

## POLK COUNTY SHERIFFS OFFICE

October 1, 2021

To: All Officers and Employees

Re: Policy & Procedure Manual

Dear Ladies & Gentlemen:

The publication of these *policies and procedures* marks an important milestone in our continued development as a local leader in law enforcement. For those of you who participated in creating this document, please accept my hardest thanks for a *job well done!* If you did not have an opportunity to provide input, we now ask for your assistance.

Over the next few days and weeks, the entire department will be learning and applying the details of our new procedures. As we do so, we will re-visit some of the old practices as well. Take time to study and learn. Then give us your ideas on how we can make this an even better guide toward achieving a safer and more efficient operation. With warmest personal regards to each of you, I remain

Sincerely,

Byron Lyons  
Sheriff

**POLK COUNTY SHERIFF'S OFFICE**

**RECEIPT FOR POLICIES & PROCEDURES MANUAL**

I, \_\_\_\_\_, hereby acknowledge receipt for one (1) copy of the Polk County Sheriff's Office Policies and Procedures Manual.

It is understood that this manual is entrusted to me for safekeeping, study, and compliance. I will use my best effort to study, learn, and comply with the instructions contained in this manual. The updating, maintenance, and safe storage of this manual are my personal responsibility.

I understand this manual contains restricted law enforcement data, and that release of its contents to anyone not having an official need to know may place residents of this community, and officers and employees of this department at risk.

I will retain this manual in my possession or safekeeping, and will not allow it to be copied or reproduced in any manner. Further, I will immediately report to the Chief Deputy any attempt made by those outside of the department to borrow, acquire a copy, view, or use this manual. Likewise, I will immediately report the loss of this manual or portions of its contents to the Chief Deputy.

I affirm my commitment to honor this agreement this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name of Witness

\_\_\_\_\_  
Witness' Signature

## **POLK COUNTY SHERIFF'S OFFICE**

This policy and procedure manual is not a contract of employment. This manual is merely a guideline, promulgated by the Sheriff's Office, to govern the operations of the department. All employment at the PCSO is "at will." This means that any employee can be terminated at any time for any reason or no reason at all. Additionally, the terms and conditions of employment can be changed at any time at the will of the Sheriff.

## POLK COUNTY SHERIFF'S OFFICE

### HOW TO USE THIS MANUAL

Contained in this manual are Policies and Procedures of the Polk County Sheriff's Office. This manual deals with the specifics of operating this law enforcement department both administratively and operationally, and it addresses issues relating to how we manage, supervise, and provide law enforcement services to the community we serve.

Our policies are developed with you and good order in mind. They are of critical importance to your safety, the safety of fellow officers, and the community at large. These policies will be periodically updated. You will be notified when changes are made at roll calls, during training sessions, and by written notice. It is your responsibility to understand these policies and follow the procedures set forth in this manual.

Policies and procedures are written to provide a basis for the day-to-day operations. Their purpose is to standardize the department's approach and response to recurrent and predictable situations. Policies and procedures are intended to provide you with guidance regarding the performance of your responsibilities as a sworn law enforcement officer or employee of this department. They contribute to the overall achievement of the mission by defining performance expectations, ensuring conformity to legal standards, defining and institutionalizing "best practices", and establishing a basis for accountability.

The policies and procedures set fourth in this manual will not be superceded by any other policy. The Polk County Employee Policy Manual will be referenced regarding policies not covered in this manual.

It is an important requirement that each of us be familiar with the details of this manual, and readily apply its guidelines in every aspect of what we do in carrying out our vital mission. How well you study and use what you learn directly affects the safety and well being of the citizens we are sworn to protect, and ourselves.

Begin your education process by paging through the manual. Familiarize yourself with the format; review how subjects are categorized and numbered; and look for specific topics of interest to you. Next read the *Use of Force* policy, and the *Vehicle Pursuit* policy. Ask yourself, *can I understand and apply these policies?* Continue and read each policy, and when you come to something you don't understand, find confusing, or simply question, write it down and talk with your supervisor to seek the answers. Repeat the process until you are confident you know the policy well enough to apply it in spirit as well as in practice.

During your reading of the manual, if you find something incorrectly stated, or you have a better idea, we want to know about it. This is a *living document*. It was put together with change in mind – the kind of change that brings improvement. Your assistance is needed to make it work, and keep it working as a quality guide.

Use the following *Suggestion Form* to make written suggestions. You may use the original in the book to make copies. Then put your suggestions on a copy of the form, and turn it in to your supervisor. No recommendation is too small or unimportant, so please share your ideas.

**POLK COUNTY SHERIFF'S OFFICE**  
**REQUEST FOR REVIEW OR COMMENT**

Please review this *policies & procedures* set. If we do not hear from you by **Four Weeks After Receiving This Manual** it will be assumed that you concur with its contents and the policy may be implemented without further opportunity for you to provide input. If necessary, please submit a request letter for additional time to complete your review of the policy & procedure set.

Please forward your comments or suggestions to:

Chief Deputy  
Polk County Sheriff's Office



**POLK COUNTY SHERIFF'S OFFICE**

**MISSION STATEMENT**

The mission of Polk County Sheriff's Office is to maintain social order and provide professional law enforcement services to citizens in the community, within prescribed ethical, budgetary, and constitutional constraints. This department strives to enforce the law and maintain order in a fair and impartial manner, recognizing the need for justice, and consistent appearance of justice. The Sheriff recognizes that no law enforcement agency can operate at its maximum potential without supportive input from the citizens it serves. This department actively solicits and encourages the cooperation of all citizens to reduce and limit the opportunities for crime, and to assist in bringing to justice those that break the law.

Byron A. Lyons

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Sheriff's Printed Name

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Sheriff's Signature

## POLK COUNTY SHERIFF'S OFFICE

### OBJECTIVE STATEMENTS

The following objectives have been established to accomplish the mission within in the budgetary and manpower constraints imposed on the department:

- A. **Protect Life and Property:** To provide services that contribute to the preservation of life, the protection of property, and the safety of the community.
- B. **Maintain Public Order:** To maintain peace and public order. To assist during times of natural or technological occurrences or disasters. To provide for the safe and effective flow of both vehicular and pedestrian traffic and the investigation of traffic related accidents when the Department Of Public Safety is not available.
- C. **Prevent, Detect and Investigate Criminal Activity:** To prevent crime through aggressive patrol that limits the opportunity for a crime to occur, and through education of citizens that reduces the likelihood of them becoming victims of crime. To provide a thorough, appropriate, and efficient investigation of criminal activity.
- D. **Apprehension of Offenders:** To provide for the expeditious and prudent apprehension of suspected violators of the law, regardless of an individual's status in the community.
- E. **Community Service:** To provide the resources necessary for assisting citizens under special non-criminal circumstances.
- F. **Compliance with Ethical Standards and Professionalism:** To ensure integrity and adherence to the professional standards of the Agency by investigating all complaints against Agency personnel. To provide for the training needs of officers and promote a high rate of proficiency in the officers of the Agency. To address the career development goals of agency personnel.

**POLK COUNTY SHERIFF'S OFFICE**

**OATH OF OFFICE**

All law enforcement officers of Polk County Sheriff's Office are, before exercising any type of peace officer powers, required to take and abide by the following oath of office:

*I do solemnly swear / affirm that I, \_\_\_\_\_  
will support the Constitution of the United States of America and of the  
State of Texas; that I will in all respects observe the provisions of the  
policies and directives of the Polk County Sheriff's Office; I will well and  
truly perform the duties of the office of Peace Officer, and will to the  
utmost of my skill and ability, endeavor to promote the public interest, and  
protect the property of said, Polk County without fear, favor or affection.  
So help me God.*

## POLK COUNTY SHERIFF'S OFFICE

### ORDERS AND INSTRUCTIONS

The Polk county Sheriff's office will issue orders in several forms. As a sworn officer or employee of this organization, you are responsible for knowing, understanding, and complying with all lawful orders. Immediate and consistent compliance with orders is essential to accomplishing our mission and protecting human life. Orders will be given in the following forms:

#### **1. General Orders**

General orders are sometimes referred to as the *Ten Commandments* of a law enforcement agency. There may not be exactly ten, and these rules are not religious in nature, but adherence to them is vital to successfully accomplishing our objectives. *General orders* are published in writing. You are expected to know these rules and follow them both in letter and spirit. No deviations should occur without the expressed personal authority of the Sheriff. General Orders will be provided and discussed in your training and widely disseminated. You should immediately ask your supervisor if you have any questions about compliance. You also have the duty to immediately report General Order violations.

#### **2. Special Orders**

Special orders are always written. They are authorized and signed by the Sheriff or Chief Deputy. Special orders provide short-term instructions in matters of critical concern to the Sheriff. Special orders are numbered, each bearing an effective date, expiration date, and the signature of the Sheriff or Chief Deputy. Special Orders are provided and discussed in training, announced at roll call, and published as the need arises. It is your responsibility before starting your tour of duty each day to know what Special Orders are in effect, and to comply with their requirements. Any questions about compliance or known violations of a Special Order should be referred to your supervisor as soon as practical.

#### **3. Policies & Procedures**

The senior law enforcement official of a law enforcement organization is charged with the responsibility of setting policy and determining the procedures that will be followed to accomplish the mission of the department and maintain effective control. Policies and procedures often vary from organization to organization, depending on the management style of the policy maker, the needs and desires of the community, and available resources.

#### **RESTRICTED LAW ENFORCEMENT DATA**

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The Polk County Sheriff's Office provides this manual as a detailed guide to performance expectations. Each policy is published separately, and contains a statement of the policy and detailed procedures regarding how to carry it out. *Policies are orders, and procedures are the instructions for carrying out the orders.*

Not every situation is foreseeable. It is important for sworn officers and other employees to know and understand these policies and procedures, and apply them in a variety of situations. **When faced with a dilemma, ask and answer . . . *what would the Sheriff want me to do in this case?*** Confidence as a law enforcement officer is built on experience, training, careful review, and practiced compliance with the policies and procedures, and other requirements in this manual.

#### **4. Post Orders**

Post Orders, sometimes referred to as *job descriptions*, are written and published for each job or duty station in the organization. Each job has a published set of post orders, which detail the responsibilities and the job. When assuming a post, duty position, or assignment for the first time, each officer and employee will read, understand, and sign the post orders located at that position, station, or in the patrol unit. The employee reporting for duty will not assume the duties of the position until post orders are read, and fully understood.

During subsequent assignments to the same post, the officer or employee will review the post orders immediately upon arrival at the place of assignment to determine if there have been changes in the duty instructions. In those cases where another employee or officer is being relieved of the duties at that post, the arriving officer or employee will review the post orders before the other officer is allowed to be relieved or depart the general area. Officers will discuss the activity at this particular post verbally before the relieved officer is free to depart. Officers being relieved will never leave a post until instructed by the *relief officer*, and after insuring that the newly arrived officer is fully appraised of prior events, any threats, or other conditions of interest.

If there are any questions about the performance of work required at this duty assignment, the officer or employee will notify the supervisor on duty for immediate help, instruction, or assistance. Employees will not assume or work a duty position without fully understanding the requirements of the position, and satisfying themselves that they are mentally and physically capable of carrying out the responsibilities of the assignment, except in *declared emergencies*. If an employee is incapable of carrying out the responsibilities of a particular post, the employee will ask their supervisor to be immediately relieved of duty.

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## 5. Direct or Verbal Orders

Direct orders are most often issued through the spoken word. These orders may be given at roll call, but most often are issued verbally during the course of the shift. Personnel are to respond to verbal orders given by supervisors, the Chief Deputy, and the Sheriff. In those cases where someone who is not your supervisor, Chief Deputy, or the Sheriff, gives you a direct or verbal order or command, it is the responsibility of the officer receiving the order or instruction to verify the order through their post orders or supervisor **before complying with the order or instruction**. For example, it is inappropriate for a law enforcement officer of another department to issue orders to an officer of this organization without prior written approval from the Chief Deputy or Sheriff. This includes federal and state officers or agents.

Compliance with direct or verbal orders is only required or appropriate when the order given is *lawful*. To be a lawful order, the instruction must be in harmony or compliance with the *law, special orders, general orders* and *policies* established by the Polk County Sheriff's Office. For example, management and supervisory personnel are not authorized to order officers to physically abuse suspects or employ excessive or unreasonable force.

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## POLK COUNTY SHERIFF'S OFFICE

### GENERAL ORDERS

- I. Perform all duties professionally, while keeping on the alert for threats to human life and general community safety.
- II. Do not abandon, or leave assigned areas until properly relieved.
- III. Obey all lawful orders of supervisors and command staff.
- IV. Report all violations of orders and established policies of this department.
- V. Protect all members of society, especially those that are weak, physically or mentally impaired, or accused of a crime.
- VI. Do not allow, encourage, or ignore officers that abuse, threaten, or terrorize any person.
- VII. Do not violate the constitutional civil rights of any citizen, resident, or suspect, or tolerate others doing so.
- VIII. Immediately upon determining an individual is a criminal suspect, and before any interrogation, advise the individual of their constitutional civil rights, to include:
  - a. The right to remain silent;
  - b. Understanding that anything said by the suspect may be used against them in a court of law;
  - c. The right to an attorney; &
  - d. The right to have an attorney furnished at government expense, if the individual cannot afford an attorney.

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- IX. Immediately stop all interviews and interrogations, and make provisions to provide a suspect their constitutional rights, upon request.
- X. Do not have any personal relationships with suspects, accused, or persons placed in your charge beyond that which is necessary and appropriate in carrying out official duties.
- XI. Do not accept money or any other gratuity for performing police or police-related duties, unless expressly approved by the Sheriff.
- XII. Be faithful to the trust and responsibility the public has placed in this profession and you.
- XIII. Do not lie, cheat, steal, or tolerate anyone who does.

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## **POLK COUNTY SHERIFF'S OFFICE**

### **GENERAL ORDERS**

As a member of the Polk County Sheriff's Office it shall be my duty:

1. To advance the objective of the Polk County Sheriff's Office in preserving order and protecting the lives, rights, privileges, and property of the people in Polk County to the best of my ability and in an entirely impartial manner.
2. To practice at all times the motto of this organization, Courtesy – Protect – Serve.
3. To keep myself clean and presentable, and in good physical, mental and moral health.
4. To know and obey orders and instructions at all time.
5. To keep all county equipment entrusted to me fully accounted for and in proper condition.
6. To qualify as a voter, and to vote my convictions as a citizen on all public questions and political races, but to take no other part in any public politics or campaigns except as authorized by law and policy.
7. To conduct my business in a straightforward manner, relying upon poise, competence, and discretion rather than threats and argument to carry out my duties.
8. To take up matters affecting me and my position with my immediate supervisor through proper channels.

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9. To submit through proper channels constructive suggestions for the betterment of the Sheriff's Office and its service.
10. To conduct myself at all times, both on and off duty, in such a manner that I may merit the commendation of all law-abiding citizens and visitors with whom I come in contact, both those with whom I meet in carrying out my duties and those I shall live among as a citizen in order that credit may be reflected upon the Polk County Sheriff's Office.

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## POLK COUNTY SHERIFF'S OFFICE

### CANONS OF POLICE ETHICS

All sworn law enforcement officers in the Polk County Sheriff's Office or those members vested with law enforcement authority as a result of their employment with Polk County Sheriff's Office will, at all times, abide by the following Canons of Police Ethics.

#### **Article 1.**

##### ***Primary Responsibility of Job***

The primary responsibility of the police service, and of the individual officer, is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

#### **Article 2.**

##### ***Limitations of Authority***

The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him in enforcing it. Because he represents the legal will of the community, be it local, state, or federal, he must be aware of the limitations and proscriptions which the people, through law, have placed upon him. He must recognize the genius of the American system of government, which gives to no man, groups of men, or institution, absolute power, and he must ensure that he, as a prime defender of that system, does not pervert its character.

#### **Article 3.**

##### ***Duty to be Familiar with the Law and with Responsibilities of Self and other Public Officials***

The law enforcement officer shall assiduously apply himself to the study of the principles of the laws, which he is sworn to uphold. He will make certain of his responsibilities in the particulars of their enforcement, seeking aid from his superiors in matters of technicality or principle when these are not clear to him; he will make special effort to fully understand his relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

#### **Article 4.**

##### ***Utilization of Proper Means to Gain Proper Ends***

The law enforcement officer shall be mindful of his responsibility to pay strict heed to the selection of means in discharging the duties of his office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

**Article 5.**

***Cooperation with Public Officials in the Discharge of Their Authorized Duties***

The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. He shall be meticulous, however, in assuring himself of the propriety, under the law, of such actions and shall guard against the use of his office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, he shall seek authority from his superior officer, giving him a full report of the proposed service or action.

**Article 6.**

***Private Conduct***

The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable man. Following the career of a policeman gives no man special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, he will so conduct his private life that the public will regard him as an example of stability, fidelity and morality.

**Article 7.**

***Conduct toward the Public***

The law enforcement officer, mindful of this responsibility to the whole community, shall deal in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct his official life in a manner such as will inspire confidence and trust. Thus, he will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of him nor a right to command him. The officer will give service where he can, and require compliance with the law. He will do neither from personal preference or prejudice but rather as a duly appointed officer of the law discharging his sworn obligation.

**Article 8.**

***Conduct in Arresting and Dealing with Law Violators***

The law enforcement officer shall use his powers of arrest strictly in accordance with the law and with due regard to the right of the citizen concerned. His office gives him no right to prosecute the violator nor to mete out punishment for the offense. He shall, at all times, have a clear appreciation of his responsibilities and limitations regarding detention of the violator; he shall conduct himself in such a manner as will minimize the possibility of having to use force. To this end he shall cultivate a dedication to the service of the people and the equitable upholding of their laws whether in the handling of law violators or in dealing with the law-abiding.

**Article 9.**

***Gifts and Favors***

The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in his own conduct, the honor and integrity of all government institutions. He shall, therefore, guard against placing himself in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, he should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his judgment in the discharge of his duties.

**Article 10.**

***Impartial Conduct***

The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political, and all other distinctions among the person involved, strengthening the tradition of the reliability and integrity of an officer's word.

The law enforcement officer shall take special pains to increase his perception and skill of observation, mindful that in many situations his is the sole impartial testimony to the facts of the case.

**Article 11.**

***Attitude Toward Profession***

The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement, he shall strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office, and hold police work to be an honorable profession rendering valuable service to his community and his country.

***Composed in 1957 by a Committee of the International Association of Chiefs of Police, Inc.***

**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|  |                            |
|--|----------------------------|
| <b>Subject:</b> Policy and Procedure Management System                       | <b>Policy Number:</b> 2.06 |
| <b>Issue Date:</b> 10/01/2021  | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Sheriff Byron Lyons |                            |

**POLICY:**

Polk County Sheriff's Office will provide all employees with guidance regarding policy and operations issues through written directives.

**DEFINITIONS:**

*Policy:* A written directive that is a broad statement of agency principles. Policy statements may be characterized by such words as "may" or "should" and usually do not establish fixed rules or set procedures for conduct of a particular activity but rather provide a framework for development of procedures, rules, and regulations.

*Procedure:* A written directive that is a guideline for carrying out agency activities. A procedure may be mandatory in tone through the use of "shall" rather than "should," or "must" rather than "may." Procedures sometimes allow some latitude and discretion in carrying out an activity.

**PROCEDURES:**

**Responsibility:**

The Sheriff or his designee will review, sign, and distribute a uniform body of *policies and procedures* to all employees that convey institutional philosophy, goals, and operational principles. The Sheriff or his designee will identify an agency employee responsible for overseeing the maintenance of these *policies and procedures*. The responsible individual will maintain:

1. A complete set of all *policies and procedures*;
2. A record of policies deferred for further action;
3. A record of review of each policy to assure compliance with applicable statutes; &
4. Documentation of annual reviews.

The Sheriff may form, at his or her discretion, a committee of personnel to serve in a policy formulation role. Whether done by committee or by an individual, the following functions

are performed at least once a year:

1. Review and evaluation of each policy;
2. Consideration of proposals from departmental members for modification of existing policy, or for additional policies; &
3. Preparation of recommended new policies and procedures, to be forwarded to the Sheriff or his designee for review and adoption.

**Organization:**

*Policies and procedures* are divided into topical sections [See Table of Contents]. These *policies and procedures* will be in three-ring binder(s) to allow ease in updating and modification.

**Distribution and Local Implementation:**

*Polk County Sheriff's Office policy and procedures* manuals will be available for review by staff at the time of employment and at any time thereafter. All employees will receive and maintain a set of *policies and procedures*. Any new policy will be distributed in advance of its effective date to ensure all departmental members are able to implement the instructions in an orderly manner.

**Policy Compliance and Maintenance:**

The Sheriff is responsible for establishing a system to monitor compliance with *policies and procedures* through regular reviews and inspections. This includes dissemination of new or revised policies and procedures to staff or others concerned with operations. Master copies of these procedures will be maintained in the Sheriff and Chief Deputy offices, available for review by agency employees and authorized representatives of other agencies having legitimate law enforcement interests in operations.

**Departmental Review:**

Members of Polk County Sheriff's Office may review those procedures that are not already available to them in other forms upon request. Subject to any other provisions of law, members of the public may not review *security related policies* and procedures as identified by the Sheriff. The Sheriff will make final determinations regarding any request for policies and procedures release that is not of a strict law enforcement nature. The release of such law enforcement data into the public domain is prejudicial to the safety and security of departmental employees and the residents of Polk County.

**Policy Formulation and Revision:**

The Sheriff or his designee will develop a *policy & procedure* review process. This process will observe the distinction between *evaluation of the policy* and *evaluation of compliance* with the policy. Such review will become a method of learning whether certain elements of the *policy or procedure* are dysfunctional or no longer needed. This evaluation process will be performed at least annually. Nothing in this provision should be construed as requiring a

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delay in initiating necessary and immediate change to a policy.

Each new and revised *policy or procedure* will bear the signature of the Sheriff and the date approved. The review schedules for various policies will be staggered to provide for an orderly review process throughout the year. The Sheriff may incorporate any significant audit findings that have accrued throughout the past year into the revision process.

All employees should participate actively in *policy and procedure* development through suggestions to their supervisor. The Sheriff will be the final point of collection for these suggestions, and may develop a process to include input from other concerned persons.

During the annual policy review process, policy proposal suggestion forms may be distributed for comment. If this process is used, the Sheriff or his designee will evaluate comments and concerns prior to final recommendation for adoption.

**Distribution List For Policies:**

1. Sheriff
2. Chief Deputy
3. Shift Supervisor

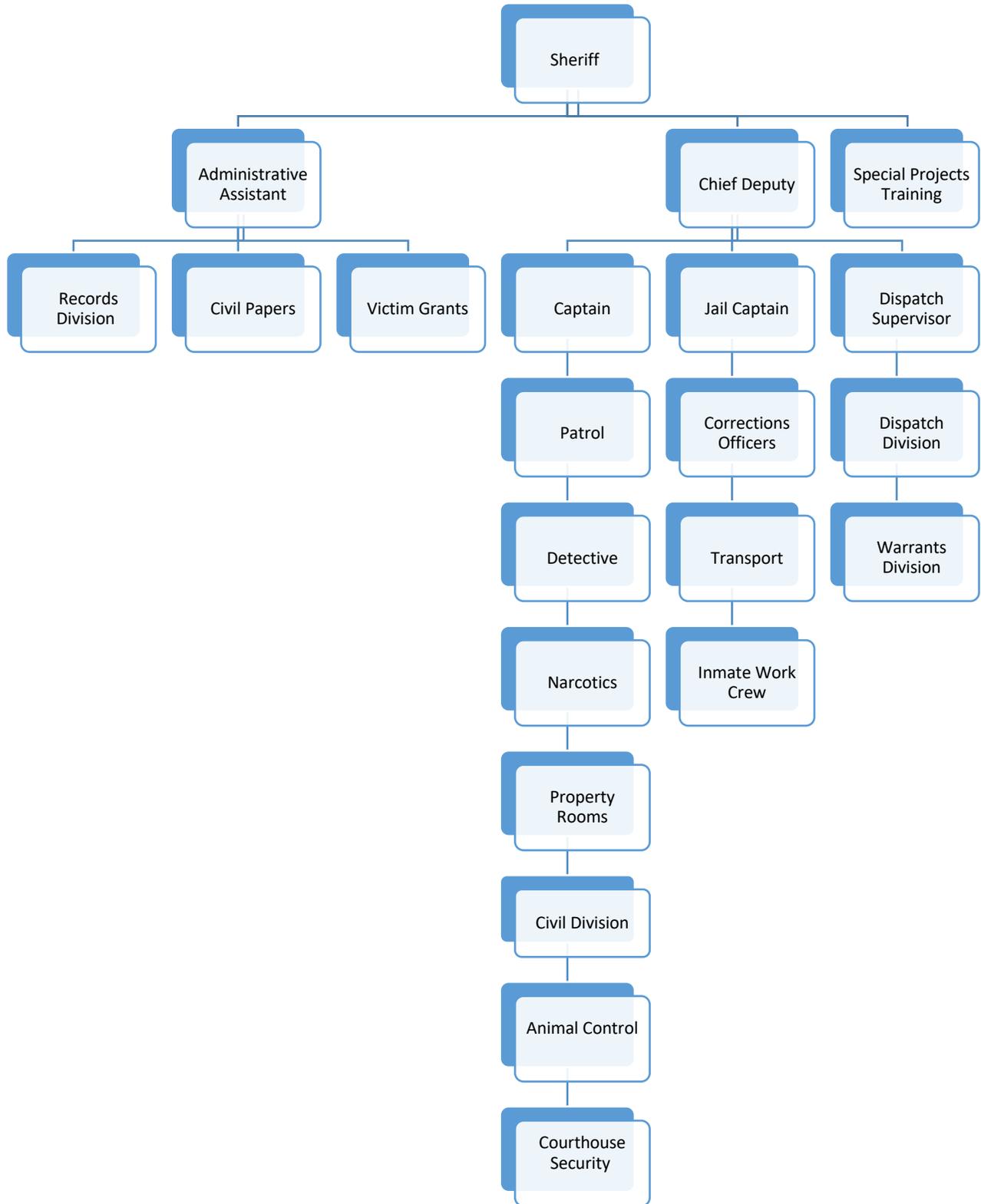
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**Polk County Sheriff's Office  
Organizational Chart**

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Texas Law Enforcement Policies and Procedures, 2.06 Policy and Procedure Management System



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# **POLK COUNTY SHERIFF'S OFFICE**

## **Organizational Chart**

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject: STAFFING and SEPARATION<br/>of COMMISSIONED PERSONNEL</b>   | <b>Policy Number: 2.07</b> |
| <b>Issue Date: 10-01-2021</b>   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

It is the policies of Polk County Sheriff's Office that all commissioned personnel have particular basic documents in their personnel file and that these document meet state standards specific to their commission.

**DEFINITIONS:**

**HIRING PROCEDURES:**

- 1.1 Once all EMPOLYMENT APPLICATIONS have been collected for the position to be filled the Division Head or Designee shall review the applications and submit those with previous employment in the commissioned field that they are applying for to the Special Projects Division for F5R Request.
- 1.2 The following documents must be in the personnel file before the person reports for work;

**Pease Officers**

**New licensee**

L-2

L-3

CCH (TCIC-NCIC)

Proof of Education

Proof of military (DD214)

DPS & FBI/FP return

Proof of citizenship

**If criminal record exists, agency must have copy of certified record of disposition of case.**

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**More than 180 day break in service**

F-5 R (copy)

L-2

L-3

CCH (TCIC-NCIC)

DPS & FBI/FP return

Weapons qualification within last 12 months (217.7)

**180 days or less break in service**

F-5 R (copy)

Weapons qualification within last 12 months (217.7)

**JAILER**

**New licensee**

L-2

L-3

CCH (TCIC-NCIC)

Proof of Education

Proof of military (DD214)

DPS & FBI/FP return

Proof of citizenship

**If criminal record exists, agency must have copy of certified record of disposition of case.**

**More than 180 day break in service**

F-5 R (copy)

L-2

L-3

CCH (TCIC-NCIC)

DPS & FBI/FP return

**180 days or less break in service**

F-5 R (copy)

**TELEACOMUNICATORS**

CCH (TCIC-NCIC)

Proof of Education

Proof of military (DD214)

DPS & FBI/FP return

Proof of citizenship

**If criminal record exists, agency must have copy of certified record of disposition of case.**

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**Documents All Employees**

**JAILER / PEACE OFFICER / TELECOMUNICATORS**

Basic  
Intermediate  
Advanced  
Master

Job Application  
Drivers License Check  
Previous Employer Questionnaire(s)  
Personal Reference Questionnaire(s)  
Photo  
Personal Data Sheet  
Oath of Office  
Statement of Election/Appointed Officer

Once the personnel file is complete it will be forward to Special Project for an L-1/T-1 to be completed and submitted to Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) and filing.

**SEPARATION PROCEDURES:**

- 2.1 When it is determined that a commissioned employee is discontinuing employment with this office there will be particular basic documents in their personnel file and that these document meet state standards specific to their commission.
- 2.2 A request for F-5 must be completed and submitted to Special Projects for processing and submission to TCLEOSE. This process must be complete within 5 days of the employees last working day.
- 2.3 Special Projects will upon submission of the F-5 move the personnel file from active employees to the separated employees file.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Internal Affairs  | <b>Policy Number:</b> 2.08 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

This department thoroughly and expeditiously investigates all complaints from citizens, fellow officers, and administrators against department employees who are alleged to have violated criminal law, or breaches of this *policy and procedure* manual. Investigators assigned to inquire into these matters will protect the rights of each employee during such investigations, and will undertake investigations without prejudice.

**DISCUSSION:**

Public confidence in this department is vital to the continued accomplishment of our mission. Both reality and perception play a vital role in maintaining the public trust. As a result, this department aggressively investigates allegations of wrongdoing made against any employee of this agency.

Our department strives to maintain an open channel of communication between the citizens we serve and our officers. A major part of this communication is constantly reassuring citizens with complaints that their voice will be heard, the department seriously listens, and if a wrong has been done, it will be corrected. To do otherwise invites other law enforcement agencies and citizens groups to conduct the inquiries and pass judgment, with or without the real facts being discovered.

The public needs to know and be reassured that we can be relied on to investigate ourselves, correct deficiencies, and punish violators when necessary. However, internal affairs investigations and processes, is not a substitute for good supervision and management, and nothing in this particular policy and procedure relieves a supervisor or manager from their responsibility to control employee conduct, and prevent injury or loss to others because of the acts of a few. Nor does it relieve fellow officers from their responsibility to prevent violations of the law, a citizen's Constitutional rights or this policy and procedure.

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## PROCEDURES:

### Internal Affairs Function:

Internal Affairs investigations are conducted with the authority of the Sheriff. Usually, the most serious complaints are investigated on a priority basis. These complaints may come from the courts, individual citizens, government officials, or fellow officers. On occasion, Federal investigators may request the assistance of internal affairs investigators to assist in their inquiries.

Internal affairs investigations are **Confidential**, and as such are maintained with limited distribution, and then only on a *need to know* basis. Internal affairs files will be maintained in secure offices, under lock and key, with access only to a select few.

### Classification of Complaints:

1. **Class One:** Serious or criminal misconduct that allege needless or excessive force, brutality, violations of criminal law, corruption, breach of civil rights, abuse of authority, intentional discrimination, accepting a bribe, theft, falsify reports, and others so classified by the Sheriff.
2. **Class Two:** Complaints that allege inadequate public service, discourtesy, improper procedure, and other less serious and non-criminal conduct as directed by the Sheriff.
3. **Class Three:** A use of deadly force by any officer of this department will be subject to an administrative investigated as a matter of policy, regardless of whether or not a formal complaint has been filed.

### Due Process:

1. The Sheriff's Office will investigate both formal and informal complaints. Investigators will follow proper procedures when interviewing an accused employee and will uphold and defend the legal rights of employees as afforded by due process. If it is determined that accusations may be malicious and false, the Sheriff may limit the investigation to substantiating a false report.
2. The Sheriff may authorize issuance of a written statement of allegations and employee rights and responsibilities to employees that become the subject of an internal affairs investigation. At the discretion of the Sheriff this or any notice may be withheld based on the depth of the investigation, risk to others, coordination with other law enforcement agencies, or the nature of the alleged violations.
3. When employees have been issued a formal notice that they are the targets of an internal affairs investigation, they will be notified of the disposition of the complaint for which he/she is the accused.

### Taking a Complaint:

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1. Any employee who receives a complaint of substandard service or misconduct against them or another employee will provide the potential complainant with procedures to follow in initiating a complaint.
2. No employee will attempt to discourage a citizen from filing a complaint.
3. When presented with a complaint, employees will:
  - a. Immediately, if not a supervisor, refer the citizen to the Sheriff's Office to file the complaint with the Sheriff;
  - b. If a supervisor, record complaints on a standard citizen complaint form;
  - c. Never advise a complainant to make the complaint at a later time;
  - d. Make arrangements for the complainant to talk to the Sheriff or his designee, if the complainant so wishes;
  - e. Request identification, address and phone number from the complainant to be forwarded to the Sheriff to facilitate a follow-up investigation;
  - f. Advise the complainant that the report will be forwarded to the Sheriff or his designee, who will either investigate the complaint or assign other personnel the responsibility;
  - g. Inform the complainant that he will be contacted within five [5] days concerning the allegation;
  - h. Establish whether the complainant is a suspect, witness, or defendant in the matter complained about;
  - i. Immediately give the complainant a Miranda rights warning utilizing a standard rights form, if the complainant is a suspect in this or a related crime.
  - j. File the information or report at the end of the work shift, in a sealed envelope.
  - k. Not discuss the allegation or the report with anyone, until contacted by command staff or an internal affairs investigator. If not contacted within 4 working days, refer the matter direct to the Sheriff.

### **Relief From Duty:**

1. Employees who are the subject of internal affairs complaints may be immediately relieved from duty, with pay or without pay while the investigation is conducted.
2. The highest-ranking supervisor on duty at the time a complaint is received will personally contact the Sheriff or Chief Deputy to make the decision, about relieve from duty with pay. The Sheriff has the sole discretion to suspend pay.
3. If the incident for which the employee is relieved involves an intoxicated or impaired employee, an on duty police officer (preferably a supervisor) will provide transport for the employee.

### **Information on the Complaint Report:**

The Sheriff or his designee will record all complaints in a permanent record and assign an internal affairs report number. Reports will include the following information:

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1. Name of complainant;
2. Name of accused;
3. Date received;
4. Type of complaint;
5. Internal affairs number; and
6. Final disposition.

