches and no longer than 5 inches
- D. Authorized calibers
  - 1. Semiautomatic Pistol - The minimum caliber acceptable for a semiautomatic is .380 ACP. Any standard caliber between .380 ACP and 45 ACP is acceptable.
  - 2. Revolver - The only authorized revolver calibers are .38 Special and .357 Magnum.
- E. Reliability Standard

This category of weapons will not be held to the same standard as Primary Duty Weapons, however; the Firearms Proficiency Officer, or his designee, will observe the weapon's reliability during qualification. Any weapon that malfunctions excessively will not be acceptable for carry under this policy.

- F. Accessories

Weapons mounted lights, lasers, and aftermarket sights are all acceptable as long as they do not interfere with the safety or reliability of the weapon. Optical sights will only be allowed for use on off duty, back-up or retiree weapons if approved by



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the Firearms Proficiency Officer. Before purchasing optical sights, obtain this approval first to ensure the make and model of the sights will be authorized.

G. Modifications

No safety devices shall be de-activated nor shall any modification be performed which adversely affects the safety or reliability of the weapon.

19.10 Weapons Proficiency for Retired Peace Officers

In accordance with 1701.357 Occupations Code and the Federal Law Enforcement Officers Safety Act, the Constable of Harris County Precinct 8 may allow an honorably retired commissioned Deputy Constable to demonstrate weapons proficiency. The following policy establishes the requirements and regulations governing weapons proficiency for retired officers:

- A. Any honorably retired Harris County Precinct 8 Deputy Constable with not less than ten years of service, as a commissioned officer, is eligible to apply for a weapons proficiency certificate.
- B. The honorably retired Deputy must first execute a sworn affidavit that states:
  1. The officer honorably retired after not less than 10 years of service as a commissioned officer.
  2. The officer's license as a commissioned officer was not revoked or suspended for any period during the officer's term of service as a commissioned officer; and
  3. The officer has no physical or psychological disability that would interfere with the officer's proper handling of a handgun or enforcement of the law.
- C. If the retired officer desires to also comply with "The Law Enforcement Officers Safety Act", Chapter 44, Title 18, United States Code, Section 926 C, the retired officer shall execute a sworn affidavit that states:
  1. The individual separated from service in good standing from service with a public agency as a law enforcement officer;
  2. The individual, before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and had statutory powers of arrest;
  3. The individual, before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or



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4. The individual separated from service with such agency, after completing any applicable probationary period of such service, due to a service connected disability, as determined by such agency.
  5. The individual, during the most recent 12 month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms;
  6. The individual has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health;
  7. The individual is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
  8. The individual is not prohibited, by Federal Law, from receiving a firearm.
- D. Approved applicants will contact the Department Firearms Proficiency Officer to schedule a date/time for qualification.
- E. The Department Firearms Proficiency Officer will establish the firearms qualification standards for retirees and will maintain appropriate records.
- F. The honorably retired officer shall attend handgun qualification annually and successfully pass the course of fire as established by the Firearms Proficiency Officer of this department.
- G. Upon successful qualification, the information shall be forwarded to the Firearms Proficiency Officer who shall issue an ID sized "Certificate of Proficiency" for the retired officer in accordance with the Occupations Code. It shall include the following information:
1. Name of Retiree
  2. Photo of the Retiree
  3. Statement of Authority to carry a firearm per the Occupations Code
  4. Date of Expiration, which will be December 31<sup>st</sup> of the calendar year following successful qualification
  5. Signature of the Constable
- H. The retired officer shall be required to carry both their Retired Identification and Certificate of Proficiency, in accordance with statute, in order to carry a firearm as a Retired Peace Officer with all rights and privileges thereof.
- I. The retiree identification card/certificate of proficiency is issued at the sole discretion of the Constable and may be revoked or cancelled at any time. The retiree





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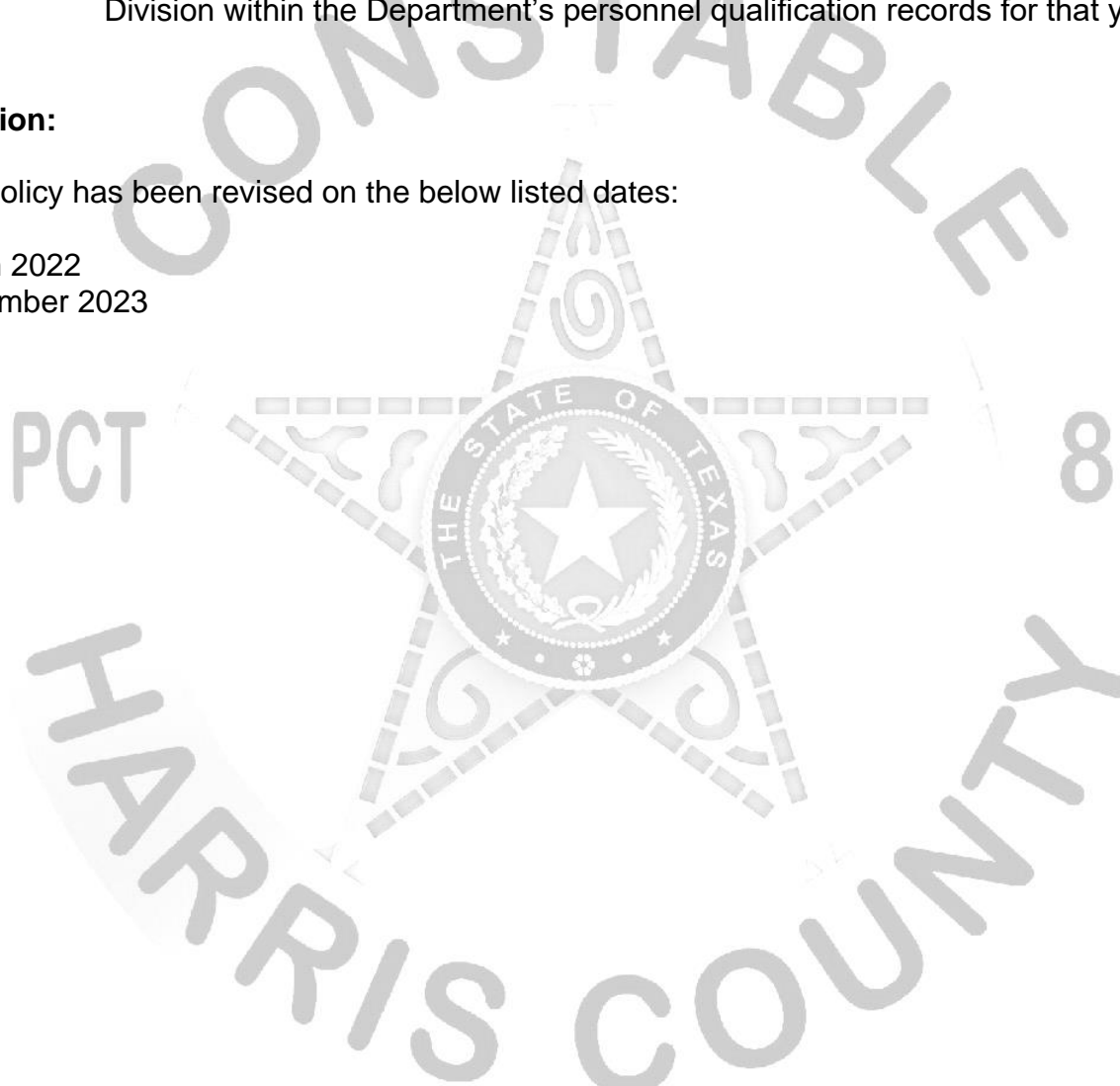
Identification Card/Certificate of Proficiency remains the property of the Harris County Precinct 8 Constable’s Department and must be returned upon request.

- J. The sworn affidavit, copy of Retired Identification, and copy of Certificate of Proficiency shall be placed in the retired officer’s personnel file, maintained by the Administrative Division. The qualification record shall be maintained by the Training Division within the Department’s personnel qualification records for that year.

**Revision:**

This policy has been revised on the below listed dates:

- March 2022
- September 2023





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#### 20.00 Overview

In evaluating an imminent threat, officers may decide to use deadly force. The aftermath of an officer-involved shooting presents complex issues for the participating officer(s), the Department and the public. It is imperative that all department personnel coordinate their responses to shooting incidents, understand their roles and responsibilities and carry them out promptly and dispassionately. All personnel must first and most importantly summon medical aid, attend to the legal and investigative procedures, assist involved officers in coping with the stress and perhaps trauma of what has occurred. A shooting involving the death or wounding of a citizen or officer may cause severe stress or disorientation among all participants. In taking prompt action at shooting scenes, officers not only ensure a proper legal follow-up, but also safeguard the mental health of their peers.

Refer to the Precinct 8 Quick Reference Guide and Check List related to Shooting Incidents to ensure proper protocol is followed in such situations.

#### 20.01 Purpose

The purpose of this policy is to provide guidelines that shall be uniformly applied following any officer involved shooting incident or weapons discharge, to maximize the thoroughness of necessary investigation, provide credible information to agency administration and to provide assistance to officer(s) involved.

#### 20.01 Initial Notifications and Response

In any instance in which a member of this Department discharges a firearm in the course of official duties (except in range practice, or qualification, or during lawful sporting activity), whether on or off duty, the dispatcher shall be notified immediately.

- A. Dispatcher: Upon notification of the shooting incident, the dispatcher will determine whether injury to any person has been sustained.
  - 1. Non-injury: Notify the on-duty supervisor or immediate supervisor of the employee who shall notify the Chief Deputy through the chain of command.
  - 2. Injury: Notify emergency medical personnel first, then the on-duty supervisor or the supervisor of the employee who shall notify the Chief Deputy through the chain of command.
  
- B. First Responders:
  - 1. Non-injury: Establish an inner and outer perimeter when possible and tape off the inner perimeter. Separate all witnesses and log all of their contact information. Isolate the involved employee with a Companion Officer (or Peer



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- Support Officer - PSO). Remind them that everything they say is not privileged. Hold the scene for the on duty supervisor.
- 2. Injury: Ensure emergency medical personnel have been notified first, then establish an inner and outer perimeter when possible and tape off the inner perimeter. Separate all witnesses and log all of their contact information. Isolate the involved employee with a Companion Officer (or PSO). Remind them that everything they say is not privileged. Hold the scene for the on duty supervisor.
- C. Supervisors:
  - 1. Non-injury:
    - a. Coordinate the on-scene investigation.
    - b. Notify the District Attorney's Office of the incident.
    - c. Review reports and make a determination of the justification or non-justification of the weapon usage and safety procedures.
    - d. Prepare a report regarding the incident and actions of the employee(s).
  - 2. Injury Incident:
    - a. Follow procedures for major crime scenes.
    - b. Ensure that medical aid is summoned and administered.
    - c. Notify the District Attorney's Office of the incident.
    - d. Coordinate the on-scene investigation of the incident to aid in preparing a comprehensive report.
    - e. Prepare a report regarding the incident and actions of the employee(s).

#### 20.02 On-Scene Deputy Responsibilities

Deputies involved at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety, the safety of others and to preserve evidence essential to the investigation. This includes the following actions:

- A. Ensure the threats to officer safety and safety of others are over and secure the scene.
- B. Request a supervisor, additional backup, emergency medical services (if necessary) and any other assistance required immediately.
- C. Secure and separate suspects and witnesses.



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- D. Relay information on fleeing suspects to dispatch and other patrol units. Establish a containment area.
- E. Emergency first aid should be administered as necessary, including aid to the suspects, pending arrival of emergency medical assistance.
- F. Once the scene is secure and security concerns no longer exist, holster any involved weapons or secure them in a safe place as evidence. Do not open, reload, remove shell casings, or in any other manner tamper with the involved firearms after the weapon(s) has been secured in the holster or put in a safe place.
- G. Make note of the time throughout the processing of the scene, survey the entire area for relevant facts, individuals, witnesses, potential suspects (keeping separate) and suspect vehicles.
- H. As time and capabilities permit before supervisory and other assistance arrives:
  - 1. Secure the area. Establish a perimeter and limit access to authorized persons necessary to investigate the incident and attend to the injured.
  - 2. Protect evidence from loss, destruction, or damage that is likely to occur before backup can arrive. Ensure that evidentiary items are NOT moved or, if moved, note original location and position of persons, weapons, and relevant objects and evidence.
  - 3. Record the names, addresses and phone numbers of all possible witnesses and other persons present at the incident scene and request they remain in order to either make a statement or be interviewed regarding circumstances of the event.
  - 4. Secure all video and recording devices present at the scene that could possibly become evidence.
- I. If an injured animal is involved, contact appropriate authorities (i.e. Animal Control or Texas Parks and Wildlife).

#### 20.03 On-scene Supervisor Responsibilities

- A. Ensure the safety of the scene and determine the condition of the Deputy(s), suspects and third parties.
- B. If a Deputy has been shot or injured, the following should be considered:
  - 1. Ensure that another Deputy accompanies and remains with the injured Deputy at the scene and at the hospital.





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2. The Constable or Chief Deputy will coordinate or authorize notification of the injured Deputy's family. Family notification should be in person. If needed, arrange for transportation of family to the hospital and other locations where they are needed as soon as practical.
  3. Do not release the injured Deputy's name to the media or unauthorized parties prior to family notification and without approval from the Constable.
  4. If necessary, contact the Crisis Assistance Team for support and family security.
  5. Ensure clothing of Deputy(s) and other injured persons is collected and related equipment secured for potential evidentiary purposes.
- C. If a Deputy is NOT injured, the scene supervisor will remove the Deputy from the immediate scene and place him/her in a secure setting where the Deputy is isolated from the media, uninvolved deputies and curious by-standers to await the investigative teams from responding agencies.
- D. The scene supervisor will ensure involved deputies and witnesses are separated and instructed not to discuss the incident before the investigators arrive.
- E. The scene supervisor will ensure the immediate area is contained and assign perimeter officers.
- F. Make notifications to other department personnel and outside agency personnel including:
1. Immediate supervisor(s) over involved Deputies
  2. Division Commander(s) over involved Deputies
  3. Chief Deputy, if not contacted by the Division Commander
  4. HCSO Watch Command or any other appropriate law enforcement agencies depending on the location of the shooting incident.
  5. The Harris County District Attorney's Office Shooting Team
- G. Establish a command post if necessary.
- H. Appoint a recorder to make a chronological record of activities at the scene, to include, persons present, actions taken by police personnel and the identity of all individuals who enter the incident scene, including emergency medical and fire personnel.
- I. If necessary, establish a media staging area as time permits.
- J. Begin doing the following:



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1. Locate and secure (or secure in place) the deputy's weapon ammunition casings.
  2. Locate and secure the suspect's weapon, ammunition and expended cartridges if any.
  3. Collect information about the suspect, including name, physical description, domicile and other pertinent information.
  4. Locate and secure as evidence any clothing that may have been removed from the Deputy or suspect by emergency personnel or other person.
  5. Attempt to determine the original location of the Deputy or deputies and suspect(s) at the time of the shooting.
  6. Observe involved deputy(s) for post-shooting emotional trauma and obtain necessary assistance when appropriate.
- K. Refer to the Harris County Precinct 8 Constable's Office Quick Reference Guide for detailed check list.
- L. The Chief Deputy, or the Constable in his absence, will assign an investigator or supervisor to conduct the Department internal shooting investigation.

#### 20.04 Investigative Responsibilities

- A. Once determined the DA Shooting Team has been called out, the assigned Precinct 8 investigator(s) or supervisor will assume control of the scene upon arrival for the purpose of conducting the Department internal shooting investigation. He/she will facilitate any other agency conducting a simultaneous investigation.
- B. Other supervisors and deputies on the scene will respond to the needs of the assigned investigator or supervisor and continue to provide any assistance required.
- C. Investigators should consider the following:
1. Receive a general briefing and walk-through by the scene supervisor and ensure the absolute minimum of personnel is present to prevent contamination of the crime scene.
  2. Ensure the overall scene and evidentiary items have been photographed and/or videotaped.
  3. Color photographs of all persons involved as he/she appears at the scene should be taken, to include any injuries sustained or reported.
  4. Ensure a complete inspection of the scene and the proper collection of all items and substances of evidentiary value.
  5. Obtain all written statements made at the scene from all witnesses and suspects.



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6. Locate and identify witnesses, conduct initial interview and obtain voluntary statements in a private location away from sight or hearing of other persons who do not have a need or right to the information. Advise witnesses not to discuss the incident with anyone except the assigned investigator(s).
7. Conduct separate interviews with each Deputy involved.
  - a. Conduct the interview in a private location away from sight and hearing of department members and other persons who do not have a need, or right to the information.
  - b. Advise the deputies not to discuss the incident with anyone except the assigned investigator(s). The MIRANDA WARNING must be read to the Deputy. Advise the Deputy this routine procedure and that they have a right to have Counsel/Attorney present during this interview and any subsequent interviews.
  - c. Be cognizant of symptoms of posttraumatic stress and emotional impairment, including shock. The interview should be deferred in the event these symptoms become evident.
8. If necessary, obtain any weapon fired by the Deputy or deputies into evidentiary custody. Ensure arrangements are made to replace the Deputy's firearm with another authorized firearm.
9. Obtain search warrants as necessary for searches of vehicles, containers, and homes/buildings.
10. Develop a statement of preliminary basic facts for the media to be delivered by the Department appointed spokesman in conformance with Department policy.
11. Contact the Chief Deputy and advise him of your investigative findings at the scene.

**Revision:**

This policy has been revised on the below listed dates:

March 2022



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#### 21.00 Batons

The procedures hereby set forth shall be observed by all Deputies regarding the carrying and use of the baton or other impact weapons.

- A. Only those Deputies who have successfully completed a Department approved course of instruction on the baton (either type) may carry or use the baton.
- B. The baton may be used by personnel under those circumstances whereby force, less than deadly force, is authorized by Department Policy and appropriate Statutes. They may be used for:
  1. Self-defense
  2. Defense of a third party
  3. Prevention of the escape of an arrested person from custody
  4. Effecting an arrest in lieu of the use of, or threatened use of, deadly force.
- C. All blows will be directed only toward vulnerable areas BELOW the shoulder line, and of a degree of force the intention of which is not to inflict serious bodily injury or death, except in those unusual circumstances where the use of deadly force may be authorized by Statute and the Policy of the Department.
- D. The authorized baton shall be the PR-24, the ASP, CASCO Expandable or convention straight baton. Whenever carried on duty, batons shall be carried in a belt ring or holster designed for this purpose and matching the hi-gloss Department duty belt or web gear depending on the style of uniform.
- E. After any use of a Deputy's baton in the performance of their duties, they will complete an incident report (or offense report if applicable) of the event that will be forwarded through the chain of command to the Chief Deputy for review. If the baton was used to control a subject, the Deputy will also complete a Use of Force report that will be forwarded through the chain of command to the Chief Deputy for review.
- F. The Training Coordinator shall be responsible for maintaining a file regarding those Deputies who have passed the approved course of instruction for the particular baton types they carry.

#### 21.01 Pepper (O.C.) Spray

The procedures hereby set forth shall be observed by all Deputies regarding the carrying and use of Pepper Spray.





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- A. Only those Deputies who have successfully completed a Department approved course of instruction on pepper spray may carry or use pepper spray.
- B. Pepper Spray may be used by personnel under those circumstances whereby force, less than deadly force, is authorized by Department Policy and appropriate Statutes. They may be used for:
  - 1. Self-defense
  - 2. Defense of a third party
  - 3. Prevention of the escape of an arrested person from custody
  - 4. Effecting an arrest in lieu of the use of, or threatened use of, deadly force.
- C. After any discharge of a Deputy's canister of pepper spray, regardless of amount and whether intentionally or accidentally, in the performance of their duties, the officer will complete an incident report (or offense report if applicable) of the event that will be forwarded through the chain of command to the Chief Deputy for review. If the discharge was intentional, the Deputy will also complete a Use of Force report that will be forwarded through the chain of command to the Chief Deputy for review.
- D. No Deputy will carry any type of pepper spray or like product, other than the type they were certified to carry through the Department approved certification course they attended.
- E. The Training Coordinator shall be responsible for maintaining a file regarding those Deputies who have passed the approved course of instruction for the particular type of pepper spray they carry.

**21.02 Conducted Energy Device (CED)**

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

**21.03 CED Information**

- A. The CED may be used in an attempt to control a violent or potentially violent individual. The appropriate use of this device can reduce the risks of serious injuries to Deputies and suspects.
- B. CEDs are designed to use electrical impulses similar to those in your body's nervous system to cause stimulation of the sensory and motor nerves. "Neuro Muscular Incapacitation" (NMI) occurs when a CED is able to cause involuntary stimulation of



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both the sensory nerves and the motor nerves to render a subject temporarily unable to control movement.

- C. The CED is considered a compliance/control weapon generally commensurate with a baton or Oleoresin Capsicum Spray (OC), but without the characteristic residual or lasting effects associated with an exposure to OC or strike from a baton. The use of a CED shall be based on the same criteria a Deputy uses when deploying a baton or OC spray intended as less than lethal force. The CED should be viewed as an additional compliance/control tool and is not intended to replace firearms or self-defense techniques. In any event, the use of the CED must be reasonable and necessary.
- D. CEDs may be utilized when a situation arises in which the use of force is perceived by a Deputy to be reasonably necessary under circumstances that expose that Deputy, or another officer, a law enforcement K-9, the human subject, or the public to unnecessary danger, or when other force options have been or may be viewed by the deploying Deputy as ineffective. This may include but is not limited to: A subject who is violent or physically resisting. A subject who has demonstrated, by words or action, an intention to be violent or to physically resist and reasonably presents the potential to harm the deputy, others or themselves.
- E. The CED provides a force option in which the Deputy does not have to get dangerously close to a threat before deploying the tool. Using a CED may greatly reduce the need for other types of physical force by the Deputy resulting in serious or potential deadly injury to the subject, deputies or others present.

**21.04 CED Related Definitions**

**Deployment** - The act of discharging one or more cartridges whether or not the probes strike their intended target. The mere display of a CED, the activation of a CED, and an audible warning alert from a CED is not considered a deployment.

**“Tased”** - The accepted term indicating that a person or animal has been exposed to an electrical charge from a CED.

**CED** - A compliance/control device designed to produce and emit an electrical charge. Only those CEDs owned and issued by the Department are authorized for on-duty use.

**CED Control Manager** - An individual who has been appointed by the Constable or Chief Deputy to manage the Department’s CED program.



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**CED Training Manager** - An individual who has been appointed by the Constable or Chief Deputy to manage the Department's CED training program(s) and is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training.

**CED Instructor** - An individual who has been certified as an instructor by the manufacturer of a CED issued by the Department and which is authorized for on-duty use, and is responsible for administering agency-approved training.

**Medical Personnel** - Includes, but is not limited to, Doctors, Physician Assistants, Nurses, Paramedics, Emergency Medical Technicians and Emergency Care Attendants.

**Subject** - The person or animal that is the focal point or target of a potential or actual CED deployment.

**Function Test** - This includes a function test and battery life monitoring as required by the manufacturer.

#### 21.05 CED Procedures

- A. Outside of exigent circumstances, CEDs issued by the department shall only be handled or deployed by personnel who have successfully completed the Department's CED Training Program. The CED will be handled in the same manner and treated with the same degree of care and caution as a firearm.
- B. CEDs will only be used as instructed in the training course and only in accordance with the Department policy and state law.
- C. Only properly functioning CEDs will be issued for field use. Every Deputy issued a CED shall conduct a function and battery life check, as required by the manufacturer, prior to the beginning of the Deputy's shift.
- D. Any CED or component thereof found to be defective or damaged will be returned to the CED Control Manager for repair or replacement, with a detailed explanation of the malfunction or cause of damage.
- E. All CEDs and associated equipment will be properly secured when not in use. When carried in the field, the CED will be secured in the department issued CED holster opposite the Deputy's side arm if attached on a duty belt. A CED may also be attached to an external body armor carrier using an approved Molle mount holster.



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- F. Each deployment of a CED will be reviewed by a supervisor, with the assistance of the deploying Deputy, and documented in a Use of Force Report. The report will describe the incident in detail and articulate the facts relative to compliance with this policy. The original Use of Force report shall be submitted to the Patrol Commander for review.
- G. A CED Deployment consists of the act of discharging one or more cartridges whether or not the probes strike their intended target. If the deployment took place in the course of a call for service or official investigation, the circumstances will be clearly articulated in the corresponding offense report.
- H. Any accidental discharge of a CED (not making contact with a person) will be recorded in interoffice form to the CED Control Manager by the person under whose control the CED was at the time of the discharge.
- I. A record will be kept of all CEDs, their serial numbers, and what Deputy or division they are assigned to. Any indications of misuse of the device may result in disciplinary action and/or revocation of the user's permission to carry a CED.

21.06 CED Training

- A. Only Deputies trained by a certified CED instructor are authorized to carry and use the CED.
- B. CED Training will consist of classroom and scenario-based application on the use of the CED, departmental policy, tactical considerations, and de-escalation strategies.
- C. Proficiency training for personnel who have been issued CEDs will occur every year. A reassessment of a Deputy's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the training manager. All training and proficiency for CEDs will be documented in the Deputy's training file.
- D. Deputies shall only use the CED and cartridges/magazines that have been issued by this agency.

21.07 CED Application





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- A. Prior to the deployment of a CED, the Deputy deploying the CED has the responsibility to visually and physically confirm that the tool selected is in fact a CED and not a firearm.
- B. Deputies should always be mindful to not hold a firearm and the CED at the same time.
- C. If possible and time allows, use verbal commands and point the laser sight at the subject (in the preferred target areas) before firing. The Deputy shall, if practical, verbally and audibly warn the subject that the CED will be deployed if the subject does not cease his/her combative behavior and/or comply with the Deputy's commands.
- D. When the deployment of a CED is imminent, it is the responsibility of the deploying Deputy and/or on-scene supervisor to make certain, when possible, that officers and others on the scene are alerted that the CED is about to be deployed.
- E. Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, Deputies should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals.
- F. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.
- G. CEDs should never be intentionally aimed directly at the eyes or face of any person, unless it is perceived by the deploying Deputy to be immediately necessary in accordance with the sections above and the use of deadly force would have been justified under the circumstances.
- H. Once a Deputy has deployed two probes making contact with the subject, the Deputy should continually assess the subject to determine if additional probe deployments or cycles are reasonably necessary.

Additional factors Deputies may consider include but are not limited to:

- a. Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- b. Whether the probes are making proper contact.
- c. Whether the individual has the ability and has been given a reasonable opportunity to comply.



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- d. Whether verbal commands or other options or tactics may be more effective.
  