**Disposition of Complaints:**

Types of dispositions include:

1. Unfounded - Allegation is false or not factual;
2. Sustained - Enough evidence to prove allegation;
3. Not Sustained - Not enough evidence to prove or disprove allegation;
4. Exonerated - Incident happened, but employee's actions were lawful and proper.
5. Sustained /Other - The investigation revealed that there was misconduct by the employee other than that which was alleged.

**Reporting:**

The Sheriff or his designee will monitor complaints against employees and may direct the compilation of statistical summaries or reports to assist in his or her oversight responsibilities. This report may be provided to command officers, supervisory personnel, officers, or the public at the discretion of the Sheriff. Trends or patterns of complaints may indicate the need for officer assistance, discipline, remedial training, or changes to department policies and procedures, or methods of operation

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Training and Proficiency Testing                              | <b>Policy Number:</b> 2.09 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

Officers of this Agency will receive meaningful training that meets or exceeds minimum training requirements mandated by the State of Texas to ensure that they and other employees maintain the skills necessary to efficiently and effectively carryout their duty assignments.

**DISCUSSION:**

Training is one of the most important activities in any law enforcement agency. Training serves three broad purposes. First, trained officers are generally better prepared to act decisively in an ever-widening range of situations. Second, effective training results in greater productivity and effectiveness. Third, it fosters cooperation and unity of purpose. Forth, this Agency will strive to sponsor all mandatory and specialty in-service training that will better the Agency or Division as long as the budget allows. **If the specific training requested has been offered during the officers' tenure with this Agency and was not attended, this Agency will not sponsor that training, unless otherwise approved by the Sheriff or his designee.** All requests for training will be submitted on a Polk County Sheriffs' Office Request for Training.

**PROCEDURES:**

**Goals:**

The goals of the Polk County Sheriff's Office training program include:

1. Meeting mandatory and in-service training requirements;
2. Exceeding mandatory and in-service training requirements, by at least 10%;
3. Maintaining better educated, more professional personnel;
4. Each officer receiving no less than twenty hours of in-service training each calendar year;
5. Maintaining officer *demonstrated proficiency* levels regarding key enforcement tools such as:

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- a. Firearms
  - b. Chemical weapons
  - c. Handcuffs and other restraint devices
  - d. Long, short, collapsible, or other batons
  - e. Special weapons and tactics
  - f. Emergency vehicles
6. Efficiently and effectively accomplishing departmental objectives;
  7. Improving law enforcement and community relations;
  8. Developing career opportunities within the agency;
  9. Training in specialized areas of law enforcement;
  10. Uniformity of service, response capabilities, and understanding for officers and employees of the department; and
  11. Developing officer skills in working with the law-abiding citizens of the community.

### **Training Responsibilities:**

Training is a continuous process, which involves all members of Polk County Sheriff's Office. The Sheriff is responsible for the overall training function. In order to achieve this mandate, the Sheriff will appoint a Training Officer whose responsibilities include:

1. Conducting an annual training needs analysis based on input from line officers, supervisors, and staff officers representing internal affairs and quality assurance. Other sources such as union representatives, citizen groups, and insurance company representatives should also be involved.
2. Developing an annual training plan based on identified needs;
3. Developing an annual training budget adequate to execute the training plan;
4. Identifying, locating, or developing training opportunities, programs and instructors necessary to execute the training plan;
5. Implementing and managing the plan;
6. Maintaining records of each training course conducted or attended by Polk County Sheriff's Office;
7. Notifying personnel in writing of required training and *demonstrated proficiency* examinations, and other approved courses;
8. Assuring that training programs are attended by personnel as assigned;
9. Maintaining liaison with educational and training resources;
10. Maintaining accurate and up to date training files on all departmental employees;
11. Scheduling and making arrangements for employees to attend training classes;
12. Filling out forms for employees upon completion of training on a timely basis;
13. Setting dates for proficiency training and tests in conjunction with technical instructors [such as firearms, driving, baton, and chemical agents];
14. Initiating disciplinary action against any employee who fails to attend mandatory training; and
15. Notifying supervisors of officer proficiencies that are about to lapse or have elapsed.

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**Proficiency Ratings:**

No officer or employee will carry or use any of the following items without having completed an initial course in it's application, and periodically *demonstrating proficiency* in its application. The initial training for each of these tools will usually occur during a basic law enforcement academy course:

1. Firearms – See and comply with Firearms Training Policy & Procedure
2. Motor vehicles
3. Chemical weapons – Every three years
4. Handcuffs and other restraint devices - Every three years
5. Long, short, collapsible, or other batons – Every two years
6. Special weapons and tactics – Each year
7. Emergency vehicles – Every five years
8. Breathalyzer – As required by the State
9. Radar – Every two years or as required by the State

The training officer will set the dates of proficiency training and evaluations, testing requirements, and *pass or fail* standards. Evaluation will be on a pass or fail basis and this data will be recorded in the officers training file. Refresher training will generally be provided just prior to evaluation. Where and to the extent possible, officers will be evaluated by realistic practical as apposed to written examination.

Officers who fail to pass any law enforcement course of instruction or proficiency demonstration during their tenure of law enforcement service are required to attend remedial training. Polk County Sheriff's Office must maintain, in the personnel records of the attending officer, the criteria used for determining a need for such remedial training [i.e.- the specific situation where the officer demonstrated an inability to effectively carry out a law enforcement function, duty, or task on which he was previously trained]. Following participation in remedial training programs, the department will update the attendee's personnel file with the results of the supplementary training.

As required by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) officers must qualify for a basic peace officer proficiency certificate to successfully complete the minimum training required for licensure. This training for the peace officer license consists of:

1. The current basic peace officer course; or
2. Successful completion of a commission recognized, POST developed, basic law enforcement training course, to include:
  - a. Out of state licensure or certification; and
  - b. Submission of the current eligibility application and fee; or
3. As an alternative to the current basic peace officer course taken at a licensed academy, the commission may approve an academic alternative program that

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is part of a degree plan program and consists of the commission-approved transfer curriculum, the commission-approved peace officer sequence courses, and after September 1, 2003, at least an associate's degree.

In order to qualify for a basic peace officer proficiency certificate, an applicant must meet all proficiency requirements including:

1. one year experience as a peace officer; and
2. successful completion of a Field Training Program,
3. successful completion of a course of instruction provided by the employing agency on federal and state statutes that relate to employment issues affecting peace officers and jailers, including:
  - a. compensation, including overtime compensation, and vacation time;
  - b. personnel files and other employee records;
  - c. management-employee relations in law enforcement organizations;
  - d. work-related injuries;
  - e. complaints and investigations of employee misconduct; and
  - f. disciplinary actions and the appeal of disciplinary actions.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                                      |
|---|--------------------------------------|
| <b>Subject:</b> Firearms Training & Proficiency Demonstration                 | <b>Policy Number:</b> 2.10           |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b> April 26, 2013 |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                                      |

**POLICY:**

Without exception, all officers or armed employees [regular, part-time, reserve, auxiliary, or guard] will at least annually [every twelve months] demonstrate proficiency with all firearm types [make, model, & caliber] they carry or have occasion to carry on duty. This includes handguns [pistol, or revolver], long guns [shotgun and/or rifle], and any secondary firearms, used as *off-duty*, or *back-up weapons*.

**PROCEDURES:**

**General Provisions of Firearms Training & Use:**

The following standards apply to the carrying and use of firearms in training, on-duty, and off-duty status.

1. No individual may carry or use a firearm on-duty who is not a current Certified Peace Officer, or Certified Law Enforcement Instructor.
2. No officer may carry a firearm type that is not approved by the department, and the officer has not demonstrated proficiency with in the last twelve [12] months.
3. No officer may carry or use ammunition that has not been approved by the department.
4. No officer will carry or use a firearm when the officer anticipates the use of, or is under the influence of mind-altering chemicals including alcohol, prescription drugs, or like substances. Casual or recreational use of alcohol while armed is not permitted.
5. The exception to 1, 2, 3, & 4 above is action taken during a *life-threatening emergency*. Exceptions based on an *emergency* declaration will be documented in writing to the officer's immediate supervisor.

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**Firearms & Range Officer Qualifications:**

Firearms instructors of the department must meet the following qualifications:

1. Complete an approved *law enforcement firearms instructor course* conducted by certified instructors of a State, the National Rifle Association, or US Military.

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Texas Law Enforcement Policies and Procedures, 2.10 Firearms Training and Proficiency Demonstration

2. Demonstrate 90% proficiency with each category of firearm carried by officers and employees of the department.
3. Be proficient in teaching firearms safety, care and cleaning, safe storage, tactical firearms use, and weapons retention.

**Demonstration of Proficiency Guidelines:**

1. Initial qualification and annual [at least] demonstrations of proficiency will include live fire training conducted at specified times at an approved firing range or location, and safe gun handling.
2. Officers will wear the rig and holsters they normally wear on duty. For uniformed officers this includes all equipment normally worn or carried on the person. Detectives and those working primarily in civilian attire will wear and use the holster, and utility equipment used daily.
3. Officers will use and have access to only the number and type of magazines, clips, or speed loads normally carried on the person during normal duty hours.
4. Qualified firearms instructors will conduct all firearms training and proficiency demonstrations.
5. Instructors will schedule off-duty courses and practice sessions prior to proficiency tests that officers may attend free of cost.
6. Employees who do not qualify will have the option of attending a remedial weapons course to be conducted off duty.
7. Minimum firearms proficiency demonstration score for armed employees of Polk County Sheriff's Office is 80% percent of the required courses of fire. This standard applies to all firearms carried or used by individual officers.
8. Officers will also demonstrate proficiency in *tactical loading, reloading, clearing of malfunctions, safe gun handling, and care and cleaning of the firearms.*
9. Officers will be provided with two opportunities to meet proficiency standards.
10. Officers unable to demonstrate proficiency will be scheduled for a conference with the Sheriff. Any officer who is unable to meet the minimum Firearms Qualification Score established by the department will not be eligible to perform duties of an armed employee **or any extra employment as an employee of this office.** Inability to consistently demonstrate proficiency with a firearm will cause the employee or officer to be reassigned or dismissed from the department.
11. Officers that have to requalify will provide their own ammo for practice and re-qualification. Re-qualification will not be the same day as qualification but scheduled for another day by the range master running qualification.

**Proficiency Course of Fire & Demonstration:**

The firearms instructor will determine the course of fire and *demonstration of proficiency* requirements at least three months prior to the date set for firearms proficiency demonstrations subject to the approval of the Sheriff. The firearms instructor will then publish a description of these requirements to all officers. The firearms instructor will vary the requirements from time to time to provide officers with innovative and realistic

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Texas Law Enforcement Policies and Procedures, 2.10 Firearms Training and Proficiency Demonstration

training. Physical movement, use of cover and concealment, and verbal command responses may be required. Firearms retention practices may also be included in training scenarios.

All shooting exercises require employees to clear *malfunctions*, *jams*, and *misfires* in attempts to complete the exercise in the time allotted. Supplemental ammunition reloading is allowed, but employees may not fire more than the required number of rounds.

**Qualification Scoring:** Will be **PASS** or **FAIL**

**Range Safety Rules and Regulations:**

1. Employees must fire the actual weapon and the actual type and make of ammunition carried on the job.
2. A record of all approved firearms training will be maintained at the department level, with a listing of *pass or fail only*. Actual scores will not be recorded on training records.
3. Weapons must be empty except on the firing line.
4. Load your weapon only after you are on the firing line and given the command to *load*.
5. The range officer and officers receiving the training will maintain strict discipline at all times.
6. When picking up a firearm, open the cylinder or action and check to see that it is loaded. Check the weapon a second time to assure that it is safe.
7. Do not give a firearm to anyone unless the cylinder or action is open and no rounds are in the weapon.
8. Do not anticipate a command on the range.
9. Always check the barrel of a firearm for obstructions before loading.
10. Unload when and as instructed.
11. Keep the barrel of your firearm down range in the target area at all times when in your hands.
12. Do not remove a weapon from its holster with your finger on the trigger.
13. The index finger will be indexed [placed on the frame of the weapon] until the command to *fire* is given.
14. Smoking, chewing, or dipping tobacco products are absolutely prohibited while at the firing line.
15. Full attention will be given to instructions and commands of the Range Officer.
16. If a firearm is dropped or the muzzle touches the ground, notify the Range Officer immediately. Unload the weapon. Check the barrel for obstructions and follow the commands of Range Officers before resuming a firing exercise.
17. Do not let the hammer down on a live round in the firing chamber without placing your thumb in front of the hammer and releasing the pressure on the trigger.

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Texas Law Enforcement Policies and Procedures, 2.10 Firearms Training and Proficiency Demonstration

18. In the event of a misfire, jam, or malfunction, clear the weapon immediately and attempt to complete the firing exercise in the time allowed. Loading additional rounds is permissible to accomplish the proficiency objective [in the time allowed]. Demonstration of proficiency includes prevention and recovery from mal-functions.
19. Do not go in front of the firing line until the Range Officer has given the command to *Cease Fire*, and the line has been cleared and the order to *Go Forward* has been given.
20. Dry firing on the range is prohibited except when under the supervision of the Range Officer.
21. If you are taking any type of medication or have consumed alcoholic beverages within eight (8) hours of firing a weapon, the Range Officer must be notified.
22. Repeated violations of any Safety Rule or Regulation, whether intentional or unintentional, will result in loss of proficiency or removal from the range.
23. Ear and eye protection is required to be worn while firing a weapon during range training. Equipment will be provided, however, employees are also allowed to use personal items. Privately owned equipment is subject to approval by the firearms instructor.
24. Firearms instructors, regardless of rank, are in charge of the firearms training. All officers, including superior officers, will follow the firearms instructor's commands concerning range operation, and demonstration of proficiency procedures. The firearms instructor will report to the Sheriff or Chief Deputy any problems he/she might encounter as a result of this policy provision.
25. Employees attending firearms training will be attentive and cooperative in class and on the firing range. Misconduct, horseplay, or negligence of any kind will not be tolerated.
26. Any officer has the right to challenge the scoring of his or her target. The challenge must be made to the Range Officer at the time of the original scoring.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Civil Litigation  | <b>Policy Number:</b> 2.11 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

Polk County Sheriff's Office takes proactive measures to limit the causes and impact of civil litigation filed against its officers, supervisors, and administration.

**DEFINITIONS:**

*Civil Law:* The law of civil or private rights. Sometimes called a *tort law*. In the case of civil lawsuits brought against officers or administrators, plaintiffs may ask the court to:

1. Award money damages to be paid by the officer, administrators, or Polk County, or
2. Force the department to make changes in the way it operates by granting an injunction or entering into a consent decree [agreement to change].

*Discovery:* The judicial process for compelling production of written records or other evidence for use in civil litigation.

*In-camera Inspection:* Judicial inspection of allegedly privileged information to determine whether the need to present such information as part of the essential proof of the case outweighs the interest in maintaining its confidentiality.

*Plaintiff:* A person or persons who brings a civil case. A plaintiff may be an inmate, detainee, citizen, a group of citizens, or another governmental body.

**PROCEDURES:**

**General Guidelines:**

The distractions caused by civil litigation will be minimized through the triad of *personnel training, supervision, and adherence policy & procedures*. Supporting this triad is the requirement to reasonably document our decisions and actions.

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**High-Risk Incidents:**

The following are some of the operational areas frequently involved in litigation against law enforcement agencies. Officers should be thoroughly familiar with and use particular care to follow agency policies the policies and procedures guiding these operational areas,

1. Use-of-force
2. Firearms and less lethal weapons
3. Vehicular pursuits
4. Patrol driving and response
5. Domestic violence
6. Investigatory stops and arrest procedures
7. Searches
8. Motor vehicle stops and searches
9. Police canines
10. Workplace harassment
11. Transportation of prisoners
12. Secondary employment and off-duty powers

**Response to High-Risk Incidents:**

When responding to or on the scene of a high-risk incident:

1. Secure the scene and all evidence;
2. Record the names and addresses of all witnesses on the scene;
3. Obtain a statement at the scene from a relevant source, and from ambulance and emergency room personnel, if applicable;
4. Note all necessary information regarding the incident;
5. Request a supervisor be dispatched to the scene:
  - a. To conduct an independent review of all relevant information prior to *release of the scene*; or
  - b. To review a search or arrest which may have been handled improperly.
6. Request an investigator to process crime scenes according to departmental procedure, including:
  - a. Taking color photographs or video from different angles;
  - b. Photographing all witnesses.
  - c. *Insuring that each suspect is informed of rights to include Miranda warnings, Juvenile Warnings, and any other required readings.*
7. Document critical information such as:
  - a. Whether medical treatment was needed, requested, or received;

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- b. Observations regarding suspect(s) general mental and physical health, and presence of any specific health problems requiring special treatment; and
- c. Photographs of suspect and victims to include any specific injuries.

**Post-Incident Procedures:**

All officers involved in high-risk incidents will fully document the incident to their supervisor before concluding their shift. Supervisors will review the reports, obtain necessary supplemental information, and forward reports to Sheriff as soon as practicable. The Sheriff or designee will prepare and submit a confidential memo to the department's legal counsel providing an assessment of the incident. Depending on the need, the Sheriff or his designee will meet with legal counsel.

Officers working or involved in the case must understand and adhere to the following:

1. An internal investigation does not necessarily imply misconduct; and
2. Officers are not to discuss incidents with reporters or attorneys not associated with the department without prior approval of the Sheriff, or court order.

**Responsibilities of the Sheriff:**

With the aid of department's legal counsel, the Sheriff or his designee will coordinate all responses to pending or potential litigation against the department. The department litigation coordinator will:

1. Develop litigation files for each case that include:
  - a. Copies of relevant departmental policies pertaining to the incident;
  - b. Copies of relevant radio communications, computer, or telephone records or tapes;
  - c. Relevant photographs pertaining to the incident;
  - d. Copies of the disciplinary and training records of all involved personnel; &
  - e. Criminal docket, where applicable, from any criminal case arising from the incident.
2. Establish a quality assurance process to confirm that:
  - a. Documents are routed to appropriate parties for resolution;
  - b. Documents are processed and completed by due dates; &
  - c. Records are kept detailing information released in each case and purpose for its release.
  - d. Policies & procedures are protected from release in accordance with *stated warnings*.
3. Conduct audits and semi-annual reviews of departmental litigation to determine whether need for *policy and procedure* revision or training exists;

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4. Disseminate updated *policies & procedures* resulting from new case law statutes, or needs analysis to agency personnel; &
5. Update employees involved in civil litigation regarding meaningful developments in and status of the cases, especially cases that have been concluded or settled.

**Responsibilities of Employees:**

Employees named as parties to civil actions for acts or omissions allegedly arising out of their *scope of authority* or *official duties* will:

1. Immediately notify the Sheriff and department's legal counsel;
2. Request representation from departmental legal counsel, or secure representation from a private attorney at his own expense, if desired;
3. Maintain accurate and detailed reports; &
4. Avoid making public statements concerning the litigation without prior approval of the Sheriff.

**Response to Subpoenas and Discovery Requests:**

Employees of Polk County Sheriff's Office will follow these guidelines regarding subpoenas in matters arising out of their official capacity:

1. When receiving a subpoena to testify, provide deposition, or documents employees will immediately notify the Sheriff and the department's legal counsel. A copy of the subpoena will be provided with the notice.
2. All discovery requests or subpoenas for department records, reports, or officer notes will be acted upon as directed by the department's legal counsel and state law.
3. The following information may be released to a judge for in-camera inspection with regard to *discovery requests*:
  - a. *Policy & procedure* sections, governing the alleged misconduct
  - b. Personnel records
  - c. Citizen complaints
  - d. Internal investigation files related to the incident
  - e. Responses to requests for past internal investigations into alleged misconduct of officers
  - f. Responses to requests for internal investigations into officer alleged misconduct or misconduct similar to that being litigated
4. The following information may or may not be fully discoverable:
  - a. Minutes and records of official review boards
  - b. Departmental policies and procedures
  - c. Training records
  - d. Internal memos or notes that do not fall within *attorney work product privilege*

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5. Privileged material generally not subject to discovery includes:

- a. Names of *confidential informants* or *citizens who wish to remain anonymous*
- b. Records of ongoing internal investigations that would be jeopardized by disclosure
- c. Investigative files relating to ongoing criminal investigations
- d. Communications subject to any legal privilege

**Response to Media:**

The Sheriff or his designee is the sole individual responsible for authorizing or coordinating all statements pertaining to any incident or litigation involving the department. The Sheriff or his designee will work with legal counsel to present fair and accurate media statements pertaining to testimony, legal issues, or other concerns arising from litigation or any other incident involving the department. Employees asked to comment or talk with representatives of the news media, will prior to such a meeting or discussion secure permission from the Sheriff or his designee.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Professional Conduct  | <b>Policy Number:</b> 2.12 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

All department personnel must conduct themselves honestly, efficiently, and with integrity. The public is entitled to courteous and competent responses to requests for law enforcement service.

**PROCEDURES:**

1. **Sworn or civilian employees** will always be courteous when interacting with the general public.
2. Employees will avoid behaviors and practices that cause the public to question individual employee or agency integrity. **Sworn and civilian employees of the Polk County Sheriff's Office are prohibited from visiting any establishment that makes 50% or more in alcohol sales in Polk County.**
3. Off-duty officers will conduct themselves as though they were on duty, while in uniform. Officers will not reveal or make public any order or information to any person unless the disclosure is authorized, and the intended receiver has a need to know.
4. Officers are governed by ordinary and reasonable rules of good conduct and behavior whether on or off duty. Officers will always demonstrate morals and values expected by the community and will not commit any act that could adversely affect the department.
5. Officers will always remember that they are sworn to uphold the law, abide by the *policies and procedures* of this department, and the law, while protecting the rights of all people as afforded by the Constitution of the United States of America and the State of Texas.

**Law Enforcement Ethics:**

I have read and fully support the Law Enforcement Code of Ethics and The Canons of Police Ethics as adopted by my department. These statements are found in this *policy and procedure* manual.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Abuse of Position   | <b>Policy Number:</b> 2.13 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

All officials of Polk County Sheriff's Office will refuse any special privileges or exemptions for themselves or for any:

1. Spouse
2. Child
3. Parent
4. Other family member or relative
5. Friend
6. Acquaintance
7. Non-acquaintance

**DEFINITIONS:**

*Authoritative position:* All officers have a position of great authority that is afforded by society. Because of this authority, officers are in a position to influence citizens within a community. With this authority come grave responsibilities.

*Conflict of interest:* A situation for which a person may have more than one specific self interest in the outcome.

**PROCEDURE:**

**Abuse of Position:**

In compliance with departmental procedure, all members of Polk County Sheriff's Office will consider the following situations abuses of position:

1. Becoming involved in a situation that is a conflict of interest.
2. Use of authority for the purpose of financial gain.

**Conflict of Interest Regarding Abuse of Position:**

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All officers of Polk County Sheriff's Office will avoid becoming involved in any situation, either on or off duty, for which a conflict of interest is present. If an officer responds to a call for which a conflict of interest presents itself, the officer will control the situation, request a supervisor to respond, and cease any further involvement in the situation after being properly relieved.

**Financial Gain Regarding Abuse of Position:**

Officers of Polk County Sheriff's Office, while in their official capacity, will **NEVER**:

1. Accept payment, cash, or property for services delivered in their capacity as an officer. Any officer confronted with such a situation will immediately complete a report to be forwarded to the Sheriff.
2. Accept any gift or gratuity from a subordinate, unless approved by the Sheriff;
3. Attempt to negotiate any payment of cash or property from another person or institution in their capacity of official police business. Any abuse of this authority will be subject to disciplinary action;
4. Give testimony or use their name or photograph regarding commercial advertising, unless approved by the Sheriff; or
5. Seek personal publicity, either directly or indirectly, in the course of their employment.
6. Solicit subscriptions; or
7. Sell books, papers, tickets, merchandise, or any other items of value.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                                  |
|---|----------------------------------|
| <b>Subject:</b> Rules of Conduct  | <b>Policy Number:</b> 2.14       |
| <b>Issue Date:</b> 01/24/2007   | <b>Revision Date:</b> 11/23/2022 |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                                  |

**POLICY:**

Polk County Sheriff's Office officers will conduct themselves professionally and responsibly at all times in order to uphold the trust and confidence placed in them by the community.

**DISCUSSION:**

A key ingredient of this service is maintaining the trust and confidence of the citizens that we serve. We recognize that officers and employees of our department are *high profile* members of our community, and as such are subject to constant scrutiny. As a result, officers and employees must always strive to set an appropriate example. This often means using restraint, avoiding conflict, and working well with the public.

**PROCEDURES:**

**General Guidelines:**

Officers are expected to follow Agency rules of personal conduct in both the spirit and content, and encourage compliance by fellow officers and employees. Command and supervisory level officers should be role models and are expected to demonstrate leadership and set exemplary standards.

**Section One - Obedience to Orders, Rules And Laws:**

1.1 Obedience to Rules of Conduct

All sworn and civilian employees will be governed by the following general rules of conduct. Violation of any of these rules will be considered sufficient cause for disciplinary action up to and including dismissal.

1.2 Obedience to Laws

Officers and other employees will abide by the laws of the United States, the state of Texas, and the ordinances of Cities and Counties.

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1.3 Adherence to Departmental Rules

Officers and other employees will abide by the personnel policy and the general, special, and tactical orders, rules of conduct, and other properly issued internal directives of the department.

1.4 Insubordination

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

1.5 Issuance of Unlawful Orders

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

1.6 Obedience to Unjust or Improper Orders

If an officer or employee receives an order he believes is unjust or contrary to a departmental order or rule, he must first obey the order to the best of his ability and then may appeal the order to the Sheriff.

1.7 Obedience to Unlawful Orders

No officer or employee is required to obey an order that is contrary to the laws of the United States, the state of Texas, the ordinances of the cities, county, or policies established by this department. If an officer or employee receives an unlawful order, he will report in writing the full facts of the incident and his action to the Sheriff thru the chain of command.

1.8 Conflict of Orders

If an officer or employee receives an order that conflicts with one previously given him by a superior officer or employee, the officer or employee receiving the order will respectfully point this out to the superior officer or employee who gave the second order. If the superior officer or employee giving the second order does not change the order in a way that eliminates the conflict, the second order will stand and will be the responsibility of the second superior officer or employee. If the second superior officer or employee so directs, the second order will be obeyed first. Orders will only be countermanded when necessary for the good of the department

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and accomplishment of the mission.

1.9 Duty to Read, Understand, and Comply With Orders

Failure to read and/or comply with laws, rules and regulations, general and special orders, policies and procedures of the department, or written or verbal orders of a supervisor is prohibited. It is *neglect of duty* to fail to inquire of a supervisor the meaning or application of any directive or order that is not clearly understood.

1.10 Issuance of Orders

Orders from supervisors to subordinates will be in professional, clear, understandable English; civil in tone, and manner; and, issued in pursuit of departmental business.

1.11 Conduct Unbecoming

Conduct that adversely affects efficiency, erodes public respect, or reduces confidence in government service is unbecoming and is prohibited. Examples of such conduct includes, but is not limited to:

- a. Fraud in securing employment;
- b. Conviction of any felony or of a misdemeanor involving moral turpitude, or the entry of a plea of *nolo contendere* to either;
- c. Misuse of government funds or property;
- d. Falsification or misuse of government records, including application forms, time and financial records, incident reports, case files, or personnel;
- e. Reporting to work or working under the influence of alcohol or substances that significantly impair job performance, or the use of such substances during working hours; except prescribed medication that does not adversely affect the ability to perform assigned work tasks;
- f. Instigation of, participation in, or leadership of a *strike, sit-down, stay-in, sympathy strike, walk-out, slow-down, sick-out*, or any other interference with normal, efficient workflow;
- g. Concealment or failure to report any employment, ownership interest, or personal activity in conflict with the legitimate interests of the Polk County;
- h. Engaging in infamous, notorious, or disgraceful conduct that adversely affects the Polk County Sheriff's Office legitimate interests; including social media posts
- i. Insubordinate, rebellious, disruptive, harassment, or disrespectful behavior toward other employees or government officials; or
- j. Fighting.

**Section Two - Attention to Duty:**

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2.1 Performance of Duty

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

2.2 Duty of Supervisors

Supervisors will enforce the rules, regulations and policies of the Polk County Sheriff's Office. They will not permit or otherwise fail to prevent, violations of the law, departmental rules, policies or procedures. They will report violations of departmental rules, policies, or procedures to their immediate superiors without delay. When possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.

2.3 Truthfulness

Officers and employees will not knowingly give any false or misleading information concerning the duties, responsibilities or actions of the department or any member thereof, nor withhold any information that is their duty to report, nor falsify any department documents.

2.4 Conduct and Behavior

Officers and employees whether on-duty or off-duty will follow the ordinary and reasonable rules of good conduct and behavior and will not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession, the department. Officers and employees will follow established procedures in carrying out their duties as law enforcement officers and employees of the department. Employees with the Polk County Sheriff's Office will not associate on a regular basis, date or move in with known criminals. This behavior discredits the operational task of the Polk County Sheriff's Office. Family members or spouses of employees who have been convicted of a felony will be the exception to this order.

2.5 Responsibility to Serve the Public

Officers and employees will consider it their duty to be of service to the general public and to render that service in a kind, considerate, and patient manner. Officers and employees will promptly serve the public by providing direction, counsel and other assistance that does not interfere with the discharge of more critical police duties.

2.6 Respecting the Rights of Others

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Officers and employees will respect the rights of others and will not engage in discrimination, oppression or favoritism. Officers and employees will maintain a strictly impartial attitude toward complainants and violators. Use of profane, demeaning, or insulting language will not be tolerated, nor will disrespect for the political or religious views of others be accepted.

## 2.7 Officers Always Subject to Call of Duty

Officers will respond to lawful orders of supervisors and to the call of citizens in need of police assistance. Off-duty officers are expected to take prompt and proper action when life is endangered. Officers and Employees are subject to call twenty-four (24) hours a day and may be recalled from vacation leave or off day whenever necessity demands.

## 2.8 Reporting for Duty

Officers and employees will promptly report for duty properly prepared at the time and place required by assignments, subpoenas or orders. Officers and employees will remain at their posts or place of assignment until properly relieved by another officer or employee or until officially dismissed by a supervisor. It is the relieving officers and employees' responsibility to locate and meet with the officer or employee he is relieving. The officer or employee who is being relieved has the responsibility to pass onto his relief any and all pertinent information. The relieving officer or employee will assist the officer or employee he is relieving in any way possible so as to expedite the relief and complete the officer or employee's tour of duty in a timely way.

## 2.9 Availability While on Duty

Officers and employees while on duty will not conceal themselves or maintain a hidden or low profile except for some assigned police purpose. Officers and employees will keep themselves immediately and readily available at all times while on duty.

## 2.10 Prompt Response to All Calls

Employees will respond to all dispatched assignments without argument and unnecessary delay. No officer will fail to aid, assist, or protect a fellow officer, employee, or citizen to the fullest extent of his or her professional capabilities. Calls will be answered in compliance with policy and traffic laws.

## 2.11 Duty to Report All Crimes and Incidents

Officers and other employees will promptly report all serious crimes, emergencies, incidents, dangers, hazardous situations and relevant information that come to their

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attention. Officers and employees will not conceal, ignore or distort the facts of such crimes, emergencies, incidents and information.

2.12 Responsibility to Know Area of Jurisdiction

Officers and other employees will know the boundaries of the Polk County and will be familiar with the names of streets and highways within those boundaries. Officers and employees will also be familiar with the names and locations of businesses, public buildings, and as many residents as possible.

2.13 Sleeping on Duty

Officers and employees must be alert throughout their tour of duty. Sleeping while on duty is strictly forbidden.

2.14 Assisting Criminals

Officers and employees will not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons suspected of criminal acts to escape arrest or punishment. Nor will officers or employees dispose of property or goods seized or taken from a suspect, or destroy evidence of unlawful activity.

2.15 Reading on Duty

Officers and employees will not read newspapers, books, or magazines while on duty and in the public view unless authorized by a supervisor.

2.16 Studying on Duty

Officers and employees will not engage in any studying activity during their regularly assigned working hours that are not directly related to their current job assignment.

2.17 Maintaining Communications

Officers will be directly available by normal means of communication while they are on duty or officially on-call, and will promptly respond when called. On-duty officers will maintain radio communications with the Polk County Sheriff's Office dispatcher while he/she is on-duty and radio equipped.

2.18 Keeping Notes on Police Activities

Officers and employees will maintain written notes on police matters such as calls, arrests and other activities to the extent that they may later complete official reports and accurately testify in official proceedings.

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2.19 Completing Official Reports

Unless otherwise directed, officers and employees will promptly submit all reports completed prior to going off duty. All reports, forms, memoranda, citations, or other papers utilized in this department will be completed in black ink, computer printed, or typed. Special projects may require deviation from this requirement. All original signatures will be in blue ink.

2.20 Reporting Accidents and Injuries

Officers and employees will immediately report the following accidents and injuries:

- a. On-duty traffic accidents in which they are involved
- b. Personal injuries received in the line of duty
- c. Personal injuries not received in the line of duty but which are likely to interfere with performance of police duties
- d. Property damage or injuries to other persons that resulted from the performance of his police duties.
- e. Discharge of weapon except when engaged in department training exercise, firearms qualifications or sporting event.

2.21 Reporting Address and Telephone Number

Officers and employees will have a working telephone and will register their correct residence address and telephone number with the sheriff's office. Any change in address must be reported immediately.

2.22 Testifying in Departmental Investigations

Officers will make statements or furnish materials relevant to a departmental investigation as required.

2.23 Overtime

Authorized supervisors must approve overtime requests prior to the actual time work begins.

2.24 Duty to be Prompt and Punctual

Employees will be prompt and punctual when reporting to their official duties or assignments.

2.25 Remaining at Duty Station

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Employees and officers will remain at their duty assignment unless and until they are properly relieved. Absence from assigned workstation or duty without permission is prohibited.

2.26 Excessive Absenteeism

Habitual or patterned use of sick leave or leave without pay, not supported by competent medical evidence or other proof of necessity is prohibited. (Refer to county policy)

2.27 Prohibited Association / Frequenting

Associating with people, organizations, or places known to be involved in criminal activity is prohibited unless necessary for law enforcement business.

2.28 Subversive Organizations

Officers and employees will not knowingly be members of, or affiliated with, any subversive organization whose avowed purpose advocates the overthrow or disruption of the lawful function of any federal, state, county, or municipal government.

2.29 Duty With Regard to Civil Proceedings

No employee will initiate any civil proceedings arising out of a law enforcement activity without first notifying the Sheriff. Private civil actions that have no connection with a member's department position or official action are not within the scope of this rule.

2.30 Supplies or Services

Officers and other employees will not use agency supplies or resources for personal use. The use of the time, facilities, equipment or supplies of the department for private gain or advantage is prohibited.

2.31 Bulletin Boards

Employees are responsible for reading notices posted on official bulletin boards.

2.32 Refrained From Conducting Personal Business While On-Duty

Employees will not conduct personal business while on-duty without prior approval from their supervisor.

2.33 Use of Tobacco Products

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Use of tobacco products while in any city or county building, or at any time while in personal contact with the public is prohibited. This policy does not apply to designated smoking areas at government or other public buildings such as restaurants. There will be no tobacco use in county issued vehicles that would prevent the vehicle from being passed down or used in another department.

### 2.34 Confidentiality / Protection From Retaliation

The identity of persons reporting harassment will be protected to the extent allowed by law. Any employee reporting harassment or unwanted conduct will not be retaliated against. Any employee who engages in such retaliation will be discharged.

## **Section Three - Cooperation with Fellow Employees and Agencies:**

### 3.1 Respect for Fellow Officers and Employees

Employees will treat other employees with respect, as they would prefer to be treated. They will be courteous, civil, and respectful of their superiors and their associates.

Command and supervisory personnel will support subordinates in their actions and orders when they can do so reasonably. They will avoid censuring subordinates in the presence of others and will not injure or discredit those under their authority by intentional or abusive conduct. This does not prohibit informal oral reprimands or constructive criticisms directed to a subordinate. Any acts of counseling, disciplining, complaining or criticizing must be done positively and constructively in an appropriate setting.

### 3.2 Supporting Fellow Employees

Employees will cooperate, support, and assist each other at every opportunity. Employees will not maliciously criticize the work or the manner of performance of another. It is the duty of every officer and employee to refrain from originating or circulating any malicious gossip to the intended detriment of the department or any member thereof.

### 3.3 Case or Operations Interference

Officers and employees will not interfere with cases assigned to others without receiving clearance from the officer to which the case is assigned or as directed by a supervisor. Should interference occur, the assigned officer will submit a written report to his immediate supervisor.

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3.4 Cooperation with Other Agencies

Officers and employees of Polk County Sheriff's Office will cooperate with all governmental agencies by providing whatever aid or information such agencies are legally entitled to receive. Any doubts will be passed to a supervisor for approval, before cooperation is rendered.

3.5 Disclosing Information Relating to Police Activities

Discussion of operations and official business of the department is prohibited outside of those authorized individuals that have a *need to know*.

3.6 Misconduct Known to Personnel

Failure to report an employee's violation of a law, rule or regulation, policy or procedure, or a general or special order is prohibited.

**Section Four - Restrictions on Behavior:**

4.1 Interfering with Private Business

Employees of the Polk County Sheriff's Office will not interfere with the lawful business of any person.

4.2 Use of Intimidation

Officers and employees will not use their official positions to intimidate persons engaged in a civil controversy.

4.3 Soliciting and Accepting Gifts and Gratuities

Unless approved in writing by the Sheriff, officers and employees of the department may not solicit or accept any *reward, gratuity, gift or compensation* for services performed as a result of their relationship with the department. This *restriction applies regardless of whether the service was performed on-duty or off-duty* and would include asking or demanding a discount solely due to you being a Police Officer.

4.4 Soliciting and Accepting Gifts from Suspects and Prisoners

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

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from the police.

#### 4.5 Reporting Bribe Offers

If an officer or employee receives a bribe offer, he will immediately make a written report to the Sheriff and submit it to his immediate supervisor.

#### 4.5 Accepting Gifts from Subordinates

Without approval from the Sheriff, employees will not receive or accept any gift or gratuity from subordinates.

#### 4.6 Giving Testimonials and Seeking Publicity

As it may pertain to their employment with the department, officers and employees will not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Officers and employees will not seek personal publicity either directly or indirectly in the course of their employment.

#### 4.7 Soliciting Business

Officers and employees will not solicit subscriptions, sell books, papers, tickets, merchandise or other items of value nor collect or receive money or items of value for any purpose while on duty unless specifically authorized in writing by the Sheriff.

#### 4.8 Intoxication

Officers and employees will not be under the influence of any intoxicating beverage or substance during their tour of duty or immediately prior to their tour of duty. Nor will officers and employees be intoxicated off duty while in the public view. Officers and other employees will not use any intoxicating substance while off duty to such an extent that they become unfit to report for duty.

#### 4.9 Drinking While in Uniform or On –Duty

Officers or other employees will not consume alcoholic beverages while in uniform, on duty, on government property, or in an official vehicle of this department unless specifically authorized to do so in the course and scope of a clandestine investigation. Officers and other employees will not drive or operate motor vehicles within eight hours after consuming alcoholic beverage(s).

#### 4.10 Liquor on Official Premises

Officers and employees will not bring containers of intoxicating beverages into a building or vehicle except as *properly sealed and marked* evidence in a criminal or

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juvenile case.

#### 4.11 Entering Bars, Taverns and Liquor Stores

Other than for the purpose of performing their official duties, officers and employees of the Polk County Sheriff's Office off duty or on duty or in uniform will not enter or visit any bar, lounge, parlor, club, store or any other establishment in Polk County, whose primary purpose is the sale and on-premise consumption of alcoholic beverages. Officers and employees on duty or in uniform will not purchase alcoholic beverages.

#### 4.12 Playing Games on Duty

Officers and employees on duty or in uniform will not engage in any game of cards, billiards, pool, chess, dominoes, electronic, or other games.

#### 4.13 Political Activity

Officers and employees will not participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns while on duty or in uniform.

#### 4.14 Seeking Personal Preferment

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

### **Section Five - Identification and Recognition:**

#### 5.1 Giving Name and Badge Number

Officers will give their names, badge number, and other pertinent information (such as rank and department), to any person that appropriately requests it, while the officer is on duty and in uniform, and is actively engaged in an investigation, call for service, and/or performing a police action.

While on duty and not actively engaged in an investigation, call for service, and/or performing a police action, officers may use discretion in providing this information if they are experiencing an attempt by a person to intentionally intimidate, harass or annoy/alarm the officer, and/or escalate an encounter.

This also includes provocative attempts by any person to threaten the officer, be it a present danger or existential, such as someone later using that information to

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harass, bring harm to the officer, or jeopardize the officer's or Sheriff's Office successful completion of a police action, investigation or assignment.

5.2 Carrying Official Identification

Officers will have official police identification available at all times unless involved in sanctioned covert activities, or engaged in athletic or activities.

5.3 Personal Cards

Business cards showing connection to the agency must be approved by the Agency

5.4 Exchange, Alteration or Transfer of Badge, Patch or Logo

The official badge, patch, or logo of the agency will not be altered, transferred, or exchanged except as authorized by Sheriff.

**Section Six - Maintenance of Property:**

6.1 Use of Polk County Property or Service

Officers and employees will not use or provide any Polk County equipment or service other than for official county business unless specifically authorized by the Sheriff or as approved per Polk County Personnel Policy.

6.2 Responsibility for Polk County Property

Each officer or other employee is responsible for keeping all agency equipment clean, in good working order, and protect it from loss, damage, or destruction. Employees deemed responsible for the loss or damage of issued items may, in addition to any disciplinary action given, be required to compensate the department for the loss or damage.

6.3 Reporting Needed Repairs

Officers and employees will promptly report the need for repair of Polk County-owned property to their supervisor.

6.4 Responsibility for Private Property

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

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6.5 Care of Quarters

Officers and employees will keep their offices, vehicles, lockers, and desks neat, clean and orderly.

6.6 Property and Evidence

Officers and employees will tag and place all evidence in the custody of the evidence officer as soon as possible. Officers and employees will not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any firearm coming into the custody of the Sheriff's Office or officer (private or on duty) for any reason will be checked for stolen through TCIC and NCIC.

6.7 Alteration or Modification of Police Equipment

Officers and employees will not use any equipment that does not conform to policy or specifications. All equipment will be carried and utilized only as issued and authorized, and no changes, alterations, modifications or substitutions will be made to such equipment unless approved by the Sheriff or his designee.

6.8 Parking in Unauthorized or Reserved Parking Spaces

Parking in designated *handicap permit spaces, reserved or restricted space, or marked fire lanes*, unless responding to an actual emergency, is prohibited.

**SECTION SEVEN: Relationships with Courts and Attorneys**

7.1 Attendance in Court

Officers and other employees will arrive on time for all required court appearances and will be prepared to testify.

7.2 Recommending Attorneys or Bondsmen

Officers and other employees will not suggest, recommend, advise or counsel the retention of a specific attorney or bondsman to any person coming to their attention as a result of police business.

7.3 Testifying for a Defendant

Any officer or employee subpoenaed or requested to testify for a criminal defendant or against the county or against the interest of the agency in any hearing or trial will

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immediately notify the Sheriff through the chain of command. Likewise, employees or officers subpoenaed to judicial hearings will honor said subpoena and notify their immediate supervisor in a timely manner.

7.4 Interviews with Attorneys

Interviews between an officer or employee and a complainant's [criminal] or Plaintiff's [civil] attorney about a case arising from the officer's employment by the department will be done only in the presence of or with the knowledge and consent of the Sheriff only.

7.5 Assisting in Civil Cases

Officers and other employees will not serve civil-process papers nor render assistance in civil cases except as required by law and approved by the Sheriff. Officers and other employees will not volunteer to testify in any civil action arising from Agency duties.

7.7 Notice of Lawsuits Against Officers and Employees

Officers and other employees who have had a suit filed against them because of an act performed in the line of duty will immediately notify the Sheriff in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question.

7.8 Notice of Investigation, Arrest, or Citation

Officers and employees who become the subject of citations or arrest actions will immediately notify the Sheriff in writing. Any officer or other employee who has reason to know they are the subject of a criminal or civil action will immediately notify their supervisor, who will in turn notify the Sheriff.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Quality Assurance   | <b>Policy Number:</b> 2.15 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

The Sheriff has established this quality assurance system to promote the Polk County Sheriff's Office mission, maintain standards of ethical behavior, and ensure that critical services provided by the Agency meet community expectations. This plan actively evaluates our daily performance and solicits measurable input from those we serve.

**DEFINITIONS:**

*Quality Assurance [QA]:* An affirmative process that measures and evaluates the quality of performance. This process defines the measurement criteria for the services provided, including benchmarks for *completeness, compliance, consistency, and documentation.*

*Quality Assurance Officer [QAO]:* The sworn officer responsible for managing, auditing, and reporting the quality of performance within a law enforcement agency.

*Quality Assurance Plan [QAP]:* The system developed by the QAO and adopted by the Sheriff which will monitor and evaluate the quality of law enforcement and other services performed by the Polk County Sheriff's Office.

*Sampling:* Scheduled and/or random observance of employees and processes as tasks are performed. Sampling includes pre-service and in-service training, actual officer and supervisory performance, administrative and technical support, documentation, personal interviews and written surveys of members of our community.

**DISCUSSION:**

Quality Assurance [QA] is not a substitute for good management and supervision, but rather an important tool for managers and supervisors. QA routinely evaluates the law enforcement services our department provides. During each evaluation phase, quality input is gathered from citizens, fellow officers, government officials, and especially those requesting law enforcement services. Evaluation of our law enforcement services emphasizes:

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1. **Completeness** – services were provided in a timely manner, and at the appropriate level;
2. **Compliance** – services and the manner in which it is provided meets applicable standards, the law, and our policies and procedures;
3. **Consistency** – services are, and have the appearance of being administered in a fair and consistent manner; &
4. **Documentation** – services are detailed in reports and other processes to aid prosecution, while assisting management in improved control.

The QA Plan [QAP] details the activities to be performed in providing independent verification and validation of our services. The QAP:

1. Includes objective evaluation of processes and services against applicable standards and requirements;
2. Identifies non-compliance;
3. Provides timely quality status feedback to management and affected personnel; &
4. Follows-up to ensure noncompliance issues are addressed.

## **PROCEDURES:**

### **Responsibilities of Quality Assurance Officer:**

The QAO reports to the Sheriff, and works out of the special projects office. The QAO assists the Sheriff by:

1. Playing a key role in collecting information, performing analysis, and reporting on the law enforcement services we provide to our community;
2. Performing *sampling* of employees performance;
3. Reporting to the Sheriff on a bi-weekly basis regarding the quality of compliance with departmental policies & procedures, management and supervision, community needs and wants, and recommendations for improvement of law enforcement service delivery.
4. Monitoring and conducting research on new laws and standards that might effect our department as issued by state and federal legislatures and courts, and reporting this information with appropriate recommendations to the Sheriff;
5. Preparing recommendations on *policies and procedure updates, training curriculum, forms, hours and places of coverage* of the department following the discovery of departmental inadequacies, with prior approval of the Sheriff and Chief Deputy.

### **Monthly Performance Evaluation:**

The QAO will regularly and consistently:

1. *Sample* agency employees in order to produce a monthly quality performance report. This *sample* includes the appraisal of:

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- a. Employee conformity to the policies and procedures of the department in their daily activities; &
  - b. Effectiveness of training programs and instructors supporting department operations.
2. Observe the achievement levels and applicability of on-the-street tasks as performed by employees. Meet with the Sheriff and Chief Deputy bi-weekly to discuss preliminary observations and findings, analysis, and recommendations;
  3. Establish a long-term performance evaluation plan based on key service and performance issues as recommended to, and approved by the Sheriff;
  4. Conduct all sampling inspections randomly, and based on a predetermined schedule;
  5. Post up-coming sampling criteria, prior to the beginning of each month on the department bulletin board;
  6. Brief officers personally at shift change, on or before the 15th of each month, on sampling inspections results for the previous month, including comments from the Sheriff regarding results and his achievement goals for the up-coming monthly period;
  7. Compile reports at month's end noting compliance and non-compliance ratings, for each evaluated issue, and recommendations to improve policy and procedure;
  8. Forward reports to the Sheriff and Chief Deputy for review; and after approval, brief all employees on the results;
  9. Provide individual feedback to employees in conjunction with supervisors regarding job performance; &
  10. Recognize, in conjunction with supervisors, employees who have shown significant improvement or who were outstanding in job performance.

Monthly QAP's will be entered on the computer and maintained within department records indefinitely. Any handwritten notes or observations made by the Quality Assurance Officer during random *sampling* will be reduced to type written form and added to the monthly report in the appropriate section, or discarded.

**Establishing the Monthly Sampling:** The Sheriff, with advice from the Chief Deputy, will determine the performance items to be sampled each month. However, it is the job of the QA Officer to prepare the recommended sampling for the upcoming month and present it for approval.

Certain key performance samplings will occur each month to establish a benchmark, while other optional items will be included from time to time as a means of addressing short-range goals or concerns.

Consistent and recurring sampling items may include issues such as *citizen complaints, constitutional warnings, crime prevention, routine traffic violations, complaints about officers, use of safety equipment, etc.*

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**Unscheduled Samples:**

The QAO may observe unsatisfactory performance or opportunities for improvement that are not scheduled for random *sample* that month. These observations will be noted and reported to the appropriate supervisor, Chief Deputy, or Sheriff. However, any non-compliant incident will not be reported in the analysis section of the months QAP as this was not a sampled issue. The incident may be reported in a *non-sampled observation section* of the report if disregard of the observed conduct would result in possible criminal or civil liability for the officer or department.

**Quality Assurance Officer Applicants:**

Preferred qualifications for position of Quality Assurance Officer are:

1. At least a two [2] years of experience with the department;
2. An Associates degree or higher;
3. Interest in, or experiences as a teacher or public speaker;
4. Good writing skills;
5. Computer and word processor literate;
6. Management, leadership, or instructor experience;
7. Successful coursework in the methods of research;
8. Knowledge and understanding of Polk County Sheriff's Office *policies and procedures*, and the ability to articulate why individual polices are relevant to officer and department liability, and securing citizen approval;
9. Complete personal interviews by county management;
10. Possess and demonstrate high moral character and the ability to support the high performance standards of the department; &
11. All other requirement and standards of employment as an officer of this agency.

**Sampling Forms:**

See Annex A, and B of this policy for examples of sampling schedule and audit checklist. Annex B provides the Quality Assurance Officer with a means of rating Polk County Sheriff's Office on a scale of one [1] through five [5] based on ten [10] questions. The department may receive a possible fifty [50] points based on the ten [10] questions.

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**Annex B: QA Audit Checklist Form**

While performing the official duties of a Quality Assurance Officer, please score your perceptions of your sheriff's office based on the following ten questions. Please rate agree or disagree with the following statements by circling one number that most fits your views.

**1=Strongly Disagree, 2=Disagree, 3=Sometimes Agree, 4=Usually Agree, 5=Totally Agree**

| <b>QA Audit Checklist</b>  |               |   |
|--|---------------|---|
| <b>Service or Process:</b>   |               |   |
| <b>Audit Criteria</b><br><i>&lt;Enter law enforcement service or process audit criteria&gt;</i>  | <b>Rating</b> | <b>Notes</b><br><i>&lt;Enter notes/comments&gt;</i> |
| 1. Citizen complaints are responded to within forty-eight hours?   | 1 2 3 4 5     |   |
| 2. Officers carry and use <i>warning cards</i> <u>before</u> questioning a <i>suspect</i> ?  | 1 2 3 4 5     |   |
| 3. Officers use safety equipment in their vehicles including: seat belts, reflective vests, and bright colored rain coats while on patrol or working in traffic? | 1 2 3 4 5     |   |
| 4. During stops for traffic or minor offenses, officers are polite, courteous, and advise members of the public why they were stopped?                           | 1 2 3 4 5     |   |
| 5. Officers observe all traffic laws and set the example for other motorists?  | 1 2 3 4 5     |   |
| 6. Officers follow the departmental use of force ladder <i>to the degree necessary to accomplish required tasks</i> ?  | 1 2 3 4 5     |   |
| 7. Officers know and can articulate that <i>deadly force is only to be used as a last resort</i> ?   | 1 2 3 4 5     |   |

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|  |
|--|
| <b>Law Enforcement Policies and Procedures, Quality Assurance Plan</b> |
|--|

|  |              |  |
|--|--------------|--|
| 8. Uniformed officers are inspected by supervisors before commencement of each shift?            | 1 2 3 4 5    |  |
| 9. Arrested suspects and prisoners are handcuffed, and secured in appropriate vehicles?          | 1 2 3 4 5    |  |
| 10. Officer reports are neatly written, contain key facts, and use correct grammar and spelling? | 1 2 3 4 5    |  |
| <b>Non-conformances:</b><br><Identify non-conformances found>                                    |              |  |
| <b>Total score out of a possible 50 points:</b> _____  |              |  |
| <b>QA Officer:</b>   | <b>Date:</b> |  |

**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Employee & Confidential Records                               | <b>Policy Number:</b> 2.16 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

It is the policy of the Polk County Sheriff's Office to maintain and provide *limited access* to employee personnel and other confidential records.

**PROCEDURE:**

**Types of Records:**

Current, accurate personnel records will be maintained on employees. Records will be kept in four [4] separate files to include:

1. Personnel;
2. Training;
3. Disciplinary; and
4. Promotion.

Personnel files will contain information needed to conduct departmental operations, or as required by federal, state or local laws. In addition to these records, other *confidential* files may be maintained in the facility.

**Record Content:**

Polk County Sheriff's Office will maintain the information listed below. This information includes, but is not limited to the following:

1. Initial job application form;
2. High school diploma or GED certificate;
3. DD214, if applicable;
4. New employee information form;
5. Payroll information;
6. Criminal record check data;
7. Reference checks;
8. Insurance information;
9. Performance appraisals, commendations, and promotions;

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10. Disciplinary and adverse action notices and supporting information;
11. Change of status records;
12. Termination form;
13. Attendance and leave information;
14. Medical records [Medical];
15. Worker's compensation information [Safety];
16. Active or inactive EEO file [EEO Coordinator or counselor]; and
17. Training and education file [Training Officer].

The Training Officer will maintain records of each training course attended by officers of Polk County Sheriff's Office, and continually update officer files upon completion of courses.

**Accuracy of Contents:**

Personnel files will be periodically reviewed to ensure they contain only information relevant to the individual's employment. Each record in the file will be examined for accuracy, timeliness, and completeness. Upon receiving approval of the Administrative Assistant in accordance with regulations, irrelevant, inaccurate, or obsolete material will be purged from the file.

**Retirement of Records:**

Personnel files of former employees will be retired ninety [90] days after severance, and stored in a secure area appropriately designated. Compliance with state regulations for destruction of such records is the responsibility of the custodian of the files assigned by the Administrative Assistant.

**File Access:**

Only authorized personnel with a legitimate need may inspect personnel records. Employees may review their personnel files at any time by making a request for such review to the Administrative Assistant. Letters of reference and other reference information, evaluation material used during the hiring process, management records, and other files separate from the official personnel files are considered confidential, and will not be made available for employee review. Records must be reviewed in the presence of a designated personnel staff member. No marks may be made on any document. After review, the employee will sign a form acknowledging the review. The observer must also date and sign the form, and place it in the employee's personnel file.

**Challenges to File Contents:**

Following a review of the personnel file, an employee may challenge any information in the file by filing a written objection and request for removal or correction with the Administrative Assistant. The Administrative Assistant will respond to the request, indicating the decision on that issue within 15 working days. An employee denied a requested record change of this type may appeal in writing, to the Human Resource Officer.

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**Confidential Files:**

Confidential records maintained at the direction of the Administrative Assistant or designee may include such vital information as:

1. Policy & Procedure Master Copy;
2. Force Evaluations;
3. Confidential Informer Files;
4. Building and Facility Construction Plans; and
5. Risk and Needs Assessments.

These and other confidential files may be maintained in the same office as staff personnel records, but will be secured under separate lock and key.

**General Security of Confidential Records and Files:**

Employee and other confidential files and records are safeguarded under locked storage and fire resistant safes located in an area that assures only authorized personnel may access the room and files.

Anyone authorized to receive or review a confidential file, will sign for the file, and return it in the time specified by the *custodian of records*. Normally, review of these files will take place in the secured area where the files are stored.

At the end of each day or work shift, confidential files will be accounted for and returned to the secured container from which they were borrowed.

Requests for personnel or other confidential information from sources outside the department will be directed to the Shift Supervisor.

**Security of Personnel Files:**

Upon written approval of the Sheriff, personnel information will be released to non-department persons whose requests are approved and received in writing.

Requests for information for personnel records other than bona fide criminal investigations will be forwarded to the individual whose records are requested for approval. The following information is considered non-confidential and may be released by the Administrative Assistant or designee without employee clearance: employment dates; position(s) held; duty stations; and wage and salary verification [only verification of amounts provided by requester]. If additional information is requested in non-criminal cases, the employee will give written consent, which will be retained in the employee's personnel file.

**Security of Confidential Files:**

The Administrative Assistant will use his best efforts to protect this information from release to the public directly or indirectly. The Sheriff has the authority to release confidential records maintained by this facility, with the exception of portions of personnel records as

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discussed above.

Any document discussing or detailing vulnerabilities, standards of performance, response plans, policies and procedures, drills, training methods, or handling procedures is **confidential restricted law enforcement data**, and not intended for release to any outside source without the prior written approval of the Sheriff.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Substance Abuse/Misuse  | <b>Policy Number:</b> 2.17 |
| <b>Issue Date:</b> 08/28/2023   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

The Polk County Sheriff's Office is committed to providing a safe, healthy and productive working environment. Substance abuse/misuse includes the use of illegal drugs, the misuse of prescribed drugs, and non-prescribed drugs/prescriptions leading to impaired performance. Substance abuse/misuse can lead to reduced efficiency, increased risk of accidents, increased sick leave, potential misconduct and criminality. This can have serious consequences for individuals, their families and the wider law enforcement services we provide on a daily basis.

**PROCEDURES:**

**General Guidelines:**

Officers are expected to follow Agency rules regarding the abuse and misuse of any drug or substance. This policy makes it clear that officers and employees should present themselves as 'fit for duty', at all times, and breaches of these standards are subject to disciplinary or misconduct proceedings, as appropriate.

**Responsibilities of All Employees:**

A. The use or ingestion of any controlled substance, as defined by Chapter 481, of the Texas Controlled Substances Act, and/or prescription drug by officers, either on or off duty, when the substance or drug has not been prescribed by a licensed medical practitioner, is prohibited. For the purpose of this policy, this shall include the use or ingestion of unregulated hemp products and/or all cannabis products containing any quantity of tetrahydrocannabinol (i.e., THC), including hemp derived Cannabidiol (CBD).

Additionally, a prescription for the use or ingestion of medical marijuana, must be legally prescribed by a licensed physician and Administrative Staff shall be immediately notified when an officer receives the prescription. The officer will then be removed from all duty related activity, assignments and responsibilities, pending any decisions made by the Sheriff, on a case by case basis.

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B. The abuse of any drug by officers, whether on or off duty, and whether the drug has been prescribed or not, is prohibited.

1. Abuse of a legally prescribed drug refers to the inappropriate use of a prescription drug by not following the directions of the licensed medical practitioner regarding dosage, intermixing of drugs and alcohol, misappropriation of a prescription, etc.

2. Abuse of a drug/chemical compound not requiring a prescription refers to the inappropriate use of nonprescription drugs resulting in an adverse effect on an officer's job performance or public behavior which could reasonably be expected to destroy public respect/trust of the officer and/or the Department.

C. When officers take any legally prescribed drug or nonprescription drug and have reason to believe that it will functionally impair their duty performance, it shall be reported to their supervisor immediately prior to engaging in any duty related activity.

D. When controlled substances are prescribed in the medical care and treatment of officers by a licensed medical practitioner, or when officers otherwise employ a controlled substance for medical reasons, they shall immediately notify Administrative Staff.

E. The intentional use or ingestion of a controlled substance by officers during an undercover assignment for the purpose of furthering an investigation is prohibited. In the event officers accidentally, passively, or unintentionally ingest or use a controlled substance, or if officers intentionally ingest or use a controlled substance in the performance of their official duties, they shall immediately notify Administrative Staff, to include submitting a written report, setting forth, in detail, the time, date, and location of the incident; the identity of those present; the controlled substance involved; and a statement detailing the circumstances pertaining to the use or ingestion of the substance.

F. Any drug screen test for officers for a controlled substance that results in a confirmed positive finding shall be the basis for administrative/disciplinary action, up to and including termination, unless the officer's use or ingestion of the substance was prescribed for the officer by a licensed medical practitioner and/or the officer has fully complied with this section.

All employees of the Sheriff's Office will abide by the terms of this policy and will immediately notify Administrative Staff of any and all law enforcement contacts, detentions and/or arrests, or charges or violations, in reference to the use, ingestion, the sale of, or possession of, any controlled substance, prescription drug, nonprescription drug or substance abuse/misuse.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Selection & Placement of<br>Personnel                         | <b>Policy Number:</b> 3.01 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

This policy and procedure manual is not a contract of employment. Any employee can be terminated at any time for any reason or no reason. Deputies and other employees of the PCSO serve at the pleasure of the sheriff.

Polk County Sheriff's Office places a priority interest in the selection and placement of personnel given the constraints of economy of force, applicant qualifications, and budgetary constraints. This department strives to meet and exceed State standards on officer qualifications for employment while maintaining an equal employment opportunity and discrimination-free environment.

**PROCEDURE:**

**Equal Employment Opportunity:**

Polk County Sheriff's Office is an Equal Opportunity Employer who supports the Americans With Disabilities Act, (ADA), and will respond to reasonable requests for job accommodations and will take reasonable action to employment qualified individuals with disabilities. This agency is committed to making reasonable sustained, diligent efforts to identify and consider such individuals for employment and for possible advancement opportunities arising during employment.

Polk County Sheriff's Office prohibits any retaliatory action against an employee for opposing a practice, which he or she believes to be discriminatory. This includes the filing of an internal complaint or the filing of a complaint with a state or federal civil rights enforcement agency.

Maintaining the ideals of Equal Opportunity Employment, no individual inquiring about employment within Polk County Sheriff's Office will be discriminated against based on:

1. Race
2. Color
3. Religion

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4. Sex
5. National Origin
6. Disability
7. Age
8. Veteran status
9. Handicap
10. Marital Status
11. Political affiliation

All employees are expected to abide by the procedures as outlined within this policy. Violation of this policy will subject an employee to disciplinary action, up to and including dismissal.

**Employment Requirements:**

All persons seeking employment with the department as a law enforcement officer must:

1. Be a United States citizen;
2. Be a resident of Polk County, Texas or become a resident within ninety [90] days of employment;
3. Be at least twenty-one [21] years of age;
4. Possess a valid Texas Driver's License;
5. Have a high school diploma or GED; or
6. Have 12 semester hours credit from an accredited college or university or 2 year's law enforcement experience.
7. Successfully complete the minimum training required for licensure to include the current basic peace officer course or a commission recognized, POST developed, basic law enforcement training course;
8. Never have been convicted of a *felony* or *misdemeanor involving moral turpitude* or is not currently under indictment for any criminal offense;
9. Be free of misdemeanor convictions for the last twelve [12] months;
10. Have no previous or current charges of *driving while Intoxicated* or *driving under the Influence of drugs or alcohol*;
11. Never been convicted of any family violence offense;
12. Not be prohibited by state or federal law from operating a motor vehicle;
13. Not be prohibited by state or federal law from possessing firearms or ammunition;
14. Be subject to a thorough background investigation and personal interviews by Polk County Sheriff's Office personnel;
15. If served in the armed forces of any country, demonstrate stability, reliability, & integrity, by having an Honorable Discharge [*Dishonorable, General, or Medical* discharges are not acceptable];
16. Have never had a commission or peace officer license denied by final order or revoked;
17. Not be currently on suspension, or have a voluntary surrender of license currently in effect;

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18. Demonstrate having *good* financial credit rating for the last five [5] years;
19. Demonstrate reading and comprehension skills in the English language to at least the 10<sup>th</sup> grade level through interviews and written testing;
20. Demonstrate honesty and integrity, by successfully completing pre-employment drug testing and polygraph if requested by the Sheriff's Office;
21. Demonstrate good general medical health as determined by a medical doctor, who is licensed by the Texas State Board of Medical Examiners, and physical performance testing;
22. Free from illegal drug use, or legal drugs that impair mental or physical performance, for the past 5 years, as determined by interview, medical, or polygraph testing;
23. Be declared in satisfactory psychological and emotional health by the Polk County psychologist, who is licensed by the Texas State Board of Examiners of Psychologists; &
24. Be fingerprinted and subjected a search of local, state, and national records and finger print files.

**Acceptance of Applications:**

Employment applications will be accepted at any time, even if all positions are filled, for future evaluation. The completion of a regular application form will ensure that each candidate be considered for all positions within the department for which he is qualified. Applications will be kept on file for at least twelve months, after which the application will be destroyed. Applications of hired individuals will be maintained in their employee file.

**Disqualification of Applicants:**

Applicants may be disqualified for a number of reasons, including, but not limited to:

1. Not possessing the minimum qualifications for the position;
2. Failing to be punctual in taking prescribed tests or undergoing evaluation;
3. Making fraudulent statements during interview, or on any application; or
4. Failing to properly complete the application in the manner prescribed.

**Guidelines for Filling a Position:**

Whenever a vacant position is to be filled within Polk County Sheriff's Office, a number of guidelines must be maintained to ensure all applicants are treated equally to include the following:

1. A position vacancy notice will be posted within the department.
2. The appropriate departmental supervisor will evaluate applications, including:
  - a. Any applicant nominated by the Sheriff;
  - b. Qualified persons already employed by the Sheriff's Office; &
  - c. Any other qualified persons.

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3. After screening, applicants will submit to written, physical, mental, and performance based testing or a copy of the L2 and L3 file with past employer.

**Continued Employment Standards:**

To be eligible for continued employment an employee must, in addition to other conditions and standards, meet the requirements as specified in Employment Requirements, above.

**Will and Pleasure:**

The employment of employees of Polk County Sheriff's Office is for an indefinite term and continues at the pleasure of the Sheriff. At any time, Polk County Sheriff's Office may dismiss and discipline employees within the guidelines of departmental policy as determined by Sheriff or his designee.

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| <b>Subject:</b> Fitness for Duty  | <b>Policy Number:</b> 3.02 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

Law enforcement tasks require physical exertion, concentration, and decision-making in various environmental conditions and in situations that are tense, uncertain, and rapidly evolving. Officers must be mentally and physically capable of performing their duties in order to safeguard themselves, other officers, and members of the general public.

**PROCEDURES:**

**Police Officer Applicants:**

All persons applying for a position within Polk County Sheriff's Office are required to undergo physical and psychological assessments by licensed professionals. If a physician or mental health professional identifies conditions that could limit physical or emotional ability to cope with the stress of law enforcement duties, the applicant will not be eligible for certification as a law enforcement officer with Polk County Sheriff's Office.

**Law Enforcement and Civilian Personnel:**

The following guidelines will be maintained by all sworn and civilian employees of Polk County Sheriff's Office:

1. After employment, the department may reexamine employees at anytime to determine each officer's continued fitness for duty, including:
  - a. For purposes of a criminal or internal investigation; or
  - b. For suspicion of emotional or physical problems due to documented accounts of an employee's psychological behavior, or decline in physical health.
  
2. If a qualified physician or mental health professional indicates the presence of a condition that could limit an employee's physical or emotional ability to perform his or her duties, that employee will be placed on leave and not be allowed to return until:

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- a. Released from care of a medical facility; and
- b. A letter is submitted from a healthcare professional indicating the physical or emotional stability of the employee.

**Responsibility:**

It is the responsibility of the Sheriff to enforce this policy. However, any employee who is witness to a decline in mental or physical stability should report the behavior to the Sheriff. Any employee refusing to submit to a physical or psychological examination following the request of the Sheriff is subject to discipline, including the possibility of dismissal.

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| <b>Subject:</b> Mental Health Leave for Peace Officers | <b>Policy Number:</b> 3.02-1 |
| <b>Effective Date:</b> 09-01-2021                      | <b>Revision Date:</b>        |
| <b>Approval Authority<br/>Title and Signature:</b>     |                              |

**POLICY:**

The purpose of this policy is to provide guidance for Section 614.015 of the Texas Government Code, regarding the use of mental health leave for peace officers. Mental health leave will support staff in maintaining a healthy state of mind while at work and at home. The Polk County Sheriff's Office recognizes that mental health is just as important as maintaining physical health and supports establishing a workplace that is comfortable, healthy, safe and supportive.