- I. The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the Deputy, the subject, or others, and the Deputy reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:
  - a. Individuals who are known to be pregnant.
  - b. Elderly individuals or obvious juveniles.
  - c. Individuals with obviously low body mass.
  - d. Individuals who are handcuffed or otherwise restrained.
  - e. Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
  - f. Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).
  
- J. Deputies should take appropriate actions to control and restrain the individual “under power” or as soon as reasonably practical to minimize the need for longer or multiple exposures to the CED.
  
- K. Immediately following an incident where a CED is deployed, the Deputy shall notify dispatch of the deployment and an on-duty supervisor shall make the scene.
  
- L. When a Deputy determines that a CED should be deployed, the officer deploying the CED should, if possible, consider assembling a sufficient number of officers to assist with taking the human subject into custody. The number of additional officers is dictated by the dynamics of the incident.
 

If resources and circumstances allow, responsibilities should be designated as follows:

  - 1. A primary Deputy to fire the CED.
  - 2. Back-up/cover Deputy armed with a lethal force weapon.
  - 3. At least one Deputy who is given the responsibility to restrain and handcuff the subject.
  
- M. Nothing in this section prohibits a Deputy from deploying a CED without requesting or having additional deputies present under exigent circumstances.



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- N. The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

#### 21.08 CED Carry Methods

- A. Uniformed and plainclothes personnel (when applicable) will carry the CED in the department issued holster on the opposite side of the Deputy's duty weapon in a cross-draw fashion. A CED may also be attached to an external body armor carrier using an approved Molle mount holster.
- B. The CED will be loaded and carried with live cartridges in the CED.
- C. Personnel will not carry the CED in any holster or method not authorized by this policy.

#### 21.09 Treatment of Human and Animal Subjects Following CED Deployment

- A. All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking.
  1. Once the subject is safely secured and in custody, the Deputy will ensure EMS is contacted and summoned to the scene. EMS personnel will be notified that the subject has been struck by CED probes and the approximate time the deployment occurred. If the probes penetrate the skin, the puncture sites will be brought to the attention of medical personnel to be treated as necessary.
  2. An on-duty supervisor shall make the scene.
  3. Only medical personnel may remove or direct the removal of any CED probes that are embedded in soft tissue areas such as the neck, face or groin. Removal from other areas will be at the discretion of the on-scene supervisor or medical personnel.
  4. If on-scene removal of the probe is approved, the Deputy will wear appropriate gloves to prevent bodily substance exposure. The puncture site(s) will be treated with antibiotic applications and bandages as necessary by attending medical personnel.
  5. In the event that a probe, or probe barb, has broken off and it is still embedded in a subject's skin, the subject should be provided appropriate medical attention to facilitate the removal of the object.
  6. The on-scene supervisor will allow emergency medical personnel to determine if the subject should be transported to the hospital.



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7. If the probes are no longer attached to the subject and medical personnel determine that the subject does not need to be transported to the emergency room/hospital, the subject may be transported by Precinct 8 personnel for processing and booking.
  8. If the subject is transported to the emergency room/hospital, the reporting Deputy will obtain authorization in the form of a medical release from medical personnel before the subject is transported to jail.
  9. Upon booking of the subject, the transporting Deputy shall inform jail personnel the subject was controlled by use of a CED.
- B. Photographs will be taken of probe impact sites and any other related injuries by an on-duty supervisor. These shall be submitted with the original use of force report and forwarded through the chain of command to the Patrol Commander.
  - C. Involved personnel will attempt to locate and identify any witnesses to the incident and obtain witness statements. This information shall be submitted to the CED Control Manager with other required documentation.
  - D. An animal subject who has been struck by CED probes or subjected to the electric discharge of the device will be treated in a humane fashion and in accordance with the dictates of common sense and sound judgment.

#### 21.10 CED Documentation and Preservation

- A. If needed for evidentiary purposes (i.e. Critical incidents that result in a major CED malfunction, serious bodily injury or death), the expended cartridge(s), along with any probes and wire, should be submitted into evidence. The evidence packaging for the probes should be consistent with that of a sharps evidence tube and shall be marked "Biohazard" if the probes penetrated the subject's skin.
- B. If not needed for evidentiary purposes, used CED probes, shall be treated as a sharps biohazard, similar to a used hypodermic needle, and should be properly disposed of in a manner consistent with the disposal of sharps.
- C. As soon as practical following a deployment, the CED that has been discharged will be turned over to the on-duty supervisor for downloading of information from the CED. If needed, the CED firing log may be downloaded and attached to the Use of Force Report (i.e. critical incident, major device malfunction, use of force investigation, etc).





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- D. The original Use of Force Report and supporting documentation will be processed in accordance with the procedures outlined in the section of the policy governing such documents.
- E. The Training Coordinator shall be responsible for maintaining a file regarding those Deputies who have passed the approved course of instruction for CED certification.
- E. CEDs should be inspected and all relevant updates to the device, included clock synchronization, shall be performed at least quarterly.

#### 21.11 Specialty Impact Munitions

##### A. Definition

1. Less-lethal munitions are specialty munitions designed to cause blunt trauma at extended distances. They are considered to be an extension of a deputy's baton to increase personnel safety through distance. Specialty munitions are intended to gain compliance of subjects through pain, disorientation, anxiety, or fear. By design and application, less-lethal munitions are used to gain compliance of subjects with less potential for causing serious bodily injury or death than standard firearm projectiles. They are usually used as a less-than-deadly force option but may, by specific application, be used as a deadly force option when justified. Specialty impact munitions may also contain chemical or distractive elements. Less-lethal specialty impact munitions include, but are not limited to:
  - a. Impact rounds fired from a 12 gauge;
  - b. 37mm / 40mm launchers;
  - c. PepperBall weapon system;
  - d. Hand-thrown rubber pellet grenade; and
  - e. Other devices/equipment deemed appropriate and supplied by the department for use with approval of the Constable.

##### B. Application

1. The use of Specialty Impact Munitions may commonly be deployed in situations to include, but are not limited to:
  - a. Barricaded Subjects; or
  - b. Hostage Situations; or
  - c. Armed or violent persons,
  - d. Any other situation where such de-escalation tactics are deemed appropriate



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- D. Training
  - 1. Designated members of the department who have undergone training in the use of Specialty Impact Munitions will receive annual ongoing training on the use of Specialty Impact Munitions.
  
- E. Duty of Care
  - 1. Members of the department who deploy Specialty Impact Munitions will ensure any person who is injured due to the use of force are treated at the scene by medical personnel.

21.12 Chemical Agent Munitions

- A. Definition
  - 1. The use of chemical munitions or agent is a form of force that is humane and can be an effective deterrent. Chemical munitions or agents can reduce physical resistance for a limited period of time and provide an opportunity to effectively restore order without excessive force. The use of chemical munitions is intended to deter violence and minimize hazards to all concerned.
  
- B. Types
  - 1. Ortho-Chlorobenzalmalononitrile (CS)
    - a. Commonly referred to a "Tear Gas," and is classified as an irritant.
    - b. Physiological effects include:
      - i. Pain – CS is considered to be 10 times more effective than CN.
      - ii. It causes a pricking, burning sensation to the skin, especially the moist areas, like the eyes, mouth, throat, nasal passages, and armpits.
      - iii. Lacrimation – CS causes excessive secretion of tears.
      - iv. Rhinorrhea – CS causes excessive mucous discharge from the nose.
      - v. Blepharospasm – CS causes the uncontrolled winking and closing of the eyes caused by involuntary contraction of the eyelid muscle
    - c. Respiratory effects include:
      - i. Dyspnea - Shortness of breath
      - ii. Feeling of suffocation
      - iii. Coughing and sneezing. .
      - iv. Extreme exposures may result in nausea, vomiting, and blistering of the skin. Blistering is associated with exposures



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to high concentrations of CS for prolonged periods of time (14-16 hours).

- d. Psychological effects:  
Exposure to CS may cause some individuals to be disoriented and confused. Some may also experience anxiety, fear and panic due to the discomfort associated with exposure.
- d. Viability:  
Reaction time - One will react to CS anywhere from 3-7 seconds after exposure. The effective time will vary depending on the chemical composition of the CS, the mental state of the subject, and his/her physical condition. The effects will dissipate within 5-15 minutes after removed from the contaminated area.
- e. Reliability:  
CS is most effective on individuals who are lucid with a normal pain threshold. One may experience higher failure rates with individuals under extreme influences of drugs and alcohol, and with mentally-disturbed subjects. Research data available on CS concludes that there have been no deaths attributed to the use of this agent.

2. Oleoresin Capsicum (OC)

- a. Commonly referred to as "Pepper Spray/Gas," and is classified as an Inflammatory agent.
- b. There is no specific odor related to OC, but the carrier may have an odor, which will vary.
- c. Effects:
  - i. This can be deployed in powder or liquid form.
  - ii. Powder effects the respiratory system faster as it stays airborne the longest.
  - iii. The desired result is to effect the respiratory system.
  - iv. OC does not normally affect vision.

C. Considerations for deployment:

- 1. Grenade or projectile munitions designed for indoor use should be used when available if deploying in enclosed spaces.
- 2. When considering the use of chemical munitions or agents in the barricaded subject situation, the scene commander authorizing the deployment should make the following considerations:
  - a. Are there other means available, short of entry, which have not been considered?
  - b. Are there any children or elderly persons present?
  - c. What is the level of intoxication and the mental state of the suspect?



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The effect of the chemical agent may be diminished if the suspect is intoxicated or deranged.

- d. What methods of delivery and dissemination will be used?
  - e. What type and amount of chemical agent will be used?
  - f. Is Fire and EMS on hand and prepared to respond should they be required to do so?
3. Is there sufficient personnel available before utilizing chemical agents?
  4. All department members at the site of the deployment shall have access to proper Personal Protective Equipment (PPE).
  5. All personnel without the proper PPE should be withdrawn prior to the deployment of the chemical agent.
- D. Selection of Chemical Munitions for indoor tactical use.
1. Launched: Projectiles in the form of 12 gauge, 37mm, 40mm, PepperBall weapon systems, and aerosol projectors may be used.
  2. Hand Deployed Munitions: Hand thrown munitions in the form of grenades or continuous discharge aerosol projectors may be used.
- E. Training:
1. Members of the department who have received training in the use of Chemical Agent Munitions will receive ongoing annual training on the use of Chemical Agent Munitions.
- F. Aftercare
1. Department members deploying Chemical Agent Munitions will ensure any person exposed to chemical munitions are treated at the scene by medical personnel.

#### 21.13 Smoke Munitions

- A. Types:
1. SAF-SMOKE (Purified Terephthalic Acid)
    - a. The most distinguishing characteristic of SAF-Smoke is that it is essentially non-toxic. OSHA has designated it to be non-hazardous and non-carcinogenic.
    - b. It is ideal for training exercises.
    - c. Combined with a chemical agent such as CS, it is ideal to “carry” the agent.
    - d. Has a very slight sweet odor.
    - e. Chemical Classification – Obscurant





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#### B. Deployments

1. The use of smoke in a tactical environment is commonly used to:
  - a. Conceal tactical movement
  - b. Used to carry or float other chemicals in an outdoor environment.
  - c. Used as a marker for helicopter or medivacs.
  - d. Verify wind direction and speed.
  - e. May be used prior to chemical agents as a psychological tool.
  - f. The use of smoke should not be used in an occupied confined space due to the fact smoke removes the oxygen from the air which may result in suffocation and/or death. The use of smoke in an occupied confined space should only be used in extremely dire situation where the use of deadly force would be authorized.

#### C. Training:

1. Department members trained in the use of Smoke Munitions will receive annual ongoing training on the use of Chemical Munitions (Smoke).

#### 21.14 Delivery Systems

##### A. Types:

1. Launched
  - a. Specialty impact munitions or chemical munitions may be deployed with the use of a 12 gauge shotgun, 37mm/40mm launcher, or PepperBall weapon systems.
2. Hand Deployed
  - a. Specialty impact munitions or chemical munitions may be hand deployed when all other means have failed or are not practical.

##### B. Training:

1. Department members who have been trained in such delivery systems will receive ongoing annual training on the use of Specialty Impact Munitions, Chemical Munitions and Smoke Munitions. This training will include delivery methods.

#### 21.15 Flash Sound Diversionary Device (FSDD)

##### A. Definition

1. A low explosive emitting heat, light and sound used with the intent of distracting a potentially dangerous person. Also known as a diversion device, noise-flash diversion device (NFDD), flash sound device, and often referred to as a “flash bang”.



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#### B. Psychological Distractions

1. Confusion:
  - a. a manufactured illusion,
  - b. a trick of a ruse,
  - c. Bewilderment and unknowns about the reality of the present.
2. Fear
  - a. One's action in response to fear – “fight, flight, or freeze”
  - b. One's physiological response to fear – trembling, sweating, and loss of fine motor muscle control
3. OODA Loop  
The OODA Loop assists with controlling the opponent's decision making cycle.
  - a. Observe
  - b. Orient
  - c. Decide
  - d. Act

#### C. Physiological Distractions

1. A distraction the body simply cannot control.
2. When exposed to the appropriate stimulus, the sensory organs of the body react.
3. There are three dimensions to these effects:
  - a. Visual Effects – The intense light bleaches the retina and causes constriction of the pupil. It may take up to 2 minutes for the pupil to recover and 10-30 minutes to restore normal vision.
  - b. Auditory Effects – The sound at 5 feet from the #25 Distraction Device produces a decibel rating of 174.5 dB or 1.63 PSI of over pressure.
  - c. Equilibrium Effects – Effects on the equilibrium consists of disturbing the fluid in the canals of the ear which affects balance.

#### D. Handling and Deployment Methods:

1. Handling
  - a. FSDD should only be used and handled by trained and certified personnel only.
  - b. When deploying a FSDD, the handler should wear full eye protection, ear protection and gloves.
  - c. The FSDD should remain secured in a holster or pouch until ready to be deployed.
2. Deployment Methods:
  - a. Hand Deployed



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- b. Metal Pole
- c. Command Initiated

F. ATF Regulations

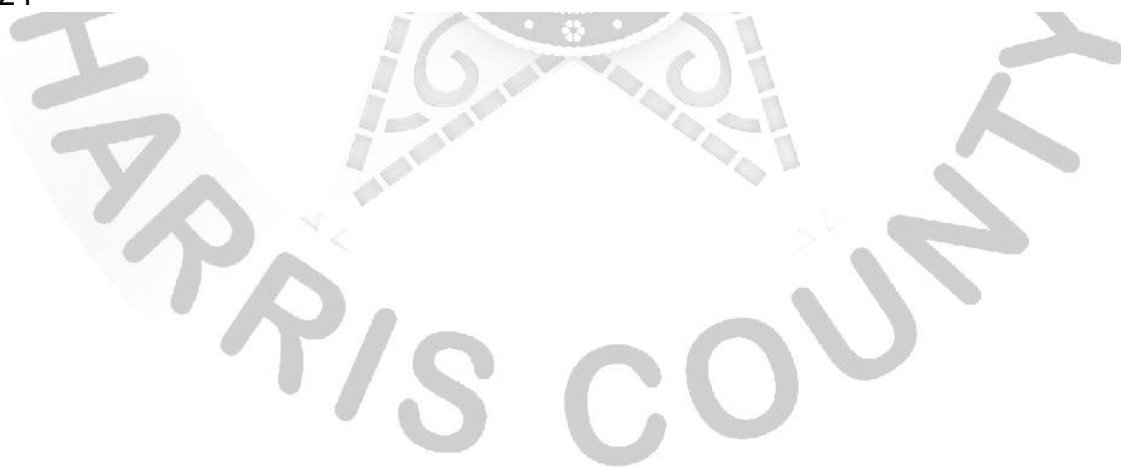
1. Flash Sound Diversionary Device (FSDD) – The BATF&E has classified FSDDs utilized by tactical teams as “Destructive Devices”. FSDDs are commonly referred to as Distraction Devices.
2. FSDD must be stored in compliance with State and Federal law.
3. Federal Regulations require that agencies report how an FSDD was utilized (operational or training). Records shall be kept and submitted to BATF&E upon request.

21.16 Any use of a baton, pepper spray, CED device or specialty impact munition contrary to the direction of this policy can result in the revocation of the right to use such devices and may subject the Deputy to disciplinary action.

**Revision:**

This policy has been revised on the below listed dates:

- March 2022
- September 2023
- July 2024





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#### 22.00 Policy Overview

The highest priority of the Department is safeguarding the life, dignity and liberty of all persons while serving the public interests of our diverse community. Employees shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism and to never employ unnecessary force. These are key factors in maintaining legitimacy with the community and earning the public's trust.

There are times when our personnel are required to respond to resistance to uphold the law, protect the citizens we serve, and to protect themselves. This policy serves to guide employees decisions regarding the reasonable use and application of force to ensure such applications are used only to effect arrests and / or lawful detentions or to bring a situation under appropriate control. No policy or procedure can define or anticipate every possible situation or extraordinary circumstance which an employee might face. In all circumstances, peace officers are expected to exercise sound judgement and critical decision making when resorting to force options. Each situation will be ultimately judged by the specific facts and circumstances of the incident as viewed objectively and reasonably. In every situation, the actions of all employees shall fully comply with all applicable state and federal constitutions and laws.

This policy applies equally to sworn Texas Peace Officers and all employees.

Peace officers shall only use physical force when no other viable option is reasonably available for resolving an incident without using force, or when other non-physical options have proven ineffective. In every instance, peace officers must distinguish between incidents which require immediate and decisive law enforcement action and those incidents which do not require an immediate resolution. When safe and feasible, peace officers should allow a subject sufficient time to comply with lawful orders and should employ de-escalation techniques consistent with his / her training in an effort to avoid using force unnecessarily. Peace officers shall attempt to slow down or stabilize the situation to potentially provide more time, options and resources for incident resolution. When safe and reasonable to do so, efforts should be made to calm the subject and promote rational decision making.

Prior to responding to a subject's resistance, and when safe and reasonable to do so, peace officers should determine whether the subject's behavior constitutes willful refusal to comply with lawful orders or an inability to comply based upon other factors, such as medical conditions, mental impairment, developmental disability, physical limitation, language barrier, drug interaction, etc.





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This policy supports the progressive and reasonable escalation and de-escalation of officer-applied force in proportional response to the actions and level of resistance offered by the subject. The level of response is based upon the situation encountered and the actions of the subject in response to the officer's commands. Subjects may move more rapidly from a low level of resistance to a higher level of resistance or may immediately threaten at a high level of resistance, including the use of lethal force. The officer's use of force is in response to the resistance from the subject to lawful police control.

The response to resistance by law enforcement personnel is a matter of critical concern both to the public and the law enforcement community. The Department is dedicated to upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during and after all force incidents. This includes, but is not limited to, proper training, prevention efforts, effective tactics utilized during an incident, objective review and analysis of all use of force incidents.

#### 22.01 Definitions

- A. Administrative Duty: Job tasks that do not require an employee to engage in law enforcement functions. Employees assigned to administrative duty shall report for duty wearing civilian attire and may not operate a marked patrol vehicle.
- B. Administrative Leave: Employee's absence from duty with or without full pay and benefits.
- C. Bodily injury: Physical pain, illness, or any impairment of physical condition [Texas Penal Code, Section 1.07 (8)].
- D. Choke Holds (Neck Restraints): Any technique which restricts the flow of air and / or blood from passing through the neck of a person.
- E. De-Escalation: The methods and processes involved in facilitating the peaceful ending of conflict and / or unstable situations. Ultimately a wide range of methods and procedures for addressing conflict exist, including negotiation, mediation, diplomacy and creative peacebuilding.
- F. Deadly / Lethal Force: Force that is intended or known by the actor to cause, or in the manner of its use or intended use, is capable of causing death or serious bodily injury [Texas Penal Code, Section 9.01 (3)].
- G. Directed Force: Force used in the execution of one's duties under the immediate direction of a supervisor.



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- H. Medical Assistance Force: Force used to restrain or safeguard under the immediate direction and supervision of medical / mental health staff.
- I. Physical Force: Any action taken by a peace officer against another that has a physical impact to another person including forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressure points. These techniques can be combined with takedowns or pins against the ground or other objects.
- J. Reasonable Force: An objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances known to or perceived by the officer at the time.
- K. Reportable Force: Any actions taken by a peace officer to gain compliance from a non-compliant subject(s) that results in injury, complaint of injury in the presence of an officer, complaint of pain that persists beyond the use of a physical control hold, or death.
- L. Serious Bodily Injury: Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ [Texas Penal Code, Section 1.07 (46)].
- M. Unreasonable Force: Force that is unnecessary or unreasonable given the totality of the circumstance presented to the peace officer at the time the force is applied.

#### 22.02 Determining Objectively Reasonable Force

The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. This policy builds on the United States Supreme Court's principles in *Graham v. Connor* (1989) 490 U.S. 386. *Graham* states, in part, "The objective reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application." The force must be reasonable under the circumstances known to the Deputy at the time the force was used. Therefore, the Harris County Precinct 8 Constable's Office examines all uses of force from an objective standard rather than a subjective standard.

#### 22.03 Considerations Governing Use of Force



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- A. The Department examines reasonableness using the Graham standard – looking at the specific facts of the use of force incident as viewed from the perspective of a peace officer with similar training and experience placed in generally the same set of circumstances. Additionally, only the amount of information the peace officer had at the time of the incident will be considered.
- B. For planned operations, such as execution of a search or arrest warrant, personnel shall develop a tactical plan predicated on preventing the use of force whenever feasible prior to engaging in the operation. Supervisors shall pre-approve all planned tactical operations.
- C. Response to resistance must be for a lawful purpose. Peace officers may use reasonable force options in the performance of their duties for the following reasons:
  - 1. To effect a lawful arrest, detention, or search;
  - 2. To overcome resistance;
  - 3. To prevent escape from a lawful arrest, detention, or search;
  - 4. To prevent the commission of an offense within view;
  - 5. In defense of others or in self-defense;
  - 6. To gain compliance with a lawful order; or
  - 7. To prevent a person from injuring himself / herself.
- D. Peace officers may be confronted with a wide variety of situations in which he or she must make split second decisions whether response to resistance is immediately necessary, and if so, what is the appropriate level of response required to overcome a subject's non-compliance. In determining the appropriate level of force, peace officers shall evaluate the facts and circumstances of each unique situation, and his or her evaluation shall be guided by his or her training and experience.
- E. The peace officer will use the lowest response to resistance that is immediately necessary and within the range of "objectively reasonable" options.
  - 1. When response to resistance is needed, peace officers will assess each incident to determine, based on policy, training, and experience, which response is appropriate to bring it under control in a safe and prudent manner.
  - 2. WHEN RESISTANCE STOPS, RESPONSE TO RESISTANCE MUST IMMEDIATELY STOP.
- F. De-Escalation
  - 1. A peace officer must exercise control of a non-compliant subject to make an arrest, or to protect any person from the risk of imminent harm.



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2. Peace officers are trained in a variety of de-escalation techniques which may impact the direction and / or outcome of many situations they face; however, not every potentially violent confrontation can be successfully de-escalated.
3. Supervisors can help aid in a favorable outcome when they become involved in the management of an overall response to potentially violent encounters by coordinating resources and personnel's tactical actions. Supervisors should possess a working knowledge of tactics and ensure peace officers under their supervision perform appropriately.

#### 22.04 Levels of Resistance

- A. Compliant: A subject contacted by a peace officer who acknowledges direction or orders given and offers no resistance. The subject complies with the peace officer's verbal direction.
- B. Passive Resistance: The subject is not complying with a peace officer's direction and is uncooperative, but is taking only minimal physical action to prevent a peace officer from placing the subject in custody and taking control. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming "dead weight"), holding onto a fixed object, or locking arms to another during a protest or demonstration.
- C. Active Resistance: The subject's physical actions are intended to prevent a peace officer from placing the subject in custody and taking control, but does appear to be Aggressive or Assaultive Resistance. Examples include: walking or running away, breaking the peace officer's grip, evasive movements to defeat a peace officer's attempt to control, physically signaling an intention to avoid or prevent being taken into or retained in custody.
- D. Aggressive / Assaultive Resistance: The subject displays the intent to harm any person and prevent the peace officer from placing them in custody and taking control. The subject may physically display an intent to assault any person. The aggression may manifest itself through a subject taking a fighting stance (i.e. blading their gait, closing their hands into fists and lowering their center of gravity), punching, kicking, attacking with weapons or committing other actions which present an imminent threat of physical harm to any person.
- E. Aggravated Aggressive / Assaultive Resistance (Life-Threatening): The subject's actions are likely to result in death and / or serious bodily injury to any person. These actions may include the use of a firearm, use of blunt or bladed weapon(s) and extreme physical force.





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#### 22.05 Use of Force

##### A. Legal Limitations

Peace officers may use force and / or deadly force only under certain lawful or authorized situations. The Texas Penal Code, Sections 9.51 and 9.52, delineate the Texas Law of justifiable homicide. The force must be objectively reasonable under the circumstances known to the officer at the time the force was used as delineated in *Graham v. Connor* (1989) 490 U.S. 386.

##### B. Directed Force

When force is directed by another, the same policy applies both to the one directing force and to the person(s) applying the force. The fact that another person directed the action is no defense to an unlawful and / or unreasonable application of force.

##### C. Medical Assistance Force

If medical assistance force is directed by trained medical / mental health personnel, the training and experience of the medical / mental health staff will be considered when determining reasonableness. The fact that another person directed the action is no defense to an unlawful and / or unreasonable application of force.

##### D. Unreasonable Force

Unreasonable force is prohibited. The use of unreasonable force may subject the employee applying such force to discipline, up to and including termination of employment and / or prosecution.

##### E. Force Used to Effect an Arrest and / or Search

1. A peace officer is justified in responding to resistance against another when and to the degree the peace officer reasonably believes the response to resistance is immediately necessary to accomplish lawful objectives, and if:
  - a. The peace officer reasonably believes the arrest or search is lawful, or,
  - b. The arrest or search is made under warrant and the peace officer reasonably believes the warrant is valid, and
  - c. Before responding to resistance, the peace officer states the purpose of arrest or search and identifies himself as a peace officer unless he/she reasonably believes the purpose and identity are already known by the person to be arrested [Texas Penal Code, Section 9.51(a) (2)].



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2. Physical force **SHALL NOT** be used against subject(s) in restraints, except as necessary to prevent the subject's escape or prevent imminent bodily injury to any person.
  3. Any officer present and observing another officer, regardless of rank, using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intervene to prevent the use of excessive force.
    - a. Examples of force that would require an officer's intervention may include, but are not limited to: use of choke holds [in any situation where deadly force would not be authorized]; using force against a restrained or subdued subject; leaving a secured subject in a prone position in any fashion that restricts breathing or blood flow; any use of force in violation of this department's policy.
    - b. Officers shall promptly report those observations to a supervisor. The obligation to report remains in place even if the officer is successful in intervening in the use of force.
    - c. Any failure to intervene and / or failure to report improper use of force shall be grounds for discipline up to and including termination.
- F. Lethal / Deadly Force
1. Use of lethal / deadly force must be in accordance with all applicable State and Federal laws.
  2. Elements of Lethal / Deadly Force
    - a. Ability - Ability exists when a person has the resources or ability to cause severe injury, serious bodily injury or death to any person. This may include, but is not limited to the subject's:
      - i. physical ability;
      - ii. size;
      - iii. age;
      - iv. strength
      - v. cognitive ability;
      - vi. being under the influence of controlled substances and / or alcohol;
      - vii. combative skill;
      - viii. level of aggression; and
      - ix. use of any weapons in their immediate control.
    - b. Opportunity - Opportunity exists when a subject is in a position to effectively resist a peace officer's control or to inflict violence upon any person. Examples which may affect opportunity include the relative



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distance to the peace officer or others and physical barriers between the subject and the peace officer.

- c. Imminent Jeopardy - Based upon all the facts and the situation confronting the peace officer, the peace officer reasonably believes the subject poses an imminent threat to the life of any person and the peace officer must act immediately to prevent death or serious bodily injury.
  - d. Preclusion - All other lesser force alternatives have been reasonably considered and / or exhausted prior to the lethal force. Lethal force in response to the subject's actions must remain objectively reasonable while based upon the totality of the circumstances known to the peace officer at the time force was applied.
3. A peace officer is justified in using lethal / deadly force against another when and to the degree the peace officer reasonably believes the action is:
- a. in defense of human life or in defense of any person in imminent danger of serious physical injury; or
  - b. to make an arrest or to prevent escape after arrest, if response to resistance was justified as set forth above, and:
    - i. The peace officer reasonably believes the conduct for which the arrest is authorized included the use or attempted use of unlawful lethal force; or
    - ii. The peace officer reasonably believes there is a substantial risk that the person to be arrested will cause death or serious bodily injury to any person if the arrest is delayed.
    - iii. When using lethal force to prevent the escape of a fleeing felon, the Deputy must have probable cause to believe the fleeing felon has committed a violent felony and will be an imminent threat to human life if escape should occur. Peace officers are reminded of the limitations set forth in Tennessee v. Garner, 471 U.S. 1 (1985).
4. Restrictions on Lethal / Deadly Force
- a. Automobiles:
    - i. A peace officer shall not discharge a firearm against the occupants of a moving vehicle or at the moving vehicle itself, unless:
      - (a) Deadly force, or the threat of deadly force, emanates from a weapon other than the vehicle, and the peace officer reasonably believes his or her response will not place other lives in danger; or
      - (b) Deadly force, or threat of deadly force, is used by a subject in the moving vehicle towards any person, and



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the peace officer believes his or her response will protect the life of any person and not unreasonably place other lives in danger.

- ii. Peace officers should not use lethal / deadly force from a moving vehicle unless such action is deemed immediately necessary to respond to an imminent threat of death and/or serious bodily injury to any person.
- iii. The safety of the peace officer is paramount and must be safeguarded at all times. When confronted by one or more subjects in a motor vehicle, the peace officer should:
  - (a) Approach the vehicle from the side whenever possible;
  - (b) Never intentionally place him or herself in the path of the motor vehicle, front or rear, unless no other approach is reasonable; and
  - (c) Move out of the path of an oncoming vehicle, if possible, rather than discharging a firearm at the vehicle or the occupants of a moving vehicle.
- b. Fleeing Juveniles:
  - i. The rules pertaining to self-defense are equally applicable to juveniles, as a subject should never be considered less dangerous merely because of youth.
  - ii. However, in the event peace officers are pursuing a fleeing felon believed to be a juvenile, they may not use lethal force even though the subject ignores the peace officer's direction to halt unless the peace officer has probable cause to believe the fleeing felon has committed a violent felony and will be an imminent threat to human life if escape should occur.
  - iii. Peace officers are reminded of the limitations set forth in *Tennessee v. Garner*, 471 U.S. 1 (1985).
- c. Known Felony Subjects: Lethal force must not be used against persons who are running away to escape arrest except under compelling circumstances in felony cases. For example, if a peace officer actually sees a person commit a serious felony such as murder, he or she may use lethal force to prevent escape if the subject presents a continuing danger of imminent serious bodily injury or death to any person and cannot be apprehended by any other reasonable means.
- d. Misdemeanants:
  - i. A peace officer shall not use lethal force to effect the arrest or to prevent the escape of a person whom the peace officer reasonably believes has committed a misdemeanor offense.





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- ii. If conduct which begins as misdemeanor conduct escalates to the degree that the life of any person is placed in imminent danger, then the peace officer will follow the guidelines set forth in this policy pertaining to the use of lethal force.
- e. Suspected Felony Subjects: A peace officer shall not use lethal force against a person who is called upon to halt upon mere suspicion and who simply runs away to avoid arrest.
- f. Protection of Property: A peace officer shall not use lethal force solely to protect property.
- g. Warning shots: Warning shots shall not be fired.

#### G. Notice of Authority and Identity

Before using force, peace officers should manifest their purpose to arrest and / or to search and identify themselves as peace officers, unless the peace officer reasonably believes his or her purpose and identity are already known by or cannot reasonably be made known to the subject to be searched and / or arrested [Texas Penal Code, Section 9.51 (a) (2)].

#### H. Self Defense

A peace officer is justified in using force as self-defense against another as stipulated in Texas Penal Code 9.31 and 9.32.

#### I. Duty to Render Aid:

1. Peace officers shall render aid and / or ensure appropriate professional medical attention is provided to any person injured or believed to be injured as a result of a use of force as soon as it is reasonable and safe to do so.
2. Documentation and a description of the injuries, or possible injuries, and the treatment administered shall be included in the appropriate offense report.
3. Whenever a subject has obvious injuries as a result of a peace officer's response to resistance, or complains of injuries as a result of a peace officer's response to resistance, the employee shall:
  - a. Have the subject evaluated and / or treated by Emergency Medical Service (EMS) personnel and follow their directions. If the subject refuses evaluation and / or treatment from EMS, the peace officer shall:
    - i. Ensure the subject acknowledges such refusal by signature on the EMS record.
    - ii. If the subject refuses to acknowledge by signature his or her refusal of treatment, such refusal shall be documented in the



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incident report and / or by use of a body worn camera, and the EMS personnel shall be identified by name, unit number, and EMS provider (e.g. Houston Fire Department, Harris County Emergency Corps, etc.).

- (a) Provide transport to an appropriate medical facility (hospital) if not transported by EMS.
- (b) Document the incident in an offense report and notify an on-duty supervisor in the peace officer's chain of command.

#### 22.06 Duties and Responsibilities

##### A. Reviewing Use of Force

The Department will examine all incidents wherein its personnel have applied force as defined herein to ensure that each event is properly documented and investigated for the following reasons:

- 1. To assure the community that policies are followed.
- 2. To ensure proper and accurate documentation of the incident in the event of civil action being brought against the Department or the peace officer.
- 3. To evaluate the training needs of the Department.

Unauthorized or indiscriminate use of physical force may result in disciplinary action being taken against an employee, up to and including termination of employment and / or prosecution.

##### B. Reporting Use of Force

- 1. When the peace officer, who responded to resistance, is preparing the incident report, the peace officer shall include the following information:
  - a. The subject's action(s) necessitating the response to resistance, including the threat presented by the subject,
  - b. Efforts to de-escalate prior to the response to resistance, and if de-escalation techniques were not used, why de-escalation techniques were not used,
  - c. Any warning given, and if none, why a verbal warning was not given,
  - d. The type(s) of response to resistance used,
  - e. Injury sustained by the subject,
  - f. Injury sustained by the peace officer(s) or any person,
  - g. Information regarding medical evaluation, including whether the subject refused, and



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- h. The supervisor's name, rank, unit number, and date and time notified.
      - i. The involved peace officer shall be afforded an opportunity to review available video(s) of the event prior to any report preparation [Texas Occupations Code 1701.655(b) (5)].
  - 2. In the event a peace officer is unable to document his or her use of force due to exceptional circumstances, another peace officer shall document the use of force in an incident report or supplement report at the direction of a supervisor.
  - 3. A peace officer will justify each application of force.
  - 4. All incidents involving the use of force in the following categories shall be documented, reviewed by the immediate supervisor and forwarded to the respective Division Commander.
    - a. Any action taken by a peace officer that results in, or is alleged to have resulted in, any injury or death of another person.
    - b. Any action taken by a peace officer against another that has an imminent potential for injury or death to another person.
- C. Reporting Observed Use of Force
  - 1. All peace officers, whether on- or off-duty, who have observed the use of force by another peace officer shall promptly report the observed use of force to an on-duty supervisor and shall record the details observed promptly, completely and accurately in a supplement report to the involved peace officer's report or generate an original report if the peace officer's report is not accessible.
  - 2. Failure to report an observed use of force may lead to disciplinary action, up to and including termination of employment, or prosecution, depending on the circumstances.
- D. Reporting Requirements for All Use of Force Incidents

Once notified of a use of force incident that results in serious bodily injury or death of any person, the supervisor shall ensure the Chief Deputy is notified through the applicable chain of command.

All documentation for use of force incidents shall be forwarded through the chain of command to the Chief Deputy for review.

  - 1. Supervisory Personnel: Upon being notified of a use of force, supervisors will ensure the use of force report is completed prior to the end of the peace officer's tour of duty and ensure:



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- a. All relevant documents (e.g., incident report, photos, conducted energy weapon downloads, E-1 injury report, and / or medical receipt, etc.) have been generated; and
    - b. The use of force documentation shall be forwarded in a timely manner for review.
  - 2. In the instance of death of any person during a response to resistance, the appropriate department designee will notify the Texas Attorney General's Office.
- E. Completed Use of Force Reports
  - 1. On an ongoing basis, first-line supervisors shall report any patterns or trends involving the use of force which they believe may require additional training, equipment, or policy modifications to their Division Commander.
  - 2. The Division Commander will review such reports and forward them to the Chief Deputy for review. The Chief Deputy may convene a Use of Force Review Committee to discuss such patterns or trends involving the use of force and will report any findings to the Constable.
  - 3. Nothing herein is meant to limit the amount of time when supervisors may determine and report use of force trends they believe warrant immediate attention so these problems can be rectified at the earliest possible time.
- F. Administrative Leave / Duty Status
  - 1. Immediately following an employee's involvement in an incident wherein the use of force or other actions result in serious bodily injury or the death of any person, the Chief Deputy shall assign the employee to administrative leave or administrative duty status at the direction of the Constable.
  - 2. While on administrative leave or duty, the employee shall attend a post-incident debriefing with a Department approved counselor.
  - 3. Assignment to administrative leave or administrative duty status in these situations is non-disciplinary and, as such, is used to address the personal and emotional needs of the employee involved in the use of force, and assure the community that the facts surrounding the case are fully and professionally investigated.
  - 4. Off-duty Employment: An employee assigned to administrative leave or duty status in accordance with this procedure may not work any law enforcement extra-employment. The Chief Deputy shall decide whether the employee may engage in non-law enforcement extra-employment on a case-by-case basis.





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- A. All peace officers will receive in-service training on the use of force policies at least annually. Additional training may be required as deemed necessary.
- B. A copy of the approved use of force policies will be issued to each peace officer during the in-service training.
- C. This training will be documented and records will be maintained by the Department.

#### 22.08 Use of Force Continuum

- A. Peace Officer physical presence.
- B. Verbal direction and / or commands.
- C. Empty hand control.
  - 1. Soft empty hand control.
  - 2. Conducted Energy Weapon (CEW).
  - 3. Chemical Weapons.
    - a. Oleoresin Capsicum (OC) spray.
    - b. Orthochlorobenzamalonitrile (CS).
- D. Hard empty hand control (strikes).
- E. Intermediate weapons.
  - 1. Batons (expandable and straight stick).
  - 2. Less Lethal Munitions / Extended Range Impact Weapon
- F. Lethal Force.

#### 22.09 Levels of Force and Control

- A. A peace officer shall use de-escalation techniques consistent with his or her training whenever possible and / or appropriate before resorting to force.
- B. A peace officer is authorized to use only the necessary and reasonable amount of force to effect an arrest and deter any aggression or resistance on the part of any subject being arrested. The peace officer's actions will be guided by the subject's level of resistance.
- C. All certified personnel shall be required to carry at least one (1) less lethal force option at all times while in uniform, whether on or off duty. This includes while



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engaged in approved extra employment activities. Certified personnel may carry more than one (1) less lethal force option while in uniform, however nothing in this policy alleviates certified personnel from the requirement to complete required training and demonstrate proficiency with each force option prior to carrying it.

- D. Once resistance is overcome or aggression is reduced, de-escalation must occur.
- E. The peace officer must be able to articulate and document the level of resistance he or she encounters and the reasoning he / she uses for selecting a level of control in response.
- F. The peace officer's response to resistance will be in one of the following categories:
  1. Peace Officer's Presence: Situations can be often stopped before they begin by the mere presence of a uniformed peace officer. A peace officer's attentiveness will aid in this by continually watching their surroundings by observing their 540 degrees of cover. Projecting the image that you are aware of what is going on around you can often negate a challenge from a potential attacker.
  2. Verbal Direction: The situation may often be defused by using good communication skills or verbal directions. In any verbal confrontation, fear and anger must be defused before a subject will be able to understand the officer's commands. Successful communication techniques may be accompanied by hand gestures for directional value or the halting of an advancing subject. Peace officers are reminded to be clear, concise and assertive when using verbal direction. This technique is employed in the cooperative stage.
  3. Empty Hand Control: This action could be as subtle as gently directing a subject's movements (pressure points and come-a-longs), to more dynamic techniques (strikes and kicks) which may have a higher potential of causing injury to the subject. This policy divides Empty Hand Control into two categories, soft and hard.
    - a. Soft Empty Hand Control: This level of control is designed to control primarily low levels of resistance with a minimal to nonexistent risk of injury. These techniques are used to control passive types of resistance and defensive resistance. These techniques are employed in the passive resistance stage.
    - b. Hard Empty Hand Control: This level of control is for higher levels of defensive resistance and aggression. Techniques which fall into this level of force have a possibility of soft or connective tissue damage, skin lacerations that require medical attention, or bone fractures.



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Striking and stunning blows are considered hard empty hand control techniques.

4. Conducted Energy Weapons (CEWs) – Less-Lethal Force Option: Studies have shown that CEWs are a less-lethal force option which provide peace officers with an additional means to defend him or herself or another from injury and to control a subject in a manner which is less likely to result in injuries to any person. CEW deployment is justified when verbal commands are ignored and / or soft empty hand control tactics are ineffective.
5. Intermediate Weapons – Less-Lethal Force Option: Approved impact weapons, such as a baton (straight baton or expandable baton) and / or chemical agents are less-lethal force options that are not intended to cause death and / or serious bodily injury. These can aid a peace officer in defending themselves and controlling subjects when lower levels of force are ineffective or perceived to be ineffective and lethal force is not justified.

When a peace officer uses an intermediate weapon for control, it should always be with the intent to temporarily disable a subject and never with the intent of creating permanent injury. When intermediate weapons are used, it is likely that some form of skin irritation, bruising, soft or connective tissue damage, or bone fractures may occur.

- a. Impact Weapons: Department approved batons provide a means by which a peace officer can defend him or herself or others from injury and control subjects when a peace officer is facing resistance in the form of active aggression.

All strikes should normally be delivered to major muscle mass groups (e.g. forearms, thighs, calves, etc.). These areas are primary targets due to the decreased chance of serious injury. Strikes to these locations normally create severe muscle cramping which inhibit a subject's ability to continue with aggression.

Deliberate strikes to the head, neck, throat, groin and clavicle shall be considered lethal force and will only be used in response to lethal force where the subject is assaulting any person with a weapon or using techniques or objects that threaten the imminent infliction of death or serious bodily injury.

- b. Chemical Agents: Chemical agents approved by the Department provide a means by which a peace officer can defend any person from injury and a means of controlling a subject. Chemical agents are



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justified when the subject’s resistance has escalated and intermediate weapons are justified.

6. Threat of Lethal Force: Peace officers shall not point a firearm at or in the direction of a person unless there is a reasonable perception that the situation may escalate to justify lethal force.
7. Lethal Force: The value of human life is immeasurable. Peace officers are delegated great responsibility to protect life and to apprehend subject(s). The apprehension of subject(s) and the protection of property must, at all times, be subordinate to the protection of life. Even so, there may be times when a peace officer is attacked with unlawful lethal force or a peace officer witnesses another being attacked with unlawful lethal force. In those instances, the use of lethal force by the peace officer is justified.
  - a. Lethal force is any force that could cause death or serious bodily injury.
  - b. Choke holds and neck restraints are considered lethal force and may not be used unless lethal force is immediately required to save the life of any person and no other force options are reasonably available.

**Revision:**

This policy has been revised on the below listed dates:

March 2022





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| HANDLING OF PRISONERS | 23         | 4          |

#### 23.00 Handling of Prisoners

In all instances of handling or transporting a prisoner, deputies shall take care not to endanger themselves or the public while ensuring the prisoner's safety and limiting opportunity for escape. In all his/her actions regarding prisoners, deputies shall remain ever mindful of public safety.

##### A. Vehicle / Equipment

All vehicles utilized for the transport of prisoners must be approved, meet the requirements set forth by the Department and have an appropriate seat restraint (in place and operable).

##### B. Prior to the transport of any prisoners, deputies shall:

1. Search all prisoners thoroughly (no exceptions) before placing them in the vehicle.
2. Thoroughly search the rear of the vehicle (or areas accessible by prisoners) for contraband, weapons, etc.
3. Handcuff all prisoners (double locked) with their hands behind their back and palms outward
4. Use appropriate alternative methods of restraints when:
  - a. the prisoner is pregnant
  - b. the prisoner's physical size prevents normal handcuffing
  - c. the prisoner has a physical disability or deformity preventing normal handcuffing
  - d. the prisoner has an injury which prevents normal handcuffing
  - e. the prisoner has been handcuffed for an extended period of time

##### C. When a Deputy is picking up a prisoner from another officer, detention or any other facility, he/she shall:

1. verify the prisoner's identification.
2. obtain all appropriate custodial paperwork.
3. conform to transport procedures as outlined in this policy.

##### D. Instanters

Deputies shall obtain a supervisor's approval prior to affecting an arrest for Class C traffic offenses (instanter arrests).

##### E. Transporting



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Deputies are to advise Communications of all vital information prior to beginning transport to include the following:

1. Prisoner's identity
  2. Number of persons transported
  3. Race / sex
  4. Adult / juvenile
  5. Destination
  6. Beginning mileage at start of transport for juveniles and/or prisoners of the opposite sex
  7. Ending mileage at completion of transport for juveniles and/or prisoners of the opposite sex
- F. All prisoners are to be handcuffed and secured with a safety restraint device (seatbelt) during transportation
- G. Do not stop during a prisoner transport to provide law enforcement services except:
1. to save a victim from harm.
  2. to attend to an injured victim.
  3. for a crime in progress where safety demands immediate apprehension of suspect(s).
- H. Do not, under any circumstances, transport more prisoners than can be done so safely and with the use of safety restrain devices (seatbelts).
- I. After the transport of any prisoner, search the rear of the vehicle (or areas accessible by prisoners) for contraband, weapons and /or evidence.
- J. When transporting male and female prisoners together, they shall be kept separate from each other (i.e. front seat and back seat). If this is not possible, a second unit shall be used for transportation.
- K. A juvenile shall not be transported with an adult prisoner for any reason, unless it is under expressed permission of a Juvenile District Attorney and such is to be articulated in an offense report.
1. Juveniles shall be kept separate (sight and sound) of all adult prisoners.
  2. Procedures regarding the processing of juveniles shall be followed as outlined in the Department Manual.

23.01 Escape of a Prisoner



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- A. If a prisoner escapes from custody, the Deputy is to immediately notify Communications and:
  1. advise the location of escape, direction of travel and means of flight.
  2. advise the physical and clothing description of the escapee.
  3. advise of any weapons possessed by escapee, danger potential and existence of outstanding warrants and/or criminal charges.
  4. request additional assistance and a supervisor to respond to the location.
  
- B. Supervisor's Responsibilities
  1. Notify the Division Commander who shall advise the Chief Deputy.
  2. Ensure that every possible attempt to re-capture the prisoner is made.
  3. Ensure a completed offense report documenting the circumstances of the escape is filed.
  4. Ensure proper notifications are made to surrounding agencies (i.e. BOLO is issued).

#### 23.02 Injury/Illness of Prisoners

- A. If a prisoner becomes ill or injured during or after arrest, deputies are to:
  1. Notify Communications immediately.
  2. Obtain immediate medical attention (EMS).
  3. Notify the on-duty supervisor who shall contact the Division Commander.
  4. If transport to a hospital is refused by a prisoner, obtain a copy of the refusal from EMS.
  5. Have prisoner transported to a hospital if necessary.
  6. Obtain a medical release from the hospital if released while in custody.
  7. Properly document the chain of events related to the injury or illness in the offense report .
  
- B. If transporting a prisoner to a medical facility:
  1. Ensure a physician attends to the prisoner.
  2. Do not remove restraints unless directed by the attending physician.
  3. Coordinate with medical authorities to keep the prisoner under continuous observation or control.
  4. Arrange, through a patrol supervisor or Division Commander, for a relief system for officer(s) to assume guard duty unless a "to be warrant" is being sought in connection with the offense for which the prisoner was arrested.
  5. Arrange with hospital personnel to help secure the prisoner with restraints other than handcuffs, if appropriate.
  6. Properly document the chain of events related to the injury or illness in the offense report.



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- C. If the injured or ill person appears to be mentally disturbed, arrange for screening by a mental health provider.

#### Revision:

This policy has been revised on the below listed dates:

March 2022







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| GENERAL TRAFFIC ENFORCEMENT GUIDELINES | 24         | 6          |

#### 24.00 Traffic Enforcement Overview

Deputies shall enforce traffic regulations in a uniform and impartial manner. The dedication of law enforcement personnel to promote safe driving and to apprehend dangerous drivers ultimately ensures safer roads for the traveling public. Falling enforcement levels will ultimately threaten public safety. Therefore, it is incumbent upon us as a law enforcement agency to proactively enforce traffic laws for the good of public safety on roadways passing through our jurisdiction.

#### 24.01 Traffic Enforcement Policy

- A. Deputies assigned to a patrol capacity should effect traffic stops on drivers who are observed committing a traffic violation when practical to do so.
- B. After stopping the violator, the Deputy shall exercise good judgement in deciding what enforcement action should be taken (i.e. written warning, citation or arrest).
- C. A traffic citation or written warning should be issued only when:
  1. The violator has been sufficiently identified; and
  2. The Deputy has no substantial reason to believe the violator will fail to appear for court; and
  3. The Deputy has reason to believe that release by citation will result in the termination of the violation committed; and
  4. The violator did not resist detention, assault anyone during the offense, or appear to be combative or violent; and
  5. The violator is willing to sign the citation.

#### 24.02 Sufficient Subject Identification

- A. Deputies shall make every effort to sufficiently identify violator(s) prior to issuing a citation. If it is not possible to sufficiently identify a subject and the Deputy has an arrest authority based on the violation, a custody arrest may be made. Note: Instanters for Class C only arrests require supervisor approval. See section on "Handling of Prisoners".
- B. Subjects whose identity is in question and are being issued a citation or booked into jail shall be subjected to fingerprint identification using Mobile AFIS and/or live scan.
- C. Deputies shall make every effort to obtain all other identifying and contact information for the purpose of completely filling out a citation and/or booking paperwork (i.e. ethnicity, home and work addresses, occupation, phone numbers,



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complete vehicle information, etc.) and document this information on the citation or booking paperwork.'

#### 24.03 Citation or Written Warning Errors

Deputies shall be diligent in ensuring the information recorded on a citation or written warning is both accurate and that it pertains to the violator being cited.

- A. Prior to issuing a violator their copy of a citation or written warning, Deputies should verify that all information contained in the citation or written warning is accurate.
- B. Citations issued in error (i.e. due to wrong violator information, wrong charge, citation issued instead of warning, equipment failure, etc.) shall be reported as soon as possible so they can be voided. This can be done by submitting an internal help desk ticket. Note: It is the issuing Deputy's responsibility to ensure that a citation issued in error is voided, or, in cases where 7 days has lapsed, to contact the appropriate court to ensure the citation is withdrawn.
  - 1. Hard copies of citations for which a void request has been submitted shall not be turned in to the court.
  - 2. Should a mistake be discovered after the 7 day waiting period that would warrant a citation being voided, the issuing Deputy shall contact the appropriate court and request the hard copy be returned and the case withdrawn.

#### 24.04 No Valid Operator's License / No Proof of Financial Responsibility

Purpose:

To establish guidelines governing non-consent towing of vehicles for drivers who are in violation of Texas Transportation Code 601.053 (Evidence of Financial Responsibility) and 521.021 (License Required) concurrently.

- A. A Deputy shall tow (impound) a vehicle, pursuant to and under authority of A (1) or (2), when the Deputy reasonably believes that the vehicle's operator has no valid Driver's License AND no Proof of Financial Responsibility (Insurance) AND he/she cites the operator for driving with no driver's license and for no proof of financial responsibility. This will apply except where the vehicle is specifically equipped for and operated by a handicapped driver or when a supervisor approves an exemption where officer safety or the efficiency of a mission would be jeopardized.



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1. Traffic stop on a public roadway: Texas Transportation Code 545.305 – Removal of Unlawfully Stopped Vehicle or 545.3051 – Removal of Personal Property from a Roadway or Right-Of-Way
  2. Traffic Stop on Private Property: Texas Occupations Code 2308.252, Subchapter F – Removal and Storage of Unauthorized Vehicle and Texas Occupations Code 2308.301, Subchapter G – General Requirements for Sign Prohibiting Unauthorized Vehicles.
    - a. The Deputy shall take notice and document all visible signage applicable to parking rules/authority for the property where the traffic stop occurred, or
    - b. The Deputy shall, if practicable, speak to a parking facility authorized agent in regards to authorizing a non-consent tow.
- B. Proof of Financial Responsibility can be established by showing one of the following:
1. Current motor vehicle liability insurance policy or binder covering the driver, or the registered owner or vehicle
  2. Card from an insurance company verifying the insurance validity and current status of a policy (i.e... issue date, expiration date and Vehicle Identification Number)
  3. Insurance company letter verifying current coverage
  4. Certificate of self-insurance
  5. Copy of fleet insurance on rental vehicles and company vehicles
  6. TexasSURE Verified
  7. An image displayed on a wireless communication device that include the information required by section 601.081 as provided by a liability insurer / Electronic Proof of Insurance Card
  8. A certificate of deposit
  9. A surety bond
- C. Application of this procedure shall be without regard of an individual's race, ethnicity, national origin or social status.
- G. In the event that an operator is unable to provide proof of financial responsibility at the scene, but insists the vehicle is covered, the investigating Deputy shall take reasonable steps to verify the operator's claim. If the operator is able to provide the name and telephone number of their company or agent, the Deputy should attempt telephone contact in order to verify the existence of financial responsibility.
- H. Should the Deputy determine that proof of financial responsibility does not exist and the driver does not have a valid driver's license, the Deputy shall have the vehicle towed to a county approved storage facility.