**DEFINITIONS:**

1. Traumatic Event: An event which occurs in the peace 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.

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, suicide, or catastrophic illness of a co-worker;
- d. Death of a child resulting from violence or neglect;
- e. Officer(s) involved shooting of a person.

2. Mental Health Leave: Administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's employment.

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3. Mental Health Professional: A licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

#### **I. REQUESTING MENTAL HEALTH LEAVE:**

An officer directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing and sent directly to the Sheriff and HR Director. The request shall be treated as a priority matter 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.

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 shall be addressed by Polk County Sheriff's Office Policy 3.02, titled: Fitness for Duty.

#### **II. CONFIDENTIALITY OF REQUEST:**

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. 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.

#### **III. DURATION OF MENTAL HEALTH LEAVE:**

An officer directly involved in a traumatic event may request up to 3 working days of mental health leave. Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by 3 working days. Each officer may request no more than two extensions, each supported by sufficient documentation by the mental health professional.

The Sheriff shall grant the extension(s) upon the receipt of sufficient documentation explaining the need for the extension.

#### **IV. COMPENSATION AND BENEFITS:**

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Consistent with Section 614.015 of the Texas Government Code, while utilizing mental health leave, employees will continue to earn any and all benefits and pay. The County shall not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balance for mental health leave taken under this policy.

**V. MENTAL HEALTH SERVICES AVAILABLE TO THE OFFICER:**

Employees are given access to counseling services through the Texas Association of Counties Health and Employees Benefits Pool, as well as the Employee Assistance Program (EAP) provided by the Polk County Human Resources Department.

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| <b>Subject:</b> Appearance & Grooming   | <b>Policy Number:</b> 3.03 |
| <b>Issue Date:</b> October 1, 2021  | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

Employees will consistently maintain a neat, clean, and professional appearance during the performance of their official duties, or at any time they are representing Polk County Sheriff's Office.

**DISCUSSION:**

Employees of Polk County Sheriff's Office are authority figures within this department, and when outside are service representatives of Polk County. As such, it is essential that employees present a professional image to the public.

**PROCEDURES:**

In the performance of duty, officers are required to wear uniforms as dictated by Polk County Sheriff's Office policy, except in special circumstances authorized by a superior.

Determination of compliance with this policy is completely at the discretion of the Sheriff or designee.

Officers who fail to meet appearance standards may be sent home, and not permitted to work until their appearance meets departmental standards, or they may be disciplined in other forms. Failure to comply on repeat occasions is *insubordination*, and disciplinary action will be taken.

**Male Employees:**

Male officers on duty, and in uniform, will keep their hair trimmed according to the following guidelines:

1. Neatly tapered, rounded or squared at the back, and may extend down to the top of the collar.
2. Hair in front will not fall lower than one-half inch above the tops of the eyebrows.
3. Hair on the sides will not extend lower than half way down the ear.
4. Side burns will not extend below the lowest part of the ear, nor flare any wider at the bottom than their natural width at the top.

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5. Officers may maintain a neatly trimmed moustache not to extend more than  $\frac{1}{4}$  inch below the bottom lip. Officers will shave daily before reporting to work.
6. Beards and goatees are permitted, but must be neat, clean and well maintained to present a professional appearance and must be worn with a mustache.
7. Officers are encouraged to begin growing out their beards/goatees during their off time so as not to present an unshaven look while on duty.
8. No portion of the beard/goatee may be exceptionally longer than the rest, and beard/goatee hair length shall not exceed  $\frac{1}{4}$  inch.
9. The neck shall be clean shaven.

Male officers are prohibited from wearing earrings or any body piercing items. Male officers will maintain clean, short, and neatly trimmed fingernails.

**Female Employees:**

While on duty, and in uniform, female officer's hairstyle will be worn according to the following guidelines:

1. Not extend below the bottom of the collar.
2. Styled in a fashion that will allow a cap/hat to be worn over the hair.
3. Conspicuous pins, barrettes, and combs are not authorized.

Female officers are prohibited from wearing body piercing. Female officers may wear earrings small enough as to not be torn off by a suspect. Only one set [one for each ear] will be worn.

**All Employees:**

Both male and female employees will maintain cleanliness by bathing daily, practicing good hygiene, and by wearing clean clothes free from unpleasant odors. In addition, the following guidelines apply:

1. Officers will carry rubber gloves, and alcohol towelettes in a pocket or belt back.
2. All employees are encouraged to wear a minimum amount or no loose jewelry.
3. Do not bring or wear expensive items you are not willing to lose or have stolen.
4. No vulgar, obscene, neck or face tattoos will not be tolerated and must be covered at all times, (ex. Gang, any nudity, profanity or any tattoos with sexual content) all tattoos will be covered for court purposes.
5. Uniformed officers wearing a short sleeve uniform shirt with a Sheriff's Office patch or emblem shall not have an under shirt that extends past the sleeves of the uniform shirt. All under shirts worn under a uniform shirt will be white, black or uniform tan in color.
6. Uniformed officers wearing long sleeve shirt will have a tie or a green turtle neck shirt (the green will match the department green on the uniform shirt)

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| <b>Subject:</b> Court Appearance  | <b>Policy Number:</b> 3.04 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

Court appearance is an integral part of our law enforcement duties. Department personnel appearing in court in any capacity, will attend at the appointed time without fail, present a well-groomed appearance, be prepared, and behave professionally.

**PROCEDURES:**

**Court Appearance:**

1. Attendance at a court or quasi-judicial hearing whether notified by subpoena or notice by the department or criminal prosecution is an official duty assignment, and will be attended without fail. Permission to omit this duty must be obtained from the prosecuting attorney or other competent court official, prior to the appearance date and time.
2. All officers must be punctual and attend until dismissed by the prosecution or person issuing the subpoena.
3. The complete and official uniform will be worn when appearing in court. The prosecuting attorney or presiding judge should be consulted whether or not to wear a side arm. Non-sworn employees may appear in conservative business attire (Long Sleeves and Tie). Officers may substitute such attire for uniforms when approved by the officer's supervisor.
4. Members will avoid mannerisms or expressions, which might imply disrespect to the court, other witnesses, those charged with criminal offenses, or plaintiffs testifying. Employees will have notes and case files prepared, and all evidence suitably arranged for presentation to the prosecutor before trial appearance.

**Subpoena Precedence:**

If employees receive more than one subpoena to appear at any court or quasi-judicial hearing on the same date and the same time, the subpoena priority will be: Federal Court, State Court, Municipal Court, City Court and then civil cases. Courts will be notified of the conflict if and when this occurs.

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**Court Absences:**

If an employee is scheduled to be in court on a Polk County Sheriff's Office Case and cannot attend, he must notify the court clerk of the reasons for non-attendance in writing at least seventy-two [72] hours or three [3] days prior to the scheduled court date. In cases of unforeseen emergencies, verification of that emergency must be submitted to the court clerk immediately in writing. If the emergency arises before court and the officer is able to contact the court, the judge will determine if the absence is excused. If the officer is unable to contact the court, the Division Captain will determine if the absence is excused. Copies of all communications with the court or prosecution regarding appearances to Division Captain.

**Penalties for Unexcused Court Absences:**

All unexcused absences will be forwarded to the Sheriff or his designee by the court clerk after each court day. Disciplinary action for not appearing in court may include a written reprimand, suspension with or without pay or termination.

**Respect and Testimony:**

While in court, the officer will:

1. Always tell the truth when testifying, making reports, or conducting any Law enforcement business;
2. Be respectful of magistrates and judges at all times;
3. Speak calmly and explicitly in a clear, distinct, and audible tone so to be heard by the court and jury when giving testimony.
4. Testify with strict accuracy, limiting testimony to the case before the court, and neither suppress nor overstate the slightest circumstances with a view for favoring or discrediting any person.
5. Answer defense counsel questions with the same readiness and civility as when testifying in support of the charge, remembering that the ends of justice will be served by showing a desire to tell the whole truth, whether it is in favor of or against the defendant.

**Testifying for the Defendant:**

Any employee subpoenaed by the defense in any criminal trial or hearing will notify the office of the prosecuting attorney and their immediate supervisor immediately upon receipt of the subpoena.

**Civil Action, Court Appearances – Subpoenas:**

Employees will not volunteer to testify or give deposition in civil actions and will not testify unless subpoenaed. Employees will accept all subpoenas legally served. If subpoenas arise out of departmental employment, or if employees are informed that they are a party to civil actions arising out of departmental employment, they will immediately notify the Sheriff and the attorney representing the agency. Employees will then prepare to discuss the testimony he is prepared to present, if called as a witness.

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**Civil Matters Relating to Employment:**

1. Employees will confer with the Sheriff before giving depositions, affidavits, or testimony in civil matters.
2. Employees will not institute any civil action arising out of their official duties without first notifying the Sheriff.
3. Employees will not use their position with the department as a means of forcing or intimidating persons with whom they are engaged in civil matters.

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| <b>Subject:</b> Body Armor                        | <b>Policy Number:</b> 3.05 (A)     |
| <b>Issue Date:</b>                                | <b>Revision Date:</b> June 2, 2021 |
| <b>Approval Authority<br/>Title and Signature</b> | <i>Byron A. Lynn - Sheriff</i>     |

**POLICY:**

It is the policy of the Polk County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures

**ISSUANCE:**

The Chief Deputy shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body Armor shall be issued when an officer begins service at the Polk County Sheriff's Office and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The Sheriff may authorize issuance of body armor to be uniformed, civilian members whose jobs may make wearing of body armor advisable.

When appropriate, the department may issue specialized body armor, Specialized body armor includes rifle resistant "raid" jackets or tactical armor. When designated employees are wearing this type of armor, they will not be required to wear personal body armor. This section does not allow uniformed patrol officers to substitute specialized armor for their personal body armor.

**USE:**

Generally, the required use of body armor is subject to the following:

1. Designated employees shall only wear department-approved body armor.
2. Designated employees shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
3. Designated employees shall wear body armor when working in uniform whether on or off-duty or taking part in department range training.
4. Employees are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
5. Employees may be excused from wearing body armor when they are involved in undercover or plain clothes work that their supervisor determines could be

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compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

6. In those instances, when body armor is not worn, officers should have reasonable access to their body armor.

**INSPECTION:**

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with policy. Annual inspections of body armor should be conducted by a person trained to perform the inspections for fit, cleanliness and signs of damage, abuse and wear.

**CARE AND MAINTENANCE:**

The required care and maintenance of body armor is subject to the following:

- 1 Employees are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift. Unserviceable body armor shall be reported to the supervisor.
- 2 Employees are responsible for the proper storage of their body armor. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperatures / humidity conditions) such as in automobiles or automobile trunks.
- 3 Employees are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer. Failure to follow the manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- 4 Body Armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

**FIREARMS TRAINING OFFICER RESPONSIBILITIES:**

The responsibilities of the Firearms Training Officer include, but are not limited to:

- 1 Monitoring technological advances in the body armor industry for any appropriate changes to department -approved body armor.
- 2 Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.
- 3 Educating officers about the safety benefits of wearing body armor.

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| <b>Subject:</b> Uniforms  | <b>Policy Number:</b> 3.05 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

All employees will present a professional image to the public by consistently maintaining a neat and clean appearance during the performance of official duties or at any time that he or she is representing Polk County Sheriff's Office in any manner.

**Uniform- Licensed Officers:**

Officers are expected at all times to be dressed in complete and proper uniform. Officers may receive regulation uniforms consisting of the following items:

1. Cowboy style hats are approved straw or felt, white or tan are the only approved colors. (no brown or dark colors) No ball caps worn while on duty. Ball caps are only approved during tactical or training exercises. Ball caps shall be operational appropriate, as not to shine a negative light on the office nor its staff. Toboggan are approved when temperature is below 55 degrees, must be green, black or tan in color with silver or gold Sheriff's Office name plate if there is writing on it.
2. Jacket;
3. Short-sleeved or long-sleeved shirt for both summer and winter as appropriate; no under shirt will come past the uniform shirt sleeve
4. Pants;
5. Identification plate, collar insignias, badge; and
6. Departmental patch;
7. Issued Tie or cummerbund worn with long-sleeved shirt
8. All under shirts when uniform is being worn will be white, black, or tan.

Additional required items that are considered components of the uniform are:

1. Body Armor Vest;
2. Service weapon;
3. Night-stick or its equivalent;
4. Holster Black in color;
5. Flashlight;
6. Footwear Black in color;

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7. Handcuffs;
8. Handcuff pouch;
9. Cartridge pouch or Magazine holder;
10. Ammunition;
11. 'O' ring; and
12. Socks.

**Uniform- Civilian or probationary employees:**

Civilian employees, new employees, and detention personnel will wear a similar uniform consisting of:

1. Hat if provided;
  - a. a toboggan is approved when temperature is below 55 degrees, must be green, black or tan in color and if there is writing it should say Sheriff's Office with silver or gold lettering.
2. Jacket;
3. Short-sleeved or long-sleeved shirt for both summer and winter as appropriate; no under shirt will come out past the uniform shirt sleeve, all under shirts will be either white, black or tan.
4. Pants;
5. Identification plate or embroidered patches.
6. Departmental patch.

**Uniform-Plain Clothes Personnel:**

Plain clothes employees will dress conservatively as outlined in the Appearance Policy. Male employees will wear slacks, a dress shirt, suit or sport jacket, dress shoes, and a tie. Female personnel will wear conservative type business suits or ensembles. "Corporate casual" attire is appropriate for certain functions or attire approved by the Sheriff. Officers must use discretion and dress according to the anticipated audience and the environment.

**Uniform Requirements:**

1. All uniform clothing items will be clean and pressed.
2. No uniform clothing items will be torn, frayed or patched.
3. All leather items, belt, holster, handcuff case, etc. will black in color and style as determined by the Sheriff.
4. All silver or brass items will be clean and properly polished.
5. When in uniform, all pieces of the uniform and all uniform equipment will be worn.
6. Shoes or boots will be the black in color and styles as determined by the Sheriff and will be shined/polished appropriately on a regular basis.
7. Socks that are exposed will be an appropriate color that matches the uniform.
8. All personnel will be held accountable for the return of all departmental issued uniform items.
9. No issued item is to become the property of any individual.

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10. Items lost or damaged during law enforcement activities will be reported to the Sheriff or his designee.
11. Replacement of items of personal purchase, which are lost or damaged in law enforcement activities, will be determined on a case-by-case basis.
12. Property lost or damaged as a result of law enforcement activities will be promptly reported, and replacement costs determined so the officer involved may request to the courts that prosecution of the individual include reimbursement costs to the department.

**Uniform for special details:**

Special patrol details and assignments such as bicycle patrol or horseback patrol will require corresponding uniform requirements. The unit supervisors of such special units will develop uniform guidelines as necessary.

**Uniform for Court Appearances:**

Male officers will wear suits including dress shirts, slacks, suit or sport jackets, dress shoes, ties or **Sheriff's Office class A uniform**. Female officers will wear dresses or slacks, coordinated blouse and skirt, or a conservative business suit or **Sheriff's Office class A uniform**. Or as approved by the Sheriff. (See Court Appearance Policy for more detail)

**Uniforms- Visual Aids:**

Following this policy are a number of visual examples which represent proper placement of department issued items for different ranking officers. The placement of agency insignias will be the same for both the winter and summer shirts. Or as approved by the Sheriff.

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| <b>Subject:</b> Corruption Prevention   | <b>Policy Number:</b> 3.06 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

Our department has established procedures to prevent corruption, to investigate complaints or allegations of corruption, and administer administrative punishment or pursue criminal prosecution where corrupt acts are suspected of being a criminal offense.

**DEFINITIONS:**

*Corruption:* Acts involving the misuse of authority by police officers in a manner designed to produce personal gain for the officer or others.

*Supervisor:* Employees having day-to-day responsibility for management and oversight of subordinates and/or are responsible for commanding a work element.

**PROCEDURES:**

**Establishment and Maintenance of Professional Standards:**

*Philosophy, Goals, and Values:* Polk County Sheriff's Office periodically reviews, and update our statement of goals, values, and general philosophic approach to policing. These statements appear in the policy manual and are constantly reinforced. Supervisors and trainers review these statements with subordinates.

*Code of Ethics:* We periodically review, and update if necessary, our *code of ethics*. Each employee is provided with a personal copy of the *code of ethics*, which is contained in this manual.

*Rules of Conduct:* The Rules of Conduct are included in the policy manual. All employees are required to read, understand and follow these rules.

Employees are instructed to seek answers from their supervisors regarding any question regarding *corruption, ethics, procedural, or personal conduct*.

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**Proactive Prevention Measures:**

The Sheriff is responsible for managing corruption responsibilities that include:

1. Reviewing citizen and internal complaints for indicators of misuse of police powers for personal gain.
2. Reviewing the findings of internal affairs investigations for patterns that are indicative of corrupt police behavior.
3. Reviewing duty assignments to ensure that periodic rotations are occurring according to agency policy.
4. Investigating citizen complaints in which corruption is suspected.
5. Where consistent with applicable laws, reviewing overtime pay assignments, employee income and, in special cases, employee federal income tax returns to investigate suspected or reported instances of corruption or determine if patterns emerge indicative of corrupt activities.
6. Reviewing the findings of inspection reports to identify indicators of corruption.
7. Providing effective means for citizens and department employees to report behavior indicative of corruption.
8. Providing reports to the agency chief executive and to the community with regard to the number of corruption cases investigated and the number sustained.
9. Providing public education necessary to promote citizen awareness of corruption and to assist the agency in maintaining the integrity of law enforcement service.

**Responsibilities of Supervisors:**

1. Supervisors play a key role in preventing corruption and to the degree reasonable and appropriate will be held accountable for corruption that occurs under their assigned area of supervision or command.
2. Supervisors must report suspicious employee behavior that may indicate corruption, whether on and off duty activities.
3. The associated performance of supervisors and higher-level supervisors will be reviewed when subordinates are charged with corruption violations.
4. Internal affairs investigators will ensure that reasonable portions of inspections are directed toward discovering corruption violations.
5. Internal affairs investigators are required to immediately notify the Polk County Sheriff's Office when serious corruption is suspected.
6. The personnel officer will provide an annual report of duty assignments to the Chief Deputy indicating the longevity of assignments in the units listed below:
  - a. Organized crime, vice, drug enforcement;
  - b. Property room; or
  - c. Internal affairs, inspections, corruption prevention officers.
7. Assignments in these units will be rotated periodically or at the discretion of the Chief Deputy.

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### **Responsibilities of Higher Level Supervisors –Chief Deputy:**

Command level officers will:

1. Set the example for subordinates by word and deed. Corruption violations on the part of managers will be vigorously prosecuted.
2. Monitoring the activities of their subordinate supervisors with special regard to supervisors' concern for responsibility and integrity within respective units.
3. Conduct the recruitment, selection, and training processes with an acute awareness that integrity in the workplace correlates with the quality of the employees.
4. Establish training in corruption prevention, ethics, integrity, and professional standards for all levels of the department.
5. Establish a process to recognize employees who exemplify the high ideals and integrity of police service and the professionalism of the agency.

### **Responsibilities of All Employees:**

The code of ethics is a working and applicable document. Employees are responsible for providing timely information to their supervisors or command-level officers when they suspect or know of corrupt practices.

### **Specific and Critical Policies and Procedures - Narcotics Enforcement:**

1. Two or more officers should be present during any arrest resulting from a planned drug operation.
2. All confidential informants and drug buys will conform to control, bookkeeping, and accountability procedures detailed in this agency's policies and procedures.
3. All evidence will be processed strictly according to the policies and procedures governing the property and evidence functions.

### **Response to Corruption Allegations:**

Whenever there is a suspicion that a complaint or an internal investigation will result in a charge of corruption, the following procedures will be followed:

1. The Sheriff will be notified immediately and will be responsible for notifying appropriate county officials.
2. Information will be released to the public as determined by the Sheriff. If a complaint is prosecuted criminally, the Sheriff will authorize release of information appropriate to the public.

This agency will cooperate fully with any criminal investigation to the extent permitted by law. An after-action review will be conducted to determine the cause(s) of corruption and to recommend any system changes or modifications designed to prevent recurrence.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
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| <b>Subject:</b> Corruption Prevention   | <b>Policy Number:</b> 3.06-1 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>        |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                              |

**POLICY:**

Our department has established procedures to prevent corruption, to investigate complaints or allegations of corruption, and administer administrative punishment or pursue criminal prosecution where corrupt acts are suspected of being a criminal offense.

**DEFINITIONS:**

*Corruption:* Acts involving the misuse of authority by police officers in a manner designed to produce personal gain for the officer or others.

*Supervisor:* Employees having day-to-day responsibility for management and oversight of subordinates and/or are responsible for commanding a work element.

**PROCEDURES:**

**Establishment and Maintenance of Buy Money Bookkeeping:**

Whenever there is a need for buy money the following procedures will be followed without exception;

1. When checking out currency for any type of buy or operation there must be three officer's present. The three officers' will be the narcotics Lieutenant, officer in charge of the buy and an officer as a witness.

2. A case card must be made prior to checking any money out.

3. A receipt must be made using an Adams carbonless three part receipt book item# TC1183. The receipt will include the name and signatures of the narcotics Lieutenant, officer in charge of the buy and an officer as a witness. Also attached to the receipt will be a short summary of what the buy or operation consist of and location. The summary will include the case number and receipt number.

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4. Once the buy or operation is completed another receipt will be issued stating what money is returned. Also attached to the receipt will be a short summary of what the buy or operation netted and if any of the buy or operation money was placed on hold for court.

5. Distribution of receipts will be as follows;

a. White copy with attachment will be turned over to the Administrative Assistant for safe keeping.

b. Yellow copy with attachment will be turned over to the division Captain for auditing on the first Monday of each month.

c. Pink copy will remain in the receipt book and be kept by the Narcotics Lieutenant along with a copy of attachments.

6. On the first Monday of each month the division Captain, Narcotics Lieutenant and one other detective chosen randomly will audit the buy money and forward a copy of the audit to the Administrative Assistant for safe keeping.

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| <b>Subject:</b> Insubordination   | <b>Policy Number:</b> 3.07 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

Employees of this department must understand the rank structure and carry out their duties and responsibilities as directed by their supervisors. Insubordination will not be tolerated and is subject to disciplinary action up to, and including, dismissal.

**DEFINITION:**

*Insubordination:* Any act of defiance, disobedience, dissension or resistance to authority.

**PROCEDURES:**

**General Guidelines:**

The organizational structure of Polk County Sheriff's Office designates the Sheriff as the highest authority within the chain of command. This authority is delegated to various officers throughout the organization.

In maintaining the structural order of Polk County Sheriff's Office all employees will:

1. Follow the instructions and orders issued by supervisory personnel unless the order would jeopardize their health and safety, or violate federal, state, county, or municipal laws or departmental procedures;
2. Not use profane or obscene language toward any supervisor or public official;
3. Be immediately relieved of duty and dealt with according to department policy for any physical assault, attempt or threat of a physical assault of any supervisor or public official; and
4. Be provided an opportunity to discuss any situations, in private, which they believe do not comply with agency policy or federal, state, county, or municipal law.

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**Supervisor Responsibilities:**

Any instance of insubordination will be fully documented by the supervisor involved. Documentation will consist of an incident report that will be submitted to the Sheriff. The officer cited for insubordination will be advised to contact the Sheriff on the following workday with specific instructions to avoid any further disciplinary action.

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**POLK COUNTY SHERIFF'S OFFICE  
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| <b>Subject:</b> Discipline & Accountability                             | <b>Policy Number:</b> 3.08 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Officers and civilian employees use their best effort to live up to the ideals expressed in our Mission Statement, Code of Ethics, and Objective Statements. Additionally, all members of the department obey department *policies and procedures*, written and verbal orders, rules, directives, and standards of conduct. Noncompliance with these goals and standards results in disciplinary action to improve individual and group performance.

**DISCUSSION:**

Discipline in the law enforcement profession is essential to our very survival, and is the determining factor in securing the trust of those we serve. To maintain a high level of discipline, employees are required to conduct themselves in accordance with standards of conduct which a reasonable person would know is expected of someone in the workplace who is granted the authority of the State.

**PROCEDURES:**

**Disciplinary Action:**

Any noncompliance or violation of conduct that interferes with operations, discredits the department or is offensive or dangerous is grounds for disciplinary action, whether or not such behavior is specifically prohibited by written goal, objective, policies and procedures, order, rule or directive.

Employees are expected to perform assigned tasks efficiently and safely and in accord with applicable quality standards and safety requirements.

All employees are expected to treat visitors, employees, managers, supervisors, and others in the work place with courtesy and respect.

Polk County Sheriff's Office does not discriminate or show favoritism on the basis of *sex, ethnicity, race, religion, color, age, or physical disability*. Disciplinary actions are

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based on the concepts of *equality and equity*.

The department has the sole right to determine the disciplinary process applicable in particular circumstances as well as the discipline to be imposed for violations or non-compliance.

Progressive disciplinary measures are generally followed. However, employee attitudes and performance, and any extenuating and mitigating factors may be considered when determining the discipline to be imposed.

Progressive discipline may include, but is not limited to, *counseling, warning, and suspension, or any other remedial steps* deemed desirable, such as *demotion, permanent or temporary disqualification, transfer, wage reduction, training and/or imposing conditions on continued employment*.

*Discharge from the department* may be imposed for a first offense and may be imposed at any point in a progressive chain, whether or not any other step(s) of progressive discipline have first been imposed.

Chief Deputy is designated to oversee disciplinary actions, and will normally be consulted prior to imposing and/or determination of any discipline.

The department may, in its discretion, keep documents and other records of disciplinary action, which may be considered in future personnel decisions.

In cases of serious misconduct such as major breaches of policy or violations of law, procedures contained in this policy may be disregarded. Disciplinary action on the part of the department does not shield the officer or employee from criminal or civil charges that may arise out their deliberate or negligent acts.

#### **General Reasons for Disciplinary Action:**

An officer or civilian employee may be disciplined or terminated for a number of reasons including, but not limited to:

1. Dishonesty, such as falsifying or altering any document, record, or report relating to the department and/or relating to employment, such as a time card, employment application, medical report, or expense reimbursement request and including providing false or misleading information and/or failing to provide truthful and complete information in connection with any investigation.
2. Conviction of a criminal offense, including a felony or certain misdemeanors, or any other offense involving moral turpitude.
3. Insubordination to the directives of a superior.
4. Reporting to work under the influence of alcohol or any drug not prescribed by a licensed physician unless the prescribed drug affects your ability to function.
5. Offensive conduct or language toward the public, superior, or other employees.

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6. Carelessness or negligence in the use of departmental property.
7. Accepting or encouraging the taking of a bribe.
8. Encouraging other persons to commit illegal acts.
9. Failing to report to work, court or official duty assignments without reasonable cause.
10. Excessive tardiness.
11. Failure to observe starting, quitting, and and/or break times.
12. Horseplay or dangerous acts.
13. Violation of security, health, safety or environmental standards.
14. Careless workmanship or production.
15. Competing with the interests of the department.
16. Theft, attempted theft, misappropriation, or willful damage to property.
17. Distribution, transfer, sale, possession or consumption at the work place or on government property of any alcohol, intoxicant, or controlled substance which has not been prescribed for the one in possession, the recipient, or the one consuming.
18. Threatening, intimidating, harassment, coercing, abusing, or interfering with a supervisor, manager, independent contractor, supplier, visitor or co-employee, either by words or action.
19. Unauthorized disclosure of any confidential information.
20. Failure to report any accident, misconduct, or rule violation to an immediate supervisor, or the Chief Deputy of the department or failing to cooperate with and/or failing to provide information requested in connection with any authorized investigation or inquiry.

### **Reporting of Disciplinary Action:**

Whenever disciplinary action is used, the employee will be advised:

1. Exact offense violated;
2. How the violation affects ability to be an effective, efficient, or safe employer, or adversely affects the department;
3. What the member must do to avoid future disciplinary action;
4. How much time the member has to correct the problem; &
5. What further disciplinary action, including termination, will occur if performance does not improve

### **Non-Disciplinary Action:**

Not every supervisory interaction or intervention with a member is to be construed as *discipline*. The following are examples of *non-disciplinary* courses of action:

1. **Supervisory Consulting:** Except in cases of culpability, correcting undesirable conduct is first handled by the Shift Supervisor in an informal atmosphere. This means taking the member aside and discussing the problem, candidly and openly. These actions may or may not be formally documented on the first occasion, depending on the supervisor's discretion. Repeat violations will be

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documented by the supervisor.

2. **Counseling:** At times, personal problems may interfere with the member's ability to perform normally. When the results are not serious enough for discipline but call for a more formal type of supervision, counseling is an excellent tool to help the member. Counseling is not a form of discipline but is a tool available to correct problems and refocus on performance priorities.
3. **Administrative Leave:** Administrative leave occurs any time the member must be removed from duty until an investigation or other administrative proceeding is completed. Usually situations of this nature involve cases of suspected misconduct, such as alleged criminal activity, fighting, continued non-compliance, or being mentally or physically unfit for duty. In such cases, leaving the member in position would create an unreasonable liability or safety issue for fellow workers or the department. The Shift Supervisor can order a *relief from duty* and then immediately report the action to the Chief Deputy. The Chief Deputy then initiates an investigation and makes a decision within 24 hours about whether the relief will continue, and for how long.
4. **Administrative Furloughs:** Following a *deadly use of force* or *major injury to the officer*, a furlough may help the member adjust and handle any personal or emotional needs resulting from traumatic events. Administrative furloughs are mandatory, initiated by the Shift Supervisor. Furloughs should continue until the officer involved has received counseling by the Sheriff or his designee or from a licensed professional.
5. **Layoffs:** It may be necessary to layoff employees if the department is experiencing a shortage of funds, work, or when a technological advancement eliminates a job. Any decision to layoff employees is the responsibility of, and at the discretion of the Sheriff.

#### Steps of Progressive Disciplinary Action:

The following are progressive steps that can be taken in efforts to discipline employees of Polk County Sheriff's Office. It is not necessary to start at step one if the seriousness of the employee's conduct exceeds that form of discipline. At the discretion of the Chief Deputy, the following manners of discipline may be pursued:

1. **Written Warning or Reprimand:** Written warnings or reprimands are a way of recording the employee infraction. Such records will be placed in the employee's file and provided to the employee within 48 hours of the infraction.
2. **Suspension:** An employee may be suspended without pay by the Chief Deputy for no more than thirty [30] working days. Suspension is the second step in discipline if the act, and/or the result of the act, is serious enough that a written warning or reprimand would not be sufficient for disciplinary action. Department members may appeal a suspension, in writing to Sheriff.
3. **Demotion:** The employee may be demoted to a position of a lower grade by the Sheriff. Demotion as a form of discipline is intended to be punitive and can occur concurrently with a suspension.

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4. **Termination:** If all other forms of discipline fail to correct the conduct of the employee, termination will be the last resort.

**Termination:**

It is the policy of Polk County Sheriff's Office to terminate members when:

1. Economic necessity requires reductions in the workforce;
2. A member fails to demonstrate a willingness or ability to improve his or her conduct, behavior, or performance deficiencies without intense supervision; or
3. Failing to terminate the member creates an unreasonable risk of negligently retaining a member who has failed to display the necessary competencies or quality of performance to remain in his or her position.

**Notice of Termination:**

If an employee's performance requires investigation, the employee may be placed on administrative leave pending outcome of the investigation. The employee may then be terminated. The terminated employee will be provided with information that includes:

1. Reasons for the termination;
2. Effective date of the termination;
3. Whom to contact regarding status of fringe and retirement benefits;
4. Statement that the content of the employees record, relating to the termination, will be made available to the member according to state public law; and
5. Statement regarding the employee's right to file an appeal, if any.

**Pre-Termination Hearing:**

The Sheriff may provide a pre-termination hearing. At this hearing the Sheriff or hearing officer may examine witnesses or review documents. A pre-termination hearing will not be provided if retention of the employee might result in damage to departmental property or injury to the employee, fellow employees, or the general public. Written notice will be provided to the member to include the date, time, and place of the hearing. The Sheriff will notify the member of his decision as soon as reasonably possible.

**Post-Termination Hearing:**

If an employee of the PCSO has been terminated and feels that his or her termination resulted in damage to his or her reputation in the community, that former employee can request a post-termination "name clearing hearing." The purpose of that hearing will be to allow the PCSO to present evidence and the former employee to present evidence, if so desired, in a public setting, to allow that employee to clear his or her name.

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**Progressive Discipline Not Required:**

Although the PCSO likes to engage in progressive discipline whenever feasible, there is nothing in this policy and procedure manual which creates a due process right to progressive discipline. Indeed, all employees of the PCSO serve at the will of the Sheriff. The Sheriff can make a determination to discharge or terminate any employee at any time for any reason or no reason. Nothing in the policy and procedure manual should be construed as establishing any property interest, liberty interest or due process right for any employee.

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**POLK COUNTY SHERIFF'S OFFICE  
Texas Law Enforcement  
Policies and Procedures**

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| <b>Subject:</b> Workplace Harassment                                    | <b>Policy Number:</b> 3.09 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

All employees are expected to maintain and promote a productive working environment free of harassing or disruptive conduct, and will report to management any harassment. No form of harassment will be tolerated, including harassment because of an individual's *race, national origin, religion, disability, pregnancy, age, military status, gender, or sex.*

**PROCEDURE:**

**Sexual Harassment:**

Although no form of harassment is to be tolerated, *sexual harassment* is also specifically and expressly prohibited.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment.

Sexually harassing conduct includes, but is not limited to the following actions:

1. Unwelcome sexual flirtations, propositions, offensive touching, or comments on a person's physical characteristics;
2. Verbal abuse of a sexual nature to include:
  - a. Repetitive use of offensive words of a sexual nature describing body parts or a sexual act; or
  - b. Telling suggestive ("dirty") stories.
3. Conversation between employees about subjects which are sexual in nature and perceived as offensive;
4. Displaying in the workplace sexually suggestive objects, pictures, pornographic magazines, or representations of any action or subject of a sexual nature which can be perceived as offensive; or
5. Retaliation against employees for complaining about sexually harassing behavior;

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Offensive conduct between members of the same gender may constitute harassment, as well as conduct between members of the opposite sex.

**Other Forms of Harassment:**

Forms of harassment other than sexual harassment include slurs and other verbal or physical conduct relating to an individual's race, national origin, religion, disability, pregnancy, age, military status, or gender, which creates an intimidating, hostile, or offensive working environment or otherwise adversely affects an individual's employment opportunities.