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- I. The Deputy shall be responsible for transporting or assisting in making arrangements for the violator, all occupants, animal(s) and/or perishable property to be transported to a safe public place, with telephone service. No operator or occupants shall be left on the side of the roadway or any place hazardous to their wellbeing.
- J. Juvenile operators will not be left unattended under any circumstances. The Deputy will contact the juvenile's parent(s) or legal guardian or other responsible adult, and wait with the juvenile until transportation arrives. Under no circumstances will juvenile operators or juvenile occupants be left at any location without responsible adult supervision.
- K. Deputies will consider the "totality of the circumstances" with regards to the application of this procedure. Factors to be considered shall include, but are not limited to:
  - 1. The time of day;
  - 2. Weather conditions;
  - 3. Age of occupants;
  - 4. Physical condition or disabilities of the driver and/or occupants.

Should a Deputy believe that extenuating circumstances preclude the towing of the operator's vehicle, the Deputy may release the vehicle to the custody of the operator with supervisor approval.
- L. All vehicles towed, exempted from tow or precluded from tow under this procedure shall be documented in the original call slip or offense report. The call slip or offense report should include, but is not limited to the following information:
  - 1. The location where the driver, and/or any passenger's was released
  - 2. The physical condition of the driver and/or passengers who were released
  - 3. Detailed attempts to confirm the existence insurance information
  - 4. If the driver is a juvenile, the name, address, telephone number, Texas Driver's License number and relationship of the adult to the juvenile
  - 5. The location where the traffic stop occurred and, if private property, the visible signage and authority to remove unauthorized property (tow)
- M. When completing the wrecker slip, NO INSURANCE and NO VALID DRIVER'S LICENSE shall be written on the field for reason for removing the vehicle.

#### 24.05 Salvage Motor Vehicle Titled Vehicles

Purpose:





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To establish guidelines governing non-consent towing of vehicles for drivers who are in violation of Texas Transportation Code 501.09111 (Rights and Limitations of Non-repairable Vehicle Title, Non-repairable Records of Title, Salvage Vehicle Title, or Salvage Records of Title). Operation of a vehicle that has been issued a non-repairable or salvage vehicle title on a public roadway in Texas is a Class A Misdemeanor - Texas Transportation Code 501.157 (b).

- A. A Deputy shall tow (impound) a vehicle that has been issued a non-repairable or salvage vehicle title, verified by conducting a records check by VIN, and the Deputy determines the person was operating that vehicle on a public roadway. *Note that a vehicle issued a “salvage rebuilt title” or “rebuilt title” can be operated on a public roadway with current registration.*
  - 1. In all such cases, the Deputy shall generate an offense report for Operating a Salvage Titled Vehicle on a Public Roadway, Texas Transportation Code 501.157 (b), whether charges are accepted by the District Attorney’s Office or not.
  - 2. Other charges that may be associated with the operation of a salvaged titled vehicle on a public roadway include Texas Penal Code 37.10 – Tampering with a Government Record and Texas Transportation Code 503.067 – Unauthorized Reproduction, Purchase, Use, or Sale of Temporary Tags and Texas Transportation Code 503.062 – Dealer’s Temporary Tags.
  
- B. In the event charges are not accepted by the District Attorney’s Office and a citation is issued instead, the Deputy shall be responsible for transporting or assisting in making arrangements for the violator, all occupants, animal(s) and/or perishable property to be transported to a safe public place, with telephone service. No operator or occupants shall be left on the side of the roadway or any place hazardous to their wellbeing.
  - 1. Juvenile operators will not be left unattended under any circumstances. The Deputy will contact the juvenile’s parent(s) or legal guardian or other responsible adult, and wait with the juvenile until transportation arrives. Under no circumstances will juvenile operators or juvenile occupants be left at any location without responsible adult supervision.
  - 2. In these situations, the offense report should include, but is not limited to the following information:
    - a. The location where the driver, and/or any passenger’s was released
    - b. The physical condition of the driver and/or passengers who were released
    - c. Detailed attempts to confirm the existence insurance information
    - d. If the driver is a juvenile, the name, address, telephone number, Texas Driver’s License number and relationship of the adult to the juvenile



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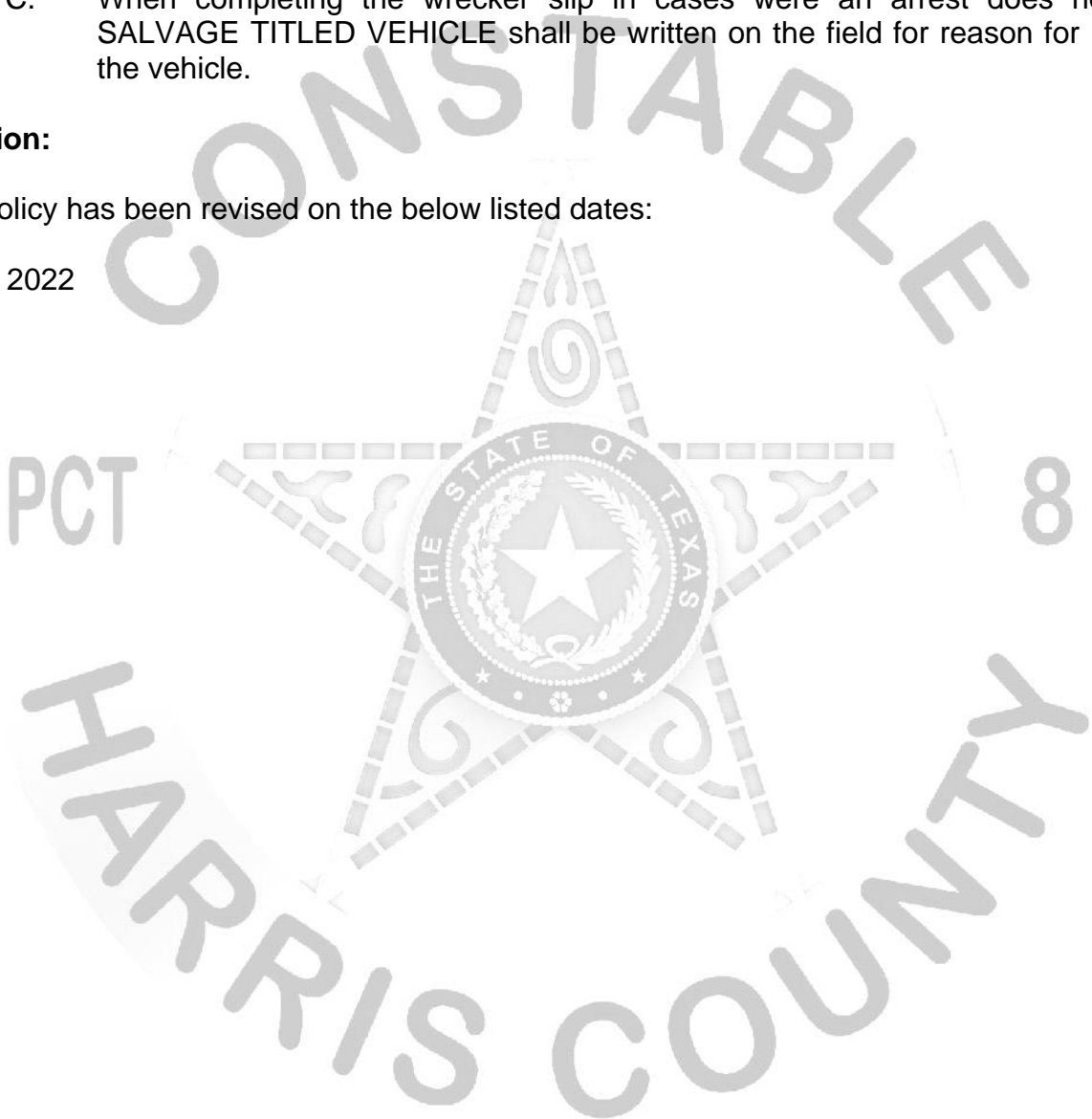
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- e. The location where the traffic stop occurred and, if private property, the visible signage and authority to remove unauthorized property (tow)
  
- C. When completing the wrecker slip in cases where an arrest does not occur, SALVAGE TITLED VEHICLE shall be written on the field for reason for removing the vehicle.

**Revision:**

This policy has been revised on the below listed dates:

March 2022





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| CRASH INVESTIGATION | 25         | 6          |

25.00 Crash Investigation Overview

**PURPOSE:**

This procedure establishes guidelines for handling, investigating and reporting motor vehicle crashes.

**POLICY:**

Deputies respond to, provide for the documentation of, and report motor vehicle crashes occurring on roadways and property within Harris County. When addressing crashes, Deputies will adhere to the guidelines established in this procedure.

**DISCUSSION:**

Deputies address most motor vehicle crashes by completing a Texas Peace Officer's Crash Report. This procedure also establishes a process for documenting crashes where there are no injuries, no complaint of injuries and no exigent circumstances necessitating a police investigation.

Crash Documentation/Investigation serves three (3) main purposes:

- A. To gather evidence to support prosecution of criminal violations;
- B. To properly obtain and document facts so those individuals involved can properly exercise their rights under civil law; and
- C. To provide statistical information to the State necessary for the development of crash prevention programs.

25.01 Responding to Crashes

- A. Responsibilities of first Deputy arriving at a crash scene:
  - 1. Park the patrol vehicle, utilizing emergency lights, in a manner that best provides warning of the crash to approaching vehicles, to protect persons from injury and to provide other emergency vehicles access to the scene.
  - 2. Request EMS for persons requiring medical treatment. Request fire department response of persons needing to be extracted from vehicles or for issues such as leaking fuel/fluids, fire, etc.



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3. Take steps necessary to protect the scene to ensure proper collection of evidence and to gather information or facts needed to accurately investigate if necessary and report the crash.
4. Take necessary actions to allow for the safe flow of traffic around the crash scene and rapid restoration of traffic flow on the roadway. This includes moving vehicles from the roadway at the earliest opportunity allowable by the investigation.
5. As needed, request additional officers for traffic or crowd control, wreckers and/or fire or EMS units.
6. Identify all parties involved in the crash and check for valid driver's license and proof of financial responsibility. This includes checking each person for active warrants and taking appropriate action if warrants are found.
7. Determine if the crash requires a police investigation or if it meets the criteria for the drivers to only exchange required information.
  - a. The following types of crashes occurring on any street, highway or private property require a police investigation and the responding Deputy shall report the crash on a Texas Peace Officer's Crash Report.
    - i. Crashes resulting in any injury, complaint of any injury, or death to any person;
    - ii. Crashes resulting in damage to any vehicle exceeding \$1000 or to the extent the vehicle cannot be "normally and safely" driven from the scene. (Does not require towing and the vehicle can be operated under its own power and in its usual manner, without additional damage or hazard to the vehicle, other traffic, or the roadway.);
    - iii. Crashes involving Federal, State, City or County property and/or vehicles;
    - iv. Crashes involving hazardous materials;
    - v. Crashes involving commercial vehicles;
    - vi. Hit and run (FSGI/FSRA) crashes;
    - vii. Crashes where any driver is arrested or cited for any criminal or traffic offense determined to have contributed to the cause of a crash;
    - viii. Crashes with any suspicion that alcohol or any drug may have been involved.
  - b. The following types of crashes occurring on any street, highway or private property do not require a police investigation and do not require a Texas Peace Officer's Crash Report.
    - i. Crashes with no injuries, complaints of injury, or deaths and the damage is believed to be under \$1000; and





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- ii. Vehicles involved can be “normally and safely” driven from the scene; and
  - iii. Drivers involved have valid driver’s licenses and proof of financial responsibility for the vehicles; and
  - iv. When there are no other exigent or unusual circumstances which would require a police investigation. Note: If there is any question, the responding Deputy shall complete a Texas Peace Officer’s Crash Report.
8. If a crash involves a death, the probability of a death, or any serious bodily injury or where intoxicants or other criminal elements may have contributed to the crash (i.e. Racing, Aggravated Assault, Failure to Stop and Render Aid – FSRA), or crashes involving Wrong Way Drivers on Highways regardless of the severity of injuries), protocol for deploying the Department’s CRASH team shall be followed. Note: Refer to CRASH Team Deployment quick reference guide.
- B. A supervisor shall respond to the scene of any accident involving death, the probability of a death, or any serious bodily injury and ensure all investigative procedures are thoroughly followed.

#### 25.02 Investigation

- A. The Deputy assigned to handle a crash has report writing responsibility and is primarily in charge of the crash scene. Upon arrival of a supervisor, the supervisor is in charge of the crash scene.
- B. Deputies gather and record sufficient information, facts or evidence to determine if traffic or criminal violations have occurred and to be able to answer any reasonable questions concerning the crash.
- C. A Deputy will remain at the scene of any crash until the vehicles are towed from the location or safely moved off the roadway.
- D. Deputies handling crashes which are required to be reported on a Texas Peace Officer’s Crash Report will:
  - 1. Locate and identify all drivers, passengers, witnesses or any other parties involved. Interview each separately to determine their involvement in or knowledge of the crash.
  - 2. Based on investigation, determine the cause of the accident, party(ies) at fault and any traffic or criminal offense or other factors that contributed to the cause of the accident.



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- a. The filing of traffic charges may not be required in accidents where there is no damage or injury to anyone's property or person other than to the vehicle and driver that caused the accident (i.e. vehicle drove into the ditch) or in such cases where fault cannot be determined.
- b. In cases of injury and/or property damage to others where a violation of law is deemed to be a factor, the filing of criminal charges is expected unless exceptional circumstances exist and with supervisor approval. The investigating Deputy will make a reasonable effort to determine if a violation has occurred and file the appropriate charges related to such crashes. Some incidents may require further follow up investigation where a summons may be issued at a later date or a To-Be warrant may need to be obtained.
3. Distribute Department "Accident Exchange Forms" to each driver or other person(s) involved (i.e. pedestrian, pedalcyclist, etc.) with instructions on how to complete the form by filling in their required information to be exchanged with all other parties. The Deputy shall also verify the information on each exchange form prior to leaving the scene.
4. Verify valid driver's license, current proof of financial responsibility and check for active warrants on all drivers or parties involved.
5. Collect any valuable property or identification belonging to involved parties who are injured and not able to take custody of their own property. Place the property in the Property Room in accordance with abandoned property procedures if unable to return to the owner.
6. Ensure non-drivable vehicles are removed from the roadway by a wrecker.
7. Ensure the roadway is cleared of all debris prior to clearing the scene.
- E. Deputies handling crashes which are not required to be investigated and reported on a Texas Peace Officer's Crash Report will:
  1. Distribute Department "Accident Exchange Forms" to each driver or other person(s) involved (i.e. pedestrian, pedalcyclist, etc.) with instructions on how to complete the form by filling in their required information to be exchanged with all other parties. The Deputy shall also verify the information on each exchange form prior to leaving the scene.
  2. Ensure notations are made in the CAD call slip that contains the information of all drivers and vehicles involved as well as a brief description of the accident and fault if it is known. Deputies shall advise the reporting parties that such notations were made.

#### 25.03 Crash Reports



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- A. The guide used in completing the Texas Peace Officer's Crash Report is the CR-100 booklet titled 'Instructions to Police for Reporting Crashes'. (The CR-100 booklet is available on the Precinct 8 intranet and at the TxDOT CRASH website.) In addition to the information required by the CR-100 booklet, a written explanation for any contributing factors listed is to be included in the Investigator's Narrative Section of the Texas Peace Officer's Crash Report.
- B. Crashes occurring on any street, highway or private property which require a police investigation are to be thoroughly investigated and reported using the Texas Peace Officer's Crash Report.
  - 1. The electronic submission of the Texas Peace Officer's Crash Report is considered the original report and shall be submitted in a timely manner.
  - 2. Any necessary supplements to crash reports are also to be submitted in a timely manner.
- C. Witness information should not be listed in the details of the Crash Report. Any witness statements will be scanned and added to the associated RMS report.
- D. Effective September 1, 2017, per the 85th Texas Legislature Senate Bill 312, the Driver's Crash Reports (Form #CR-2 "Blue Form") are no longer retained by the Texas Department of Transportation. Deputies are no longer required to provide the drivers with TxDOT Form #CR-2.

#### 25.04 Follow-up Related to Crashes

- A. In traffic crashes resulting in fatalities, it is preferred that the legal next of kin notification be made by staff of Precinct 8. In cases where this is not possible (i.e. unable to locate next of kin, unable to identify next of kin), this task may be relegated to the Harris County Institute of Forensic Sciences. In cases resulting in serious injury/illness where next of kin is not able to be notified by Precinct 8 staff, hospital personnel may make notification to next of kin.
- B. When information or identification is needed from a victim transported to a hospital, the Deputy assigned the report shall:
  - 1. Go to the hospital and speak with the victim if additional information is needed for the report.
  - 2. Provide accident exchange information to the victim from all other persons involved who completed exchange forms.
  - 3. Ensure information for the injured person is obtained and provided to all other persons involved who were required to complete exchange forms.



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#### Revision:

This policy has been revised on the below listed dates:

March 2022







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#### 26.00 Arrest, Search and Seizure

##### PURPOSE:

The purpose of this policy is to detail the responsibilities, procedures and legal considerations that deputies need to be cognizant of when engaging in activities that are classified as searches and seizures.

##### POLICY:

It is the policy of the Harris County Precinct 8 Constable's Office that all searches and seizures are conducted in a lawful manner such that they will not only withstand the scrutiny of judicial review, but also uphold the constitutional rights of those persons who are the subjects of such searches and seizures.

##### DISCUSSION:

The Fourth Amendment of the United States Constitution provides as follows: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated ..."

The seizure of a person under the Fourth Amendment can be accomplished by a Physical Seizure or by a show of authority alone. Physical seizures occur when Deputies use intentional force to stop a person and the person is actually stopped by the use of force. Show of authority seizures occur when a "show of authority" is displayed to a person by law enforcement and the person willingly submits to that authority.

In order to ensure that the rights of citizens are maintained, and thereby assuring that the efforts of the Department and its law enforcement officers are not overturned during judicial review, it is imperative that every Deputy thoroughly understand the basic constitutional and statutory provisions involved in searches and seizures. Failure to comply with the laws pertaining to searches and seizures may result in evidence being declared inadmissible under the fruit of the poisonous tree doctrine due to having been unlawfully seized. In carrying out their duties in this regard, all Deputies must fulfill their responsibilities to protect the community and at the same time protect the individual rights guaranteed to every citizen by the United States Constitution.

##### A. Consent to Search

Consent to search without a search warrant or an exigent circumstance, whether given in writing or verbally, is a knowing and voluntary waiver of a Constitutional



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Right, and as such will be closely scrutinized. The following considerations must be made when obtaining consent:

1. Consent cannot be presumed from silence.
  2. Consent must be specifically and meaningfully given.
  3. Consent must be given freely, knowingly and voluntarily, free of any coercion, intimidation or threat. Deputies must avoid even the appearance of intimidation or duress. The burden is on the State, and thus law enforcement officials, to show that consent was voluntary.
  4. A person who has "authority" (i.e., the immediate right of possession and control of the premises or property that is the subject of the search) must give consent. However, Deputies may rely upon "apparent authority" in obtaining consent. If there is any doubt as to who has the immediate right of possession and control of the premises/property, then a search warrant should be obtained.
  5. Consent must be free of misrepresentation or fraud. Consent obtained by trick, duress or misrepresentation voids the consent and could render evidence inadmissible. It should be noted, however, that there is no requirement that law enforcement officials tell a person that they have the right to refuse consent.
  6. Consent must be obtained prior to the search and after the deputies have identified themselves and requested the right to search.
  7. Consent must be limited to the area specified and such consent may be revoked at any time, unless items are found prior to such revocation that establishes probable cause. Upon such revocation, the search must cease. Evidence found prior to revocation may be retained and used as a basis for immediate arrest or as probable cause for the issuance of an arrest or search warrant.
- B. Written consent, documented on the Department "Consent to Search" form, is always preferred over verbal consent.
- C. A search warrant is always preferred over a written consent search.

#### 26.01 Plain View Seizure

- A. In certain limited circumstances, a Deputy may make a warrantless seizure of objects in plain view. The following conditions, however, must be met before the plain view doctrine is applicable:
  1. The Deputy must legally be in the location that gave view of the item subject to seizure.



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2. The incriminating nature of the evidence must have been immediately apparent without further intrusion.
  - B. When a Deputy lawfully enters upon premises, contraband that he observes in plain view may be seized without a warrant. In such cases, the usual requirements of obtaining a search warrant are unnecessary because no "search" has been conducted. A "search" implies looking into private or hidden places for concealed items and does not include the observation of articles that are open to plain view or obvious to the senses. It is also permissible for a Deputy to use a flashlight to make such observations.
  - C. An observant Deputy, utilizing the "plain view" doctrine, may often be successful in recovering stolen property, unlawful drugs or weapons used or intended for use in the commission of a crime. Areas in which a person has no expectation of privacy, such as open fields, streets or roadways, may be searched without a search warrant (this does not include the "curtilage," which is defined as the immediate yard or outbuildings of a dwelling house). However, obtaining a search warrant prior to the search is preferable.
  - D. Search of abandoned property
 

Things thrown away or left in a constitutionally unprotected place may be seized and examined. This includes articles dropped or otherwise discarded from an individual. However, this exception to the search warrant requirement does not include articles discarded after an illegal seizure of the person (i.e., an improper detention or illegal arrest).

#### 26.02 Search Incident to Arrest

The Supreme Court has determined that any search incident to arrest, regardless of the place of arrest (i.e., a dwelling, a vehicle, etc.), must be substantially contemporaneous (must occur during the period in which the arrest is being conducted and before the situation has so stabilized that it could be said that the arrest has been completed) with the arrest, and must meet the objectives of protecting the arresting Deputies or safeguarding evidence of the offense of arrest.

The Court has stated:

"If there is no possibility that an arrestee could reach into the area that law enforcement officers seek to search, both justifications for the search incident to arrest exception are absent and the rule does not apply."



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- A. Arrests in dwellings:
  1. Deputies may do a thorough search of the arrestee's person and any objects on the arrestee (i.e., wallet, purse, cell phone, jacket, etc.) for weapons, evidence and/or any means of escape.
  2. Deputies may search the arrestee's lunging area (i.e., the area immediately within the arrestee's span of control) only if the arrestee is reasonably able to access that area at the time of the search.
  3. Protective Sweeps. Deputies may also look into closets and other areas immediately adjoining the arrest area in which accomplices and/or others who could pose a danger to the Deputies may be hiding. Protective sweeps may be conducted without further suspicion. This search would be limited to those adjoining areas where a person is capable of fitting.
- B. Motor vehicle arrests:
  1. The U.S. Supreme Court has held that law enforcement officers need to demonstrate an actual and continuing threat to their safety posed by an arrestee, or a need to preserve evidence related to the crime of arrest from tampering by the arrestee, in order to justify a vehicular search incident to arrest conducted after the vehicle's recent occupants have been arrested and secured.

The Court has stated:

"Police may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of arrest. When these justifications are absent a search of an arrestee's vehicle will be unreasonable unless police obtain a warrant or show that another exception to the warrant requirement applies."

Thus, a search of a motor vehicle incident to arrest may be conducted when either of the following are present:

- a. The arrestee is within reaching distance of the passenger compartment of the vehicle at the time when the search is conducted (vs. the time when the arrest is conducted), AND has the present ability to gain access to it. The Supreme Court has stated:

"Because officers have many means of ensuring the safe arrest of vehicle occupants, it will be the rare case in which an officer is unable to fully effectuate an arrest so that a real possibility of access to the arrestee's vehicle remains. But in such a case a





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search incident to arrest is reasonable under the Fourth Amendment”.

- 1.) In the vast majority of cases, officers who are performing their jobs properly and according to Department training will have arrestees secured and unable to access the passenger compartment of a suspect vehicle. In such situations, a search of a motor vehicle incident to arrest for the reason that a suspect could access the vehicle would be invalid.
  - b. Reasonable suspicion exists that evidence pertaining to the offense of arrest is present within the vehicle. For example, a search of a motor vehicle incident to the arrest of a suspect for only a traffic related offense would be invalid, as there would be nothing to search for within the vehicle that would constitute evidence of the offense of arrest.
2. The search is limited to the passenger compartment; however, the entire passenger compartment, including any containers, may be searched for evidence, weapons, or means of escape.
  - C. During the arrest and booking processes, a routine custodial search of the person under arrest is authorized.
  - D. Those arrestees who are in possession of unsecured property coming into police custody may have such property inventoried as per Department property procedures. Such inventory is not considered a "search" under the Fourth Amendment.

#### 26.03 Motor Vehicle Searches without a Warrant

- A. Although the expectation of privacy in a motor vehicle is lower than the expectation of privacy in the home, a search warrant must be obtained whenever it is practical to do so. In certain pre-arrest circumstances however, searches of motor vehicles may be conducted without a warrant.
  1. Practical considerations often dictate that a search of a motor vehicle be conducted without a search warrant due to the fact that a moveable vehicle creates the possibility that it might be transported before a search warrant may be obtained. This is known as the "moveable vehicle exception" to the warrant requirement.
  2. In situations when Deputies have probable cause to search a motor vehicle for an object, they may conduct a warrantless search of every part of the vehicle and its contents, including all containers and packages that may conceal the object of the search. The scope of the search is not defined by



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the nature of the container in which the object is secreted. Rather, it is defined by the object of the search and the places in which there is probable cause to believe that it may be found. Deputies may even tow the vehicle back to the station and conduct the search.