**Reporting Requirement:**

Any employee, who believes that he or she has been subjected to unlawful harassment, or has witnessed such conduct on patrol, in the detention facility, or anywhere else in the Sheriff's Office *must* immediately report the incident to his or her supervisor. If the supervisor is the subject of the alleged complaint, or if for any reason the employee does not wish to report such an incident to their supervisor, the employee will immediately report the matter directly to the Chief Deputy. In the event the employee alleges that the Chief Deputy is the subject of the complaint, the report will be made directly to the Sheriff. In case the Sheriff is the subject of the complaint, and the employee does not feel comfortable to report the incident to the Chief Deputy, the report will be made to the Texas Rangers.

In the event the alleged offender is a *detainee, trustee, or inmate* under the control of the Polk County Sheriff's Office or State corrections authorities, the offended employee, or their supervisor, will take immediate action to stop the harassment action, and report the matter to the controlling correctional authority.

**Investigation of Complaints:**

All reported incidents of harassment alleged against an officer, employee, or authorized visitor to the department will be immediately investigated by the Chief Deputy or his designee. Complaints against fellow employees will be treated *confidentially* to the extent that a thorough investigation reasonably allows. Officers of the department trained and experienced in investigation will conduct investigations. Statements of the complaining party, and key witnesses will be completed on official *witness statement* forms, signed, and witnessed. Prior to any signing, each complainant, witness or subject of an investigation will be reminded of the perjury laws of the state. Any individual suspected or accused of an offense will be read their *Miranda Warning*, prior to any interview or interrogation.

**Disciplinary Action:**

Any violation of this harassment policy is grounds for disciplinary action, including but not limited to *warning, suspension, discharge, demotion, transfer, or probation*. The Sheriff may also impose other remedial actions in appropriate circumstances, including but not limited to counseling, training, treatment, placing of conditions on continued employment, and criminal referral.

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If it is concluded that a complaint or report of harassment was intentionally or knowingly false or that information provided in an investigation was intentionally or knowingly false, the individual(s) providing such false complaint, report, or information are subject to disciplinary action, and possible criminal charges for *filing a false or misleading police report or official document*.

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**POLK COUNTY SHERIFF'S OFFICE**  
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**Policies and Procedures**

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| <b>Subject:</b> Grievance Procedures  | <b>Policy Number:</b> 3.10 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

This department will treat all employees fairly regarding employment matters.

**DEFINITION:**

*Eligible Employee:* All permanent, probationary, or regular part-time employees. Regular part-time employees are those who work twenty [20] hours per week or more on a continuous basis for at least six months.

**PROCEDURES:**

Discrimination or retaliation against employees who file grievances is strictly prohibited; such an action will be subject to disciplinary action. The grievance procedures set forth in this policy are applicable only to *eligible employees*.

**Conditions and Limitations:**

The department retains the right under law, regulations, and policy to direct employees in the performance of their duties; to take the necessary actions to achieve proper ends under routine and emergency situations; and to hire, promote, transfer, and assign employees as well as to suspend, demote, discharge, or take other disciplinary action against such employees for cause.

This grievance procedure is not applicable to matters for which an appeal process is otherwise provided.

**Grievance Procedure:**

The grievance procedure established by Polk County Sheriff's Office consists of two steps which must be followed prior to appeal, unless otherwise specified in this policy. These steps include:

1. An employee who believes that their work environment can be made more effective will:

- a. Discuss the specific problem with their supervisor or the Chief Deputy. It is always preferred that employees follow the *chain of command* when practical. A problem that results from a specific event or action must be presented within seven [7] days of the occurrence. The decision of the supervisor or Chief Deputy will be rendered to the employee within seven [7] calendar days. If the problem cannot be resolved through discussions with their supervisor or the employee wishes to document the grievance for additional consideration, he may submit a written grievance to the Chief Deputy.

2. Formal grievances will be accepted by the Chief Deputy. The grievance must:

- a. Be in writing;
- b. Clearly define the situation in question, and the facts upon which it is based;
- c. Specify the wrongful act or situation, and describe the harm done;
- d. Arise out of an act or failure to act that directly relates to the working conditions of the eligible employee or to the employee's employment relationship;
- e. Address a matter within the control of the department;
- f. Request a remedy that is within the power of the department to grant;
- g. Be submitted within seven [7] days following receipt of the first level supervisors or Chief Deputy's original decision;
- h. Include a copy of any written supporting documents or pertinent discussion, decision and justification; and
- i. Specify the requested remedy, if known.

In normal circumstances the Chief Deputy will respond within seven [7] days of receipt.

#### **Response from Appeal:**

A written response will be provided to the employee within seven [7] days after receipt of the appeal to include:

1. Response to the grievance;
2. Discussion or comments, if any;
3. Affirmation or denial of the allegations; and
4. Identification of any additional remedies or adjustments, if any.

#### **Time Limits, Extensions, and Withdrawal of Grievances:**

An employee must process a grievance within seven [7] days of its occurrence or the grievance is void, unless the employee has requested a time extension in writing, and the extension is *approved*. Involved parties may request one extension not to exceed seven [7] days. If the department fails to process a grievance, the employee is encouraged to make a reasonable attempt to determine the reason for the delay.

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At any time during the grievance process, the employee may withdraw the grievance by making written notification of the withdrawal available to all parties involved in the grievance process.

**Coordination of grievance procedures:**

The Sheriff may from time to time designate an employee to coordinate grievance procedures. This employee, if designated, will be responsible for:

1. Maintaining and controlling records relating to grievances;
2. Scheduling activities; and
3. Preparing written responses or reports.

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**POLK COUNTY SHERIFF'S OFFICE**  
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| <b>Subject:</b> Community Relations   | <b>Policy Number:</b> 3.11 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

The Sheriff recognizes that no law enforcement agency can operate at its maximum potential without supportive input from the citizens it serves. This department actively solicits and encourages the cooperation of all citizens to reduce and limit the opportunities for crime, and to assist in bringing to justice those that break the law.

**DISCUSSION:**

This agency is committed to correcting actions, practices, and attitudes, which may contribute to community tensions and grievances. Law enforcement personnel are an integral part of the community. Citizen participation and interaction with law enforcement personnel is necessary for a healthy community. This agency will identify and implement policies, procedures, and programs that enhance the quality of life in the community.

**PROCEDURES:**

**Community Relations Objectives:**

1. Create and maintain liaison with community groups and organizations including:
  - a. Exchanging information;
  - b. Identifying law enforcement service needs of the community;
  - c. Promoting law enforcement and citizen contacts;
  - d. Acquainting each other with mutual problems and encouraging action aimed at solving these problems.
2. Develop community relation's policies for Polk County Sheriff's Office;
3. Publicize department objectives, problems, achievements and successes;
4. Obtain input from community groups to ensure that department policies reflect the needs of the community;

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5. Identify sources of conflict between law enforcement and the community and encourage efforts to resolve them;
6. Establish neighborhood watch groups where such groups are needed and do not now exist;
7. Identify training needs relating to community relations through input from citizens, groups, supervisors, and complaint reports;
8. Provide the Sheriff information regarding concerns of the community, potential law enforcement/citizen problems, and recommended actions;
9. Evaluate all department community relations programs on a semi-annual basis and to participate in an annual survey of citizens' attitudes and opinions with respect to law enforcement service; and
10. Conduct an annual survey of citizen attitudes and opinions with respect to:
  - a. Overall department performance;
  - b. Overall competence of department employees;
  - c. Officer attitude and behavior toward citizens;
  - d. Concern over safety and security in the community; and
  - e. Recommendations and suggestions for improvements.

#### **Public Information Programs:**

These programs seek to publicize department objectives, problems, achievements and successes through the media, brochures, guest speakers, news releases, press conferences and newsletters.

#### **Community Relations Programs:**

The focus of these programs will be with meeting civic groups, minority groups, neighborhood councils, crime watch groups and individuals to exchange information and convey information back to the department. Present programs such as DARE, GREAT, McGRUFF, or other similar programs of interest to all area schools.

#### **Crime Awareness Programs:**

These programs will provide citizen groups information on making their families, homes, and business more secure and work to establish crime watch neighborhoods where none exist to include, but not limited to:

1. Neighborhood Crime Watch;
2. Burglary Prevention;
3. Rape Prevention;
4. Fraud Prevention;
5. Emergency Reporting Procedure;
6. Home Security Survey;
7. Operation ID;
8. Robbery Prevention; and
9. Commercial Burglary Prevention.

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**POLK COUNTY SHERIFF’S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Media Relations   | <b>Policy Number:</b> 3.12 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

This agency cooperates fully and impartially with authorized media representatives in their efforts to gather factual, public information pertaining to activities of the department, so long as these activities do not significantly interfere with operations, infringe upon individual rights, or violate the law.

**DISCUSSION:**

A basic philosophy of this agency is to involve the community. It is important for our citizens to have confidence in our ability to fairly, professionally, and impartially enforce laws. The media serves both the department and the community by reporting our work to the public.

It is important that employees treat media representatives fairly, and with respect. The media industry is very competitive. Most reporters work long hours for little pay under constant pressure to meet deadlines. Reporters value responsive, knowledgeable, reliable sources who are sensitive to their needs.

**PROCEDURES:**

**Duties of Sheriff:**

The Sheriff or his designee will:

1. Distribute information to the media and employees within the agency following Polk County Sheriff’s Office procedures;
2. Inform the media of major public events requiring an extended presence of department personnel;
3. Coordinate and authorize release of information about victims, witnesses, and suspects;
4. Develop positive working relationships with local media representatives by:
  - a. Establishing working guidelines;

- b. Determining local media deadlines;
  - c. Helping media representatives meet their deadlines; and
  - d. Preparing and distributing periodic news releases.
5. Coordinate release of authorized information concerning investigations and operations;
  6. Coordinate and respond to Freedom of Information Act (FOIA) requests; and
  7. Develop and/or contribute to the Agency Crisis Management Plan.

**Other Personnel:**

1. It is important that the Agency “speak with one voice” in providing accurate and consistent information. Line officers may not know all the facts, or may have limited perspectives regarding incidents. Employees should:
  - a. Direct media representatives to the Sheriff, incident commander, or shift supervisor when asked about details regarding an accident, crime, or other incident.
  - b. Assist news personnel as directed by Sheriff in covering routine stories, and at accident or crime scenes;
  - c. Not say, “No comment”;
  - d. Not wear sunglasses when interviewed “on camera”;
  - e. Not speculate about liability issues or causation; and
  - f. Use secure communication methods to transmit sensitive information.Many reporters and citizens monitor law enforcement radio frequencies.
2. Ranking officers at crime or incident scenes may release factual information of a general nature to the media, as governed by this or other policies (i.e. death notifications, juveniles, etc.), or if given prior approval by; the Sheriff

**Cooperation with the Media:**

The following guidelines will be maintained by employees of Polk County Sheriff’s Office in cooperating with the media:

1. Authorized media representatives will have reasonable access to the Sheriff, or designee, and operations of this department;
2. Public information will be released to the media as promptly as circumstances allow without partiality, and in as objective a manner as possible;
4. Information will be released either by the Sheriff or his designee;
5. Press releases, news conferences, and similar events will be scheduled to accommodate media deadlines, if and when possible:
  - a. Public information may be provided to media representatives by telephone through the Sheriff or his designee, if the identity of the representative is known, or can be authenticated;

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**Release of Information:**

Information authorized for release concerning an investigation or crime includes:

1. The type or nature of the event or crime;
2. Any unusual or hazardous road conditions;
3. Location of destruction due to a natural disaster;
4. The location, date and time, injuries sustained, damages, and a general description of how the incident occurred;
5. The type and quantity of property taken;
6. The identity and approximate address of a victim with the exception of sex crime victims, and in other cases where reprisals or intimidation may result;
7. Requests for aid in locating evidence, a complainant, or a suspect;
8. Numbers of officers or people involved in an event or investigation, the length of the investigation, and the different departments involved;
9. The name of the officer in charge of a case, unless undercover; and
10. The name, address, and age of:
  - a. Any arrested individual; or
  - b. Any juvenile under adult jurisdiction.

**Non-Release of Information:**

Information that may not be released in connection with an investigation of a crime, unless authorized by the Sheriff, includes:

1. The identity of a suspect prior to arrest, unless:
  - a. The release of information would aid in apprehending the suspect, or warn the public of potential danger; and
  - b. Probable cause has been established, and a warrant of arrest has been obtained.
2. The identity of any victim of a sex crime, or any related information which, if divulged, could lead to the victim's identity;
3. The identity of any victims or witnesses which may prejudice an investigation, or place the victim or witnesses in personal danger;
4. The identity of any juvenile who is a suspect or defendant in a case subject to the jurisdiction of the juvenile court;
5. The identity of any critically injured or deceased person prior to notification of close relatives;
6. The results of any investigative procedure such as lineups, polygraph tests, fingerprint comparison, or ballistics tests;
7. Information that if prematurely released may interfere with the investigation or apprehension of a suspect, such as:

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- a. The nature of leads;
  - b. Specifics of an “MO”;
  - c. Details of the crime known only to the perpetrator and law enforcement personnel; or
  - d. Information that may cause the suspect to flee or more effectively avoid apprehension;
8. Information that may be of evidentiary value in criminal proceedings;
  9. Specific cause of death, unless officially determined by the medical examiner;
  10. The home address or telephone number of any department member; and
  11. Information concerning the crime or event in question that is under the issuance of a gag order.

**Release of Arrest Information:**

Following arrests, issuance of arrest warrants, or filing of information or indictment, the Agency may release:

1. The name, age, residence, occupation, and family status of the accused;
2. The time and place of arrest, whether pursuit or resistance was encountered, whether weapons were used, charges placed against the suspect, and description of contraband seized;
3. Identity of arresting officers, unless undercover, and duration of the investigation; and
4. Amount of bond, schedule of court dates, and place of detention of the suspect.

**Non-Release of Arrest Information:**

Following arrest and formal charging of a suspect, but prior to adjudication, the following types of information should not be released without the express permission of the Sheriff to include:

1. Prior criminal conviction record, character, or reputation of a defendant;
2. Existence or contents of any confession, admission, or statement of a defendant, or his failure or unwillingness to make a statement;
3. Performance or results of any tests, or a defendant’s refusal or failure to submit to tests;
4. The identity, statement, or expected testimony of any witness or victim;
5. Any opinion about the guilt or innocence of a defendant, or merits of the case; and
6. Any opinion or knowledge of the potential for a plea bargain or other pretrial action.

**Special Considerations - Criminal Matters:**

Personnel of Polk County Sheriff’s Office will extend reasonable courtesy to media representatives at crime scenes including:

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1. Access to crime or incident scenes closer than allowed to the general public so long as:
  - a. It does not interfere with the law enforcement function;
  - b. Evidence is not destroyed or otherwise prejudiced by being published or portrayed.
  - d. Officers or citizens are not endangered.
  
2. Photographing or videotaping if:
  - a. Privacy expectations are not violated;
  - b. Owners of private property give prior approval;

Suspects or accused persons in custody will not be posed or arrangements made for photographs, telecasts or interviews, nor will department personnel pose with suspects or accused persons in custody.

**Special Considerations – Non-Criminal Matters:**

After the approval of the Sheriff or his designee the media representatives should be allowed access to any area in spite of the possibility of their injury or death. After being advised of the danger, the media representative should decide whether or not to enter, and on deciding to enter, have an officer escort him through the area to avoid disturbing any physical evidence present. Daily administrative reports of criminal activity will be made available on a routine basis to media representatives within this jurisdiction, and to representatives outside this jurisdiction upon request.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Disabled Persons  | <b>Policy Number:</b> 3.13 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

To ensure that all persons are afforded equal access to employment opportunities and law enforcement services.

**DEFINITIONS:**

*Qualified individual with a disability* - an individual who, with or without reasonable modifications to rules; policies or practices; the removal of architectural, communication, or transportation barriers; or, the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

*Disability* - a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such impairment; or being regarded as having such an impairment.

*Reasonable accommodation* - includes the modification of existing facilities to facilities that are readily accessible to and usable by individuals with disabilities; job restructuring, part-time, or modified work schedules; reassignment of an employee with a disability to a vacant position; acquisition or modification of equipment; and appropriate alteration of examinations, training materials, or policies.

**PROCEDURE:**

The *Americans With Disabilities Act of 1990 (Title II)* provides that state or local government may not exclude qualified individuals with disabilities from participation in any program, service, or activity or denying qualified individuals with disabilities the benefits of programs, services, or activities, or otherwise subject them to discrimination on the basis of disability.

No single *policy & procedure* can address law enforcement responses to people with disabilities. This *policy & procedure* addresses common interaction with people with

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disabilities including those who are complainants, victims, witnesses, arrestees, members of the community who desire to participate in department-sponsored programs, people seeking information, and uninvolved bystanders. Employees must take steps necessary to assist people with disabilities in accessing the full range of services provided by our department.

**Responsibility of Officers:**

In providing law enforcement services to the public, we provide all rights, privileges, and access to the department for those with disabilities.

People with disabilities may be suspects or arrestees and require detention, transportation, and processing. Employees confronted with an unfamiliar impairment should seek professional advice regarding the proper methods of transport, arrest, and detention of individuals with a disability.

Employees should recognize the characteristics of various disabilities, including symptoms and physical reactions that may resemble individuals under the influence of alcohol or drugs. At times such traits may be exhibited by people with *diabetes, epilepsy, multiple sclerosis, hearing impairments, and other disabilities*. In such instances the appropriate responses are to:

1. Seek the aid of a coworker who has knowledge and/or training in dealing with such issues;
2. Seek emergency medical aid;
3. Protect and/or calm the individual
4. Use basic sign language; or
5. Locate and enlist support of family and friends.

Officers should use caution in applying restraint to a person with a physical or mental disability when affecting an arrest. This may include use of interpreters, attorneys, and legal guardians. In all cases, officer safety must prevail. No employee should jeopardize his or her safety or that of others in an attempt to accommodate a person with a disability.

**Routine and Emergency Interaction:**

In providing routine and emergency services, equality in response, support and protection is provided to all people including those with disabilities. Officers will make every effort to access appropriate support organizations when needed.

**Response to routine calls for service:**

1. Department employees are aware that people with disabilities have special needs that may have to be met in order to provide meaningful response to calls for service. Employees are sensitive to the fact that some people with disabilities may be targeted as crime victims as a direct result of their disability.

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2. Employees should be familiar with techniques they may employ at scenes where disabled persons are involved.

### **Response to emergency calls for service:**

1. Dispatchers will watch for characteristics of people whose disabilities may require special communications techniques.
2. If the person with the disability is unable to communicate, look for a medical alert bracelet or similar form of ID, or seek input from family, witnesses, and others to aid in identifying the nature of the disability.
3. In cases where the disabled person is deaf and can not read lips, officers should be prepared to print out messages with a pen or pencil, and use patients when communicating.

### **Response to criminal and disruptive behavior:**

1. People with disabilities also commit crimes, and exhibit disruptive and threatening behavior. Generally, people with disabilities who commit crimes or engage in disorderly conduct receive no preferential treatment. However, disorderly conduct should not be treated as a criminal activity when it is caused by the disability. For example, when such conduct is the result of a seizure or mental disability, the call for service should be handled as a *medical referral call*. Be aware that it is common for people with disabilities to seek sympathy as a way to lessen the outcome of the law enforcement response.
2. Officers should take reasonable precaution to protect themselves and others. The mere appearance of a disability does not mean that the individual is not capable of inflicting serious injury or death on officers or others.

### **Arrest and Incarceration:**

1. Take precautions, and employ safety techniques when arresting and incarcerating all persons. Officers will follow policies and standard techniques for arrest and incarceration when taking a person with disabilities into custody.
2. Consideration can be given to the special needs of some people with disabilities in an arrest situation. Officer response in such situations requires discretion and is based, in great part, on the officer's perception of *characteristics and severity of the disability, the level of resistance and threat exhibited by the suspect, and immediacy of the situation*.
3. In arrest and incarceration situations, employees may encounter the following:
  - a. A person whose disability affects the muscular and/or skeletal system may not be able to be restrained using handcuffs or other standard techniques. Alternative methods (transport vans, seat belts) should be sought.
  - b. Some people with disabilities require physical aids (canes, wheel chairs, leg braces) to maintain their mobility. Once the immediate presence of

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danger has diminished and the suspect is safely incarcerated, reasonable effort should be made to return the device. If mobility aids must be withheld, the prisoner should be monitored to ensure that his or her needs are met.

- c. Prescribed medication may be required at regular intervals by people with disabilities (diabetes, epilepsy, etc.). Medical personnel (the suspect's physician, on-call medical staff, emergency room medical staff) will be contacted to determine the importance of administering the medication, the potential for overdose, and any other instructions. Follow their instructions.
4. Some people with disabilities may not have achieved communications comprehension levels sufficient to understand their individual rights in an arrest situation. (For people who are deaf, there is no sign language for the term "waive" in regard to the Miranda rights. Yet, in an effort to be cooperative, a suspect who is deaf may acknowledge that he or she is willing to give up his or her rights.) Officers will take extra care to ensure that the rights of the accused are protected.
5. Lack of speech or other speech impairment may make it difficult for a suspect to notify the arresting officer or jailer of an urgent need. Frequent cell checks should be conducted, or a means of communication provided.

#### **Visual Disabilities:**

1. One issue facing people in need who are blind or vision impaired is identifying law enforcement officials. Employees should offer detailed information when identifying themselves. Whenever possible, if the presence of a visual disability is known, officers may have dispatch contact the victim or complainant to verify that a member of the department is present. If needed, badges may be offered to the individual to verify the officer's identity.
2. Knowing what not to do is as important as knowing what to do to assist a person who is vision impaired. Employees do not need to raise their voice when speaking. Employees should not grab the person's arm to lead him or her in a particular direction. Simply describe potential obstacles, or ask if they need guided assistance.
3. In public access areas, signs and printed information within law enforcement facilities should be in large print in order to assist people with vision impairments. In non-public areas visually and hearing impaired persons should be escorted by the officers in charge or being visited.

#### **Mental, Emotional and Psychological Disabilities:**

1. The terms "mental illness," "emotional illness," and "psychological illness," describe varying levels of mental disabilities causing disturbances in *thinking, feeling, relating, and perception*.

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2. Employees must ensure that people with mental, emotional, and psychological disabilities are assisted in accessing department services, which may require time and patience beyond that usually provided. If an individual with a mental, emotional, or psychological disability is taken into custody, officers will take extra precautions, to use those restraints necessary to move the arrestee safely, while protecting the officers, and the arrestee from self-injury.
3. Frequently, a family member or friend is of great value in calming an individual exhibiting unusual behavior as a result of mental or emotional impairment. If needed, steps should be taken to gain placement for the individual in an appropriate emergency medical, health care, or shelter facility, before transporting the impaired detainee.
4. Officers must become familiar with government agencies, nonprofit agencies, volunteer organizations, and emergency medical services that will provide assistance to people with mental, emotional, and psychological disabilities.

### **Mental Retardation:**

1. Mental retardation encompasses a broad range of developmental disabilities from *mild to profound*. Mental retardation and mental illness are distinct conditions, with no similarity. The largest percentages of people with mental retardation are in the ranges termed "mild" or "moderate."
2. Officers should recognize that people who are mentally retarded have varied degrees of intellectual function.
3. Ask short questions, be patient when waiting for answers, repeat questions and answers, have individuals repeat the question in their own words, and provide continual reassurance.
4. When dealing with someone who is lost or has run away, officers may gain improved response by accompanying the person through a building or neighborhood to seek visual clues.
5. In responding to the needs of people with severe or profound mental retardation, the aid of family, friends, and neighbors is invaluable.

### **Mobility Impairments:**

1. Among the disabilities that are the most visibly identifiable are mobility impairments. People with mobility-related impairments include those who have difficulty walking, who use a wheelchair or other mobility aid, and those who are immobile.
2. In a critical or emergency situation, officers should use discretionary caution when moving a mobility-impaired person rapidly to a position of safety.
3. In an arrest encounter, once an arrestee with mobility impairment is secure in a cell and safety concerns are resolved, an effort should be made to return use of any mobility aids (wheel chair, cane, etc.).
4. As with other disabilities, officers should never assume that a mobility impaired suspect is not capable of inflicting serious injury or death to officers, the public or

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themselves. They may be handicapped, but they are not stupid, and expect you to empathize with their overt condition.

5. Public access areas of department facilities should be accessible to people with mobility impairments. Entrances, interior routes, stairs, drinking fountains, rest rooms, and telephones should accommodate people with mobility impairments including those who use wheelchairs.

### **Invisible Disabilities:**

1. Some disabilities are difficult to detect. A law enforcement officer's inability to recognize characteristics associated with certain invisible disabilities could have serious consequences. For example, outward signs of a disability such as epilepsy generally do not exist unless the person with the disability experiences a seizure. People with diabetes may have reactions from either too little insulin or too much insulin. Low blood sugar reactions are common and are usually treated by ingesting sugar. Detaining someone and preventing them from getting sugar could have serious health implications for the individual and liability consequences for the officer and department.
2. Realize that involuntary behavior associated with some invisible disabilities may resemble behavior characteristically exhibited by intoxicated or, less frequently, combative individuals. For example, a person experiencing a *mild seizure* may appear incoherent and physically imbalanced. The response is temporary.
3. An officer's patience and understanding of the characteristics commonly associated with invisible disabilities will increase the likelihood of a successful outcome. An inaccurate assessment may lead to unnecessary confrontation, injury, and denial of needed medication and/or medical treatment.
4. As with all encounters, an officer's second obligation, after protecting himself and others, is to protect the individual suspect from unnecessary harm. When aiding a person experiencing a seizure, protection from obstacles, a calm reassuring manner, and patience are important responses.
5. Family members and friends should be sought to provide information and assistance. Their presence may prove invaluable in understanding the needs of the person with the disability and guiding the officer's actions.

### **Speech and Hearing Disabilities:**

1. Like other invisible disabilities, officers may confuse the behavior of individuals with hearing and speech disabilities with those of people who intentionally refuse to cooperate or those who abuse illegal substances. Be aware that an individual's failure to comply with or respond to verbal orders does not always constitute resistance, but may be the result of that individual's inability to hear the officer or respond verbally. Before committing to a course of action, officers should attempt to determine if they are dealing with a communication-related disability.

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2. Officers take extra measures to protect the rights of suspects who are deaf and hard of hearing, as well as others who may not have educational or communications comprehension levels sufficient to fully understand the basic Constitutional Rights. Simply reading the rights to someone with a hearing disability and having the individual acknowledge that they understood is insufficient.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Computer Issues   | <b>Policy Number:</b> 3.14 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

Employees of Polk County Sheriff's Office will follow established guidelines governing the use and access of information contained in agency computers. Employees will comply with applicable federal laws regarding electronic communications and software copyright regulations, safeguard the department from computer virus infections, and limit Internet use to official business only.

**PROCEDURES:**

**Authorization and Use:**

The department computer system is intended solely to aid and assist employees in the performance of their assigned responsibilities. Employees therefore, will limit their transactions and activities to necessary assigned responsibilities. Security clearance and access to information is restricted to official business and does not permit employees to access information for personal reasons, financial gain, or unauthorized distribution. Any misuse of the department computer system is grounds for disciplinary action, and or criminal prosecution. Access to NCIC, State, or other department files is restricted to authorized *entries, modifications, research, investigations, and inquiries.*

**Use of information:**

Much of the information obtained through law enforcement computer systems is **confidential, restricted** or sensitive data which must be carefully controlled to ensure compliance with applicable local, state, and federal guidelines. Any employee accessing files or obtaining information from law enforcement systems is accountable for the appropriate and correct use of the information.

Some sensitive information in our computer or hardcopy files can only be accessed by authorized individuals having a *need to know*. If you have a doubt about your authorization to access certain data, check with your supervisor, before accessing the

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information. These records normally include *internal affairs, personnel, and intelligence, and undercover operations* files.

**Responsibility:**

Employees who use department computers are accountable for proper operation, and each transaction. The computer system administrator will track entries; recording the time, date, person making the entry, and the file entered. Employees operating the system will exercise reasonable care of the equipment, and are responsible for damage resulting from intentional abuse or negligence.

**Software Guidelines:**

In compliance with software piracy laws, no software from this agency may be removed from the premises or copied for personal use. No software may be brought into this department and installed into agency computers without the express written permission of the Sheriff or designee. When permission is obtained, the software will be installed by a qualified individual, in accordance with licensing agreements. Requests for new software may be made through the office of the Sheriff or designee. If approved, the software will be purchased and registered to the agency. Software installed on individual computers is subject to review at any time. Unauthorized software will be removed. No unauthorized personnel are to be allowed access or use of departmental computers in the agency or in homes of employees.

**Internet and E-mail Guidelines:**

Access to the Internet and e-mail are for official business only. Messages transmitted or received by e-mail are considered agency property, and not the personal, confidential messages of the employee.

Employees have no expectation of privacy with regard to the use of agency computer systems, software or files. The following rules apply:

1. Supervisory staff has the right and oversight responsibility to enter agency e-mail system(s) and review, copy, delete, or disclose any message.
2. Passwords will be used to gain access to the e-mail system, and will be changed frequently.
3. E-mail messages should not be left on the computer screen when the employee is away from their desk.
4. No information protected by copyright laws, including software, will be sent or copied via e-mail.
5. All messages on the e-mail system will be businesslike. Employees will not transmit or receive personal messages.
6. Employees will not transmit or receive any message containing profanity, vulgarity, and/or harassing or defamatory language.
7. Employees will not transmit or receive photographs or images of a pornographic, vulgar, harassing or defamatory nature.

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**Laptop Guidelines:**

Laptop computers are very vulnerable to theft and require extra diligence in safeguarding for travel. Following are guidelines to be followed when department laptops are carried outside of the department:

1. Always carry the laptop in its specially padded carrying case if provided by the Sheriff's Office. Tough books and tough tablets excluded
2. When traveling by air, always carry the laptop on the airplane. Never check the laptop as baggage and never put the laptop inside another case checked as baggage. The only exception to this is that a laptop can be shipped in a special shipping container with padded foam for shipping sensitive electronic items.
3. Always hand-carry the laptop when traveling to and from the airport. Don't put it in the trunk of a cab or on the rack of an airport shuttle.
4. Always make sure that there is no extra peripherals. (Ex. SD cards, flash drives).
5. If you carry a computer home to work on agency projects, the computer will be carried to and from the office on a daily basis during the workweek. Under no circumstances will Polk County Sheriff's Office property be left at your residence while you are at work without express the express permission of the Sheriff.
6. Laptop computers may be assigned individually or signed out at departmental discretion as approved by of the Sheriff.
7. Any issues that arise with lap tops or desk top computers the Deputy will put in a work order with the IT Department before the issue will be resolved.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Incentive Step Pay Plan                                       | <b>Policy Number:</b> 3.15 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

It is the policy of Polk County Sheriff's Office to encourage retention of qualified and trained officers, reward quality performance, and support career development through education. In addition to other progressive and innovative management efforts, this department maintains an incentive step pay plan.

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**PROCEDURE:**

The Incentive Step Pay Plan is open and available to all fulltime officers of the department. This plan includes recurring employee evaluations, encouragement for continuing civil education, incentives for critical specialized skills, and elements that encourage advancement through tenure and education.

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**Employee Evaluations:**

Polk County Sheriff's Office will conduct written and formal employee evaluations as a means of:

1. Ensuring minimum proficiency is maintained by officers performing law enforcement duties;
2. Establishing individual officer improvement needs;
3. Reducing liability concerns of the department; &
4. Preparing employees for step pay plan eligibility.

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On a semi-annual basis, officers will be evaluated on areas to include, but not limited to:

1. Attendance and tardiness;
2. Physical requirements;
3. Proficiency demonstrations;
4. Policy compliance and support; &
5. Awards and achievements.

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During the employee evaluation process, efforts will be made to provide a positive experience for the employee being evaluated, the evaluating supervisor, and the

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Texas Law Enforcement Policies and Procedures, 3.15 Incentive Step Pay Plan

department. In most cases, subjective criteria that are difficult to measure or define such as *attitude, leadership, and safety consciousness* will be avoided.

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As a part of the evaluation process, the employee and supervisor will analyze the results of the final written evaluation and jointly set specific written goals for future career development specific for this officer. These goals will become the benchmark measured during the next evaluation cycle. While the evaluation process is meant to be a *positive experience* for the employee, it must not ignore areas of job performance, which need improvement. It does not benefit the employee or the department for supervisors to avoid, ignore, or not fully explain employee deficiencies or areas where there are opportunities for improvement.

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Establishing goals to correct such deficiencies is imperative to ensure the employee is providing effective law enforcement services to the community.

**Basic Requirements of the Step Pay Process:**

Under the provisions of a ten [10] step pay plan policy, officers of Polk County Sheriff's Office have the opportunity to initially raise their salary by two percent [2.0%] based on a supervisory performance evaluation, if they:

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1. Receive the annual signed recommendation of their immediate supervisor, and next higher supervisor;
2. Have no disciplinary suspensions in the past two [2] years; &
3. Meet the following eligibility requirements for their current position, building upon the requirements of the preceding position(s). [Note: except for the position of Law Enforcement Trainee which has no predecessor], to include:

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**a. Law Enforcement Trainee:**

- i. No prior criminal convictions of a felony level and no misdemeanor convictions involving moral turpitude;
- ii. No pending felony or misdemeanor [involving moral turpitude] charges;
- iii. Successful completion of a background investigation, including credit history and work history;
- iv. Meet all other conditions of employment as a peace officer in the state, and the department; &
- v. Work under the direct supervision<sup>1</sup> of a trained and qualified Field

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<sup>1</sup> Merriam Webster's Colligate Dictionary defines

*direct:*

- a. to regulate the activities or course of
- b. to carry out the organizing, energizing, and supervising of
- c. to dominate and determine the course of
- d. to train and lead performance of

*supervision:*

the action, process or occupation of supervising; *esp:* a critical watching and directing

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Training Officer [FTO]<sup>3</sup>

**b. Patrolman:**

- i. Successfully completed required Texas Law Enforcement Course;
- ii. Sworn and hired as a peace officer of Polk County Sheriff's Office;
- iii. Successfully completed Field Training Officer [FTO] training after the academy and "signed off" by appointed FTO;
- iv. *Demonstrated proficiency*<sup>4</sup> with all weapons carried, and patrol vehicle within last twelve [12] months; &
- v. Within twelve [12] months of initial hire, and each year thereafter, complete no less than fifteen [15] hours of formal in-service training, to include *personal protection, and use of defensive weapons* training, *emergency vehicle driving*, First aid, and Haz-Mat awareness.

**c. Corporal/ Field Training Officer [FTO]<sup>5</sup>:**

- i. Completed no less than twenty [20] hours of in-service training annually; &
- ii. Completion of a leadership or FTO Course.

**d. Sergeant:**

- i. Completion of no less than twenty-five [25] hours of in-service training annually; &
- ii. Completion of a *leadership or management course* of no less than forty [40] contact hours.

**e. Lieutenant:**

- i. Completion of an Associates Degree [2 Years], or two [2] years of equivalent study at a junior college, college, or university<sup>6</sup> course of study leading to an Associates degree or higher or 6 years service as a peace officer with at least one of those years in supervision. Prior

<sup>3</sup> Law enforcement trainees are not to perform law enforcement duties only when they are in the presence of, and under the direct supervision of an FTO or assigned supervising peace officer.

<sup>4</sup> Demonstration of Proficiency is required for all weapons carried and used as a regular part of the job, to include: pistol or revolver, shotgun, oleo resin capsicum spray, handcuffs, and other devices and procedures as determined from time to time by the Chief.

<sup>5</sup> All Corporals do not have to be or perform FTO duties. However, all FTOs must be Corporals that have successfully completed and approved FTO course.

<sup>6</sup> Junior College, College, or University means a government or private entity of higher learning that is licensed as an institute of higher learning that is authorized by the State granting the license to issue the degree or credits conferred. Enrollment or attendance or enrollment may be actually or campus or through normally accepted distance learning methods. Officers submitting documentation to the department may be required to submit a certified transcript, diploma, and or copy of the State license of the institution.

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Texas Law Enforcement Policies and Procedures, 3.15 Incentive Step Pay Plan

to 1 January 2004, officers considered for this position not having obtained an Associates Degree or higher will have a *degree plan*<sup>7</sup> on file with the personnel officer, and be continuously working on accomplishing their degree plan. All degree plans and courses of study are subject to the approval of the Sheriff; <sup>8</sup>

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- ii. Completion of no less than sixteen [16] hours of annual leadership, management,<sup>9</sup> or instructor training.<sup>10</sup>

**f. Captain:**

- i. Associates Arts [2 years] degree or higher or 8 years service as a peace officer with 2 of those in supervision. Prior to 1 January 2004, officers considered for this position not having obtained an Associates Degree or higher will have a *degree plan* on file with the personnel officer, and be continuously working on accomplishing their degree objectives;
- ii. Completion of twenty-four [24] hours of annual leadership, management, or instructor training; <sup>8</sup>
- iii. Completion of Law Enforcement Instructor Course of no less that 40 contact hours on the techniques of classroom training and/or public speaking.

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**Specialized Requirements of the Step Pay Process:**

Based on specialized training requirements, employees of Polk County Sheriff's Office will receive step pay raises for:

1. **Associate Degree:** Employees below the rank of Captain who achieve this degree in any of the arts or sciences, based on job related concentration, will receive a two [2] step increase in pay.
2. **Bachelors Degree:** Employees below the rank of Chief Deputy who achieve this degree in any of the arts or sciences, based on job related concentration, will receive a three [3] step increase in pay.

<sup>7</sup> *Degree Plan must be prepared by a State Licensed and approved institute of higher learning. The plan must be in the name of the officer, and the officer must be enrolled in the institution, and actually engaged in at least one course of study. Courses of study may be in any science or art offered by the institution, for which it is licensed to confer a degree.*

<sup>9</sup> *Leadership or management training may or may not be directly related to law enforcement. Management personnel of the department are encourage to participate in college level management courses, seminars on management systems, and approved distance learning management and leadership programs that foster leadership and management skills development. Likewise the department may develop management and leadership courses in conjunction with institutes of higher learning, and/or state certified instructors.*

<sup>10</sup> *Instructor Training may include actual classroom presentation of law enforcement courses equal to sixteen hours or more, once the individual is certified as a law enforcement instructor by the State.*

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Texas Law Enforcement Policies and Procedures, 3.15 Incentive Step Pay Plan

3. **Masters Degree:** All employees who achieve this degree in any of the arts or sciences, based on job related concentration, will receive a four [4] step increase in pay.
4. **Master Peace Officer:** This two [2] step increase is available to all officers below the rank of Sergeant, and requires 120 hours of advanced level training provided by the department or a departmentally approved source. Once received, the Master Peace Officer rating requires a minimum of twenty-four [24] hours of annual advanced training above required mandatory training for the position held.
5. **Certified Law Enforcement Instructors:** This two [2] step increase is available to all officers below the rank of Captain who have completed the Texas mandated law enforcement instructor course, and/or have received a Texas *law enforcement instructor certificate*.<sup>11</sup> To receive and maintain this rating, instructors must teach at least forty [40] hours of scheduled training to law enforcement officers or the community each calendar year.
6. **S. R. T. Officers:** This is a one [1] step increase available to officers who are regularly assigned to the Polk County Sheriff's Office S.R.T. unit and/or have received departmental specialized training and testing regarding S.R.T. on an annual basis; officers must demonstrate S. R. T. proficiency and receive the endorsement of the S. R. T. Commander annually. Failure to meet these standards or comply with S. R. T. rules will result in loss of this step pay.
7. **United States Armed Forces Service:** Employees having completed at least three [3] years of active military service, or reservists having completed ten [10] years of service and honorably discharged or currently active in the reserves will receive a one [1] step increase.
8. **Promotional Eligibility:** All employees who are on a promotional eligibility list will receive a one [1] step increase in pay. The increase is for being qualified to work out of position and receiving on the job training prior to being promoted. Remaining on the eligibility list, working out of position, maintaining proficiency, and satisfactory performance appraisals are required to maintain this increase.
9. **Criminal Investigation & Narcotics Division(s):** Personnel in these departments have specialized training and on-scene responsibilities. This additional authority will result in a one [1] step increase. Satisfactory performance appraisals are required to maintain this increase. Removal from or failure to meet recommended standards or department rules will result in loss of step pay.
10. A copy of the Polk County Pay Schedule will be furnished upon request.

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<sup>11</sup> [Instructor certificates or certifications from police equipment providers, or the National Rifle Association do not satisfy this requirement.](#)

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Texas Law Enforcement Policies and Procedures, 3.15 Incentive Step Pay Plan

**Deleted:** Associate, Bachelors, and Masters Degree, degree plans, and course work is accepted from any university or college that is licensed to operate as an institution of higher learning in the State where located. This includes approved *distance learning programs* offered by such licensed institutions.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Field Training & Evaluation Program                           | <b>Policy Number:</b> 3.16 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

Polk County Sheriff's Office maintains a Field Training and Evaluation Program for all new officers assigned to this agency, or for officers that are in need of re-training or re-evaluation on specific performance tasks. This mentoring program supports the concept of placing only qualified officers in positions of authority.

**DISCUSSION:**

Polk County Sheriff's Office Field Training and Evaluation Program is an extension of the law enforcement employee selection process that combines field training with objective evaluations. The goal is to improve the overall effectiveness and efficiency of law enforcement service delivery by:

1. Improving the overall applicant screening process;
2. Establishing a probationary officer appraisal system; &
3. Supporting an officer review procedure that measures the effectiveness of the department's selection and training processes.

**DEFINITIONS:**

*Direct Supervision:* Officer Performance that is conducted in the presence of another superior officer who has overall control of the scene, task, or duty. Direct supervision can not be performed over an electronic device such as a radio, telephone, or after the fact, television system.

*Field Training Coordinator:* Abbreviated *FTC*. The *FTC* is the senior Field Training Officer responsible for the field training and mentoring program within the department. *FTC* oversees the performance of Field Training Officers, and those they are training and mentoring. The *FTC* often performs other duties within the department.

*Field Training Officer:* Abbreviated *FTO*. *FTOs* are trained, experienced, and ethical officers who are motivated to mentor less experienced officers or officers with an

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identified performance deficiency. *FTOs* need not be Certified Law Enforcement Instructors, but must successfully complete an *FTO* course of instruction.

*Probationer Officer*: Abbreviated *PO*. A probationer officer is either a new recruit brought into the department, or an officer with time in service within the department that has been identified by the management team as having a training or performance deficiency that is likely to be improved to an acceptable level with additional training and mentoring. It should never be assumed that an individual assigned to *PO* training and training is less qualified as a law enforcement officer. We all have varying degrees of opportunities to improve. For example, an experienced officer assigned to a specialized unit such as detectives, or special weapons and tactics, may be assigned to undergo field training in that new task.

**Probationer Officer and Dispatchers in training: Should not be on their cell phones while in training unless approved by a supervisor or an emergency.**

## PROCEDURE:

### FTO Qualifications:

In addition to other employment and performance standards of Polk County Sheriff's Office, officer's applying for the position of *Field Training Officer [FTO]* will meet, as a minimum, the following conditions:

1. Have a high school diploma or equivalent (GED);
2. Two [2] years of full-time experience as a law enforcement peace officer;
3. Written recommendation of a supervisor;
4. Major interest in improving leadership in the department, and quality of operations;
5. Successfully completed required Texas Law Enforcement Course;
6. Sworn and hired as a peace officer of Polk County Sheriff's Office;
7. Successfully completed *FTO* training after the academy and "signed off" by appointed *FTO*;
8. Completed no less than twenty [20] hours of in-service training annually;
9. Completion of an *FTO* Course;
10. *Demonstrated proficiency* with all weapons carried, and patrol vehicle within last twelve [12] months; &
11. Within twelve [12] months of initial hire, and each year thereafter, complete no less than fifteen [15] hours of formal in-service training, to include *personal protection and use of defensive weapons* training, *emergency vehicle driving*, First aid, and Haz-Mat awareness.

### Duties of Field Training Personnel:

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1. *Field Training Coordinator [FTC]* is responsible for:
  - a. Planning, directing, and evaluating all aspects of the program;
  - b. Working closely with the *PO's* Shift Supervisor during and after the completion of Field Training and Evaluation Program assignments to determine and correct any training deficiencies, and/or recommend retraining of a recruit officer;
  - c. Maintaining records of the *PO* and *FTO*;
  - d. Evaluating each *PO* during the final phases of their probationary period: &
  - e. Preparing recommendations to the Chief Deputy regarding retaining, dismissing, or extending training of the officer.
  
2. Field Training Shift Supervisor is responsible for:
  - a. Acting as both Shift Supervisor for all officers and supervisor of training and evaluation for recruit officers assigned to his shift. All Patrol Shift Supervisor's will receive training in the supervision of the field training process; &
  - b. Evaluating the Field Training and Evaluation Program through daily communication with *Field Training Officers*, and observation of *PO's* performance.
  
3. *FTOs* are responsible for the training and evaluation of assigned probationary officers.

**Recruit Officer Training:**

Upon hiring, all new officers are assigned duties, (unless otherwise ordered by the Sheriff) under the direct supervision of a *FTO*. During the entire recruit officer training program, officer's will be considered on probationary status, and, therefore, will not be eligible for secondary or off-duty employment which would require them to act as a law enforcement officer. *Recruit Officer Training* will include:

1. Phase I: length of this phase will vary, and may include but is not limited to orientation, training and proficiency testing/evaluation.
2. Phase II:
  - a. Step 1 - 20 working days duration:
    - i. For the first five [5] working days the probationer will work with the *FTO*, and is not formally evaluated. This period is referred to as a *Flexible Period*;
    - ii. A minimum of fifteen [15] working days will be spent with the *FTO* for structured training and evaluation while meeting the goal of a 25% workload.

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- b. Step 2 - 20 working days duration:
    - i. A minimum of twenty [20] working days will be spent with the *FTO* for structured training and evaluation while meeting the goal of a 70% workload.
  - c. Step 3 – 20 working days duration:
    - i. A minimum of twenty [20] working days will be spent with the *FTO* for structured training and evaluation while meeting the goal of a 100% workload.
  - d. Step 4- 20 working days duration:
    - i. A minimum of ten [10] working days will be spent with the *FTO* for structured training and evaluation while meeting the goal of a 100% workload. No new training checklists are introduced during this period. Training consists, for the most part, of reviewing past materials.
    - ii. Second ten [10] day period will be for evaluation only. The recruit officer will *certify* for a solo assignment.
3. Phase III:
- a. Solo assignments of the recruit officer a minimum of 80% of the time.
  - b. Assigned to the CID Division for a period of two weeks, with work times assigned by the CID Supervisor.
  - c. Recruit officer will remain on *probationary status* pending a *Monthly Evaluation Report* by supervisors.

**Probationary Period – Officer Dismissal Process:**

At any time during the *probationary period* when a recruit probationer is not performing at a satisfactory level, a request for employment status review may be initiated and forwarded to the *FTC*. The *FTC* will gather all memorandums and supporting data, prepare a detailed report, and forward recommendations to the Chief Deputy through the Division Captain.

The Sheriff or his designee will review the documentation and render a decision regarding the employee's status. If the Sheriff or his designee concurs with the recommendation, the recruit probationer may be administratively relieved of duty by the *FTC* and scheduled for an *Employment Status Hearing*.

**Employment Status Hearing:**

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The Sheriff or his designate will preside over the *Employment Status Hearing* at which time the *FTC* and *FTO* present justification for the requested change. The probationer will be afforded an opportunity to respond, and present extenuation and mitigation factors. The Sheriff or his designee will make the final decision within two [2] working days of the termination of the hearing.

Upon completion of the Board action, all files regarding the probationer will be maintained within the department's personnel files. These files are *confidential* and access is limited and reviewed on a *need to know* basis only.

**Evaluations:**

The following are evaluations that are administered throughout the recruit probationer training cycle:

1. *Daily Observation Report* - Completed by the *FTO* each shift starting with the first working day of Step I;
2. *Weekly Evaluation Report* - Completed by the designated *FTC* for each 40-hour training and evaluation period;
3. *Recruit Self Evaluation* - Completed by the probationer at the completion of Phase II, Steps 1, 2, 3 and 4 and periodically during Phase III detailing his/her estimate of their performance strengths and weaknesses.
4. *Evaluation of FTO/Program* - Completed by the recruit probationer at the end of each Phase. Will also be conducted by the *FTC* at periodic intervals.

**Experienced Officers Skills Training:**

Officers assigned to probationer status for a particular job skill [such as radar operator, special weapons and tactics, detectives, etc.] will be counseled regarding the objectives of the training, with clearly established goals. Usually this training and the follow-up evaluations will be performed by *FTOs* that are qualified in the topic area. For example, an *FTO* in the detective unit will mentor and train new detectives. Once all of the performance goals and objectives are met, the *FTO* will sign-off or recommend the probationer for individual assignments. These recommendations are made to the *FTC*, for final recommendation to management.

The *FTC* may continue the field training assignment of a probationer beyond the predetermined time should the need for further training be evident.

**Progressive Discipline Not Required:**

Although the PCSO likes to engage in progressive discipline whenever feasible, there is nothing in this policy and procedure manual which creates a due process right to progressive discipline. Indeed, all employees of the PCSO serve at the will of the Sheriff.

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Texas Law Enforcement Policies and Procedures, 3.16 Field Training & Evaluation Program

The Sheriff can make a determination to discharge or terminate any employee at any time for any reason or no reason. Nothing in the policy and procedure manual should be construed as establishing any property interest, liberty interest or due process right for any employee.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Radio Procedures  | <b>Policy Number:</b> 4.02 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Polk County Sheriff's Office employees will follow Federal Communications Commission (FCC) regulations regarding the use of police radios. Employees will limit use of police radios to official law enforcement business.

**PROCEDURES:**

**Care of Radio Equipment:**

Only technicians authorized by Polk County Sheriff's Office may adjust or repair radios. Any member of Polk County Sheriff's Office who damages departmental equipment will notify a supervisor immediately.

**Radio Malfunctions:**

In the event of radio malfunctions, officers should check their radios by:

1. Making sure the radio switch is on and the volume is up;
2. Making sure the visible connections are plugged in securely, and the switches and frequency selector knobs are in proper positions;
3. Removing the radio from the charger and using it in a portable manner;
4. Changing frequencies and trying to transmit and receive, as a last resort.

If the officer is unable to establish contact with dispatch by changing frequencies, the telephone should be used to notify the dispatcher of the problem.

**Instructions for Transmitting Radio Messages:**

The following guidelines should be followed regarding radio transmissions:

1. Utilize the frequency designated by Polk County Sheriff's Office.
2. Keep radio on at all times when in or out of the unit.
3. If equipped with a portable radio, make sure it is on and operational when out and away from the unit.
4. Keep radio volume control loud enough to easily be heard.

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5. Avoid transmitting a radio message while in motion on a police motorcycle.
6. Have a notebook and pencil ready so messages may be written.
7. Do not acknowledge receipt of message until the complete text is accurately known.
8. Pronounce words slowly and distinctly.
9. Whenever transmitting a message to an officer, refer to the officer by call number.
10. Officers in the field will use their call numbers prior to transmitting.
11. Speak with as little emotion as possible.
12. Do not transmit until the message is clearly in mind, but don't hesitate in emergency situations.
13. If necessary to transmit a lengthy message and time permits, write it down in logical order and call it in on public service in order to not tie up the radio for other units.
14. Keep mouth close to microphone and speak as if using a telephone; do not shout.
15. Use the minimum number of words necessary to convey the message.
16. In describing persons, give information in the following order:
  - a. Name
  - b. Alias
  - c. Race
  - d. Sex
  - e. Age
  - f. DOB
  - g. Height
  - h. Weight
  - i. Color of Hair
  - j. Color of Eyes
  - k. Complexion
  - l. Scars or Tattoos
  - m. Clothing Description
  - n. Home Address
  - o. Felony-misdemeanor or reason for broadcast

17. To ensure effective radio communication both parties (dispatcher and deputy or officer) have to acknowledge receipt of the broadcast.

18. Names of persons should be spelled using initials coded (A-Adam; B-Boy; C-Charles, etc.). Unusual words will be spelled.
19. When transmitting numbers, state them in groups of two.
20. Officers with emergency traffic, and the dispatcher, have priority use of the radio until emergency traffic is concluded.
21. Officers not involved in emergencies will not call with requests for information. Officers can get the available information by listening. If assistance is needed, it will be requested.

### Radio Procedures – Traffic Stops:

When stopping a vehicle for any reason, the officer will notify the communications center of the following:

1. Intent to stop a vehicle;
2. Location where vehicle is stopped;

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3. Complete description of the vehicle;
4. Number and description of occupants;
5. Need for back up.

### **Radio Procedures - Felony Stop:**

When a vehicle is observed and thought to be occupied by felons or suspected felons, officers will notify the communication center and provide the location of the vehicle, if stationary, or the location and direction of travel, if moving. Officers should keep the vehicle in-sight, notify the communications center, and request sufficient back up to have manpower superiority.

### **Radio Procedures - Courtesy Messages:**

Law enforcement radio facilities may be used to locate persons for emergency purposes whenever public service facilities have failed, are inadequate, non-existent, or whenever a person sought is enroute to the destination. The following guidelines should be followed regarding use of the police radio for courtesy messages:

1. Courtesy messages should be carefully considered before acceptance. Communications, which are not urgent, should not be transmitted.
2. Employees will not convey the text of the message or the nature of the emergency. Inform the person that an emergency exists, and provide the name and telephone number of the person trying to reach them.
3. The law enforcement radio system is for official law enforcement messages only, and will not be used as a paging system for any private individual or organization.

### **Radio Procedures - Disasters and Other Serious Incidents:**

Employees learning of a crime, civil disorder or disaster, such as an explosion, tornado, etc., will immediately give the description of what happened to the dispatcher by radio, or any other available means of communication. The dispatcher will then contact and dispatch a supervisor. The employee reporting the incident will continue to evaluate the situation, and provide further communication concerning the event, including immediately needed resources, back up, street closing, traffic re-routing, etc.

### **Radio Procedures - Hit and Run:**

Officers reporting hit-and-run cases will transmit the information in the following manner:

1. Location of hit-and-run accident.
2. Was personal injury involved?
3. Date and time of the accident.

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Texas Law Enforcement Policies and Procedures, 4.02 Radio Procedures

4. The color, year, make, body style, accessories, license information, and any identifying features or damage to the vehicle that left the scene.
5. Description of the driver and passengers, if known, occupying suspect vehicle.
6. Direction of travel of hit-and-run vehicle when last seen.

**Radio Procedures – Car-to-Car Transmissions:**

Employees using law enforcement communications are prohibited from using slang expressions, jokes, humorous remarks, profanity or keying the microphone to music, internal or external noises, and other non-professional uses. Communication will be conducted in the performance of official law enforcement business, using as few words as possible to complete transmissions.

**Alphabetical Word Code:**

Employees will use the following word code when transmitting by police radio:

|             |             |            |             |
|-------------|-------------|------------|-------------|
| A - Adam    | H - Henry   | O - Ocean  | V - Victor  |
| B - Boy     | I - Ida     | P - Paul   | W - William |
| C - Charles | J - John    | Q - Queen  | X - X-Ray   |
| D - David   | K - King    | R - Robert | Y - Young   |
| E - Edward  | L - Lincoln | S - Sam    | Z - Zebra   |
| F - Frank   | M - Mary    | T - Tom    |             |
| G - George  | N - Nora    | U - Union  |             |

**Ten-Code List:**

The following codes will be used as verbal communication between employees of Polk County Sheriff's Office :

1. 10-0 Caution
2. 10-1 Unable to copy -- change location
3. 10-2 Signal good
4. 10-3 Stop transmitting
5. 10-4 Acknowledgement (OK)
6. 10-5 Relay
7. 10-6 Busy -- stand by unless urgent
8. 10-7 Out of service
9. 10-8 In service
10. 10-9 Repeat
11. 10-10 Fight in progress
12. 10-11 Dog case
13. 10-12 Stand by (stop)

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|--|---|
| 14. 10-13 Weather -- road report           | 39. 10-38 Stopping suspicious vehicle                           |
| 15. 10-14 Prowler report                   | 40. 10-39 Urgent -- use light, siren                            |
| 16. 10-15 Civil disturbance                | 41. 10-40 Silent run -- no light, siren                         |
| 17. 10-16 Domestic disturbance             | 42. 10-41 Beginning tour of duty                                |
| 18. 10-17 Meet complainant                 | 43. 10-42 Ending tour of duty                                   |
| 19. 10-18 Quickly                          | 44. 10-43 Information   |
| 20. 10-19 Return to ...                    | 45. 10-44 Permission to leave ... for...                        |
| 21. 10-20 Location                         | 46. 10-45 Animal carcass at ...                                 |
| 22. 10-21 Call ... by telephone            | 47. 10-46 Assist motorist                                       |
| 23. 10-22 Disregard                        | 48. 10-47 Emergency road repairs at                             |
| 24. 10-23 Arrived at scene                 | 49. 10-48 Traffic standard repair at ...                        |
| 25. 10-24 Assignment completed             | 50. 10-49 Traffic light out at ...                              |
| 26. 10-25 Report in person (meet) ...      | 51. 10-50 Accident (fatal, personal injury, property damage)    |
| 27. 10-26 Detaining subject, expedite      | 52. 10-51 Wrecker needed  |
| 28. 10-27 Drivers license information      | 53. 10-52 Ambulance needed                                      |
| 29. 10-28 Vehicle registration information | 54. 10-53 Road blocked at ...                                   |
| 30. 10-29 Check for wanted                 | 55. 10-54 Livestock on highway                                  |
| 31. 10-30 Unnecessary use of radio         | 56. 10-55 Suspected DUI   |
| 32. 10-31 Crime in progress                | 57. 10-56 Intoxicated pedestrian                                |
| 33. 10-32 Man with gun                     | 58. 10-57 Hit and run (fatal, personal injury, property damage) |
| 34. 10-33 Emergency                        | 59. 10-58 Direct traffic  |
| 35. 10-34 Riot                             | 60. 10-59 Convoy or escort                                      |
| 36. 10-35 Major crime alert                | 61. 10-60 Squad in vicinity                                     |
| 37. 10-36 Correct time                     | 62. 10-61 Isolate self for message                              |
| 38. 10-37 (Investigate) suspicious vehicle |   |

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|---|---|
| 63. 10-62 Reply to message                | 82. 10-81 Breathalyzer                    |
| 64. 10-63 Prepare to make written copy    | 83. 10-82 Reserve lodging                 |
| 65. 10-64 Message for local delivery      | 84. 10-83 Work school crossing at ...     |
| 66. 10-65 Net message assignment          | 85. 10-84 If meeting ... advise ETA       |
| 67. 10-66 Message cancellation            | 86. 10-85 Delayed due to ...              |
| 68. 10-67 Clear for net message           | 87. 10-86 Officer/operator on duty        |
| 69. 10-68 Dispatch information            | 88. 10-87 Pick up/distribute checks       |
| 70. 10-69 Message received                | 89. 10-88 Present telephone number of ... |
| 71. 10-70 Fire                            | 90. 10-89 Bomb threat                     |
| 72. 10-71 Advise nature of fire           | 91. 10-90 Bank alarm at ...               |
| 73. 10-72 Report progress on fire         | 92. 10-91 Pick up prisoner/subject        |
| 74. 10-73 Smoke report                    | 93. 10-92 Improperly parked vehicle       |
| 75. 10-74 Negative                        | 94. 10-93 Blockade                        |
| 76. 10-75 In contact with ...             | 95. 10-94 Drag racing                     |
| 77. 10-76 En route ...                    | 96. 10-95 Prisoner/subject in custody     |
| 78. 10-77 ETA (estimated time of arrival) | 97. 10-96 Mental subject                  |
| 79. 10-78 Need assistance                 | 98. 10-97 Check (test) signal             |
| 80. 10-79 Notify coroner                  | 99. 10-98 Prison/jail break               |
| 81. 10-80 Chase in progress               | 100. 10-99 Wanted or stolen indicated     |

**Dispatch Codes:**

When dispatching a message to a responding officer, the dispatch unit should give a priority number to every call according to the following;

1. Priority "1" (Emergency) is a call of an immediate, life-threatening nature. Response by the officer will require the use of emergency equipment (lights and siren), except when use of such equipment would likely result in alerting the violator and increasing the likelihood of escape.

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Texas Law Enforcement Policies and Procedures, 4.02 Radio Procedures

2. Priority "2" (Urgent) is a call which requires an officer to be on the scene as soon as possible.
3. Priority "3" (Routine) is a call of a routine or less serious nature. The officer will respond as soon as possible, or may handle the call while remaining in service.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Communications Center - 911                             | <b>Policy Number:</b> 4.03 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

To utilize a standard operating procedure in response to all 911 emergency telephone calls received.

**DEFINITIONS:**

*Call Taker:* The employee(s), either civilian telecommunications personnel or police officer(s), who are qualified, by virtue of training or experience, to answer the 911 emergency telephone calls and further manage the calls based on circumstances surrounding each emergency situation.

*Computer Aided Dispatch (CAD):* All enhanced 911 emergency telephone calls received are aided by computer. The computer automatically displays an address from where the call originated and the telephone number from which the call is being made onto the computer monitor. The automatic display of the address is referred to as the "ALI" (automatic location indicator). The automatic display of the telephone number is referred to as the "ANI" (automatic number indicator).

**PROCEDURES:**

For detailed procedures on operation of the 911 and telecommunications, refer to the department *telecommunications policy & procedures manual*.

**Receiving a 911 Call:**

All 911 emergency telephone calls received will be answered promptly and on a priority basis. When receiving a 911 emergency telephone call, the call taker will:

1. Answer the telephone, preferably on the first ring;
2. Respond, "911, What is your emergency?"
3. Obtain all necessary information for completing an initial dispatch;
4. Remain on the line with the caller if further information is needed or to keep the caller calm;
5. Dispatch appropriate police, fire, or emergency medical personnel;

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6. Notify the appropriate authorities if the call received is from a cellular phone outside of Polk County Sheriff's Office jurisdiction.
7. Dispatch police personnel to any calls where communication cannot be established or only background noise is heard;
8. Attempt to reestablish contact, using "ANI", with any terminated calls; and
9. Never provide emergency medical advice to a caller unless qualified to do so through certified training courses.

**Receiving a 911 Call - Non Emergency Situations:**

Should a 911 call be received which is determined not to be an actual emergency, the call taker will:

1. Be courteous and professional in advising the caller that he or she has made contact with the police department on an emergency telephone line and that it will be necessary for them to hang up their telephone and call back on a non-emergency line; and
2. Provide the caller with the non-emergency phone number and assure them that a member of the Sheriff's Office will speak with them on the non-emergency telephone line.

**911 Calls requiring the Call Taker to Remain on the line with the Caller:**

The receiver of a 911 emergency telephone call will not be required to stay on the line with the caller on every occasion. A number of situations, however, will require the call taker to remain in contact with the caller in order to complete a "Police Call Guide" or "Fire Call Guide", both found at the end of this policy. In that respect, the *call taker* will be required to remain on the telephone if:

1. A burglary or robbery has just occurred or is in progress, and the actor is still in the area;
2. A disturbance or domestic situation in which an individual has a weapon, is believed to have a weapon, or is threatening to use violence;
3. An individual is threatening to commit suicide;
4. A structure fire is occurring and the caller is a safe distance from the burning structure; and
5. A caller is trapped inside a burning structure and his location is needed for rescue.

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### POLICE CALL GUIDE

When receiving information on criminal activity, which is currently occurring or has previously occurred, employees of Polk County Sheriff's Office will write down the following:

1. Name of Caller: \_\_\_\_\_
2. Location of Caller: \_\_\_\_\_
3. Name of Suspect(s): \_\_\_\_\_
4. Location of Suspect(s): \_\_\_\_\_
5. Description of Suspect(s) to include:
  - a. Sex: \_\_\_\_\_
  - b. Race: \_\_\_\_\_
  - c. Height: \_\_\_\_\_
  - d. Build & Weight: \_\_\_\_\_
  - e. Color and Length of Hair: \_\_\_\_\_
  - f. Color of Eyes: \_\_\_\_\_
  - g. Complexion: \_\_\_\_\_
  - h. Presence of Facial Hair: \_\_\_\_\_
  - i. Scars/Marks/Tattoos: \_\_\_\_\_
  - j. Clothing Description: \_\_\_\_\_
  - k. Vehicle Description: \_\_\_\_\_

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### FIRE CALL GUIDE

When receiving information about a fire, which is currently occurring or has previously occurred, employees of Polk County Sheriff's Office will write down the following:

1. Name of Caller: \_\_\_\_\_
2. Location of Caller: \_\_\_\_\_
3. Name of Suspect(s): \_\_\_\_\_
4. Location of Suspect(s): \_\_\_\_\_
5. Is there anyone inside the structure, vehicle, etc., and if so, what are their locations?  
\_\_\_\_\_  
\_\_\_\_\_
6. Are there any accelerants or hazardous chemicals in the area, and if so, where?  
\_\_\_\_\_  
\_\_\_\_\_
7. Do you know how the fire started, and if so, how?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Description of Suspect(s) to include:
  - a. Sex: \_\_\_\_\_
  - b. Race: \_\_\_\_\_
  - c. Height: \_\_\_\_\_
  - d. Build & Weight: \_\_\_\_\_
  - e. Color and Length of Hair: \_\_\_\_\_
  - f. Color of Eyes: \_\_\_\_\_
  - g. Complexion: \_\_\_\_\_
  - h. Presence of Facial Hair: \_\_\_\_\_
  - i. Scars/Marks/Tattoos: \_\_\_\_\_
  - j. Clothing Description: \_\_\_\_\_
  - k. Vehicle Description: \_\_\_\_\_

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Civil Rights & Constitutional Warnings                  | <b>Policy Number:</b> 4.04 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

The Polk County Sheriff's Office subscribes to the principle that law enforcement officers are sworn to protect and defend the civil rights of all persons within their jurisdiction as guaranteed by the United States Constitution. As a part of this responsibility, officers of the Polk County Sheriff's Office provide appropriate constitutional warnings and the corresponding protection to all suspects.

**DEFINITIONS:**

*In-custody interrogation* – Contact in which an individual is either under arrest or their movement to come and go as they please is restricted at any department facility or at any location, although not physically detained, a law enforcement officer creates a coercive atmosphere.

*Interrogation* - An exchange in which the subject is unwilling to exchange information with the law enforcement interviewer or is being questioned about his involvement in a crime or criminal activity.

*Interview* - A meeting or discussion with a witness or potential witness in which the officer questions, consults with, or evaluates the other person.

*Suspect* - A person suspected of a specific crime, also a person apprehended for but not yet charged with a specific offense.

*Witness* - One who gives or may be capable of giving evidence regarding matters of fact under investigation.

**DISCUSSION:**

The Fifth Amendment to the United States Constitution states that . . . *persons shall not be compelled in any criminal case to be a witness against themselves.* With this in mind, any *in-custody* individual suspected of committing a crime and interviewed or

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interrogated concerning their involvement in that crime will be advised of their constitutional rights pursuant to *Miranda v. Arizona*, 86 S. Ct. 1062; 1966.

It is often recited by professional law enforcement officers that . . . *you interview a witness, and interrogate a suspect*. In many case investigations a *witness* may become a *suspect*. When, in an officer's perception, a *witness* turns into a *suspect*, and the interview becomes a custodial interview.

*Miranda* states that before an in-custody interrogation or interview of a suspect in a criminal case, the suspect must be warned of his right to remain silent, to consult with counsel, to have counsel present during questioning, and if he cannot afford a lawyer one will be appointed to represent him. If the accused indicates he wants an attorney, the interrogation or interview must cease until the attorney is present. The burden is on the arresting and interrogating officer to show that the accused knowingly and intelligently waived his right to counsel. The failure of an accused to ask for counsel does not constitute a waiver of their rights. Officers are required to affirmatively advise a suspect of their rights, and provide those rights upon request of the suspect.

Once a suspect or accused has been advised of their *Miranda Warnings* and has invoked these rights to have counsel present during custodial interrogation, the suspect or accused will not be subject to further interrogation until counsel has been made available or he has himself initiated further communications, exchanges, or conversations (*Edwards v. Arizona*, 101 S. Ct. 1880; 1981). Once again, the burden is on the officer to prove a voluntary waiver by the suspect or accused. This is case specific just because the suspect has ask for counsel for a specific offense, it has no bearing on other offenses the suspect may be questioned on.

If the accused is *in-custody* before the interrogation, the accused must be given *Miranda Warnings* before any questioning takes place. In order to use a statement in court, a suspect under arrest must be advised of the *Miranda Warning* and the detective must be able to demonstrate that the suspect understood those rights and made a knowing and intelligent waiver of those rights, prior to any interrogation.