- a. Moreover, the probable cause determination must be based on objective facts that could justify the issuance of a warrant by a magistrate, and not merely on the subjective good faith of the police officers. It must be grounded on facts known by the Deputy which, in the judgment of the court, would make his faith reasonable.
3. If reasonable suspicion exists to believe that an individual is dangerous and might access the vehicle to gain immediate control of weapons, then the passenger compartment of the vehicle, including closed containers capable of holding the suspected weapon(s), may be searched without a search warrant.
  - a. However, if the investigation is focused on a particular container that just happens to be in a vehicle, a search warrant is required for a search of the vehicle for that particular container.
  - b. Containers may be searched under other exceptions to the search warrant requirement, such as "exigent circumstances."
4. According to Title 31, Chapter 31-21.2 (Racial Profiling Act of 2004) (Statute § 31-21.2-5 of the RI General Laws:
 

"Unless there exists reasonable suspicion or probable cause of criminal activity, no motor vehicle stopped for a traffic violation shall be detained beyond the time needed to address the violation. Nothing contained herein shall prohibit the detention of a motor vehicle for a reasonable period of time for the arrival of a canine unit or subsequent criminal investigation, if there is reasonable suspicion or probable cause of criminal activity. "
- B. If a lawful search of a motor vehicle is conducted without a search warrant, anything of evidentiary value is admissible whether or not it is related to the arrest. For example, if a Deputy is justified in searching an automobile for narcotics and stolen property is found, such stolen property is admissible in evidence as long as it was found in an area reasonably likely to contain the narcotics originally sought.
- C. Regarding consent searches of motor vehicles, Statute § 31-21.2-5 states:
 

"No operator or owner-passenger of a motor vehicle shall be requested to consent to a search by a law enforcement officer of his or her motor vehicle which is stopped solely for a traffic violation, unless there exists reasonable suspicion or probable cause of criminal activity."



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- D. A search warrant is always preferred over a written or verbal consent search.
  
- E. Vehicle inventory:
  1. The purpose for an inventory of an impounded vehicle is to:
    - a. Protect the vehicle owner's property while it remains in custody.
    - b. Protect law enforcement against claims or disputes over lost or stolen property.
    - c. Protect law enforcement from potential danger arising from materials contained in the vehicle.
  2. In order for a vehicle inventory to be valid, all of the following conditions must be met:
    - a. The vehicle must be lawfully impounded.
    - b. The impoundment and subsequent inventory must be conducted pursuant to standard law enforcement procedures.
    - c. The impoundment and subsequent inventory must not be performed as a pretext for an improper investigatory motive. Examination of the contents of a motor vehicle pursuant to a criminal investigation, or with the intent of discovering evidence of a crime, is a NOT a vehicle inventory.
  3. Vehicle inventories shall be conducted when:
    - a. The vehicle has been lawfully seized or impounded either pursuant to the arrest of the driver; after towing the vehicle for violations; or for legitimate law enforcement or public safety (community caretaker) reasons.
    - b. When an accident requires the tow of a vehicle and the owner or operator is not available (i.e., death, serious injury) or is unwilling to/incapable of removing items of value from the vehicle.
  4. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company whenever it is safe and practicable to do so; otherwise, the inventory will be performed as soon as practicable thereafter. In all such cases, the entire contents of the vehicle shall be notated on a Harris County "Wrecker Slip".
  5. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the vehicle will be towed to a designated storage facility and the inventory will be performed after such investigation is completed.
  6. Vehicle inventories of impounded vehicles will be conducted in the following areas:
    - a. Throughout the passenger and engine compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area; in any pockets in the doors or in the back of the front





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- seat; in any console between the seats; under any floor mats; and under the seats.
- b. Any unlocked compartments that are a part of or affixed to the vehicle including, but not limited to, vehicle trunks, glove-boxes, hatchbacks, and car- top containers.
  - c. Any locked compartments that are a part of or affixed to the vehicle including, but not limited to, vehicle trunks, glove- boxes, hatchbacks, and car-top containers, if either the keys are available; an unlocking mechanism for such compartment is available within the vehicle; or if access can be gained without damaging any portion of the compartment or the vehicle itself.
7. All open or closed, free-standing containers, shall be searched. Deputies may use discretion as to whether or not to search a closed container whenever the Deputy is reasonably certain of the contents of the container by observing the designs, markings, or wording thereupon or by directly observing the contents within a transparent or translucent portion of the container.
8. Locked free-standing containers shall be searched only if access within such containers can be accomplished without damaging the container or any portion of the vehicle. Locked containers that cannot be opened for any of the reasons stated above, but that are suspected of containing illegal weapons or contraband; or suspected of containing any evidence, fruits, or instrumentalities of a crime; shall be seized and processed in accordance with Department policies and procedures, and a search warrant sought prior to opening.
9. Any illegal weapons or contraband; or any evidence, fruits, or instrumentalities of a crime; are admissible as evidence when discovered as a result of a valid vehicle inventory. Whenever such circumstances arise, deputies shall seize such evidence and shall follow all applicable Department policies and procedures (i.e., reporting, forms, evidence submission, charging, etc.) pertaining to such seizures.
10. Vehicle inventories will be documented in a report narrative.
- a. At a minimum, narratives documenting a vehicle inventory will include: the reason for the seizure/impoundment of the vehicle; any citation numbers; items of value that were located in the vehicle; tow company name; and vehicle storage location.
  - b. Seized items will also be reported in the appropriate electronic reporting fields of an incident report and in the narrative. The report narrative shall state at a minimum where the item was found within the vehicle; whether or not the compartment and/or container that the item was found within was open or closed and locked or unlocked upon





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initial inspection; how a locked compartment and/or container was unlocked/opened; and the reason for the seizure.

11. Deputies shall consult with their immediate supervisors when considering seizing any item solely for reasons pertaining to its value. Deputies who shall seize such items shall follow all applicable Department policies and procedures pertaining to the seizure of property.
12. Items of value that are not seized shall be placed within the trunk of the vehicle when possible; otherwise, they shall be left in the most secure place available within the vehicle.

#### 26.04 Entry without a Warrant under Exigent Circumstances

A. No court has attempted to formulate a final and comprehensive list of all exigent circumstances that might justify an entry of a premises without a warrant. However, such circumstances include, and are not limited to:

1. The degree of urgency involved and the time required to obtain a search warrant.
2. The Deputy's reasonable belief that contraband is about to be removed or destroyed.
3. The possibility of dangers to others, including Deputies left to guard the site.
4. Information that the possessors of the contraband are aware that a police investigation is being conducted.
5. Whether the offense is serious, or involves violence.
6. Whether Deputies reasonably believe suspects are armed.
7. Whether there is, at the time of entry, a clear showing of probable cause.
8. Whether the Deputies have strong reason to believe the suspects are actually present on the premises.
9. The likelihood of escape if the suspects are not swiftly apprehended.
10. Hot pursuit, which involves a suspect's recent entry into a premises either during or shortly after pursuit by Deputies.

**\*\*NOTE\*\*** - Courts have frowned upon using exigency and hot pursuit to justify an entry where only a minor offense is involved.

B. A Deputy may make a warrantless entry to secure the premises prior to or while seeking a search warrant if the need to preserve evidence and protect Deputies outweighs the individual's right to privacy in maintaining the sanctity of the home.

C. The following two factors must be present for the warrantless entry:

1. Deputies have probable cause to believe evidence is on the premises.



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2. Delaying entry would create a substantial risk that evidence will be lost or destroyed, or the critical nature of the circumstances prevents the use of the search warrant procedure (exigency).
- D. Exigent circumstances that present a compelling need for immediate official action, or which present a substantial threat of imminent danger to life or public safety include:
1. The need to seize short-lived evidence, such as blood. However, the need to seize such short-lived evidence must be balanced against other factors to establish exigent circumstances.
  2. The need to search in an emergency, such as a burning fire. However, no general emergency exception, such as occupational/safety violation, homicide scene, or extinguished fire, creates such exigent circumstances.
- E. Exigent/exceptional circumstances include the right to enter and search an enclosure when in pursuit of a felon (and sometimes misdemeanants based on the totality of the circumstances) if there is reasonable cause to believe that the felon is inside.
- F. Exigent /exceptional circumstances must exist and be known to the Deputy prior to the conducting of the search and seizure, and may not be developed as the search and seizure takes place.
- G. There is no crime scene exception to the warrant requirement. Therefore, once exigency has passed, no other Deputies, including investigators, may enter the crime scene and conduct a search.

#### 26.05 Terry Stop (Terry v. Ohio, 392 U.S. 1 (1968))

- A. A law enforcement officer may temporarily detain a person if reasonable suspicion exists that a crime has been committed, is being committed, or is about to be committed, including whenever the Deputy reasonably suspects that a person is illegally carrying a concealed weapon.
1. These reasonable suspicion stops must not be confused with "consensual contacts", which are interactions that require no level of suspicion on the part of a Deputy and are consented to by the person of their own free will. As such, "consensual contacts" do not constitute a seizure unless the person is given the impression at some point during the contact that they must comply with police requests.



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- B. A temporary detention, as recognized by the United States Supreme Court, is a seizure, and as such is controlled by the Fourth Amendment.
- C. Within the Terry Stop doctrine, two distinct acts exist: (1) the stop, and (2) the pat-down for weapons.
- D. The Stop
  - 1. The stop is the detention of a subject for a brief period of time necessary to conduct a diligent investigation.
  - 2. In order to make the stop, the Deputy must have reasonable suspicion to believe that a person is committing, has committed, or is about to commit a crime, or illegally possesses a concealed weapon. The courts are likely to rule that the following factors may be considered in building a foundation for the stop:
    - a. The "crime" must be articulable and not a generalized suspicion, and of a type that normally involves a weapon.
    - b. The Deputy has valid knowledge that the individual has a prior criminal record that includes crimes which normally involve the carrying or use of a weapon.
    - c. The individual fits the description of a known wanted suspect.
    - d. The individual exhibits furtive conduct, such as: fleeing from the presence of a Deputy; attempting to conceal an object from the Deputy's view; or displays movement consistent with reaching for or manipulating a weapon.
    - e. Bulges are observed in the person's clothing consistent with the concealment of a weapon.
    - f. The vehicle observed is similar to a broadcast description for a known offense.
    - g. The individual exhibits unusual behavior, such as staggering or appearing to be in need of medical assistance.
    - h. The location and time of day are consistent with past patterns of criminal activity.
    - i. Information from a reliable third party. The veracity of a complainant / witness / informant is a factor that must be considered.
- E. The Pat-Down
  - 1. Should the Deputy reasonably believe that the person stopped may attempt to do him bodily harm, or is carrying a concealed weapon, the Deputy may conduct a "pat-down" for weapons of the person's outer clothing.
  - 2. Items that the Deputy recognizes as a weapon (conventional or unconventional), or that could reasonably contain a weapon, may be



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removed and inspected. The Deputy must articulate the pertinent facts and the experience, training and knowledge that establish the reasonableness of the conclusion that the item is a weapon or could contain one.

3. If, while conducting a valid stop and frisk for a weapon, a Deputy feels what is immediately recognizable as contraband, the contraband may be lawfully seized. The incriminating nature of the contraband must be immediately apparent, meaning that if a Deputy must manipulate the item to figure out that it is contraband, then it is not lawfully seized.
  - a. This is known as the "plain touch" or "plain feel" doctrine. This concept is often not very useful in a practical sense, since the Deputy must recognize the item without squeezing or manipulating it. As a result, the "plain touch" doctrine typically applies to very unique items.
  
- F. Hearsay information is acceptable in basing the foundation for Terry Stop, as long as such information is of a credible nature. In order for the information to be deemed credible, the Deputy must have some means to gauge both the reliability and the basis of the informant's knowledge.
  
- G. Search beyond the person pre-arrest
  1. The United States Supreme Court has held that the stop and subsequent pat down (frisk) for weapons of a person suspected of criminal activity does not restrict the protective search to only the person of the detained suspect, but that the search of the area within the suspect's immediate control is allowed as well.
  2. A lawful protective search for weapons that extends to an area beyond the person, in the absence of probable cause to arrest, must have all of the following elements present:
    - a. A lawful investigative stop.
    - b. Specific and articulable facts, which taken together with the rational inferences from those facts, reasonably warrant the Deputy to believe that the suspect is dangerous and may gain immediate control of weapons.
    - c. The search must be limited to those areas:
      - i. in which a weapon may be placed or hidden.
      - ii. that would ensure that there are no weapons within the subject's immediate grasp (i.e., an area within the subject's immediate control).

#### 26.06 Search Warrants

- A. Search warrants may be issued to search for and seize any of the following four (4) types of items:





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1. Fruits of a crime: Material objects acquired by means or in consequence of the commission of the crime.
  2. Contraband: Items kept, concealed, or possessed in violation of the law or items kept for the purpose of violating the law.
  3. Instruments of a crime: Items, which will aid or have been used in the commission of a crime, such as weapons and burglary tools.
  4. Other evidence: Items, which will aid in the apprehension or conviction of a criminal, such as bloody or ripped clothing or business record. This evidence may be seized providing the warrant clearly states its connection to the crime.
- B. The language in the warrant determines the scope of a search. Typically, Deputies executing a search warrant may only search areas capable of holding or concealing the items in the search warrant.
- C. Deputies responsibilities
1. When a Deputy believes that probable cause exists to request that a search warrant be issued, the Deputy shall take the following steps to have a judge review the application for a search warrant:
    - a. The Deputy shall seek approval from his/her immediate supervisor prior to undertaking the issuance of a warrant.
    - b. The Deputy shall prepare an affidavit and search warrant detailing the probable cause to search a specific location.
    - c. The Deputy shall determine if the warrant will be served in the daytime or the nighttime and include this information in the affidavit and on the search warrant.
    - d. The supervisor shall review the application for a search warrant prior to the Deputy responding to have a judge review the search warrant. This applies even when a Deputy has prepared the application with the assistance of an Assistant District Attorney or other resource.
    - e. The Deputy will also articulate the reason(s), facts and circumstances that are necessary to request permission for a "no-knock" search warrant. "No Knock" entry is permissible for the following reasons:
      - i. officer safety
      - ii. to prevent the destruction of evidence
    - f. The Deputy will make a reasonable attempt to identify the target of the search warrant.
    - g. The Deputy will give a detailed description of the location to be searched and the things to be seized.
    - h. The Deputy should include all non-trivial information available to law enforcement that could reasonably be found to be material to the probable cause determination.



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- D. Supervisor responsibilities
  - 1. The supervisor will obtain from the Deputy all pertinent information regarding any informants, subjects of the search warrant, and the location to be searched.
  - 2. The supervisor will review and either reject or approve the application for a search warrant prior to the Deputy presenting it to a judge.
  - 3. Once permission is granted to present the application for a search warrant to a judge, the Deputy will present the application to an appropriate judge for review. Once the application has been approved, the Deputy will immediately advise his/her supervisor. This supervisor will make his/her immediate supervisor aware (and/or the Division Commander) of the search warrant and shall seek further approval prior to the execution of the warrant.
  - 4. Plans to execute the warrant will be finalized only after all of the previous requirements have been met and with the approval of the Division Commander.

#### 26.07 Searches of Cellular Telephones

- A. According to United States Supreme Court case #13-132, Riley v. California, decided June 25, 2014:
  - 1. A warrant is required before a cell phone can be searched, even when a cell phone is seized incident to arrest.
    - a. Even though the search incident to arrest exception does not apply to cell phones, one well-recognized exception to the search warrant requirement applies when the exigencies of the situation make the needs of law enforcement so compelling that a warrantless search of a cell phone is objectively reasonable under the Fourth Amendment.

#### 26.08 Seizures of Property Subject to Asset Forfeiture

Incidents that arise that may result in the potential seizure of property subject to asset forfeiture shall be reviewed by the designated Asset Forfeiture liaison. Deputies/supervisors shall:

- A. Contact the designated Asset Forfeiture liaison while at the scene of the incident.
- B. Complete the Department approved form regarding Asset Forfeiture interviews.
- C. Provide a complete copy of the report and all documentation to the Asset Forfeiture liaison.



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#### Revision:

This policy has been revised on the below listed dates:

March 2022





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#### 27.00 Crisis Negotiation Team

##### OVERVIEW:

It is the desire of the Harris County Precinct 8 Constable's Office to handle all critical incidents with the highest regard for human life. As such, hostage situations, barricaded subjects and/or suicidal subjects need to be handled with the utmost care and professionalism. In these environments, the Harris County Precinct 8 Constable's Office will respond with highly trained individuals assigned to the Crisis Negotiation Team (CNT) whenever practicable. The Crisis Negotiation Team (CNT) will strive to bring all crises to a peaceful conclusion.

The purpose of negotiations is to use time to decrease stress levels, increase rationality, allow for rapport and trust to develop, clarify communications, fatigue the hostage taker/barricaded subject, increase the probability of hostages being released unharmed and minimize the probability that law enforcement officers or the hostage taker/barricaded subject will be harmed.

##### POLICY:

The Harris County Precinct 8 Constable's Office acknowledges that a negotiation incident can last for an extended period of time before a resolution is achieved. Deputies will make every feasible effort to resolve a critical incident in a timely manner, with as little disruption as possible. However, every situation can present countless scenarios that may require extended efforts. Furthermore, Deputies may be required to impede on community activities to ensure the safety and security of every citizen is held to the highest standard.

The primary objective of responding to a critical incident is to protect the lives of all parties involved in the crisis. This will be accomplished by gaining maximum control of the incident by employing the necessary amount of personnel to maintain maximum safety for the community and all Deputies. We will deploy individuals trained to respond to and negotiate through critical incidents. We will attempt to isolate the incident by preventing the escape of the hostage taker/barricaded subject while minimizing the potential for citizen interference and/or community endangerment. Finally, we will use every resource available to resolve the crisis situation.

#### 27.01 Establishment of Crisis Negotiation Team

The Harris County Precinct 8 Constable's Office will establish and maintain a unit specially trained to respond to and deal with life-threatening situations by negotiating with hostage takers, barricaded suspects or other persons in crisis.





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#### 27.02 Definitions

- A. **Barricaded Suspect:** Any person who has demonstrated capability and/or stated the intent to cause death or serious bodily injury to any person, including himself, and has achieved tactical advantage by the use of a physical obstruction such as a building, an open field, a vehicle, or any natural or man-made barrier.
- B. **Critical Incident:** Any incident, which by its very nature is a threat or potential threat to the community or Deputies. Examples of critical incidents include but are not limited to; hostage situations, barricaded persons, Emotionally Disturbed Persons, snipers, or situations where the service of a warrant is expected to be met with resistance.
- C. **Debriefing/Interviewing:** Questioning designed to obtain all useful information for intelligence purposes, a formal report and/or future situations. This information can come from persons directly or indirectly associated with the scene or the suspect.
- D. **Hostage:** A person held and threatened, directly or indirectly, by a subject seeking the fulfillment of substantive demands made on a third party.
- E. **Crisis Negotiation Team:** Members of the Harris County Precinct 8 Constable's Office Crisis Negotiation Team.
- F. **Hostage Incident:** Any incident where the possibility exists, or the available information indicates, that a barricaded suspect may be holding hostages.
- G. **Hostage Taker:** A person who is holding one or more persons against their will and is making demands.
- H. **Third Party Intermediary:** Anyone other than a CNT member (i.e. spouse, parents, other relatives, other law enforcement officers).
- I. **Incident Command Post:** A safe area between the inner perimeter and outer perimeter for the staging of the negotiation team and SWAT team (when applicable).
- J. **Incident Commander:** A supervisor with the Harris County Precinct 8 Constable's Office who will assume the overall command of the on-scene operations and coordinate efforts between the negotiation team, partnering agencies and the SWAT team commander (when applicable). This supervisor should be familiar with the functions of both of these teams and inter-agency relations regarding crisis/high risk situations.



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- K. Primary Negotiator: CNT member designated to communicate directly with the hostage taker/barricaded subject.
- L. Secondary Negotiator: CNT Member designated to assist the primary negotiator and relay intelligence.
- M. Intelligence Coordinator: CNT member who is the recipient, repository and developer of intelligence information gathered during an incident.
- N. Inner Perimeter: The area of containment closest to the objective.
- O. Negotiations: Bargaining which takes place between the Crisis Negotiation Team and the hostage taker or barricaded suspect for the purposes of reaching a peaceful resolution.
- P. Outer Perimeter: The area of containment that prevents outsiders from interfering with or being endangered by the critical incident.
- Q. Objective: The physical location where a barricaded suspect, suicidal subject or hostage taker is believed to be located.

#### 27.03 Crisis Negotiation Team

It is the duty of the Crisis Negotiation Team to attempt to resolve all critical incidents through negotiations with the barricaded suspect or hostage taker. When advised of a possible critical incident, the Crisis Negotiation Team will immediately respond to the scene and debrief as necessary to obtain an understanding of the incident. The Crisis Negotiation Team will attempt to gather all pertinent intelligence about the objective, hostage taker(s), hostage(s) and any other required information prior to contacting the barricaded suspect / hostage taker.

If the situation allows, the Crisis Negotiation Team shall be provided ample time to conduct these negotiations. As the only direct link to the barricaded suspect or hostage taker, the primary negotiator will have the best knowledge of whether negotiations are progressing positively and shall consult with the incident commander through the secondary negotiator or CNT Supervisor as the situation allows.

- A. Composition of Team
  - 1. The Harris County Precinct 8 Constable's Office's Crisis Negotiation Team will have a membership, which would ideally consist of at least 4 certified Deputies and one certified supervisor.



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2. Openings for the team will be posted and any Deputy who is interested and meets the criteria may apply for a position on the team. Each member of the team will be chosen through a selection process and will be required to attend a basic 40 Hour Hostage Negotiation course.
- B. Team Requirements**
1. Any Deputy who wishes to be a member of the Crisis Negotiation Team must meet the following requirements:
    - a. One year employment with the Harris County Precinct 8 Constable's Office (Prior experience with another law enforcement agency may be considered).
    - b. Complete at least a 40 hour Basic Hostage Negotiation Course.
    - c. Meet the training requirements for the team.
    - d. Be willing and able to respond to call-outs.
  2. In addition to the above listed requirements, the below listed rules apply to each member of the Crisis Negotiation Team:
    - a. Each member shall be able to assist with, plan and participate in live training scenarios.
    - b. All unexcused call-outs and absences from training will be reviewed by the CNT Supervisor. If a team member is determined to be unreliable or inactive, a recommendation for removal from the team shall be submitted to the Chief Deputy through the chain of command.
    - c. Any member of the team that cannot effectively perform his/her assigned job function, fails to perform in any function with the team mentality, violates the rules of negotiations, violates this policy and/or violates the policies of this department will be recommended for removal from the team. That recommendation for removal shall be submitted to the Chief Deputy through the chain of command.
    - d. If a member of the team is suspended from the Department, they will also be suspended from all participation with the team for the duration of their suspension.
    - e. All members of the team will be responsible for any equipment or materials assigned to them.
- C. Continuing Training**
1. Members of the Crisis Negotiation Team will be required to meet certain training requirements to be considered an active member of the team. Training is an essential part of having a successful Crisis Negotiation Team. Negotiating techniques are considered a perishable skill, and as such need to be maintained by each member. Training allows for members to maintain their skills, understand current trends in negotiations and practical



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application, establish team building and cohesion and limits liability on the Department.

2. Training Requirements
  - a. All members must complete a minimum of 40 hours of training per year. The training shall be related to hostage and barricaded subject situations. Topics may include communication techniques, psychology aspects, stalling methods, active listening, officer safety, listening devices, SWAT team support, etc.
  - b. In order to maintain special designation status, each member of the Crisis Negotiation Team shall participate in as many training hours as possible with a minimum of 40 hours each year.
  - c. Repeatedly failing to meet training requirements may result in removal from the Crisis Negotiation Team.

#### 27.04 Duties of First Responding Deputy/Deputies

- A. The first responding Unit(s) to a possible critical incident will immediately notify the shift supervisor of the nature of the incident.
- B. The responding Unit(s) shall:
  1. If possible, avoid face to face communication with the suspect. This is rarely applicable in a situation regarding suicidal subjects on bridges, overpasses, etc. However, non-CNT Deputies should not force themselves into situations or confrontations that are unwarranted or unwelcomed if possible.
  2. Avoid constantly attempting contact with subjects who refuse to communicate or answer.
  3. Set up a perimeter and control/limit access to area.
  4. Clear the area of innocent bystanders but use them for information, get contact information and ask them to take shelter instead of demanding them to go away.
  5. Secure and monitor any associated person(s) and prevent them from contacting the suspect.
  6. Begin gathering all intelligence from dispatch, complainant(s) or witness(es) such as:
    - a. Emergency contacts from DL return
    - b. CCH
    - c. County History
    - d. Mental health/Medical History
    - e. Contact information for friends, family, witnesses, etc.
    - f. Floor plans or sketches of structures and their interiors if applicable





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7. At the conclusion of the incident, the primary unit originally assigned to the call shall be responsible for transporting the suspect to the appropriate psychiatric hospital, or the Harris County Jail, depending on the nature of the situation. That unit will also be responsible for any criminal charges or emergency detention orders that need to be filed.
8. At the conclusion of the incident, the primary unit originally assigned to the call shall be responsible for the original incident report.
9. All subsequent units assigned to the call shall complete supplemental reports documenting their involvement with the incident.

#### 27.05 Duties of On-Duty Supervisor

- A. When advised of a possible critical incident, the on-duty patrol supervisor will immediately respond to the scene and debrief the first responding units. If the patrol supervisor verifies that a critical incident exists, he or she will take control of the scene.
- B. Supervisor Responsibilities on Scene
  1. If possible, avoid face to face communication with the suspect. This is rarely applicable in a situation regarding suicidal subjects on bridges, overpasses, etc. However, non-CNT Supervisors should not force themselves into situations or confrontations that are unwarranted or unwelcomed if possible.
  2. Avoid constantly attempting contact with subjects who refuse to communicate or answer.
  3. Make notifications as deemed appropriate, to:
    - a. CNT Supervisor
    - b. On-Duty CNT members (when applicable)
    - c. Division Lieutenant / Captain (or a designee in their absence) shall be notified
    - d. Support agencies (when applicable)
    - e. Call for EMS to stage in a safe location
  4. Remain in charge of the scene until relieved by the CNT Supervisor and/or any Department Administrator.
  5. Ascertain, understand and disperse "surrender plan" as coordinated by the on-scene CNT members or on-scene CNT supervisor.
  6. Have EMS evaluate the suspect prior to transport.
  7. At the conclusion of the incident, any supervisor involved shall complete supplemental reports documenting their involvement with the incident.
- C. In the event a non-CNT Supervisor disagrees with the course of action being taken by a CNT member or CNT Supervisor during or after a crisis incident, those



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concerns should be relayed to the next level supervisor for resolution. This should be done in a discrete and respectful manner.

#### 27.06 Negotiator Call Out

- A. The Crisis Negotiation Team, whenever possible, should be comprised of at least the following four negotiators:
  1. Primary Negotiator - The primary negotiator should be secluded (with the secondary negotiator) away from the rest of the team and other Deputies. The primary negotiator will be the only person to speak directly to the barricaded suspect or hostage taker unless exigent circumstances exist. The primary negotiator's purpose is to attempt to convince the suspect to resolve the incident peacefully. The primary negotiator may also be required to coordinate with the Incident Commander through the secondary negotiator in order to direct resources or discuss the movement of the suspect inside the objective for tactical purposes.
  2. Secondary Negotiator (Coach) – The secondary negotiator should be secluded (with the primary negotiator) away from the rest of the team and other Deputies. The secondary negotiator will be the only person to have direct access to the primary negotiator and will provide him with any pertinent information passed on from the team. Any other member of the team that wishes to pass information on to the primary negotiator shall deliver it to the secondary negotiator. This will reduce any confusion for the primary negotiator.
  3. Intelligence Coordinator (Intel) – The Intelligence Coordinator shall investigate the background of the suspect including, but not limited to, CCH, local records, mental health/medical records, interview friends, family, witnesses, released hostages, etc. The intelligence coordinator will also perform any other necessary duties such as contacting outside entities or relaying information between agencies and teams when necessary. All information gathered pertinent to the situation shall then be given to the secondary negotiator to be forwarded to the primary when necessary.
  4. Scribe – The scribe will monitor negotiations and keep a log/situation board of events as they occur. The scribe will publish this log/situation board so that important information is readily accessible to the team and Incident Commander without interference with negotiations.
- B. In the event that four negotiators are not available or unable to be contacted, the Crisis Negotiation Team may utilize any other departmental personnel to assist with various duties as needed. The on-duty supervisor, Incident Commander, or CNT Supervisor will be consulted about the necessity of additional personnel and those personnel will perform assigned duties under the direction of the CNT member.



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- C. The Crisis Negotiation Team should be called out when a critical incident exists.
  1. Division Lieutenant / Captain (or a designee in their absence) shall be notified
  2. CNT Supervisor shall be notified and briefed on the active situation. The CNT Supervisor may direct the on-scene supervisor to call out other members of the team or neighboring support agencies based on the nature of the incident and the needs of the team.
  3. Team members are expected to respond in a manner consistent with the nature of the call, departmental policy, roadway conditions and all applicable laws relating to the operations of an authorized emergency vehicle.
  4. Team members will respond to the scene wearing the appropriate attire and will wear body armor as per departmental policy.
  5. Team members are expected to stay on-scene until officially relieved by the Incident Commander, CNT Supervisor, or upon conclusion of the incident and debriefing.
  
- D. Once on scene, the CNT member may take over all communications with the hostage taker/barricaded subject and begin the negotiations process. At no time during the negotiations process should any other CNT member, Deputy, Supervisor or citizen interrupt or intervene with communications without direction or approval from the Incident Commander as this could prove detrimental to the situation and hinder positive progress.
  
- E. It will be at the discretion of the on-scene CNT member, when practical, whether to allow continued communications between the first responding Deputy/Supervisor (who has already begun communications and has developed a rapport) and the subject.
  1. This decision must be relayed to the Incident Commander or CNT Supervisor for approval.
  2. In these situations, the on-scene CNT member will become the secondary negotiator and will be responsible for coaching the non-team member through the critical incident and shall act in accordance with this policy and the policies of this agency.
  3. In the event the non-team member negotiator is the on-duty supervisor, he or she shall designate someone to take charge of the scene until another Supervisor, the CNT Supervisor or a Department administrator arrives on scene to take charge as the Incident Commander.
  4. If at any point the CNT member acting in a secondary negotiator capacity feels the negotiation process is failing or must be taken over, the Incident Commander or CNT supervisor must be notified and approve the action before taking the primary role.



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- F. Under no circumstances will a hostage taker/barricaded subject, or any other party involved in the incident, be taken into custody without the approval of the primary negotiator and/or at the direction of the Incident Commander. Examples of approval may include but are not limited to; ordering a person away from a ledge, gaining compliance, directing an arrest or in accordance with a pre-approved surrender plan.
- G. Officer Safety, Tactical advantage, the safety of the community and the safety of all parties involved in the critical incident must, at all times, be the highest priority.

#### 27.07 Working with Other Agencies

- A. The Harris County Precinct 8 Constable's Office Crisis Negotiation Team may assist outside agencies with critical incidents when requested to do so. The on-duty supervisor will make the determination when the team will be called out for assisting other agencies.
- B. The Harris County Precinct 8 Constable's Office Crisis Negotiation Team may request the assistance from another agency's hostage negotiators if needed. This may occur during an extended incident where more resources are needed. The necessity for this option can be determined by the on-scene CNT members, CNT supervisor or Incident Commander.

#### 27.08 Third Party Intermediaries (TPI)

- A. The Crisis Negotiation Team will not, as a regular practice, utilize any Third Party Intermediaries to negotiate an incident.
- B. However, it may be determined that a particular TPI may be beneficial and could be allowed to speak to the suspect briefly if the CNT Supervisor and/or the Incident Commander have given approval.

#### 27.09 Demands

- A. Any demands/requests made by the suspect will be relayed to the Incident Commander or his designee for approval.
- B. The following items are not negotiable:
  - 1. Weapons
  - 2. Illegal Drugs
  - 3. People





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- 4. Money
- 5. Vehicles, etc.

C. All other items will be considered on an individual basis if demanded.

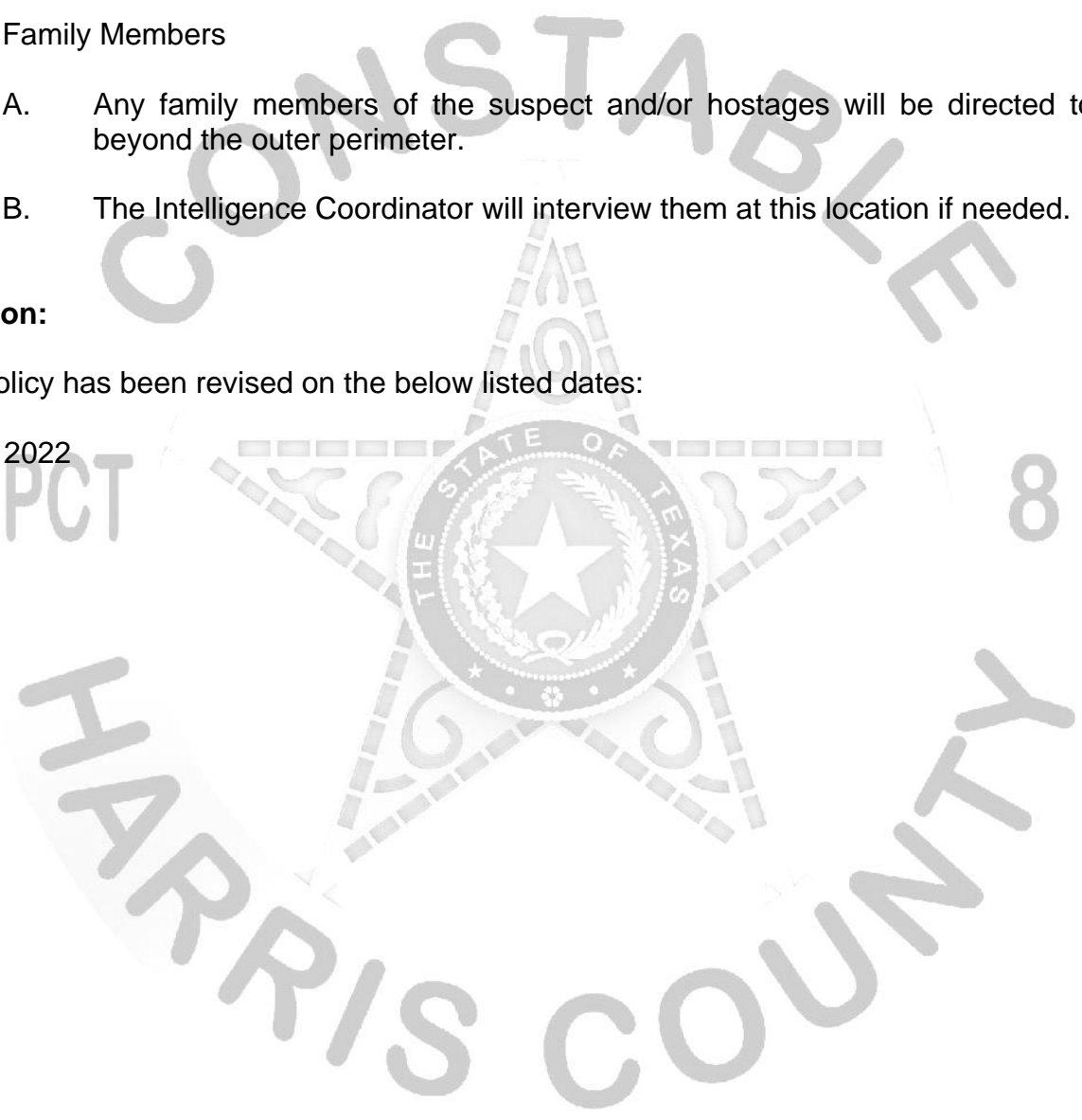
27.10 Family Members

- A. Any family members of the suspect and/or hostages will be directed to remain beyond the outer perimeter.
- B. The Intelligence Coordinator will interview them at this location if needed.

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#### 28.00 Overview

The Mobile AFIS Devices are a useful law enforcement tool in the investigation of crime.

The Mobile AFIS devices may be used in the course of investigations when a reasonable suspicion of the identification of persons in the field is in question.

Mobile AFIS Devices are capable of performing a rapid cursory search of the automated fingerprint files of the Harris County Sheriff's Office, DPS Crime Records Division and the FBI's Repository of Individuals of Special Concern (RISC).

Use of a Mobile AFIS device does not preclude the need for a full set of ten (10) fingerprints and palm-prints captured on a Live Scan for an AFIS database search for individuals being charged or in the custody of law enforcement personnel.

#### 28.01 Definitions

- A. AFIS - Automated Fingerprint Identification System used to capture, scan, search and identify subject matter fingerprints and photo images electronically.
- B. Live Scan - Inkless electronic device for capturing fingerprints in a digitized format.
- C. Officers - Any individual from any agency participating in the Mobile AFIS program.
- D. Mobile ID (aka MorphoTrak and Mobile AFIS) - Hand-held scanning device used to obtain prints from two fingers for the purpose of searching AFIS databases to determine an individual's identity. These prints are not stored in the Harris County AFIS or associated searching systems.

#### 28.02 Procedure

- A. Keep the unit plugged into the computer when not in use to maintain the charge of the unit. You cannot overcharge the scanner.
- B. Each Mobile AFIS Device utilizes Bluetooth communication to the Department's Laptop.
- C. The Laptop is configured with software that receives the scanned fingerprints and relays them to the AFIS System at the Sheriff's Office and in turn is relayed to the appropriate repositories. Responses are relayed back to the originating device.



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- D. An officer may use Mobile ID when there is probable cause to arrest an adult suspect.
- E. An officer may also use Mobile ID during a “Terry Stop” based upon reasonable suspicion. If a person provides a driver’s license or other valid means of identification, or gives the officer a name that can be confirmed through a driver’s license check, that form of identification should suffice without the use of Mobile ID. However, if there are articulable facts that give rise to reasonable suspicion regarding the accuracy of a person’s identity, the officer may use Mobile ID to verify identity.
- F. Absent probable cause or reasonable suspicion of criminal activity, a person may consent to an officer’s request to use Mobile ID. However, the consent must be voluntary as defined by current state case law; i.e. the person must be informed that he/she has a right to refuse the officer’s request. (Physical Force should never be used)
- G. Use of the device shall be documented in any report generated as a result of the contact. The officer must articulate the specific facts that support the basis for the use of Mobile ID and must state the voluntary compliance of the Mobile ID if used without arrest, probable cause, or reasonable suspicion.
- H. Officers shall not use Mobile AFIS devices for general investigative purposes or intelligence gathering, or for purposes that may lend themselves to the inference of improper “profiling”.
- I. It should be noted that scanned Mobile ID fingerprints are not retained by any participating agencies. The search responses are retained and archived for statistical purposes only.
- J. If there is no response or other technical problems occur, officers should contact the Precinct 8 Support Services for assistance.

#### 28.03 Requirements

- A. Officers shall continue to adhere to arrest procedures in accordance with agency policy and procedures.
- B. Officers shall successfully complete Mobile AFIS device training and review the Mobile AFIS Instructions (depending on device type) and acknowledge receipt of this policy and training prior to using the devices.



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- C. Review reporting requirements for the Hit (Red, Match) responses from the FBI RISC returns.

28.04 Damage to, loss of or theft of Mobile AFIS devices

In the event a Mobile Device is lost or stolen, the Pct. 8 Constable’s Office shall do the following:

- A. Officers shall:

Immediately notify their supervisor upon any damage, loss or theft of the device. Complete a report of damage to or loss and submit the report to their supervisor in a timely manner.

- B. Supervisors shall:

Immediately notify the Chief Deputy through the chain of command of the damage, loss or theft. Conduct an investigation into the damage, loss or theft of the device in accordance with Department policy.

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#### 29.00 Naloxone Program

##### Overview

Naloxone (sold under the brand name “Narcan,” among others) is a medication used to block the effects of opioids, especially in overdose situations. Naloxone is a pure opioid antagonist. It works by reversing the depression of the central nervous system and respiratory system caused by opioids.

The Harris County Precinct 8 Constable’s Office has established a naloxone training program and a procedure for administering naloxone in an effort to treat employees or citizens suffering from apparent opioid exposure.

#### 29.01 Policy

Precinct 8 employees shall provide emergency assistance to any person who appears or is believed to be suffering from an opioid-related overdose or any other opioid-related exposure. All personnel administering this emergency assistance shall also ensure their own safety.

Texas Health and Safety Code, Section 483.106: “Administration of Opioid Antagonist,” states:

- A. A person who, acting in good faith and with reasonable care, administers or does not administer an opioid antagonist to another person whom the person believes is suffering an opioid-related drug overdose is not subject to criminal prosecution, sanction under any professional licensing statute, or civil liability for an act or omission resulting from the administration of or failure to administer the opioid antagonist.
- B. Emergency services personnel are authorized to administer an opioid antagonist to a person who appears to be suffering an opioid-related drug overdose, as clinically indicated.

#### 29.02 Procedure

- A. In the event of a possible opioid exposure or overdose to an employee or other citizen, personnel who have been trained in the use of naloxone may administer naloxone in accordance with their training.



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- B. In the event of such encounter, the employee shall immediately summon Emergency Medical Services (EMS) to treat the victim.
- D. The employee administering the naloxone shall remain with the affected person to monitor his or her condition and administer follow-up treatment if necessary until relieved by EMS.
- E. In such incidents, the employee who administered the naloxone shall notify his or her immediate supervisor.
- F. Supervisor responsibilities following naloxone use:
  1. Ensure the affected person is transported to a hospital for follow-up care,
  2. Ensure the substance to which the treated person was exposed is collected for testing (if any remains) and that the scene is rendered safe,
  3. Complete a written notification through the chain of command to the Chief Deputy, and
  4. Ensure that an incident report is completed with complete details of the event:
    - a. Name of the overdose victim;
    - b. Witness names, addresses, phone numbers, etc.;
    - c. Overdose symptoms exhibited by the victim;
    - d. The time naloxone was administered;
    - e. The number of doses of naloxone administered; and
    - f. The condition of the overdose victim when EMS arrived.
  5. Ensure that a Naloxone Reporting Form is completed and submitted.
  6. In the case of an employee exposure, gather the facts of the exposure and complete the appropriate injury and exposure documentation.

#### 29.03 Training

- A. Select personnel throughout the department who are likely to come into contact with opioids will be provided training on the use of naloxone.
- B. The Training Coordinator shall coordinate all training related to the naloxone program.
- C. Once training has been completed, personnel may be issued naloxone kits based upon their specific assignments.
- D. Precinct 8 personnel issued a naloxone kit shall ensure the kit is properly stored and maintained in a state of operational readiness as outlined in the naloxone training program.



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29.04 Storage and Inventory

- A. The Support Services Division shall maintain an inventory and control of all naloxone kits assigned to Precinct 8 personnel.
- B. The naloxone kit should be protected from light and stored between 59 and 77 degrees Fahrenheit.
  - 1. Naloxone kits should not be subjected to temperature extremes, such as being left in a non-running vehicle for extended periods of time.
  - 2. Naloxone kits shall be removed from an employee’s assigned county vehicle at the end of his or her tour of duty and kept in a safe, environmentally-controlled location such as an office locker or in the employee’s home.

Note - The kit should be safeguarded in a similar manner to a service weapon to limit access to children or unauthorized individuals when stored at the employee’s home.

- C. Naloxone should be stored in the carton until contents are used.
  - 1. Naloxone should be discarded if the product contains any particulate matter, is cloudy, or appears discolored.
  - 2. If the naloxone product has been damaged, lost, or stolen, the employee shall notify the Support Services Division and generate an incident report, “Damage to County Property.”
  - 3. The Support Services Division will be responsible for the destruction of any unused, out of date, or damaged naloxone products.

**Revision:**

This policy has been revised on the below listed dates:

March 2022



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#### 30.00 Purpose

It is the purpose of this procedure to provide guidance on the use, and deployment of, an unmanned aircraft system or drone (UAS). The UAS will be used to assist in public safety, search and rescue operations, and surveillance. The goal will be to provide aerial support and assistance to Department personnel pursuant to their division's mission and requirements. The ability to provide an aerial view will tremendously enhance officer safety. The ability to use a UAS to view and search large areas can result in a more rapid resolution to whatever activity is occurring. This procedure will also aim to ensure respect for citizen's privacy, civil rights, and civil liberties. If conflicts exist between the United States Constitution, Texas Constitution, FAA regulations, Texas Penal Code, Texas Government Code, Texas Administrative Code and any part of this procedure, the most restrictive will apply.

#### 30.01 Definitions

**Aircraft** - A device that is used or intended to be used for flight in the air. This includes UASs.

**Airworthiness Statement** - The airworthiness of an Aircraft is self-certified by the Remote Pilot in Command through a preflight inspection prior to flight.

**Certificate of Authorization (COA)** - COA is an authorization issued by the Federal Aviation Administration (FAA) to a public operator for a UAS. After a complete application is submitted, the FAA conducts an operational and technical review. If necessary, provisions or limitations may be imposed as part of the approval to ensure the UAS can operate safely with other airspace users. Where the COA is in conflict with any part of the procedure, the COA will take precedence.

**Crewmember** - A person assigned to perform duty while an Aircraft is operating.

**Crew Resource Management (CRM)** - The effective use of all available resources including human, hardware, and information resources and coordination in the use of those resources by the RPIC, Remote Pilot and Visual Observer.





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Drone Program Coordinator (DPC) - The individual responsible for assisting in the tactical and administrative functions related to the UAS program. This includes maintaining a current list of all certified crew members to include Remote Pilots and Visual Observers. The DPC is responsible for maintaining the training records for crewmembers and compliance with Texas Government Code 423 reporting requirements. The DPC is also responsible for the condition, maintenance, and flight records of each UAS and its associated equipment.

Federal Aviation Administration (FAA) - The agency responsible for licensing UAS pilots (part 107) and maintaining registration of UASs. The agency also creates rules and procedures that must be followed by all UAS pilots. The agency can levy fines against a pilot, or the pilot's agency, for violating any rule or procedure.

First Person View (FPV) - The Remote Pilot is observing the flight solely through the UAS's camera.

Flight time - Remote piloting flight time commences when an Aircraft moves under its own power for the purpose of flight and ends when the Aircraft comes to rest after landing.

Image - Means any capturing of sound waves, thermal, infrared, ultraviolet, visible light, or other electromagnetic waves, odor, or other conditions existing on or about real property in this state or an individual located on that property. Imagery may include data about people, organizations, events, incidents, or objects as well as metadata.

Line of Sight (LOS) - The Remote Pilot and/or the Visual Observer can see, unaided, the UAS under their control during flight.

Mission Area of Operations (AOR) - A defined perimeter/parameters to be determined based on the scope and type of the operation and a defined operational ceiling at or below 400 feet above the ground. The altitude of the UAS cannot be higher than 400 feet above the ground, unless the UAS is flown within a 400-foot radius of a structure and does not fly higher than 400 feet above the structure's immediate uppermost limit.

National Airspace System (NAS) - Airspace inside the continental United States. It is further defined through air navigation facilities, equipment and services, airports or



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landing areas, aeronautical rules, regulations and procedures. There are two types of airspace within the NAS, controlled and uncontrolled. Operation of a UAS in controlled airspace adds another layer of responsibilities and requirements that must be met to operate the UAS.

Night Flight - Flight of a UAS that occurs between the hours of one-half hour after sunset and one-half hour before sunrise. The time of sunset and sunrise are determined by the National Oceanic and Atmospheric Administration (NOAA), but 14 CFR Part 107 will allow small UAS operations to be conducted during civil twilight if the UAS has lighted anti-collision lighting visible for at least three statute miles. The nighttime-operations prohibition in this rule is waivable through the FAA for Part 107 or as an addendum to approved certificate of waiver to the COA.

Observer - The individuals trained to maintain the line-of-sight and 360-degree hazard awareness around the UAS at all times and assist the RPIC in carrying out all duties required for the safe operation of the UAS. Under 14 CFR Part 107, Visual Observers are not crewmembers and have no responsibility or authority over the UAS operation. Visual Observers may be formally trained and certified for special operations (formal training is required for night operations), or they may be chosen ad hoc and properly briefed by the RPIC (day operations only).

Remote Pilot in Command (RPIC) - The remote pilot in command is directly responsible for and is the final authority as to the operation of the small, unmanned aircraft system. This person must be a 14 CFR 107 licensed pilot. Each UAS in use shall have its own RPIC assigned.

Unmanned Aircraft System/Small Unmanned Aircraft System (UAS/sUAS) - UAS is the unmanned aircraft system and all of the associated support equipment, control station, data links, telemetry, communications, and navigation equipment, etc., necessary to operate the unmanned aircraft. The aircraft's flight is controlled either autonomously by hardware within the UAS or under the remote control of a Remote Pilot on the ground or in another ground vehicle. For purposes of this program, the 14 CFR Part 107 compliant UAS shall weigh less than 55 pounds fully loaded. Maximum groundspeed is limited to 100 mph (87 knots).



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Visual Flight Rules (VFR) - All flights with the UAS shall be conducted under VFR conditions and at an altitude below 400' AGL (Above Ground Level). VFR is established as a three-mile visibility and a cloud ceiling of 1,000 feet for day operations and five-mile visibility with a cloud ceiling of 2,000 feet for night operations.

#### 30.02 Conduct Prohibited

- A. Any unmanned aerial systems equipped with a chemical dispensing agent device, an explosive weapon, an improvised explosive device, or a firearm are strictly prohibited.
- B. Unmanned aerial systems shall not be utilized to apply force. While exigent circumstances may arise that would allow a deviation from this directive, they should be considered and weighed heavily before application in accordance with Chapter 9 of the Texas Penal Code.
- C. The use of a privately owned UAS by any member of the Department is strictly prohibited.

#### 30.03 Missions

- A. The UAS will not be deployed without the consent and knowledge of the Constable, Chief Deputy and/or a designee. The UAS will be operated in accordance with FAA regulations, 14 CFR Parts 107 and/or Certificate of Authorization, applicable portions of 14 CFR Parts 61 and 91, current FAA National Policy regarding UAS Operational Approval, Texas Government Code 423 and the procedures set forth by this standard operating procedure. The aircraft will not operate in an area which is not covered by an approved COA, unless an Emergency COA has been obtained, or the FAA has given permission to operate within a specific area not covered by a prior approved COA (waiver).
- B. Weather Brief
  - 1. Weather shall be obtained by the RPIC for the local area of operation to include Meteorological Aerodrome Reports (METAR) and Terminal Area Forecasts (TAF) from the closest airport reporting weather conditions. 1-



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800-WX BRIEF or the B4UFLY application will provide a live briefer with access to this data. Review of NOTAMs and Temporary Flight Restrictions (TFRs) are required prior to launch.

2. Additional weather information should be obtained from the National Oceanic Atmospheric Administration (NOAA) (<http://www.aviationweather.gov/adds/>) or another site or cell phone application to review the following: weather radar, ceiling/visibility, wind/temperatures, turbulence, Significant Meteorological Information (SIGMET), NOTAMs, TFRs and icing.

#### D. Pre-Flight Briefing

1. RPIC, Remote Pilot and Visual Observer and any other flight team members must participate in the pre-flight briefing, led by the RPIC prior to Aircraft launch, which includes, but is not limited to:
  - a. Review of the mission's goals and expected outcomes.
  - b. Review of current and forecasted weather conditions.
  - c. Review of current Notice to Airmen (NOTAMs) and Temporary Flight restrictions (TFRs) that have been issued for the proposed flight area.
  - d. Identification of mission limitations and safety issues such as battery charge, GPS strength, and potential for radio interference.
  - e. Review of proposed Mission AOR - flight area, including maximum ceiling and floor.
  - f. Review of communication procedures between RPIC, Visual Observer, and other personnel used to support the mission, including verifying cell phone numbers used to communicate with Air Traffic Control in the event of a fly-away or other flight emergency.
  - g. Review of emergency/contingency procedures including Aircraft system failure, flight termination, divert, and lost link procedures.
  - h. Execution of a pre-flight check utilizing the approved checklist.
  - i. The RPIC shall declare to crew members the type of authorization the flight is being conducted under, Part 107, Blanket COA, or Jurisdictional COA.
  - j. The RPIC will be responsible to ensure that the above steps have been accomplished prior to flight.





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E. Mission Debrief

After changeover or landing, the RPIC shall debrief all missions.

F. Pilot at the controls

A person operating a UAS must either hold a remote pilot airman certificate and be acting as RPIC or be under the direct supervision of the RPIC who is in a position to take immediate control of the Aircraft.

G. Line of Sight

With vision that is unaided by any device other than corrective lenses, the RPIC, the Visual Observer (if one is used), or the person manipulating the flight controller of the UAS must be able to see the UAS throughout the entire flight. Visual line of sight is required to know the UAS location and flight status (attitude, altitude, and direction of flight), observe the airspace for other air traffic or hazards, and to determine that the unmanned aircraft does not endanger the life or property of another. All flight team members essential to the operation of the UAS shall be able to verbally communicate at all times.

H. Pre-flight and Post-flight Documentation

Equipment check and weather will be documented by the RPIC in a logbook prior to all UAS operations. After each flight or end of a duty cycle, the RPIC or his/her designate will complete a flight log documenting the UAS's operations in accordance with Texas Government Code 423.

I. Maintenance

Maintenance must be up to date prior to launch. Accurate UAS maintenance reporting is the responsibility of the Drone Program Coordinator in accordance with the manufacturer recommendations. When maintenance is performed, a test flight shall be conducted and documented in accordance with the manufacturer's



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instructions. The RPIC will not fly any Aircraft that he/she suspects does not meet airworthiness requirements following the preflight inspection. Timely maintenance and accurate reporting is required to enhance mission availability and safety.