## **PROCEDURE:**

### **The Warnings:**

The Supreme Court of the United States in *Turner v. State* decided 1/16/85 provides *guidelines for law enforcement officers on required warnings*. These *warnings and the corresponding rights all apply before any interrogation of a suspect*. *If a suspect is not under arrest when questioned, four factors are to be examined if he is nevertheless "in custody" so as to make Miranda and Article 38.22 applicable to the questioning. The ultimate inquiry is whether there is a restraint on freedom of movement.*

The rights of an accused suspect or person in custody are:

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1. Right to remain silent;
2. A clear understanding that anything he says may be used against him in a court of law;
3. Right to an Attorney before any questioning; &
4. If he can't afford an Attorney, one will be appointed and provided before any questioning.

After reading a suspect their rights, the suspect will be asked “*Do you understand your rights?*” If the answer is “yes,” the officer will question the suspect to test their understanding such as: “*Do you understand that you don't have to speak or provide your side of the story?*” By this process the officer can reasonably confirm the suspect's comprehension of his rights.

Arresting officers and interrogating officers will read *Miranda Warnings* to any and all suspects:

1. Before any *interrogation, interview, or questioning* regardless of whether the suspect has been formally arrested or not. A clear rule of thumb is if the officer suspects that an individual has committed a specific crime, there is *probable cause* to arrest, and the individual is coerced or not free to leave, the officer is not required to stop a suspect from talking in the middle of a statement, but before proceeding with any questioning the officer must read the suspect their rights before proceeding.
2. From a form or pocket card approved from the department. Officers will not recite the warnings from memory.
3. At the earliest possible opportunity after the suspect and the crime scene is secured.

To carry out this vital duty, officers will carry and use a Miranda Warning Card on their person. Officers will not assume that suspects have had their rights read to them, or that they comprehend their rights, regardless of the number of officers that have handled the suspect under this case or previous arrests.

All written statements or confessions of a suspect will bear a written confirmation of the suspect's rights, a comprehension of those rights, and the suspect's witnessed signature.

In the event a suspect can not orally speak, the arresting officer will ask the suspect to write down their understanding and agreement to proceed on paper. Likewise, if the suspect is not conversant in the English language, the arresting officer will secure the services of a qualified interpreter or translator before proceeding with the interrogation.

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Texas Law Enforcement Policies and Procedures, 4.04 Civil Rights and Constitutional Warnings

The reading of these warnings will be given in addition to any other required warning such as *juvenile warnings*, *magistrate warnings*, or *warnings by any other law enforcement agency*.

**Stop Action:**

Suspects may exercise their right to have legal representation or to remain silent at any time, even after previously waiving these rights. This may occur during a conversation, interview, interrogation, or lineup. Whether the person is in or out of custody does not matter. When suspects state a desire to invoke their rights, the interrogation or interview will stop and no force or coercion will be used to dissuade suspects from exercising their rights. No further interviews or interrogations will be made until access to legal counsel or written request has been received *requesting to speak to an investigating officer without an attorney the presence*.

There are no exceptions to this policy. The exercise of constitutional rights by a person or suspect is not an admission or indication of guilt. Officers who fail to comply with this policy are subject to severe disciplinary action, to include dismissal from the force.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Search Warrants   | <b>Policy Number:</b> 4.05 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

It is the policy of Polk County Sheriff's Office to:

1. Have sound knowledge of the legal requirements associated with obtaining a search warrant in order to prevent suppression of evidence;
2. Provide techniques to accomplish a thorough and legal search;
3. Observe the constitutional rights of the person(s) the warrant is being served upon;
4. Minimize the level of intrusion experienced by those who are having their premises searched;
5. Respect reasonable expectations of privacy;
6. Provide for the highest degree of safety for all persons concerned; and
7. Establish a record of the entire process.

**DEFINITIONS:**

*Search Warrant:* A written order, in the name of the People, signed by a magistrate or other judicial authority, directing a peace officer to search for specified personal property, with instructions to bring it before the magistrate.

**PROCEDURES:**

**Warrant-less Searches:**

The Fourth Amendment to the U.S. Constitution prohibits unreasonable searches. Officers conducting searches without warrants must prove that searches are reasonable. Therefore, officers should consider obtaining search warrants whenever time and circumstances permit. Search warrants are not required if officers are:

1. Securing weapons or evidence of a crime incident to an arrest; if the evidence is in a residence or a vehicle, consent or a warrant should be obtained
2. Assisting individuals under life-threatening situations;
3. Protecting the public from harm;

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Texas Law Enforcement Policies and Procedures, 4.05 Search Warrants

4. Searching for additional victims at crime scenes;
5. Protecting vital evidence;
6. Pursuing a perpetrator;
7. Searching vehicles based on probable cause that the suspects may contain contraband; and
8. Searching individuals under their voluntary, written consent or verbal consent if on video.

**Legal Basis for Seeking a Search Warrant:**

The following guidelines will be followed by all officials of Polk County Sheriff's Office when obtaining search warrants:

1. Officers must be able to articulate probable cause to believe that specific evidence, contraband, or fruits of a crime may be found at a particular location.
2. Any facts that establish probable cause must be clear and specific. The officer will base all facts on:
  - a. Personal observation or knowledge; or
  - b. Information from a reliable source and credible source
3. When informants are used, particularly confidential informants, specific information should be provided on their reliability.

**Affidavit Preparation:**

An affidavit supporting the warrant will be prepared on the appropriate agency form before executing a warrant. Affidavits are vital to the search warrant validity. Affidavits should clearly and completely convey the following information:

1. An offense description with reference to the criminal code section, where possible.
2. The place or thing to be searched will be specifically described to include:
  - a. The physical address of the location;
  - b. A physical description of the premises;
  - c. The name of the owner or occupant;
  - d. The geographical location of the property;
  - e. Distances from given reference points; and
  - f. Photographs, maps or diagrams that help to specify the location in question.
3. If conducting a complete search of a home and its surroundings, the affidavit should specify a "premises" search and its "curtilage" and should identify any outbuildings such as garages, tool sheds or barns, where appropriate;
4. Any motor vehicles known to be on the premises that may be searched should be specified;

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5. Anyone who is searched, besides being frisked for weapons, should be noted by name in the affidavit.
6. The specific items to be searched for will be detailed in the affidavit, including any alterations made to those items;
7. Any experts used for the search of computers and related high-technology equipment will be noted in the affidavit.

**Time Limitations – Execution of a Search Warrant:**

It is the policy of Polk County Sheriff's Office to execute search warrants as soon as possible following the conditions of warrant. Circumstances may warrant later execution that include, but are not limited to:

1. The seizable items have not arrived at the search site;
2. The probability that substantial resistance will be encountered; and
3. A particular person(s) is absent from the search site and it is determined that the search would best be conducted if that person were present.

**Preparation – Execution of a Search Warrant:**

Prior to entering the premises, the supervisory officer will:

1. Ensure that the warrant is valid;
2. Confirm that the property about to be searched is the property listed on the warrant;
3. Conduct a pre-entry briefing of the execution process with all search team personnel to include:
  - a. Review of the order of operations and procedures;
  - b. A simulation of conditions of the search using the appropriate maps, charts and diagrams; and
  - c. Tactics and equipment to be used in the event of forced entry.
4. Review the most current intelligence available to determine whether circumstances have changed that may make executing the search warrant at that time undesirable;
5. Include at least one uniformed officer in the execution of the search warrant;
6. Ensure that all non-uniformed officers can be clearly identified as law enforcement officers by distinctive armbands, jackets or other indicators of office;
7. Equip all search team personnel with body armor and a safety holsters; and
8. Document the entire warrant execution process using photographs and/or videotape from beginning until the search team leaves the premises.

**Entry Procedures – Execution of a Search Warrant:**

All officers should follow these guidelines:

1. Entry into a property for the purpose of serving a search warrant may occur at

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any time of the day or night if the affidavit provides good cause and permission is granted in the warrant.

2. Approach the scene without sirens.
3. Make contact with the surveillance team to ensure that the time is appropriate to serve the search warrant.
4. The supervisory officer will notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he/she is a police officer and has a warrant to search the premises, and that he/she demands entry to the premises at once.
5. No-knock entries will be used only when necessary. It should be noted in the search warrant prior to entry if officers believe adherence to the knock-and-announce rule would:
  - a. Endanger their safety or the safety of others;
  - b. Enable wanted persons to escape; or
  - c. Likely result in the destruction of evidence before entry could be made.
  - d. With approval from the Sheriff or Chief after being provided all the facts of the case
6. Search team personnel will be positioned so that:
  - a. All exits from the property are covered;
  - b. Uniformed officers are the most visible and enter the property first; and
  - c. Non-uniformed officers enter last.
7. Once inside the property, the supervisory officer will ensure that a member of the search team conducts a security sweep of the search site.
8. After the search site has been secured, officers will develop a prioritized strategy that details the likely whereabouts of the items to be seized and an order of operation for conducting the search.
9. One [1] officer or evidence technician will be designated to collect, preserve and document all items seized from the property.
10. Any property that is damaged during an entry:
  - a. Will be secured or guarded until the property is secured, if the property is left vacant; and
  - b. Be detailed in a special report prepared on the actions that caused the damage and the nature and extent of the damage.

**Record of the Search Warrant:**

Officers will record and provide a receipt of any property taken during a search, return the warrant and deliver the property inventory to the appropriate judicial authority within specified time limits.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Search of Motor Vehicles                                | <b>Policy Number:</b> 4.06 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Polk County Sheriff's Office will only conduct searches that are legal and thorough, while strictly observing the constitutional rights of drivers and other occupants. Searches will only be conducted with due regard for the safety of officers, other persons, and the property involved. **All vehicles towed will be inventoried.**

**PROCEDURES:**

**Officer Safety:**

Officers **will not search vehicles alone**. At least two officers will be present in order to allow one officer to search and one officer to monitor vehicle occupants. Officers may make all occupants exit the vehicle while interviewing or searching, in order to protect their safety.

**General Provisions for Vehicle Searches:**

There are three conditions under which law enforcement officers may search a vehicle. These conditions are *warrant*, *warrant-less*, and *consent searches*. When conducting a vehicle search, officers of Polk County Sheriff's Office will:

1. Request owner or operator's consent regardless of the type of search [*warrant*, *warrant-less*, or *consent searches*] to be conducted;
2. Obtain a search warrant if feasible;
3. Avoid vehicle damage unless reasonably necessary to carry out a safe and thorough search; and
4. Search all areas of the vehicle, unless specified otherwise in the warrant or in the consent.
5. **Or searches incident to arrest (know the case law on this type of search)**

**Warrant Searches:**

Upon *probable cause*, time permitting, officers will execute searches of vehicles including cars, trucks, buses, boats, and airplanes by means of a duly authorized

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search warrant. The request for the warrant will detail the vehicle to be searched, the areas in the vehicle to be searched, and the items to be seized. Additionally, the warrant will specify the information or evidence upon which the search warrant is justified, before taking the search warrant to the judge for approval. Officers will exercise care to ensure that the information in the warrant is correct and presented to the judge in a reasonable amount of time. The judge issuing the warrant is doing so based solely on the credibility of the officer and his representation that the facts presented are true and correct.

Officers will use their best effort to:

1. Obtain a search warrant, if feasible;
2. Request owner or operator's consent regardless of the circumstances involved;
3. Avoid vehicle damage unless reasonably necessary to carry out a safe and thorough search;
4. Search all areas of the vehicle, unless specified otherwise in the warrant, or in the consent;
5. With the exception of the items seized, leave the vehicle and its contents in the same condition as found; and
6. Provide the owner or operator with a receipt of any items lawfully seized.

#### **Warrant-less Searches:**

If **probable cause** of criminal activity exists, officers may **enter** motor vehicles without warrants or consent in order to specifically:

1. Examine a vehicle identification number or determine ownership of the vehicle;
2. Remove a person from a vehicle in an emergency situation;
3. Seize evidence or contraband that is in plain view; or
4. Perform inventory searches of vehicles to be impounded.
5. Search the vehicle and contents if probable cause exist to locate contraband. Vehicles can still be searched on the side of the roadway if probable cause exist or search incident to arrest, inventory per policy. (know the case law on this type of search)

Officers will not abuse warrant-less searches and will ask permission of owners or operators before conducting a warrant-less entry or search if possible. If probable cause exist then consent is not needed and if asked for then the officer will have to detail in the report why he asked for consent when he had probable cause for court purposes.

#### **Consent searches:**

Officers may conduct warrant-less searches with or without *probable cause* after obtaining **consent that is in writing or recorded on audiotape or videotape** from the vehicle owner or operator. The extent of a consent search may be limited to specific areas of a vehicle depending on the terms of the consent. A person granting consent to search may limit the scope of the consent, or may not consent to a warrant-less search.

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This is a constitutional right of the individual. A receipt will be made and delivered to the consenting party regarding seized illegal items.

**Location of Vehicle Searches:**

Officers of Polk County Sheriff's Office must use their discretion regarding the location of warrantless searches in order to protect officers, vehicle occupants, members of the general public, and potential evidence. Such searches may be conducted at the following locations:

1. On a public way or waters or other area open to the public;
2. In a private area unlawfully entered by the vehicle; or
3. In a private area lawfully entered by the vehicle.

In cases of searches authorized by search warrants, the warrants will specify the location, conditions, and vehicle to be searched.

**Search of Containers Found in a Vehicle:**

1. Containers, including paper bags, cardboard boxes, and wrapped packages, may be searched, under a *warrant* or with *probable cause* if:
  - a. Found within the vehicle passenger compartment;
  - b. Found during a consent search; or
  - c. Discarded from the vehicle.
2. Inventory searches of containers will be conducted after lawful, custodial arrests.
3. Locked containers such as attaché cases, suitcases and footlockers may be opened under a warrant, **consent of the owner, or if probable cause exist for the search of the vehicle**
4. Containers will be searched at the location where the vehicle was discovered or detained if safe to do so.
5. **Deputies will use approved forms for consent searches and inventories**

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**Polk County Sheriff's Office**

**CONSENT TO SEARCH VEHICLE FORM**

**Use approved forms for consent and inventory of vehicles**

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Interviews & Searches                                   | <b>Policy Number:</b> 4.07 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Officers will perform interviews and searches in a professional and courteous manner, without compromising their own safety or the safety of others, and without harassment or undue embarrassment to the public.

**DISCUSSION:**

Interviews, whether performed in the field or office, are an important technique for officers to use in preventing and investigating criminal activity. It may be necessary for officers to search those being questioned in order to protect their own safety.

Field interviews and searches can be perceived by some as unnecessary or discriminatory police harassment even when conducted with respect and in strict compliance with reasonable policies and procedures, and the law. In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of officers who must approach and deal with suspicious individuals, officers will conduct field interviews and searches in conformance with procedures set forth in this policy and procedure manual.

**DEFINITIONS:**

*Field Interview:* The brief detainment of an individual, whether on foot or in a vehicle, based on *reasonable suspicion*, for the purposes of determining the individual's identity and resolving the officer's suspicions concerning criminal activity.

*Reasonable Suspicion:* A reasonable officer is lead to suspect that criminal activity has been, is being, or is about to be committed given the facts and circumstances of the situation. *Reasonable suspicion* may also apply to otherwise legal issues, such as a reasonable suspicion that the person being interviewed is in possession of a weapon [legal or otherwise]. Contrast to *probable cause*, which is a much higher standard.

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*Probable Cause:* Reasonable grounds for belief that a suspect or accused person may be subject to arrest or the issuance of a warrant. Contrast to *reasonable suspicion*, which is a much lower standard.

*Pat-Down Search:* A “frisk” or external feeling of the outer garments of an individual for weapons, contraband, or concealed evidence.

*Rub Search:* Rubbing of the individual’s body including the genitals, buttocks, and breasts, for weapons, contraband, or concealed evidence.

*Strip Search:* A visual inspection of an unclothed individual for weapons, contraband, wounds, abuse, suicide attempts, or concealed evidence.

*Body Cavity Search:* A strip search that involves probing the mouth, anus, and genitals of the individual for weapons, contraband, or concealed evidence.

## **PROCEDURES:**

### **Justification for Conducting a Field Interview:**

Officers may stop individuals for the purpose of conducting a *field interview* only when *reasonable suspicion* is present. In establishing reasonable suspicion an officer must be able to describe specific facts or observations that, when taken together with common sense, reasonably justify the stop. Such facts or observations may include, but are not limited to the following:

1. Appearance or behaviors which suggest that the person is part of a criminal activity or enterprise, or is engaged in a criminal act.
2. Observed behavior or circumstance that suggests that the individual is impaired, injured, or otherwise at risk.
3. Hour of day or night is inappropriate for the suspect’s presence in the area.
4. Individual’s presence or activity in a neighborhood or location is inappropriate.
5. Suspect is carrying a suspicious object.
6. Suspect’s clothing bulges in a manner that suggests he or she is carrying a weapon.
7. Suspect is located in proximate time and place to an alleged crime.
8. Officer has knowledge of the suspect’s prior criminal record or involvement in criminal activity.
9. Suspect flees at the sight of a police officer under conditions that suggest a specific criminal activity.

### **Procedures for Initiating a Field Interview:**

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Officers may stop and interview individuals after observing suspicious behaviors or circumstances following these general guidelines:

1. When approaching individuals, officers should clearly identify themselves as a law enforcement officer and display department identification, unless clearly dressed in full uniform.
2. Officers will observe the stopped individuals carefully for movement to retrieve weapons, conceal or discard contraband, or any other questionable actions.
3. Before approaching a group of individuals, the observing officer should determine whether the circumstances warrant a request for *backup assistance* and whether contact with the observed group can and should be delayed until assistance arrives.
4. Officers will confine their questions to those concerning individual identity, place of residence, and other inquiries necessary to resolve the officer's suspicions. Officers will not detain individual(s) longer than reasonably necessary to resolve outstanding issues.
5. Officers are not required to give Constitutional rights and warnings (*Miranda* and/or *juvenile*) in order to conduct field interviews, unless there is *probable cause* to believe the person is considered a *suspect of a specific crime*, and the individual *is not free to leave the presence of the officer*. If and when the individual becomes a *suspect* and the officer decides that the individual may not leave, the officer will read all required warnings to the suspect(s), and provide those rights unless specifically waived by the suspect(s).
6. Stopped individuals are not required to answer any questions posed during field interviews. Failure to respond to an officer's inquiries is not sufficient grounds for arrest, or to stop the individual(s) from leaving. Likewise, individuals are not required to stay in the presence of an officer unless they are suspects, and you advise them that they are not free to go. Such refusal may be sufficient justification for additional observation and investigation.
7. If the officer has no basis for making an arrest, the officer should record the facts of the interview, in the officer's field notebook, for later reference.

#### **Justification for Conducting Pat-Down Searches:**

Officer may perform a *pat-down search* of the outer garments of a stopped individual for weapons if and when:

1. Individual has been legitimately stopped with *reasonable suspicion*; &
2. Officer has *reason to believe* that the individual possesses weapons and poses a threat to the officer's or another nearby person's safety. Not every field interview poses sufficient justification for conducting a pat-down search, but any of the following factors may justify a search to include:

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- a. The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved;
- b. A single officer handling more than one suspect;
- c. Hour of the day and the location or neighborhood where the stop takes place;
- d. Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons;
- e. Appearance and demeanor of the suspects;
- f. Visual indications that suggest the suspect is carrying a firearm or other deadly weapon;
- g. The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same sex as the suspect.

**Procedures for Performing a Pat-Down Search:**

Pat-down searches should be performed with caution, restraint, and sensitivity. These searches may only be performed to protect the safety of officers and others and may never be used as a pretext for intimidating individuals or groups of individuals, to obtain evidence, or for any other purpose. Pat-down searches should be conducted in the following manner.

1. Pat-down searches should be conducted by at least two officers, one who performs the search while the other provides protective cover.
2. Pat-down searches will be performed with:
  - a. Suspect's hands high on the wall or on the patrol vehicle, with extended fingers;
  - b. Feet positioned in a wide stance, approximately three [3] feet apart, to inhibit escape;
  - c. Back arched and in a straight line with the legs;
  - d. The officer's left leg wedged behind the suspect to subdue any attempted escape; &
  - e. One hand placed in the middle of the back.
3. Officers are permitted only to touch the outer clothing of the suspect. Officers may not place their hands in pockets unless they feel an object that could reasonably be a weapon or the suspect consents for them to do so.
4. Officers may require suspects to turn-out or empty their pockets.
5. If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack, or other item that may conceal a weapon, the officer should not open the item but instead place it out of the suspect's reach or ask for consent to search the item.

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6. If the external feeling of the suspect's clothing fails to disclose evidence of a weapon or contraband no further search may be made **unless the suspect consents to a search of their person**. If potential contraband or evidence is present, an officer may retrieve that item only. If the item is a weapon, the possession of which is a crime, the officer at their discretion, may make an arrest and complete a full-custody search of the suspect.

### **Rub Searches:**

If reasonably necessary, a more intrusive frisk may be performed on the individual. In such cases the body is *rubbed* systematically through the clothing in search of weapons, contraband, or concealed evidence. Rub searches will be performed by an officer of the same sex as the individual being searched, if available. In an instance where a rub search is conducted on a suspect of the opposite sex, officers will use the back of the hand to do the rubbing.

### **Strip Searches:**

In the field environment, strip searches of detainees will only be conducted in the rarest of circumstances when officers have *reasonable suspicion* that the detainee may be in possession of criminal evidence or contraband, needs medical attention, or has the potential of harming themselves or others. *Reasonable suspicion* may be based on:

1. Nature of the original offense;
2. Prior arrest and or conviction record;
3. Conduct during the arrest or while being processed;
4. Observed behavior or appearance;
5. Comments made by the detainee;
6. Clothing, possession or appearance;
7. Information passed on by the arresting officers, agency or informants;
8. Law enforcement reports; &
9. Other reasonable beliefs or observations.

Strip searches of detainees, with the explicit approval of a supervisory officer, will be conducted:

1. By specially trained and designated personnel;
2. In conformance with approved hygienic procedures and professional practices;
3. In a room specifically authorized for this purpose; &
4. By the least number of personnel necessary to maintain privacy and only by those of the same sex as the suspect, unless exigent circumstances exist.

Before *strip searching* a non-violent detainee officers will articulate or state the basis for the *reasonable suspicion*, and document the basis for the strip search in the incident report.

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### **Body Cavity Searches:**

Search of an individual's blood stream, body cavities, and subcutaneous tissues are only to be conducted by a physician, licensed nurse, or medical staff specifically trained for this task. Any such search, conducted incidental to arrest, may be made with a search warrant only, unless paragraph 3 which is without a warrant after all considerations have been solved. Good practice is to secure the person under constant guard and secure a search warrant.

1. With clearly established *probable cause*;
2. If there is a *strong probability* that items will be seized which relate to the offense for which the individual was arrested;
3. If delay in securing a *search warrant* would probably result in the disappearance or destruction of the objects of the search; &
4. If it appears that the search is reasonable under the circumstances of the case, including the seriousness of the offense, and the nature of the invasion of the individual's person.

### **Procedures for Performing a Body Cavity Search:**

Should any search lead an officer to believe that the suspect is concealing a weapon, evidence, or contraband within a body cavity, the following procedures will be followed:

1. Officer will consult with his immediate supervisor to determine whether *probable cause* exists to seek a search warrant for a body cavity search. The decision to seek a search warrant is reasonable only *where the suspected offense is of a serious nature and/or poses a threat to the safety of the officer or others, and/or the security of the department's detention operations may be compromised*. If *probable cause* exists for a body cavity search, an affidavit for search warrant will be prepared that clearly defines the nature of the alleged offense and the basis for probable cause.
2. A body cavity search will be performed only by an authorized physician, licensed nurse or medical personnel specifically trained to perform these tasks.
3. For safety and security reasons, the search will be conducted in a room designated for this purpose at the department's detention facility, or at a medical clinic or hospital.
4. Body cavity searches will be performed with due recognition of privacy and hygienic concerns. Officer presence for security and safety purposes will be female officer observing female examinations, and male officers observing male suspect examinations.
5. The authorized individual conducting the search will complete a report, and witnesses will cosign the document.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Arrest Procedures                                       | <b>Policy Number:</b> 4.08 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Polk County Sheriff's Office uses only legal justification and established procedures to initiate and affect an arrest. As a part of the arrest process, officers will provide all suspects *legal warning and protection* as required by the United States Constitution and State law.

**PROCEDURE:**

**Officer Responsibilities During All Arrests:**

When making an arrest, officers will:

1. Use caution, planning, and established techniques to help reduce dangers to officers, bystanders, and suspects;
2. Only arrest when there is an *arrest warrant, reasonable belief there is an outstanding arrest warrant, or probable cause to believe a crime has been committed*;
3. Verbally advise the suspect that they are *under arrest, so a reasonable suspect will know they are* under arrest, and not free to leave; &
4. Take some physical action to prevent the suspect from leaving the controlling presence of the officer;
5. Before any questioning advise the suspect of their civil rights in compliance with the United States Constitution and State law, to include Miranda, and any other required warnings, these rights include:
  - a. The right to remain silent,
  - b. Understanding that anything the suspect says may be used against them in a court of law,
  - c. The right to an attorney, &
  - d. If the suspect cannot afford an attorney, one will be furnished by the arresting jurisdiction at no charge; &

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6. Provide a suspect their civil rights, as requested by the suspect.

After each of these steps has been completed the suspect is *under arrest*. Most citizens who are arrested will comply with the arrest procedure without incident. However, some arrestees become argumentative or violent in their refusal to submit to a lawful arrest.

#### **Arrest Procedures for Non-Compliant Individuals:**

When suspects becomes argumentative, violent, or resistant to a lawful arrest the following guidelines will be followed:

1. Only that force necessary to efficiently and safely make the arrest will be used [See: Use of Force Policy & Use of Force Ladder];
2. When suspects are *only argumentative* and *passive-resistant*, they will be led to more neutral location [generally a police vehicle], by the officer(s) holding the individuals arm as a method of guidance [minimum force necessary]. **Verbal assault by itself is not justification to apply additional force.**
3. If suspects demonstrate *active-resistant* behavior such as *fighting*, *struggling*, or *attempting to flee* officers may use reasonable non-deadly force to complete the arrest.
4. If a suspect attempts to use a deadly weapon, officers will be authorized to use deadly force to protect themselves or others from what is reasonably perceived by the officer to be an immediate threat to human life; &
5. Officers will exercise discretion and use caution whenever reasonably possible. In situations where physical force appears imminent, officers will call for back up assistance.

#### **Non-Warrant Arrest Procedures:**

Officers may make non-warrant or warrant-less arrests when:

1. A felony or misdemeanor offense has been committed in their presence or view;
2. Officers reasonably believe a suspect has committed a felony offense; or
3. Officers have *probable cause* to believe a suspect has committed a criminal offense.

#### **Arrests Outside Jurisdiction of This Agency:**

An officer operating outside the jurisdiction of this department may make non-warrant arrests for felony or misdemeanor offense when the officer:

1. Observes a felony, *or life threatening* offense being committed; and
2. After the arrest, immediately notifies the law enforcement agency where the arrest was made. The notified agency will take custody of the suspect.
3. Completes all reports or documents required by this department, and the agency having primary jurisdiction.

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**Officer Actions Incidental to Arrest:**

Officers will complete arrest actions by completing the following tasks:

1. **Search the suspect** for any potential weapons, evidence, or extraneous that could potentially aid in escape;
2. Provide or request first aid or medical treatment;
3. Secure, bag, and tag actual or potential evidence;
4. Make arrangements for the security of the suspect's motor vehicle;
5. Transport suspect in an authorized law enforcement vehicle to the jail, investigative office or other secure facility; and when necessary call for an ambulance to have suspect transported to the hospital.
6. Complete all required reports incidental to the arrest.

**Officer Care & Responsibility:**

The care, custody, control, and safety of a suspect is the sole responsibility of the arresting officer. This responsibility remains in effect until the suspect is turned over to an appropriate higher authority. Arresting officers are required to protect suspects from other suspects, victims, fellow officers, and self-inflicted injuries. In some instances this may not be an easy task and will require assistance from other officers.

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**POLK COUNTY SHERIFF'S OFFICE  
TEXAS LAW ENFORCEMENT  
POLICIES AND PROCEDURES**

|   |   |
|---|---|
| <b>Subject:</b> Property and Evidence Control                                 | <b>Policy Number:</b> 4.9               |
| <b>Issue Date:</b> August 1, 2010   | <b>Revision Date:</b> November 12, 2012 |
| <b>APPROVAL AUTHORITY</b><br><b>TITLE AND SIGNATURE:</b> Byron Lyons, Sheriff |   |

**I. PURPOSE**

In the course of law enforcement business it becomes necessary to handle property belonging to non-law enforcement personnel. Depending on the property's nature and use, this directive provides guidance in the handling and disposition of non-agency owned property.

**II. POLICY**

All property obtained by any means by the Polk County Sheriff's Office (PCSO) will be maintained and disposed of as directed by departmental procedure and applicable law. These procedures related to the storage and maintenance of property have been developed to ensure that evidence in custody of the PCSO can be properly secured and stored, readily retrieved, and that any changes in custody have been properly and fully documented.

**III. DEFINITIONS**

- A. Abandoned Property – Property unwanted by the owner that has been left discarded.
- B. Chain of Evidence – The continuity of the custody of physical evidence – from time of original collection to final disposal – which may be introduced into a judicial proceeding.
- C. Found Property – Property deemed abandoned on public streets, rights-of-way, or private property. This property is usually recovered by the law enforcement agency or is turned over to the law enforcement agency by citizens.
- D. Impounding Officer – The member of this PCSO who initially receives the evidence and initiates the chain of custody. The member may be a patrol officer, investigator, public safety officer, crime scene technician, etc
- E. Physical Evidence – Any substance or material: found or recovered in connection with a criminal investigation.
- F. Property Officer – The agency member accountable for control and maintenance of all evidence accepted by or stored in the PCSO's property/evidence room.
- G. Property Room – The area of PCSO's facilities utilized to store evidence and property in the care and custody of the PCSO.

- H. Recovered Property – Property confiscated by law enforcement personnel which is believed to have been stolen.
- I. Non-Expendable Property – Property that is not consumed in use and retains its identity during the period of use. Some examples are furniture, computers and uniforms.
- J. Expendable Property – Property that is consumed in use or loses its identity in use. Some examples are office supplies, paper, and staples.
  
- K. Durable Property – Property that is not consumed in use but is unique in nature in comparison to Expendable items. Some examples are hand tools, baton, handcuffs and items with a cost greater than \$5.00.
- L. Field Receipt – A receipt that is given to the owner or person in care custody and control of an item(s) that is to be seized or held for evidentiary purposes.

#### IV. PROCEDURES

##### A. Property Receipt and Control

###### 1. General Guidelines

- a. All in-custody and evidentiary property obtained by employees into agency control shall be:
  - (1) logged into PCSO records as soon as possible
  - (2) Placed under the control of the Property Section before the impounding officer ends his/her tour of duty;
  - (3) identified through the proper forms as to the circumstances by which the property came into PCSO possession;
  - (4) Accurately described and quantified; and
  - (5) Properly labeled and packaged for storage.

ALL PROPERTY AND EVIDENCE IS TO BE SEALED WITH TAMPER PROOF TAPE, INITIALED, AND DATED.

- b. Before placing any item of property into agency control, the impounding officer shall attempt to identify and notify the owner or custodian of the item for release in the field, **unless** the item is needed for or being held as evidence, or the nature of the property prohibits its release.
- c. In all instances, the employee (field personnel, detective, crime scene technician, etc) who seizes or takes initial custody of the property is responsible for ensuring that each item is properly packaged, marked and inventoried on appropriate departmental forms; and that the items are either delivered to the property unit or that a member of the property unit has authorized the deliver of the items to an alternate site for secure storage. Items that are not properly packaged, marked and inventoried will not be accepted by property unit.

- d. Each item of property submitted to the Property Unit for Storage or processing will be reviewed by a Property Officer to ensure the item is properly packaged and that the item is individually accounted for on the accompanying Property/Evidence Report. If the Property Officer cannot account for the identity of each item submitted, the impounding officer will be notified in writing to report to the Property Unit to correct the Property/Evidence Report. A copy of the notification will also be forwarded to the employee's immediate supervisor.

## B. Required Forms

### 1. Polk County Sheriff's Office Property/Evidence Report

- a. The Property/Evidence Report shall be completed for all items confiscated or retained by the PCSO. The completed form in its entirety is to be submitted, along with the item(s) of evidence, to departmental Property Officer for storage in the Property/Evidence Room, unless the item is too large for storage in the Property Room, or because of its nature cannot safely be stored in the police building. **Property Personnel should be contacted through dispatch after hours to secure property too large for storage.**
- b. After the Property Officer has verified that all items submitted are properly accounted for on the Property/Evidence Report, copies of the report shall be forwarded to Records. Any subsequent changes to the Property/Evidence Report such as corrections, property release verification, etc. are also forwarded to Records.

### 2. Polk County Sheriff's Office Property Receipt

- a. The Field Receipt is a multipurpose form to be used in all instances in which the property seized has some monetary or intrinsic value AND is taken from the custody of the owner or person having legal possession of the article.
- b. The form serves as a signed receipt for the property taken and is designed to protect the departmental employee from false claims which could later be filed, concerning the property's value or amount.
- c. Completion of the form requires the signature of the property owner or the legal possessor of the property at the time it is taken into police custody.
- d. The form is completed in duplicate. Distribution of the form is as follows:

Original – To police records

Copy – To person releasing/released to

### 3. Property Release Authorization

- a. The form is to be completed by the impounding employee or any employee authorized to make the determination that an article of property/evidence is ready to be released from PCSO custody either through release, disposal, auction, etc.
- b. The completed form is forwarded to the Property.

### C. The Property Room

#### 1. Security

- a. Only members of this Department authorized by the Sheriff may enter Property/Evidence Room. These persons include:
  - (1) Property Manager
  - (2) Property Supervisor
  - (3) Property Officer
  - (4) Sheriff, accompanied by property officer
  - (5) Persons designated by the Sheriff to conduct or assist in specific inspections or inventories, or to assist the Property Officer. These persons must be accompanied by a Property Officer at all times while in: The Property/Evidence Room.
- b. A log shall be kept by the Property Officer which identifies each person entering the Property Room, the date and time that they entered and the date and time that they left the secure area.
- c. Non-secure areas have been made available for impounding officers to prepare property/evidence for storage and to complete necessary paperwork.
- d. **Any employee who enters the Property Room without appropriate authorization is subject to disciplinary action.** Written notification of a violation of this order shall be sent, through the Chain of Command, to the employee's immediate supervisor by the Property Supervisor and or Property Manager.