J. Payloads

Any payload used on a UAS shall be approved by the Drone Program Coordinator. Weapons and dispersal payloads will not be used.

30.04 Emergency Procedures

A. Emergency Procedures stated in the manufacturer's operations manual shall be complied for all UAS operations. In the event of an emergency involving the safety of persons or property, the RPIC may deviate from the procedures of this directive relating to Aircraft, equipment, and weather minimums to the extent required to meet the emergency.

B. No member of the department, regardless of involvement in an emergency situation, shall make any statements to the general public or to news-gathering agencies without the knowledge and approval of the Chief Deputy or Constable. Official written press releases should be released by the department's Public Information Officer (P.I.O.).

C. Lost Link

An interruption or loss of command-and-control link contact with the UAS such that the remote pilot can no longer manage the Aircraft's flight and as a result of the control loss the UAS is not operating in a predicable or planned manner.

1. Loss of UAS flight control (Lost link):
  - a. The UAS lost link procedures shall be initiated which shall automatically cause the UAS to climb to its ceiling altitude and return to and land at the launch site. If positive control of the UAS cannot be maintained and the UAS is leaving the operation area or the UAS poses a risk to life and/or property, the RPIC will issue an engine kill command.
  - b. Loss of GPS signal: Should the UAS lose GPS signal during autonomous operations, the RPIC must immediately command the



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UAS into manual mode and land as soon as practical. If positive control of the UAS cannot be maintained and the UAS departs the operation area or the UAS poses a risk to life and/or property, the RPIC will issue an engine kill command.

D. Loss of visual contact

If visual contact with the UAS is lost, the RPIC shall command the Aircraft into a hover mode and the RPIC and/or Visual Observer shall try to re-establish visual contact. If visual contact cannot be re-established within a reasonable amount of time determined by the RPIC, then Lost Link procedures shall be executed.

E. Loss of UAS Power (Engine Failure)/UAS Crash

In case of an engine failure, the UAS will not be able to maintain flight. Flight Team Members will immediately attempt to locate the UAS, assess the scene for injuries, and render first aid if necessary.

F. Flight Termination

The intentional and deliberate process of performing controlled flight into terrain (CFIT). Flight termination must be executed in the event that all other contingencies have been exhausted, and further flight of the Aircraft cannot be safely achieved, or other potential hazards exist that require immediate discontinuation of flight.

G. Aircraft Avoidance

If a manned aircraft is encountered during an operation, the other aircraft will be given right of way and the UAS will be lowered to a safe altitude. If the UAS cannot be lowered enough to provide adequate clearance from the other aircraft, or the other aircraft does not leave the immediate area, the UAS will be landed in the closest designated landing point.

H. Accident Notification and Investigation



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The RPIC must report to the FAA within 10 days of any operation that results in at least serious injury, loss of consciousness, or property damage of at least \$500 (not including the unmanned aircraft). All in flight accidents and incidents involving fatalities, injuries, property damage and Lost Link shall be reported to the DPC for appropriate assistance with guidance. If FAA regulations require the FAA to be notified within 24 hours, the same notification and reporting protocols will be followed as the 10-day notification process.

- I. Any accident that results in damage to the UAS shall be reported in accordance with the department's procedures regarding Lost or Damaged County Equipment and the appropriate County Auditor's report shall be completed. In all such cases, an Incident Report shall also be filed. Both the Auditor's Form and the Incident Report shall be turned in to the Chief Deputy for review.

#### 30.05 Training and Standardization

- A. The DPC shall review and approve a training curriculum to assess the knowledge, skills and abilities of RPICs and Visual Observers requiring additional training certifications ensuring satisfactory compliance with this policy.
- B. Remote Pilot in Command (RPIC) training requirements:
  1. A RPIC may be authorized to operate more than one type of UAS if he/she is trained and current in each individual model. The RPIC may only operate one UAS at a time.
  2. The RPIC shall show proficiency in basic aeronautical knowledge as it relates to the use and operation of UAS assets. The RPIC shall pass an initial aeronautical knowledge test at an FAA-approved knowledge testing center or comply the 14 CFR Part 107 protocols for a licensed and current 14 CFR Part 61 pilot. The basic aeronautical knowledge training, at a minimum shall include:
    - a. FAA rules pertaining to UAS flight operational limitations.
    - b. All aspects of 14 CFR Part 107.
    - c. Knowledge of the rules and responsibilities described in 14 CFR 91.
    - d. All aspects of Texas Government Code 423.
    - e. Crew Resource Management.





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- f. Mission planning requirements for establishing the Mission AOR and Perimeter.
  - g. Mission briefing requirements to include approved checklists and Manufacturer's recommendations.
  - h. Mission debriefing requirements; and
  - i. Any other specific responsibilities required by the DPC to accomplish the planned mission.
3. The RPIC shall show proficiency operating the specific UAS model in flight including emergency procedures. The DPC or his /her designee who has mastered aeronautical knowledge and training as it pertains to the use of an unmanned aircraft shall evaluate the RPIC's proficiency.
4. The RPIC shall show proficiency in communication and crew resource management with the flight team members (Visual Observer and Remote Pilot). The RPIC's communications will be evaluated at all stages of the flight continuum: pre-flight inspection, flight operations, and post flight procedures.
5. The RPIC shall demonstrate proficiency in all the technology and support equipment associated with any assigned mission to take advantage of the full capabilities of the UAS. The RPIC's proficiency shall be evaluated by the DPC.
6. Upon initial RPIC approval, the DPC shall prepare an Inter-Office Memorandum indicating that:
  - a. The RPIC has demonstrated proficiency operating UAS
  - b. The RPIC has met all training requirements to operate UAS
  - c. The RPIC is authorized to operate UAS assets while carrying out his/her duties in an official capacity
7. The memorandum shall be submitted to the Chief Deputy to be placed in the employee's training file.
8. Every year after an RPIC's certification, between April 1st and May 31st, the DPC shall re-evaluate the RPIC's proficiency and document the results in a memorandum. At a minimum the memorandum will indicate that:
  - a. The employee has demonstrated proficiency operating UAS
  - b. Has successfully completed annual recertification in the subjects listed in paragraph B. (2) of this section



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- c. Notate that the DPC is authorizing the employee to operate a UAS while carrying out his/her duties in an official capacity for the current calendar year.
    - d. The memorandum shall be submitted to the Chief Deputy for final approval and a copy of the memorandum shall be placed in the employee's training file.
  - 9. Separate from the yearly qualification, each RPIC shall log at least 1 (one) hour of flight time per month. Logged hours of flight time may be obtained through actual flight, or through the flight simulator (and manually entered into Dronesense).
    - a. Should an RPIC not obtain their 1 (one) hour of flight time two months in a row, their flight privileges will be suspended until a new qualification flight can be administered by the DPC.
- C. UAS Observer Training requirements:
  - 1. Visual Observers are not required to deploy UAS assets under Part 107 (except during night operations); however, it is highly encouraged for a UAS Visual Observer to assist the RPIC during all missions for risk mitigation purposes.
  - 2. When operating under the COA a trained Visual Observer is required.
  - 3. Visual Observers may be both formally trained and designated or can be chosen ad hoc for a specific mission under Part 107.
  - 4. Designated Visual Observer's training is applicable to all UAS models.
  - 5. Designated UAS Visual Observers shall have completed sufficient training to efficiently communicate pertinent inflight observations with the RPIC so that the UAS remains clear of conflicting air traffic and obstructions.
  - 6. This training, at a minimum, includes:
    - a. Knowledge of the supporting tasks described in 14 CFR 107 with respect to maintaining LOS, and effective communication.
    - b. Knowledge of the supporting tasks described in 14 CFR 91: Operating near other aircraft; Right-of-Way Rules; and basic VFR weather minimums.
  - 7. If formal training is not available for UAS Visual Observers, the RPIC is responsible for briefing the ad hoc observer and ensuring the understanding of the role and the supporting tasks in C (5.) of this section to the observer.



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8. Night operations require that the RPIC and Visual Observer are trained to recognize and overcome visual illusions caused by darkness and understand physiological conditions which may degrade night vision. The DPC will have a RPIC/VO document showing the required training was performed. The RPIC/VO documentation will be held within the DPC's office.
9. Ad hoc Visual Observers are selected on a case-by-case basis and no memoranda or documentation retention on their training is required. This is allowed for daytime operations only.
10. Ad hoc Visual Observers need not be members of the Department.

#### 30.06 Position Responsibility and Duties

- A. Remote Pilot-in-Command (RPIC)
  1. The RPIC is solely responsible for everything the flight team does or fails to do.
  2. The RPIC is authorized to refuse any flight request based on current meteorological conditions, physiological conditions, or for any other reason that RPIC believes will affect the safety of the flight. Should the RPIC refuse a flight for any reason, they shall inform the DPC as soon as possible of such refusal and the reason for refusal.
  3. While the UAS is in flight, the RPIC is authorized and responsible for making all decisions regarding use of the UAS including, but not limited to, direction of UAS, duration of flight time, capabilities of the UAS, and use of affixed certified equipment.
  4. The RPIC is responsible for the safe conduct of all flights, including, but not limited to:
    - a. Flight planning and preparation, including pre-flight inspections of UAS and equipment.
    - b. Weather briefing.
    - c. Flight operations, including course, air speed, altitude, and duration.
    - d. Landing zone selection.
    - e. Go/no-go and landing judgments with regard to weather minimum or other criteria.



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- f. All Very High Frequency (VHF) air-to-air, air-to-ground, Air Traffic Control (ATC) communications, and any other radio communications.
- g. Timely reporting of new or previously unknown hazards to safe flight encountered.
- h. Post-flight inspection, to include assuring batteries are recharged and to ensure the duty aircraft is ready for the next mission.
- i. After each deployment, maintaining and making appropriate entries in UAS logbooks.
- 5. The DPC, or Division Commander, has the authority to ground a pilot if he or she believes the pilot may have violated the rules of this procedure, a FAA rule, or a state law. Such actions shall be reported to the Chief Deputy. The RPIC will not be reinstated until an investigation into the incident has been completed.
- 6. Flight Operations – Operational Control – RPIC Authority:
  - a. The RPIC shall initiate the flight only when confident the flight can be conducted safely.
  - b. If required by FAA, the RPIC shall ensure a FAA Notice to Airmen (NOTAM) is released for every flight involving the UAS in the national airspace when operating under the COA – unless exempted by addendum to approved certificate of waiver.
  - c. If required by FAA, the RPIC shall ensure there is a Certificate of Authorization (COA) from the FAA to conduct flights in the national airspace.
  - d. If an emergency COA is required by the FAA for a particular flight, the RPIC shall forward the requested documents to the DPC for review and assessment before forwarding to the FAA.
  - e. For operations that may present a hazard to other aircraft due to natural disaster or active shooting scenarios, the RPIC may request a Temporary Flight Restriction (TFR) be initiated around the Mission AOR.
- B. UAS Visual Observer: Assistance shall include, but not be limited to:
  - 1. Performing assignments assigned by a RPIC.





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2. Assisting the RPIC in the safe conduct of all flights, including but not limited to:
  - a. The Observer shall assist in see-and-avoid operations of the UAS. The Visual Observer shall remain in contact with the RPIC and communicate any obstacles the Aircraft might encounter.
  - b. If the flight becomes a hazard to ground personnel or other aircraft, the Visual Observer shall immediately notify the RPIC.
  - c. During any phase of flight, if the Visual Observer notices a malfunction with the Aircraft, he should immediately notify the RPIC.
  
- C. UAS Inspections:
  1. Before every flight, the RPIC is responsible for pre-flight inspections of the UAS according to the pre-flight checklist, and manufacturer's recommendations.
  2. Any anomalies found by the RPIC shall be fixed before any flight is conducted.
  3. After every flight, a post-flight inspection shall be conducted by the RPIC according to the post-flight checklist and any manufacturer's recommendations.
  
- D. UAS Checklist:
  1. There shall be a checklist generated for each phase of flight: pre-flight, run-up, take-off, emergency landing, and post-flight.
  2. The RPIC shall not deviate from a checklist.
  3. The DPC is responsible for making sure all checklists are up-to-date and current for each Aircraft make and model.

**30.07 Reporting Requirements**

- A. Flight Logs: The DPC shall be responsible for standardization of flight logs to include requirements pursuant to FAA regulations and Texas Government Code 423.
  
- B. A flight log shall be completed following every UAS flight including maintenance checks and training flights. If the situation of the mission does not allow for



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immediate entry of the flight data, then the information can be recorded the following day. This information shall be entered into the Dronesense application and will contain all the information necessary to complete the State required reporting.

- C. Any damage over \$500 dollars shall be documented in accordance with the department's procedures regarding Lost or Damaged County Equipment and the appropriate County Auditor's report shall be completed. In all such cases, an Incident Report shall also be filed. Both the Auditor's Form and the Incident Report shall be turned in to the Chief Deputy for review.
- D. The UAS policy shall be reviewed and, if needed, updated each year. The policy will be provided to the Texas Commission on Law Enforcement by January 1st of each even numbered year in accordance with Texas Code of Criminal Procedure Article 2.33.
- E. Legislative Reporting:
  - 1. In compliance with the Texas Government Code, Article 423.008:
    - a. No later than January 15th of each odd-numbered year, the DPC will cause a written report to be created and submitted to the Governor, the Lieutenant Governor, Speaker of the House, and each member of the Texas legislature.
    - b. The written report shall include information pertaining to the preceding 24 months:
      - (1) The number of times UAS assets were used, organized by date, time location and types of incidents and types of justification for use.
      - (2) The number of criminal investigations aided by the use of an UAS and a description of how the UAS aided each investigation.
      - (3) The number of times a UAS was used for a law enforcement operation other than a criminal investigation, the dates and locations of those operations, and a description of how UAS aided each operation.



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- (4) The type of information collected on an individual, residence, property, or area that was not the subject of a law enforcement operation and the frequency of the collection of this information; and
- (5) The total cost of acquiring, maintaining, repairing, and operating or otherwise using each UAS.
- (6) Precinct 8 shall retain the written report for public viewing; and
- (7) Precinct 8 shall post the report on the agency's publicly accessible website.

#### 30.08 Video Capture

- A. Every agency designated PIC will have read and understand the federal and state laws pertaining to drone usage and photo/video capturing. The state laws are found in the Texas Government Code Chapter 423 "USE OF UNMANNED AIRCRAFT".
- B. All audio/visual recordings generated or captured by an employee of the department when acting in the capacity of their employment, shall remain the sole property of this department and may not be used for any purpose outside the course and scope of employment with the department without prior authorization of the Chief Deputy or Constable.
- C. Media containing evidentiary material shall be retained in accordance with current policy, procedures and State Law pertaining to evidence. Refer to the Harris County Records Retention Schedule.
- D. Any and all images/video captured while in the performance of your duty or in a criminal investigation shall be considered evidence and chain of custody shall be maintained. All images shall be submitted in their entirety without modification and or alteration and none shall be saved or used for personal reasons.

#### Revision:

This policy has been revised on the below listed dates:

April 2024



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| JUSTICE COURT, DISTRICT/CRIMINAL COURT AND CIVIL COURT | 31         | 2          |

#### 31.00 Court Attendance

- A. Upon receiving a subpoena to appear for Justice (JP) Court, District/Criminal Court or Civil Court, you are expected to make note of the court date and be prepared to attend and testify at the specified time. Should you have scheduled time off for that particular date, you are to notify the court immediately and explain the conflict. It will be at the court's discretion whether to reset a case or not. In addition, if you are ill on a date in which you have been subpoenaed, it is your responsibility to contact the court as early as possible on that date to inform them.
- B. A well-tailored and maintained Department uniform (or dress shirt, slacks and tie for plain clothes personnel) should be worn for court appearances.
  - 1. Deputies are prohibited from wearing the official uniform in any criminal or civil proceeding, arbitration, administrative hearing or trial to which they are subpoenaed or requested to testify as a character witness or give testimony on behalf of any person.
  - 2. Employees are also prohibited from wearing the official uniform to any of the above listed functions if they will be testifying against the county, against Precinct 8 interest, or against State of Texas interest.
- B. Arrive on time for court and be prepared to testify as is required by Departmental policy.
- C. Upon arriving for court, you are to enter through the front door of the courtroom (not through the back or side entrances) and check in with the clerks/deputies to inform them you are present. Upon doing so, take a seat in the back row of the courtroom or designated area and wait to be called. At no time should Deputies congregate at the front of the courtroom or sit in areas designated for clerks, jurors or attorneys.
- D. Do not openly discuss your cases in the courtroom unless questioned by court personnel or an Assistant District attorney.
- E. Talk in a quiet voice while waiting to testify as not to disrupt or distract the proceedings in the courtroom.
- F. Be professional and courteous at all times.

#### 31.01 Duties of Justice Court Bailiffs

- A. Arrive on time for duty and have the doors to the court open at the specified time as required by the courts.





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- B. When making general announcements to citizens attending court (regarding dress, food, sleeping, weapons etc.) do so within the courtroom and in a clear voice as to make sure these rules are heard and understood. Making these announcements in the hallway prior to them entering the courtroom is acceptable; however they should be repeated once everyone is inside and seated as to ensure you have their attention and that all in attendance have heard the rules.
- C. Bailiffs should be ever vigilant in monitoring courtroom activity. Courtroom security and enforcing the rules and procedures of the court is the responsibility of the bailiff. This includes addressing issues with inappropriate dress, piercings, food, gum chewing, sleeping, etc. This also includes misconduct on the part of all who attend court to include Deputies subpoenaed to testify.
- D. While court is in session, whether the Judge is on the bench or not, the Bailiffs should not be engaging in activities that distract their attention from monitoring activity within the courtroom. This includes utilizing any of the computers in the court, reading, writing, or socializing with other officers or court staff. Bailiffs are to be alert at all times and these types of activities give the perception to others that you are not.
- E. Bailiffs will remain in the courtroom until the last defendant leaves following trials or arraignments or anytime court personnel are in the courtroom interacting with the public.
- N. Should you need relief while court is in session or should you have to leave for any reason, contact your supervisor to arrange for someone to take your place. Do not leave the court unattended.

**Revision:**

This policy has been revised on the below listed dates:

March 2022



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| CRISIS ASSISTANCE TEAM | 32         | 7          |

#### 32.00 Purpose

The purpose of the Harris County Precinct 8 Constable's Office Crisis Assistance Team (CAT) is to offer information and support to employees involved in critical incidents or those who are undergoing personal or professional crisis. The Department recognizes the value of providing employees with the opportunity to receive emotional and tangible peer support in times of need. Assistance provided by CAT can augment outreach programs, such as Harris County's Employee Assistance Program (EAP), but not replace them. Efforts to offer such assistance shall be accomplished by pursuing a holistic model of caring for the physical, emotional and spiritual well-being of the Department's employees. The Crisis Assistance Team will be managed by the Support Services Division.

- A. In order to achieve the larger mission, the specific goals of the Crisis Assistance Team are as follows:
  1. Provide communication with the various divisions within the Department about the needs of the employees and the services and resources available to them.
  2. To identify and enhance existing wellness resources.
  3. Develop partnerships with health and wellness providers.
  4. To stay abreast of wellness program best-practices.
  5. To serve as advocates for employees enduring personal or professional difficulties.
  6. To serve as peer support during and following critical incidents or personal or professional crisis.
- B. Services provided by the Crisis Assistance Team include, but are not limited to:
  1. Providing trained personnel to listen, assess and whenever necessary, refer for professional assistance any employee in personal or professional crisis.
  2. Providing peer support that is available to employees in times of personal or professional crisis.
  3. Assist supervisors or employees who have identified an employee they feel may be in personal or professional crisis.

#### 32.01 Policy Overview

Crisis Assistance Team members will be approved by the Constable or his designee, and the team will be managed by the Support Services Division. Members assigned to the team, or acting as volunteers to the team, have the authority to contact all personnel without regard to the chain of command while in that capacity in order to accomplish the objectives of the team efficiently.



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- A. Crisis Assistance Team (CAT) members can be sworn or civilian personnel.
- B. A CAT member is a trained colleague, not a counselor or therapist. Team members should refer cases that require professional intervention to a mental health professional.
- C. The Chief Deputy shall designate a member of the team to serve as the overall coordinator. The coordinator's responsibilities include:
  - 1. General management of the program
  - 2. Recruiting and coordinating the screening of potential team members
  - 3. Identifying and coordinating training for team members
  - 4. Providing or seeking guidance and assistance for team members when problems or questions arise
  - 5. Facilitating and scheduling team meetings or debriefings and after action reviews when needed

#### 32.02 Confidentiality and Reporting

The acceptance and success of the Crisis Assistance Team will be determined in part by observance of strict confidentiality. It is imperative that the strictest confidentiality of all information learned about an individual be maintained within the guidelines of the program. Team members must not provide information obtained through an employee's participation in the Crisis Assistance Team program to supervisors or other coworkers. The Department will respect the confidentiality of conversations between employees and team members. No supervisor or administrator shall compel any member of the team to breach confidentiality. Failure of any employee to adhere to this requirement WILL result in disciplinary action.

- A. The policy of the Crisis Assistance Team is to maintain confidentiality. Communication between CAT members and a peer is considered confidential except for matters that involve the following:
  - 1. The employee is a danger to oneself;
  - 2. Danger to others;
  - 3. Suspected child abuse;
  - 4. Domestic violence;
  - 5. Suspected elder abuse;
  - 6. Criminal law violations (all felonies and misdemeanors of a serious or troubling nature)

Note: All matters that fall into the above categories shall be reported to the Chief Deputy immediately.



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- B. When an employee requests or consents, in writing, confidential information may be shared.
- C. Personnel should keep in mind that communication between CAT members and other employees is not privileged conversation under the law, regardless of departmental policy, because peers are not licensed health professionals. As a result, courts may require disclosure of such information.

#### 32.03 Procedure

The Crisis Assistance Team is designed to provide assistance to employees (sworn, civilian, and retirees) and their families in the event of death, serious illness, involvement in critical incidents or traumatic events. Essentially, any situation that causes powerful emotional reactions in the people exposed to those events, both on duty and off duty, which is outside the realm of ones coping mechanisms could qualify.

- A. The Crisis Assistance Team will provide trained personnel to listen, assess and whenever necessary, refer for professional assistance any employee in personal or professional crisis.
- B. The Crisis Assistance Team will have peer support personnel available to employees who express a need for assistance.
- C. Crisis Assistance Team members will assist supervisors or employees who have identified an employee they feel may be in personal or professional crisis.
- D. Immediate Supervisors Role
  - 1. The immediate supervisor of each employee is responsible for contacting the Crisis Assistance Team, with the employee's consent, when an event occurs in an employee's or an employee's immediate family member's life, which may be overwhelming to the employee and the employee is not sure where to seek assistance.
    - a. The employee IS NOT required to seek their supervisor's permission to ask for help in these matters nor are employees required to accept assistance from the Crisis Assistance Team.
    - b. However, it is of the utmost importance that the immediate supervisor ensures the employee is directed to the Crisis Assistance Team when help is requested.
    - c. Those events include, but are not limited to:
      - i. Line of duty death or injury of an employee.
      - ii. Death in the employee's immediate family (spouse, child,





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- parent, siblings or grandparents).
    - iii. Catastrophic illness of an employee or family member.
    - iv. Natural or other disasters (floods, fire, etc.)
    - v. Deployment to military duty of an employee or family member.
    - vi. Other wellness needs of an employee that their immediate supervisor is made aware of.
  - 2. Notifying the Crisis Assistance Team as soon as possible is imperative to provide quick assistance to employees, especially regarding information on available benefits and services.
    - a. A team roster will be made available as part of the Precinct 8 Quick Reference Guide with phone numbers of members listed. A designated coordinator(s) will be noted on this roster.
    - b. Correspondence with the entire team can be submitted via email to [CAT@hctx.net](mailto:CAT@hctx.net).

#### E. Peer Support

If a Deputy/employee is involved in a situation that results in Crisis Assistance Team intervention, they may select an uninvolved Deputy/employee to act as a Peer Support Officer (PSO). This allows the requestor to choose a particular team member, or in some cases a non-team member, to act as their Peer Support Officer.

- 1. On-duty critical incidents
  - a. In cases of critical incidents (i.e. officer involved shootings, line of duty Death, etc), the PSO will accompany the officer from the scene to the Precinct 8 station, or other designated law enforcement facility, and will assist the employee involved with his/her personal and professional needs.
  - b. In such cases, the PSO is prohibited from asking the individual involved about the incident and will not discuss details of the incident with them or anyone else. This prohibition protects the involved officer and the PSO, as any statements or admissions made by the involved officer to a PSO could be used in any criminal or administrative investigations.
  - c. The PSO will assist the employee involved in contacting:
    - i. Family members
    - ii. Police Association and/or Union representative and/or attorney
    - iii. Personal attorney
    - iv. Clergy
  - d. In addition, the PSO will attend to the personal needs of the employee involved by obtaining meals, making telephone calls and other arrangements as requested.



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2. Non-critical or personal or professional crisis situations
  - a. In cases of non-critical incidents or in times of personal or professional crisis, a PSO may be assigned to an employee at their request. Examples include, but are not limited to:
    - i. Multiple event incidents
    - ii. Divorce or relationship problems
    - iii. Death or illness of a family member
    - iv. Other sudden traumatic loss (i.e. fire, flood)
    - v. Personal illness

#### 32.04 Team Selection

Crisis Assistance Team members will be individually selected from sworn and civilian employees who are respected by their peers and have received recommendations from their supervisors and co-workers.

- A. Considerations for selection of candidates include previous education, training and resolved traumatic experiences.
- B. Team members must have acceptable performance ratings, no current work restrictions involving psychological stress and no troubling disciplinary history.
- C. Desirable qualities include maturity, good judgement, compassion, honesty, patience and personal/professional creditability.

#### 32.05 Team Removal

Crisis Assistance Team members may be removed for any of the following reasons:

- A. A true breach of confidentiality
- B. Developing an inappropriate personal relationship while engaged in a team member role.
- C. Losing good standing with the Department, including any of the criteria used for team selection, or losing good standing with the team.

#### 32.06 Training

Ideally, team members should have training in the following areas:



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- A. Critical Incident Stress Management (CISM)
- B. Effective communication and listening skills
- D. Defusing and debriefing techniques
- E. Suicide assessment
- F. Recognizing signs and symptoms of depression
- G. Problem solving skills
- H. Alcohol and substance abuse education
- I. Recognizing signs and symptoms of burnout
- J. Grief management
- K. Confidentiality issues
- L. The Employee Assistance Program (EAP)
- M. Mental health consultation and referral information

**32.07 Team Activation**

When incidents occur that are capable of producing significant distress for one or more officers of the Department, the Crisis Assistance Team Coordinator should be contacted to coordinate on-scene support. The CAT Coordinator will determine the number of members required for each incident and contact those members accordingly.

**32.08 Voluntary Use of the Program**

An employee who desires to contact CAT may communicate directly with a member of their choosing and request assistance at any time without the knowledge or approval of supervisory personnel. Members are available 24 hours a day, seven days a week. Contact information for the team can be found in the Department’s Quick Reference Guide.



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#### Revision:

This policy has been revised on the below listed dates:

March 2022







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| MENTAL HEALTH LEAVE | 33         | 3          |

#### 33.00 Purpose

The Purpose of this policy is to comply with Chapter 614.015 of the Texas Government Code.

#### 33.01 Definitions

##### A. Traumatic event:

An event which occurs in a peace officer's or Communications Officer's scope of employment when the officer is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

##### 1. Traumatic events may include, but are not limited to, the following:

- a. Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
- b. Incidents involving multiple casualties which may include shootings or traffic accidents;
- c. Line of duty death or suicide of a department member;
- d. Death of a child resulting from violence or neglect;
- e. Officer(s) involved shooting of a person.

##### B. Mental health leave:

Administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's or Communications Officer's employment.

##### G. Mental Health Professional:

A licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

#### 33.02 Requesting Mental Health Leave

- A. A peace officer or Communications Officer directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the employee's chain of command. The request shall be treated as a priority matter



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and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

- B. A supervisor or coworker who becomes aware of behavioral changes in an officer directly involved in a traumatic event should suggest to the officer that he or she seek mental health leave and the assistance of a mental health professional. An officer's failure to voluntarily seek mental health assistance may be addressed by a mandatory referral through the Harris County Employee Assistance Program if deemed necessary by the Department.

#### 33.03 Confidentiality of Request

- A. Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline.
- B. Confidentiality may be waived by the officer seeking mental health leave. Confidentiality may be waived under circumstances which indicate the officer is a danger to himself or herself or others and department personnel must confer with mental health professionals.

#### 33.04 Effect on Salary or Other Compensation

A peace officer or communications officer is entitled to the use of mental health leave days available under this policy without a deduction in salary or other compensation.

#### 33.05 Duration of Mental Health Leave

An officer directly involved in a traumatic event may request up to three working days (24 hours) of paid mental health leave per calendar year. The mental health leave days provided under this policy are not accrued and are non-compensable upon separation.

#### 33.06 Mental Health Services Available to the Officer



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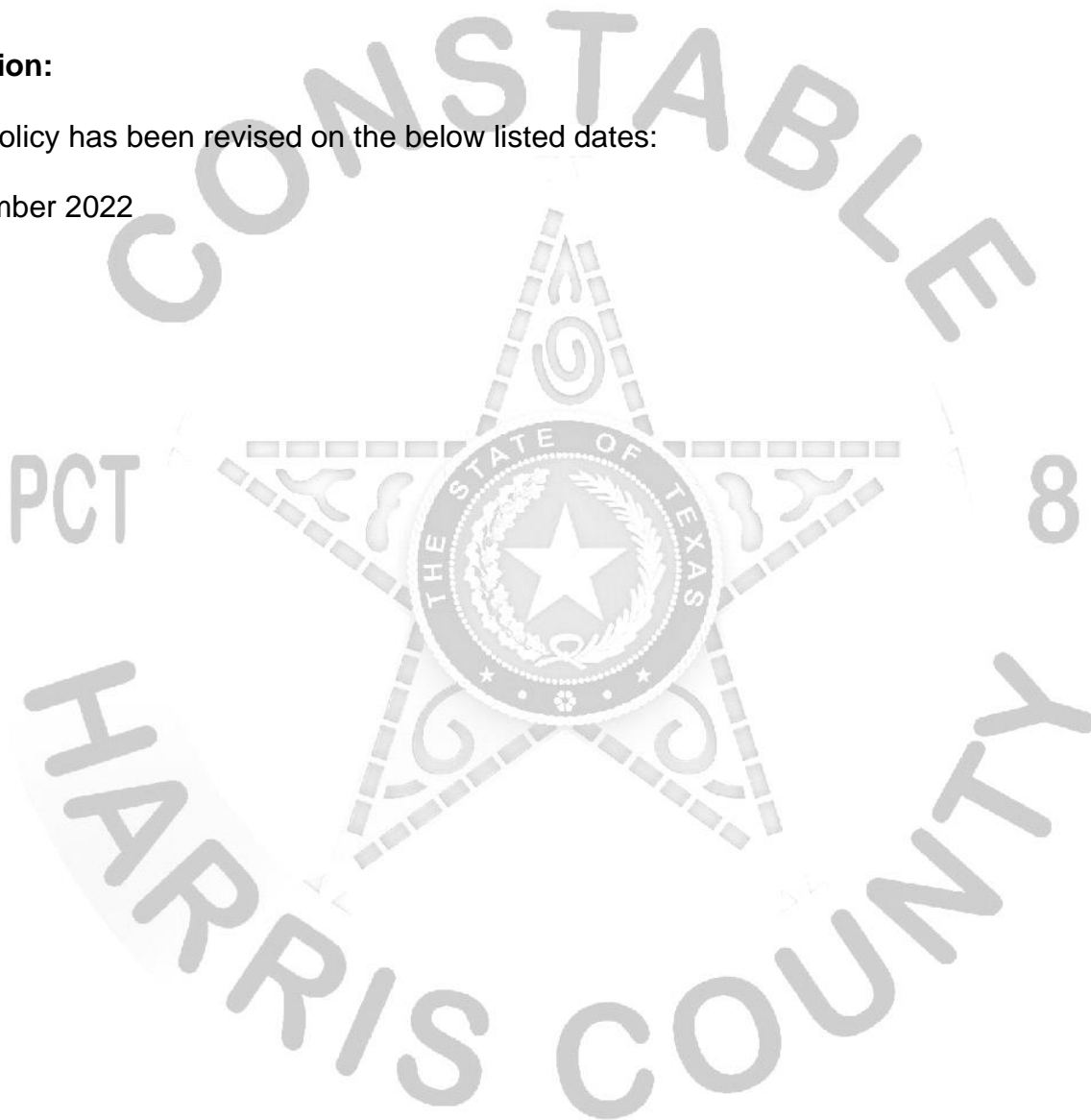
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Resources for mental health resources can be obtained by contacting the Crisis Assistance Team, the Harris County Employee Assistance Program or the officer's chain of command.

#### Revision:

This policy has been revised on the below listed dates:

December 2022





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| <b>SUGGESTIONS</b> | <b>34</b>  | <b>1</b>   |

#### 34.00 SUGGESTIONS

The Department needs and desires suggestions from its personnel that could improve the operating and working conditions in the Department. These suggestions shall be in writing and submitted through the appropriate chain of command. The Constable or his designee will evaluate each one.







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### CHAPTER V – DRUG AND ALCOHOL SCREENING POLICY

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| DRUG AND ALCOHOL SCREENING | 1          | 10         |

#### 1.00 Purpose

The purpose of this policy is to provide a safe and drug-free work environment for our clients and our employees and to help prevent accidents and injuries resulting from employees misusing alcohol or abusing illegal drugs, prescription drugs, alcohol, or any other substances that may impair their ability to perform the functions of their jobs safely and effectively, or that may increase the potential for accidents, or substandard performance, or that may tend to undermine the efficiency of the County's operations. This policy will foster and maintain a program to achieve a drug-free workplace. As used herein, the terms "County" or "Harris County" include the Harris County Flood Control District.

Direct any questions regarding this policy to the Harris County Attorney's Office or the Office of Human Resources & Risk Management.

#### 1.01 Scope

- A. This policy applies to every applicant for employment with and every employee who works in a department under the direction of the Commissioners Court, as well as the Harris County Flood Control District, and every applicant for employment with and every employee who works under an elected or appointed official who chooses to adopt this policy. As used herein, the terms "applicant" and "employee" mean only those applicants and employees covered by this policy and excludes applicants and employees who are covered by the Drug and Alcohol Screening Policy for Commercial Drivers.
- B. All applicants. Upon receiving a conditional job offer, every applicant, including an applicant for a part-time or seasonal position, is tested for the presence of the drug groups set forth in this policy. Generally, applicants are not accepted for employment until the negative test results are provided to the County. However, in certain very limited situations and only with the prior approval of the Director of Human Resources & Risk Management or the Elected Official who has adopted this policy, a department may schedule someone to work when that person has received a conditional job offer and submitted a specimen for testing under this policy. But if the test results are positive, then the individual is terminated immediately.
- C. Safety-sensitive. Employees who work in safety-sensitive positions are subject to random testing for drugs and alcohol. Additionally, before assuming a safety sensitive position, current employees must pass a drug test as required for all applicants.



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- D. Reasonable-suspicion. Every employee is subject to testing if there is reasonable suspicion to believe that the employee has violated the prohibitions of this policy while in the course and scope of employment.
- E. Each department under the direction of the Commissioners Court and every elected or appointed official who chooses to adopt this policy must establish internal procedures for meeting the requirements of this policy.
- F. ALL APPLICANTS AND EMPLOYEES MUST RECEIVE A COPY OF THIS POLICY AND MUST ACKNOWLEDGE IN WRITING THAT THEY HAVE RECEIVED AND READ THE POLICY.

#### 1.02 Definitions

- A. "Alcohol" – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- B. "Alcohol Concentration" - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an EBT.
- C. "Applicant" - Includes both an applicant for employment and an employee desiring to transfer from a non-safety sensitive position to a safety-sensitive position.
- D. "Certified Laboratory" or "Laboratory" – Any U.S. laboratory certified by the Department of Health and Human Services under the National Laboratory Certification Program to perform DOT drug and alcohol screening.
- E. "Conviction for a criminal drug statute violation" - A finding of guilt or imposition of sentence, including deferred adjudication or probation, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.
- F. "DOT" - The United States Department of Transportation.
- G. "EBT" – A device approved by the National Highway Traffic Safety Administration for the evidential testing of breath at the .02 and .04 alcohol concentrations. This testing device is selected from among those listed on the Conforming Products List of Evidential Breath Measurement Devices published in the Federal Register from time to time by the National Highway Traffic Safety Administration.
- H. "Illegal Drug" - Any drug that cannot be obtained legally or any prescription drug



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that has not been legally obtained or that has been legally obtained and is not being used in accordance with the prescribed dosage. Examples of illegal drugs include, but are not limited to, cocaine, heroin, phencyclidine (PCP), inhalants, and cannabis substances such as marijuana and hashish.

- I. "Legal Drug" - Any prescribed drug or over-the-counter drug the individual has legally obtained and is using in accordance with the prescribed or recommended dosage.
- J. "Medical Review Officer" - A licensed physician retained by Harris County to receive Laboratory results generated by this policy who is responsible for interpreting and evaluating a confirmed positive drug test result. The Medical Review Officer may be an employee of the Laboratory conducting the testing if the Laboratory establishes a clear separation of functions to prevent any appearance of a conflict of interest, including assuring that the Medical Review Officer has no responsibility for, and is not supervised by or the supervisor of, anyone who has responsibility for the testing or quality control operations of the Laboratory.
- K. "Possession" - To have on one's person, in one's personal effects, in one's vehicle, or under one's control.
- L. "Reasonable suspicion" - An articulable belief, based upon specific facts or incidents and reasonable conclusions drawn from those facts or incidents. Facts or incidents which constitute reasonable suspicion may include, but are not limited to, the following:
  - 1. observation of alcohol or illegal drug use;
  - 2. observations of alcohol, illegal drugs, or drug paraphernalia on the person, or within an area under the person's immediate control;
  - 3. a pattern of abnormal or erratic behavior, including the observation of physical symptoms of alcohol or illegal drug use; or
  - 4. Employee involvement in either - a work-related accident or a vehicular collision while operating a vehicle as defined in this policy and where there is also reason to believe that the employee may have been at fault in causing the accident or vehicular collision (i.e., if the employee was issued a moving citation in connection with a collision).
- M. "Safety-Sensitive Position" - A position involving job duties which if performed with inattentiveness, errors in judgment, or diminished coordination, dexterity, or composure may result in mistakes that could present a real or imminent threat to the personal health and safety of the employee, coworkers, or the public. Employees who operate a vehicle as part of their regularly assigned, routinely



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performed job duties are in safety-sensitive positions. Departments designate which of their positions are safety-sensitive and provide a list of such positions to the Director of Human Resources & Risk Management or his designee who maintains a master list of safety-sensitive positions subject to random testing. Employees are notified that they hold safety-sensitive positions and are subject to random drug and alcohol testing.

- N. "Vehicle" - Any motorized equipment, whether County owned or not, used on public or nonpublic roadways or rights-of-way in the course and scope of employment. This specifically includes, but is not limited to, tractors, lift trucks, and automobiles.
- O. "Training" - The Office of Human Resources & Risk Management conducts training and education programs for employees and supervisors, including a drug-free awareness program designed to inform employees about the dangers of drug and alcohol use/abuse and the County's policies concerning substance abuse.

#### 1.03 Prohibitions

- A. Employees are prohibited from reporting for work or remaining on duty with an alcohol concentration of .02 or higher or when using illegal drugs. Employees in safety-sensitive positions are prohibited from performing safety-sensitive functions within four hours after drinking alcoholic beverages regardless of the alcohol concentration in their breath.
- B. The use, possession, distribution, or sale of alcohol or illegal drugs by any employee during working hours, while on County property, or while operating or riding upon vehicles while in the course and scope of employment is prohibited. Employees must notify their supervisor or designated Department representative of a conviction for a criminal drug or alcohol statute violation no later than five days after such conviction. The supervisor or designated Department representative must then report the conviction to the Director of the Office of Human Resources & Risk Management.
- C. It is not a violation of this policy for any employee with a current, valid prescription for a drug to use, possess, or be under the influence of such drug in the manner and for the purposes prescribed, if such use does not affect the employee's performance or create a risk to the safety of the employee or to others. Employees are responsible for learning of the possible effects of prescription and non-prescription drugs they use while working and must notify their supervisor or designated Department representative of such use and of the possible side effects of such drugs or medications. The County may, at its discretion, require employees





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in safety-sensitive positions to refrain from working while taking any drug or medication, or require such employees to obtain written authorization from their physician regarding their ability to perform their essential job duties safely while taking the medication.

#### 1.04 Consent to Drug and Alcohol Screening

- A. Anyone tested pursuant to this policy must sign a consent form authorizing the drug and/or alcohol screening and permitting limited disclosure of the results. The results may be disclosed to the Director of the Office of Human Resources & Risk Management or to other persons he designates to receive such confidential information. The consent form contains the following information:
  1. Acknowledgment that the applicant and/or employee has been notified of the drug and alcohol screening policy;
  2. The consequences of a refusal to have the drug and/or alcohol screening;
  3. The procedure for confirming a positive test result; and
  4. The consequences of a confirmed positive test result from the drug and/or alcohol screening.

#### 1.05 Testing Procedures for Drug Screening

- A. Urine samples are tested at a Certified Laboratory to detect the prohibited drug levels set out in Section X of this policy. All drug tests are conducted at the County's expense with the exception of the split specimen tests discussed in Section XIV. The Laboratory conducting the test maintains written procedures in accordance with DOT requirements to ensure privacy, prevention of tampering, and chain of custody methods, including correct identification, labeling, and storage of all test samples. A copy of these procedures is available at the laboratory to each job applicant and employee upon request. The Laboratory certifies that methods of analysis are state of the art, including the use of immunoassay techniques for initial test results and gas chromatography/mass spectrometry for confirmatory test results.
- B. A Medical Review Officer receives, reviews, and interprets drug test results; confers directly with the applicant or employee to determine alternate medical explanations for positive test results; and notifies applicants, employees, and the appropriate Elected Official, Department Head, or designee of confirmed, positive drug test results.

#### 1.06 Testing Procedures for Alcohol Screening



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- A. All alcohol breath tests are conducted at County expense. A copy of these procedures is available to each employee upon request.
- B. An EBT is used to detect and measure the presence of alcohol. If the result of the initial screening EBT test is an alcohol-concentration of 0.02 or greater, a confirmation EBT test is performed after the expiration of a period of not less than fifteen minutes to confirm that the test has properly measured the alcohol concentration. The confirmation test performed on an EBT meets the requirements set out in 49 C.F.R. Part 40.
- C. All alcohol tests are conducted by breath alcohol technicians trained in using EBTs and alcohol testing procedures as evidenced by successful completion of a course of instruction which, at a minimum, provides training in the principles of EBT methodology, operation, and calibration checks, the fundamentals of breath analysis for alcohol content, procedures for obtaining a breath sample, and interpreting and recording EBT results.
- D. The appropriate Elected Official, Department Head, or designee receives the EBT results and notifies the employee or applicant of the results.

#### 1.07 Reasonable Suspicion Testing

- A. A drug and alcohol test must be conducted within two hours of any event defined in Section III. L. (iv). If the tests are not administered within two hours, the supervisor or designated Department representative must document why the tests were not administered timely and place a copy of the explanation in the employee's separate medical file.
- B. Employees are responsible for notifying their supervisor or designated Department representative as soon as medically practical after every event defined in Section III. L. (iv). Failure to notify the supervisor or designated Department representative may result in disciplinary action, up to and including termination.
- C. Employees are subject to testing if, while in the course and scope of employment, there is reasonable suspicion to believe that they are in violation of this policy. Supervisors who suspect that an employee is violating the policy must immediately provide the appropriate Elected Official, Department Head, or their designee with a written request for testing the employee. The written request must set out the specific facts, symptoms, or observations that form the basis of the determination that reasonable suspicion exists to test the employee. Upon receipt of the request, the Elected Official, Department Head, or their designee makes a final decision



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whether reasonable suspicion exists. If the test is authorized the supervisor or designated Department representative contacts the employee and schedules an immediate drug and/or alcohol test. The drug and/or alcohol test is conducted in accordance with the procedures established by this policy.

#### 1.08 Random Testing

- A. The random testing program is conducted and administered through personnel designated by the Elected Official, Department Head or their designee. The Office of Human Resources & Risk Management maintains a current list of safety sensitive positions subject to random testing under this policy.
- B. The testing provider randomly selects a number of employees from the test group for testing. Once the employees to be tested are selected, the Elected Official, Department Head or their designee immediately notifies the employees that they have been randomly selected. Testing is conducted immediately upon receipt of notice. After testing has been completed, the employees tested are returned to the selection pool so that all employees in a test group are always eligible to be chosen. (Under this arrangement, it is possible that an employee may be tested two or more times within the same year. Conversely, it is possible that an employee may not be tested at all within a year.) An employee who is absent from work on either paid or unpaid leave when selected for testing may be excused from the test at the department's discretion.

#### 1.09 Prohibited Drug Levels

- A. The drug testing under this policy will adhere to 49 C.F.R. Part 40, as amended. The initial drug screening is an enzyme immunoassay techniques (EMIT) test to detect the following prohibited drug group levels:

| Substance                                | EMIT Cut-Off Level |
|--|--------------------|
| 1. Marijuana metabolites (THCA)          | 50 ng/mL           |
| 2. Cocaine metabolites (Benzoylecgonine) | 150 ng/mL          |
| 3. Codeine/Morphine                      | 2000 ng/mL         |
| 4. Hydrocodone/Hydromorphone             | 300 ng/mL          |
| 5. Oxycodone/Oxymorphone                 | 100 ng/mL          |
| 6. 6-Acetylmorphine (Heroin)             | 10 ng/mL           |
| 7. Phencyclidine (PCP)                   | 25 ng/mL           |
| 8. Amphetamine/Methamphetamine           | 500ng/mL           |



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9. Methylenedioxymethamphetamine (MDMA)/  
Methylenedioxyamphetamine (MDA) 500 ng/mL

All specimens identified as positive on the initial test are confirmed using gas chromatography/mass spectrometry (GC/MS) techniques.

The confirmation test conducted is given to detect the following prohibited drug group levels:

| Substance   | GC/MS Cut-Off Level |
|---|---------------------|
| 1. Marijuana metabolites (THCA)   | 15 ng/mL            |
| 2. Cocaine metabolites (Benzoyllecgonine)                                   | 100 ng/mL           |
| 3. Codeine/Morphine   | 2000 ng/mL          |
| 4. Hydrocodone/Hydromorphone  | 100 ng/mL           |
| 5. Oxycodone/Oxymorphone  | 100 ng/mL           |
| 6. 6-Acetylmorphine (Heroin)  | 10 ng/mL            |
| 7. Phencyclidine (PCP)  | 25 ng/mL            |
| 8. Amphetamine/Methamphetamine  | 250 ng/mL           |
| 9. Methylenedioxymethamphetamine (MDMA)/<br>Methylenedioxyamphetamine (MDA) | 250 ng/mL           |

Both tests are performed before any notice of a positive drug test result is provided to the County.

#### 1.10 Status of Employees Pending Receipt of Drug and/or Alcohol Test

Upon completion of a drug and/or alcohol test based upon reasonable suspicion, an employee cannot return to work until the results of the test are given to the designated Department representative. The employee is placed on unpaid leave pending receipt of the test results unless the employee desires to take vacation leave or compensatory leave as authorized under the Personnel Regulations. The Department will help the employee arrange transportation to the testing facility and home. Employees tested based upon reasonable suspicion must not drive any vehicle while in the course and scope of employment until the results from the drug and/or alcohol tests are received. Employees are responsible for verifying with the designated Department representative when they may return to regular working duties.

#### 1.11 Consequences of a Positive Drug Test for Applicants

- A. An applicant who refuses to take a drug test under this policy is ineligible for hire.





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Conduct considered as refusing a test include:

1. Failure to appear for any test.
2. Failure to remain at the testing site until the testing process is completed.
3. Failure to cooperate with any part of the testing process.
4. Failure to take a second test when directed to do so.
5. Failure to undergo a medical evaluation as part of a “shy bladder” or “shy lung” procedures.
6. Providing an adulterated or substituted urine specimen.

- B. An applicant who has a confirmed positive test result for illegal drugs is not qualified for employment. Six months must elapse from the date of a confirmed positive test result before an applicant may reapply for employment.

#### 1.12 Consequences of a Positive Drug and/or Alcohol Test for Employees

- A. Employees who refuse to take a drug and/or alcohol test under this policy are terminated. Conduct considered as refusing a test include:

1. Failure to appear for any test.
2. Failure to remain at the testing site until the testing process is completed.
3. Failure to cooperate with any part of the testing process.
4. Failure to take a second test when directed to do so.
5. Failure to undergo a medical evaluation as part of a “shy bladder” or “shy lung” procedures.
6. Providing an adulterated or substituted urine specimen.

- B. Employees who have a confirmed positive test result for illegal drugs or a confirmed alcohol concentration of .02 or greater are subject to disciplinary action, up to and including termination. Department Heads determine the appropriate disciplinary action. Department heads that choose not to terminate an employee under this subsection must give the employee a mandatory referral to the Employee Assistance Program.

- C. An employee who is terminated for refusing to take a drug and/or alcohol test or who is terminated for having a positive drug and/or alcohol test may be eligible for rehire provided the employee is willing to take another drug and/or alcohol test. However, six months must elapse before such individuals may reapply for employment. Any decisions to rehire will include, but will not be limited to, consideration of the former employee’s past work record and current qualifications, results of the drug test at the time of application for reemployment, as well as the County’s current needs and requirements.



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1.13 Split Specimen Testing of Urine Specimens

- A. An individual who tests positive for illegal drugs or who provides an adulterated or substituted specimen may have an independent test performed, at his or her expense, of a portion of the specimen that yielded the positive, adulterated, or substituted result. The individual must request an independent test within 72 hours of receiving notification of a confirmed positive test result or of an adulterated or substituted specimen. The independent test must be conducted by a Certified Laboratory. Upon written authorization from the individual, a portion of the specimen is delivered by the testing Laboratory to the Laboratory selected by the individual. If this second test result is negative for illegal drugs and neither adulterated nor substituted, records of the original test are treated as records of a negative test result. An individual who is reinstated based on the results of an independent test may be reimbursed for the actual cost of the second test, but in no event will reimbursement exceed the amount the County paid for the initial test.
- B. An individual's inability to pay for a split specimen test will not preclude the testing.

1.14 Confidentiality

- A. All information relating to the drug and/or alcohol screening is confidential unless disclosure is otherwise required by law, court order, or the applicant's or employee's consent. Disclosure of the results of the drug and/or alcohol screening to any unauthorized county employee, agent, or person without permission of the person tested is strictly prohibited.
- B. All records of unconfirmed and negative test results are maintained in accordance with all applicable laws and regulations. Records of test results and medical information, if any, are maintained in secure files separate from the applicant or employee's personnel file.

1.15 Effective Date

This policy and procedures contained herein shall become effective on January 1, 2018.

**Revision:**

This policy has been revised on the below listed dates:

January 2018

**HARRIS COUNTY AND HARRIS COUNTY FLOOD CONTROL DISTRICT  
DRUG AND ALCOHOL SCREENING POLICY**

**CERTIFICATE OF RECEIPT**

I have received a copy of the Harris County and Harris County Flood Control District Drug and Alcohol Screening Policy and understand that this policy applies to me.

(Departments must maintain a copy in the employee's file)

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Applicant or Employee

\_\_\_\_\_  
Supervisor/Witness

**HARRIS COUNTY AND HARRIS COUNTY FLOOD DISTRICT  
ACKNOWLEDGMENT AND CONSENT FORM  
FOR SUBSTANCE ABUSE TESTING**

**I hereby acknowledge that I have received and read the HARRIS COUNTY AND HARRIS COUNTY FLOOD CONTROL DISTRICT DRUG AND ALCOHOL SCREENING POLICY. I understand that Harris County or the Harris County Flood Control District reserves the right to conduct tests for the presence of alcohol and illegal drugs, and that a positive test result may subject me to disciplinary action (including termination) or ineligibility for employment with Harris County. I understand that if I refuse to cooperate with testing or refuse to provide a urine or breath test specimen, I will be terminated from employment or ineligible for employment.**

I further authorize the testing laboratory to disclose the results of any such tests to the Director of the Office of Human Resources & Risk Management or to such other persons designated by the Director of the Office of Human Resources & Risk Management to receive confidential information. I understand that my test results are protected as confidential under the Public Information Act, Chapter 552 TEX. GOV'T CODE ANN., as amended.

In the event my drug test result is positive, I understand that I may request to have an independent drug test performed, at my own expense, of my urine specimen that yielded the positive test result. This test must be done at a Certified Laboratory.

I acknowledge that this policy is a term and condition of continued employment. I understand that if I do not wish to be subject to the testing policy, I may resign my position. Additionally, nothing about this policy changes my status as an at-will employee. The County or District may fire me at any time for any reason.

(Departments must maintain a copy in the employee's personnel file)

\_\_\_\_\_  
Signature of Applicant or Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Applicant or Employee

\_\_\_\_\_  
Signature of Supervisor/Witness