#### 2. Inspections

- a. On a monthly basis the Property Manager, shall make an inspection of the Property Room, Temporary Storage Areas, the Bicycle Pen and property/evidence procedures to ensure appropriate compliance with PCSO directives and procedures.

- b. Unannounced inspections of all property/evidence storage facilities shall be conducted as directed by the Chief. A summary of the inspection which outlines specific areas inspected and any problems encountered will be forwarded to the Sheriff in the form of a memorandum. The summary should provide suggestions for correcting problem areas, when appropriate.
- c. An annual audit of property and evidence held by the PCSO shall be conducted by a commanding officer not normally associated with the Property Unit. The inspecting commander shall be appointed by the Sheriff for this purpose. A memorandum summarizing the results of the audit shall be forwarded to the Sheriff.
- d. An inventory of all property/evidence shall be conducted anytime the person assigned responsibility for the property/evidence control function is transferred or replaced. The inventory shall be conducted jointly by the newly appointed custodian and a commanding officer assigned by the Chief for this purpose.

### 3. Storage of Evidence Requiring Added Security

- a. The Property Officer shall assign a storage location to each type of evidence and record this information on the computerized Property/Evidence Sheet receipt and evidence tag.
- b. Evidence requiring added security, to include money, precious metals, jewelry, gemstones, firearms, narcotics and dangerous drugs shall be stored in a separate locked area within the Property Area.
- c. Perishable items shall be stored in a secure refrigerated area, or other suitable container.
- d. Items which are considered bio-hazardous materials must be properly packaged before being stored in the Property Room. These items must be marked with biohazard labels (provided) and are stored in a designated area.
- e. Meth Labs come back from the DPS Crime Lab after analysis shall be photographed in detail and destroyed due to health and safety hazards with handling and storage. Destruction before court appearance needs to be made with a court order.

- f. Large quantities of narcotics shall have representative samples taken after analysis and the rest will be destroyed with a court order.

## D. Disposition of Property/Evidence

### 1. General Procedures

#### a. Methods of Disposal

- (1) Release
- (2) Destruction
- (3) Auction of other County Use
- (4) Donation to Charity
- (5) Assumption for Departmental Use

#### b. Documentation of Disposal

- (1) Regardless of the method of disposal, the Property/Evidence Report for each item of property removed from inventory will be marked to indicate the date of disposal, and the method of disposal the individual taking custody of the item (if other than the Property Officer) and the person authorizing disposal.
- (2) The release must list each item separately and must be signed by the member or the officer releasing custody and the individual or agency taking custody.
- (3) In the case of destruction of property, the release must be signed by the member of the PCSO authorizing destruction and the PCSO member participating or assisting in the destruction.

#### c. Control of Property Disposal

- (1) The timely and appropriate disposition of evidence is extremely important to the efficient management of evidence, the integrity of evidence security and the effectiveness of prosecutorial efforts. Property Officer will conduct on-going monthly reviews of property and evidence to determine if the items in custody may be legally disposed of. The manager of the Property Unit is authorized to cause ongoing disposal (destruction , auction, etc.) of all items stored in the Property Unit for a period of time over two years if the items are not being held as evidence.

- (2) Ongoing immediate disposal of property is authorized for those items where common sense and good judgment indicate no bona fide reason to retain the articles. (Examples are: rocks, beer cans, old clothes, etc.) The disposal of such items shall be documented.
- (3) The evaluation for disposal will be conducted through computer records. Investigators will be periodically contacted by Property Officer to determine the status of specific items of property being held.
- (4) Items identified for destruction will be pulled from the normal storage areas and placed into an area designated for disposal. The disposal area will be emptied on a monthly basis by Property Officer. Items in the area will be released, transferred or destroyed, etc.
- (5) Property Release Authorization  
Upon the determination by an impounding officer or the assigned detective that an item of property or evidence no longer needs to be held in police custody, that impounding officer shall immediately notify a Property Officer that the item can be released from police custody or disposed of in the appropriate manner. Notification to the Property

Officer shall be accomplished through the Property Release Authorization form. The officer/employee authorizing release shall notify the owner of the property (if known) to make arrangements with a Property Officer to pick up the items.

## 2. Found Property

- a. A Field Receipt must be completed. The impounding officer shall attempt to identify and notify the owner to take possession of the property unless the property is contraband. A Field Receipt must be signed by the owner taking possession of the property.
- b. If the owner cannot be contacted for release of the property in the field, the property shall be properly packaged and tagged by the impounding officer and submitted to the Property Unit for storage.
- c. Property Officer shall forward written notice (registered mail) to the owner's last known address, indicating that the property is in police custody and should be claimed within ninety (90) days from the date impounded.

- d. After the property has been held for ninety (90) days, without a claim of rightful possession, it shall be destroyed no value, or transferred for disposal by auction or donation to charity.
- e. Property with no known owners may be disposed of in 30 days
- f. Property which cannot be connected to a case shall be photographed and if automobile related have a wrecker come retrieve the item from the location where it was found.
- g. Items such as weapons, money, identification ect. will be turned in as found property to the Evidence Room after the deputy has exhausted all avenues of locating an owner.

### 3. Recovered Property

- a. Authority to confiscate property believed stolen is found in the Code of Criminal Procedures, Article 18.16 Preventing the Consequences of Theft. Under this article “Any person has a right to prevent the consequences of theft by seizing any personal property that has been stolen and bringing it, with the person suspected of committing the theft, if that person can be taken, before a magistrate for examination, or delivering the property and the person suspected of committing the theft to a peace officer for that purpose. To justify a seizure under this article. There must be reasonable ground to believe the property is stolen, and the seizure must be openly made and the proceedings had without delay.”
- b. Property recovered as stolen, or which meets the above criteria, will be evaluated to determine whether it constitutes evidence and whether prosecution of a known offender is possible. This determination will be made by the impounding officer or authorized supervisor.
- c. Stolen property that is not being held for evidentiary purposes will be released when:
  - (1) The officer authorizing release completes a Property Release Authorization form and forwards it to a Property Officer; and
  - (2) The officer authorizing the release advises the owner to contact the Property Officer to make an appointment to take custody of the item(s).

- d. In cases where the owner cannot be determined, and the property is not being used for evidence, it shall be treated as abandoned and, after holding for 30 days, will be forwarded for disposal.

#### 4. Evidence

- a. All property seized and held as evidence will be retained in the custody of the Sheriff's Office until the case is disposed of and all appeals exhausted.
- b. Under absolutely *no circumstances* shall property or evidence be retained by officers.
- c. During a monthly computer inventory of evidence in department custody, Property Officer will identify property which may no longer need to be retained. The Property Officer will bring this property to the attention of the investigating officer or his/her supervisor. The officer or the supervisor will decide if the evidence/property should be retained or may be released from custody by completing a Property Release/Disposition Form (written or electronically).
  - (1) When it is deemed appropriate to release evidence, the rightful owner, if he/she may be found, shall be notified by the officer authorizing release. The authorizing officer shall complete a Property Release Authorization form and forward it to the Property Specialist.
  - (2) If the property is of value and no rightful owner can be determined, the item(s) shall be treated as abandoned property.

#### 5. Contraband and Weapons

- a. Under no circumstances will contraband be released for public auction. They shall be forfeited or destroyed pursuant to the Code of Criminal Procedure.
- b. Contraband will be pulled and put in an area awaiting destruction. This change will be noted in the computer and or Evidence Log.

#### 6. Items of Historical Value

Occasionally, evidence may be recovered that has significant historical value. Such items may include rare weapons and/or other evidence. The Sheriff shall make a final determination whether to destroy or hold these types of items.

## 7. Voluntary Release of Weapons and Ammunition

The Department will, upon request of the owner, accept weapons and/or ammunition for destruction. Upon accepting custody of the weapon the impounding officer shall complete a Field Receipt. The weapon must be checked for stolen. These weapons may be destroyed without a court order. A Property Evidence Report will be turned in with the weapon/ammo to be destroyed and a Property Release/Disposition Form must be attached stating that the item(s) was turned in by owner for destruction. Weapons will be checked by DPS Laboratory for projectile comparisons.

## 8. Diversion of Property to County Use

After property and evidence has met the requirements of the Code of Criminal Procedure, all paperwork is completed and the Property Unit is authorized to dispose of an article of property, certain items may be diverted to County use. Only non-expendable property will fall under the requirements of this section. Items considered expendable will only need to be signed for. Items considered durable property will require a hand receipt and signature by the individual taking the item.

- a. Department requesting property must complete request form.
- b. Once the form has been completed and all signatures obtained, forward to the Property Officer that all dispositions can be verified, owners notified and publishing made where applicable.
- c. Property Evidence Officer will, tag all items to be diverted with Polk County inventory numbers. The numbers assigned will be documented on the diversion form. The Property Evidence Unit will then notify the assigned unit to then pick up the property.
- d. If, at any time, the property is no longer needed by the assigned unit, it must be returned to the Quartermaster Unit for final disposition.

## E. Field Release of Property

1. The general policy of the Department is to release property/evidence at the scene of an incident to the complainant/owner whenever practical. The intent is to avoid unnecessary waste of personnel time and to ensure the expedient return of property to its owner. **SEE EXCEPTIONS BELOW**
2. The below listed categories of property/evidence will be released in the field upon reasonable identification of the owner/complainant unless the articles are needed for further evidentiary processing. When an item

related to an offense is released in the field to the owner/complainant, the release must be fully documented in the offense/incident report

- a. Property/evidence related to burglary and theft
- b. Recovered motor vehicles, unless the vehicle needs to be processed for fingerprints or other evidence.
- c. Property/evidence related to misdemeanor court offenses (all County cases)
- d. Property/Evidence related to criminal mischief or reckless damage offenses will be released to the complainant or simply left at the scene.
- e. Alcoholic beverages
  - (1) Related to Minor in Possession, Public Intoxication, Sale of Alcohol to Minors: only one container needs to be retained for evidence until final case disposition. Place one UNOPENED can or bottle in a padded 9" x 12" envelope. Submit the remainder of the 6-pack, 12-pack, etc and the Property Unit will dispose of it in compliance with Texas Alcohol Beverage Commission (T.A.B.C.) regulations. If you have an OPEN container you must submit a sample in one of the bottles provided along with the empty container. Place the sample and the empty container in a 9" x 12" envelope for submission to property. If you have more than one suspect or type of alcohol, you must submit one sample for each suspect or type of alcohol. A photograph of the entire amount seized shall be included with the samples.
  - (2) Alcoholic beverages related to DWI charges should be left in the suspect's vehicle and listed on the case report unless the DWI is related to a felony assault or homicide. In these situations, officers should document the presence of the alcoholic beverage/empty containers and may use individual/supervisory discretion regarding the seizure of such evidence.
  - (3) Very large quantities of alcoholic beverages possessed or transported in violation of the Alcoholic Beverage Code may be seized.

Found Property of very limited value such as old clothes, broken toys, etc should be left in the field for disposal by the finder, **unless** the item is a safety hazard. If the item is a safety hazard, and the item cannot be removed by the officer, Communications should be notified to request the appropriate department or agency to remove the item.

The following items may not be released in the field and will be taken into police custody pending court order or release by the assigned detective or field officer,

- a. Illegal weapons,
- b. Narcotics/drugs,
- c. Instruments used in a crime of violence,
- d. Items requiring a forensic report,
- e. Contraband (anything illegal in itself to possess),
- f. Forged or counterfeit instruments,
- g. Stolen credit cards,
- h. Items which would normally be released in the field, but cannot be because the owner/complainant cannot take possession, and
- i. Motorized vehicles which require further processing, (If a vehicle is impounded for evidentiary purposes, the Detective in Charge will be notified. DO NOT notify the Property Unit

## F. Property Holds

### 1. Impounding Officer

It is the responsibility of the impounding officer to make a speedy disposition of the item,

### 2. Field Officers

- a. Officers who are not assigned to the investigation of a case will not place “Hold” on evidence/property, **unless** the property is located in a pawn shop.
- b. Field Officers perceiving a need to hold property should make a notation to that effect in the case offense report

## G. Withdrawal and Return of Property

1. At times it is necessary for an employee to remove property from the property room for later return. These circumstances include court, viewing by possible owners, the District Attorney’s Office, transfer to the

lab for processing, etc., it is imperative that the chain of custody be maintained in these circumstances.

Requests received from Defense Attorney(s) to view evidence on a case, must make the request via the Lead Prosecutor on the case. The Prosecutor has the responsibility of scheduling an appointment with Evidence Officer who will also be present when evidence is viewed by Defense Attorney(s) as well as personnel from the District Attorney's office. Defense Attorney(s) cannot schedule this appointment. The requirement of a Discovery Order can be waived only by the Sheriff.

2. Evidentiary property may only be requested for release by the investigating detective, the supervisor of the investigative unit, or as directed by the Sheriff. Officers requesting release of property not assigned to the case must have permission communicated to the property unit prior to being given evidentiary property by the investigating officer or supervisor of the investigative unit. Officers in need of evidence for court may have property released only when a subpoena is provided to the property unit.
  
3. Non-Evidentiary 90 day recordings may only be released with approval of a Sergeant or above. A copy of the recording will be made for release. Any recordings under internal review will not be released to any other personnel without the approval of the Sheriff or designee. Supervisor will maintain a log of employees requesting release of evidentiary 90 day recordings. The log will include, at a minimum, the specific tape being requested, employee requesting release of the tape, approving supervisor and the date.
  
4. Any time an item of property or evidence is removed from the Property Room, the employee taking custody of the item shall sign the chain of custody log on the Property/Evidence Report and clearly state the reason for release of the item(s).
  
5. In the event that the item is being released to another person, such as the DA's Office, lab, etc., the person taking custody from the transporting officer shall sign the appropriate receipt for the article. The signed receipt must be returned to a Property Officer to document transfer custody of the item. The following forms will be utilized:
  - a. Property Release Form – utilized for items released to the District Attorney's Office, or other court

- b. Polk County Sheriff's Office Property Release Form – utilized in all other circumstances

#### H. Use of Narcotics for Training or Undercover Purposes

From time to time there is an established need for officers to remove narcotics from Property/Evidence custody to use for training purposes or to conduct undercover operations. In these situations, the following guidelines will apply:

1. Property/Evidence will only release narcotics that: are no longer needed for evidentiary purposes.
2. Officers will only request the minimal amount of drugs needed to accomplish the training, exercise or undercover operation.
3. Narcotics used for training purposes will only be released with prior written approval of the officer's lieutenant or above with the exception of Narcotics personnel who may gain approval from the Narcotics Lieutenant.
4. Narcotics used for undercover operations will only be released with prior written approval of the CID's captain or above.

The officer accepting custody of the narcotic substance will sign the chain of custody log on the Property/Evidence Report.

5. The narcotics will be weighed and/or counted at the time they are released to the officer and at the time they are returned to the custody of Property/Evidence personnel: The substance will also be field tested at the time of release and return. Weight and testing will be done with both the officer and the Property/Evidence technician present.
6. If there is any significant change in weight and/or number, the officer must submit a detailed memo explaining circumstances resulting in the loss of the narcotics. The memo will be immediately forwarded to the Office of the Sheriff through the officer's chain of command.

## ATTACHMENT "A"

### GENERAL GUIDELINES

Any item seized by the PCSO which is or may be related to an offense must be entered into evidence under the guidelines in this directive to ensure admissibility into court. An accurate account of chain of custody must be maintained for items to be presented as evidence in court.

Evidence shall never be left unsecured.

Any item, which needs to be processed as evidence, must come to the Property Unit first. The item will be released to reporting officer after it has been placed in the Property inventory.

Items that need to be fingerprinted by CID must be accompanied by the Property/Evidence Report and a Fingerprint Request and be properly sealed.

Any Property/Evidence from a business which is related to a shoplifting case should be left with the store. It is the store's responsibility to maintain and present evidence in court.

Documents such as signed confessions, or consent to search in which evidence is found should be stored in the original case file. A photocopy of the original document must be forwarded to the Records Section by the officer/detective taking the confession. Documents such as witness statements, store security statements, etc. which can be testified to by a witness and are usually sent to the District Attorney's Office should be routed to Records.

#### GENERAL RULES FOR SUBMISSION

**All property shall be properly marked and packaged by the impounding officer before placing it in a property locker. All property and evidence is to be sealed with tamper proof tape, initialed, and dated.**

All items submitted shall be packaged if possible, and an evidence sticker attached and filled out with file number, item number, date, and officers initials. All evidence should be sealed with evidence tape and the officer's initials and date.

All loose or small items should be placed in a plastic bag, paper sack, or envelope specifically provided for this purpose. These items should be labeled with the file number and the item number.

Property Officer shall check temporary storage lockers at least three (3) times a week. All evidence requiring refrigeration shall be brought to refrigerator lockup for storage.

Property Officer shall check property submitted for compliance with procedures and to verify amounts and descriptions. If discrepancies are found, the impounding officer and the impounding officer's supervisor will be notified. The impounding officer will be responsible for making appropriate corrections.

Property Specialist shall not accept items from the Jailers that were not returned to a prisoner, unless the owner of the property cannot be located and the item could be sold at auction. The Jailer shall submit a memorandum to their immediate supervisor.

**Property/evidence shall be packaged individually then all the items collected with that case can be placed in an envelope or box for storage.**

**Prisoner's property is NOT to be turned  
Into Evidence, but left with Jail unless  
Contraband.**

#### **General Rules for Completing the Property/Evidence Report**

If there is not enough room on a single Property/Evidence Report to list all items, a Supplemental Evidence Report should be completed and submitted.

Items listed on the Property/Evidence Report shall be identified as numbers 1,2,3, etc.

#### **General Rules for Storage**

Any items placed in the Bicycle Pen must have a Property/Evidence Report completed and a plastic tag must be attached to the item. The impounding officer should place the Property/Evidence Report in the property drop box.

The impounding officer shall place the items in the holding area of the Bicycle Pen. The Property Officer will ensure that a Property/Evidence Report is completed for each item before it is moved to the general storage area of the Bicycle Pen.

DO NOT place motorized vehicles in the Bicycle Pen.

#### **General Rules for Items to be Submitted to the Lab Outside Labs for Analysis DPS Lab**

Any item, with the exception of DWI blood samples, submitted to the DPS Lab must be sealed with evidence tape and must have a completed submission form attached.

Generally, all evidence with the exception of DRE urine analysis, explosives, ingested narcotics, and trace evidence on currency will go to DPS for testing.

All narcotics taken from a suspect on one charge may be placed on one submission form. All narcotics must have a brief description listed on the evidence tag. Example: green leafy substance, white powdery substance, etc., along with the name of the suspected substance.

If possible the items should be placed in a 9” x 12” envelope.

If there is more than one suspect on a case, all suspect names must be listed.

|         |
|---------|
| ALCOHOL |
|---------|

### GENERAL PROCEDURES

Alcoholic beverages which have evidentiary value must be placed into evidence. Alcoholic beverages should not be disposed of in situations where charges will be filed, regardless of the level of offense. Limited storage space makes it impossible to keep every can or bottle of alcohol seized. As a result, the policy below will dictate how to take alcoholic beverages into evidence.

Alcohol related to Minor in Possession, Public Intoxication, and Sale of alcohol to Minors: Only one container needs to be retained for evidence until final case disposition. Place one UNOPENED can or bottle in a padded 9” X 12” envelope. Submit the remainder of the 6-pack, 12-pack, etc. and the Property Unit will dispose of it in compliance with TABC regulations. If an OPEN container is present, a sample of the liquid must be turned in as evidence, along with the container. If the container is a can, it can be crushed and submitted with the sample. Small bottles will be provided to hold the alcoholic beverage sample. Both the crushed can and sample of alcoholic beverage should be placed in a 9” X 12” envelope for submission to the Property Unit. If the alcoholic Beverage is contained within closed containers only one closed container should be seized and placed into evidence as a “sampling” of the contraband. If you have more than one suspect or type of alcohol, you shall submit one for each suspect or type of alcohol. A photograph of the entire amount seized must be submitted with the samples.

Alcoholic beverages related to DWI charges should be left in the suspect’s vehicle and listed on the case report unless the DWI is related to a felony assault or homicide. In these situations, officers should document the presence of the alcoholic beverage/empty containers and may use individual/supervisory discretion regarding the seizure of such evidence, keeping in mind that juveniles (under 21) cannot be left in possession of alcohol. In serious cases, evidence in need of further processing (fingerprints, DNA, etc.) should be collected by officers. All alcoholic beverages collected, should be collected by the officer filing the case.

Very large quantities of alcoholic beverages possessed or transported in violation of the Alcoholic Beverage Code may be seized.

Empty bottles or cans without evidentiary value other than as evidence of an alcohol related offense will not be accepted.

If it is necessary to take possession of any illicit alcoholic beverage for any reason cited by Section 1 (33.03) of the Alcoholic Beverage Code, the impounding employee shall complete a "field Receipt". The "Field Receipt" must identify each item seized, the place seized and the name of the person from whom it was seized.

#### TAGGING

The evidence tag should reflect the date seized, type of alcohol, brand name, and size of the container (12 ounce, etc.). Cans and/or bottles shall have initials, date, and service number affixed either by tape or marker.

Beer kegs should be tagged with plastic tags.

#### PROPERTY/EVIDENCE REPORT

The Evidence Report should note:

Brand name quantity of containers, size, of can or bottle, estimated volume of bottle contents, Example: 200 ml bottle Tennessee Whiskey, 2 full

#### STORAGE

Beer Kegs should be placed in the holding area of the Bicycle Pen.

#### DISPOSAL

The Property Unit will:

Dispose of evidence upon notification of the investigating officer or authorized supervisor, or upon case adjudication.

Beer Kegs are photographed and released to the distributor as soon as possible.

Upon final disposition of alcohol cases, TABC will be contacted and they will review the list and make a determination if it is in saleable condition , or if it should be destroyed.

|          |
|----------|
| BICYCLES |
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#### GENERAL PROCEDURES

Check the bicycle for serial number, owner engraved ID, etc. Bicycle serial numbers are usually on the front frame area or under the pedal casing. Short numbers (G028812) are usually model numbers (Girls, manufactured February 1988, Model 12). Longer numbers (HC6699852) are more likely the serial number.

Serial numbers should be checked through the computer for reported stolen. If it is determined stolen, notify the owner. Release the bike in the field whenever possible or advise the owner to contact the Property Unit to schedule a release time.

#### TAGGING

If the owner cannot be determined or cannot be contacted, a property tag must be completed and affixed to the bicycle.

#### PROPERTY/EVIDENCE REPORT

No special instructions

#### STORAGE

The tagged bicycle should be placed in the holding area of the bicycle pen. A completed Property/Evidence Report must be routed to the Property Unit through the normal paper work system.

Prisoner property is to be left with the jail.

#### DISPOSAL

Found bicycles that remain in our custody for 30 days without a claim of rightful ownership shall be turned over for auction or for donation to a charity.

Stolen bicycles will be returned to the owner by use of a Field Receipt by the recovering officer or Property Disposition Authorization through the Property Unit.

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|---------------------------|
| BIOLOGICAL EVIDENCE/BLOOD |
|---------------------------|

#### GENERAL PROCEDURES

##### **CAUTION:**

**AIDS HAS A SHORT LIFE SPAN WHEN EXPOSED TO AIR. HOWEVER, HEPATITIS CAN LIVE FOR OURS OR EVEN YEARS IN THE OPEN AIR. THE VIRUS HAS SHOWN TO STILL BE ALIVE EVEN AFTER FREEZING OR THAWING. DON'T TAKE CHANCES – USE SAFEGUARDS – BIOLOGICAL EVIDENCE CAN CAUSE SERIOUS ILLNESS IF NOT HANDLED PROPERLY. ALWAYS USE GLOVES, AND WHEN POSSIBLE, FACE PROTECTION.**

The Property Section will not accept bio-hazard materials unless the items are evidence related to a major personal injury crime.

Sharp items (needles, knives, glass and other sharp items) must be handled with Care to prevent infection from accidental cuts or punctures. Keep needles and other sharp items in puncture resistant properly labeled containers until disposed of by the Property/Evidence Unit.

Syringes will not be accepted by the Property Unit. If they are considered evidence in a major personal injury case, they should be photographed, and then disposed of in the containers provided. Any liquid from a syringe that needs to be analyzed should be transferred to another container.

## PACKAGING

### DWI

Use the DWI Blood Submission Kit. The officer must complete the submission form, included in the mailer tube. After sealing the green mailer tube, the officer shall initial the mailing label.

### RAPE EVIDENCE

Sexual Assault Kits should be given directly to the Property Evidence Officer during business hours and placed in the refrigerator in the intake office after hours only.

Clothing from either the victim or the suspect or linens shall be packaged separately in brown paper sacks and listed separately on the Evidence Report. Each article of evidence must be described, i.e.: color, type, etc.

Blood or wet stained items shall be air-dried before packaging in brown paper sacks and should be handled through the Crime Scene Unit.

### SUBMISSION

Evidence should be given directly to the Property Officer for secure refrigerated storage or proper storage for air-drying during regular business hours. If a Property Officer is not on duty, secure the evidence in the refrigerated storage unit.

### STORAGE

Will be stored in a designated area within the Property Room

### DISPOSAL

Upon adjudication of the case or upon determination that the items are no longer needed as evidence, all bio-hazard, DNA evidence will be destroyed according to state and OSHA standards.

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|------------------------|
| CASH/PAPER MONEY/COINS |
|------------------------|

### GENERAL PROCEDURES

Cash and coins provide the greatest possible challenger to an officer's integrity by a suspect. In order to avoid any potential problems, specific guidelines for protecting all employees from citizen complaints have been established. Checks will be handled differently.

### PACKAGING

Money must always be packaged separately. If money is recovered with a purse, wallet, or other property, it shall be removed, counted, and placed in a sealed currency pouch.

Sort all bills by denomination. Complete a partial photocopy of all bills to show serial numbers and denominations. Submit the photocopy with other paperwork to Records. With another employee present, count bills. Have the witnessing employee recount.

Place the funds into tamper-proof currency pouch and seal. Both the primary officer and the witnessing employee shall initial the evidence seal.

If special handling is required, (items having historical or collectable value) this should be noted on the currency pouch as well as the Property/Evidence Report.

#### PROPERTY/EVIDENCE REPORT

The Report must indicate the total amount of money and the total quantity of each denomination. EXAMPLE: 1 \$20 bill, 2 \$5 bills, 6 \$1 bills Total \$36.

#### SUBMISSION

The sealed and initialed bag and the Property/Evidence Report should be secured in a property locker.

#### STORAGE

The Property Officer will store the cash in the property vault. **(IF THE CASH HAS SOME HISTORICAL, OR COLLECTABLE OR EVIDENTIARY VALUE, IT WILL BE MAINTAINED IN THE PROPERTY VAULT UNTIL IT IS RELEASED FROM THE CUSTODY OF THE PCSO).**

#### DISPOSAL

When held by a search warrant, a court order is required for release.

Asset Seizure – will be deposited with the treasury office or held in safe.

Stolen or Embezzled – PCSO shall send a notice to the owner to pick up the cash within 30 days. A second notice will be sent after 15 days. The funds will remain on deposit

with the County for a minimum of 30 days, after which the money is deposited in the County's General Fund for its use.

Safekeeping – will be released upon request and proof of identification.

Found – will be returned to the owner upon proof of ownership and identification. If the cash is not claimed, after 30 days, it is transferred to the County's General Fund. It is not **returned** to the **finder**.

Evidence – reviewed on a case by case basis. Release or return will be based on applicable legal codes.

## CHECKS

### General Procedures

The majority of checks received by the agency are now going directly to the CID Unit. However, if an officer is called to a scene and is required to take custody of a check, the following procedures will apply.

The check should be handled very carefully, so as not to destroy fingerprint evidence.

The impounding officer shall place the check in a plastic check sleeve first and then in a manila envelope and attach an evidence sticker to the envelope.

Photocopy both sides of the check, submit the photocopy to Records.

The impounding officer must complete a Property/Evidence Report. The Report must include:

1. Owner-should be listed as account holder name and address
2. Description – Check number, bank and serial number
4. Multiple checks shall be listed as separate items.

Forgery affidavits shall be forwarded through the chain of command to the CID Unit.

## EXPLOSIVES

### GENERAL PROCEDURES

**Explosives may not at any time under any conditions be submitted to property. The employee shall not bring flammables into any PCSO facility.** Questions regarding the preservation of evidence related to explosives should be directed to a designated Bomb Technician. (Usually Fort Polk Army Technicians).

### TAGGING

Items, such as automobile batteries, should be marked with an Evidence Tag.

### SUBMISSION

No special instructions. The completed Property/Evidence Report should be forwarded to the Property Unit.

### STORAGE

Batteries must be tagged and placed in a designated area of the holding area of the bicycle pen. A plastic tag must be attached.

The impounding officer should make his/her supervisor aware of any known or suspected volatile substance that must be stored as property or evidence. The supervisor will determine appropriate storage or destruction by:

1. Contacting the County's Emergency Management Haz-Mat Team, or
2. Contacting the Fire Department

#### DISPOSAL

Disposal of volatile materials and acids will be considered on a case by case basis and in agreement with environmental laws.

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| FINGERPRINTS |
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#### GENERAL PROCEDURES

Fingerprints are to be appropriately marked to show the date, location lifted, case number and person lifting the prints. Fingerprints must be marked and stored as evidence and must be controlled by the Crime Scene Search Unit **DO NOT TURN FINGERPRINTS IN TO THE PROPERTY UNIT.**

|                               |
|-------------------------------|
| FIREARMS/PELLET GUNS/AIR GUNS |
|-------------------------------|

#### GENERAL PROCEDURES

**Guns must always be unloaded before submitting them for property storage.**

#### TAGGING

**ALL HANDGUNS MUST BE SUBMITTED IN AN EVIDENCE BAG OR GUN BOX.** The weapon is to be secured in the gun box with plastic ties to prevent movement. The magazine is to be secured with the weapon in the box. An Evidence Sticker is to be placed on the outside of the box.

Package ammo separately in a padded 9" x 12" manila envelope, if it will fit.

In the event a firearm or ammunition is to be sent to the Lab after it is submitted to the Property/Evidence Unit, CID personnel will appropriately package the items.

Each weapon shall be marked with a property tag.

Each weapon shall be checked for stolen.

Major felony cases weapons should be marked with initials, date and service number if there is no serial number to record on the Property/Evidence Report. This should be done without defacing the gun by removing the grip/stock or attaching a removable marker, such as a stick-on label or other material that can be removed.

Other than Major Felony Cases, Found Property, Safekeeping – The weapon should be marked with initial, date, file number and item number.

Magazine clips must be attached to the firearm by plastic straps or tape.

Ammunition must be counted.

#### PROPERTY/EVIDENCE REPORT

Ammunition shall be listed as a separate item on the Property/Evidence Report.

#### SUBMISSION

Each weapon shall be submitted with the chamber open, magazine removed, and safety **on**, Revolvers shall have the cylinder open and blocked from accidental closure during handling and storage.

In the event that circumstances necessitate submitting the weapon loaded, the weapon must be hand delivered to the Property Officer.

Any peculiar weapon that has been submitted to the Property Unit in a loaded condition shall be unloaded by a firearms instructor as soon as is reasonable.

If the gun must be transported to a laboratory for testing in a loaded condition, the weapon shall be hand delivered by a member of the Property Unit.

The Property/Evidence Unit will submit all firearms to NIBIN for testing with the following exceptions:

If the weapon is a priority or if the owner wishes to pick the weapon up, a note will be attached to the submission form stating the need for Priority Testing.

#### DISPOSAL

Upon case adjudication, all firearms are disposed of in a manner consistent with state and local law per Article 18.19 – disposition of Seized Weapons – Texas Code of Criminal Procedure.

Weapons shall not be released for public auction. They shall be forfeited or destroyed pursuant to the Code of Criminal Procedure.

If a weapon has significant historical value, the Sheriff will make the final determination as to whether to hold or destroy the weapon.

Illegal weapons shall not be released. All firearms and weapons used/related to an offense require a court order for release/destruction. People in the Evidence Unit are to verify the validity of the court order **PRIOR** to it's release to owner.

#### STORAGE

Firearms shall be stored in a locked area of the property room.

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| FIREWORKS |
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#### GENERAL PROCEDURES

Fireworks are **NOT TO BE SUBMITTED INTO** Property.

#### PROPERTY/EVIDENCE REPORT

You may take a photo of the fireworks if you need it for Court purposes and this may be submitted with an evidence report, otherwise no paperwork is needed for the Evidence Unit.

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| FOOD |
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Food items are perishable. They attract mice, become stale and lose resale value during the time held by the PCSO. In order to better serve the interests of the public and the PCSO, a procedure for photo releasing these items had been developed. In most instances food items will only be stored if they are evidence to a major personal injury crime.

#### GENERAL PROCEDURES

Photograph items recovered.

Contact the owner for pick-up of items.

If the owner cannot be contacted or cannot respond, contact the Property Officer to determine if temporary storage of non-perishable items is possible. **Do not attempt to store perishable items.**

If evidence, items must be transported to the lab as soon as possible.

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| FOUND PROPERTY |
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Items which have been intentionally abandoned by their owners do not fall within the definition of found property. **Generally, items which have been abandoned by their owners should, be disposed of and not submitted to property.**

#### GENERAL PROCEDURES

All found property shall be tagged and packaged. If the found property has a serial number, it must be checked for stolen. The results of the check must be submitted with the Property/Evidence Report.

The submitting officer should attempt to contact the owner if known. If possible, release the item in the field.

Found property of a very limited value, such as old clothes, broken toys, etc. should be left in the field for disposal by the finder, **unless** the item is a safety hazard. If the item(s) cannot be safely disposed of by the finder or the officer, communications should be notified to contact the appropriate County Department to dispose of the items.

#### TAGGING

Dependent upon the nature of the item.

#### PROPERTY/EVIDENCE REPORT

Must reflect that the property was found.

Listing is dependent upon the nature of the item.

#### SUBMISSION

Dependent upon the nature of the item.

#### DISPOSAL

After the property has been held for 30 days without a claim of rightful possession, it shall either be destroyed (if determined to have no value) or sent to the County Warehouse for auction or to be donated to a charitable institution.

**UNCLAIMED PROPERTY WILL NOT BE RETURNED TO THE FINDER.**

## JEWELRY

### GENERAL PROCEDURES

It is imperative that items of jewelry be accounted for by quantity and by description.

### TAGGING

Similar items may be bagged together for submission, taking care not to entangle items such as chains and ropes.

Items should be bagged in the smallest available envelope to accommodate the size of the article.

### PROPERTY/EVIDENCE REPORT

Each type of article must be listed on the Property/Evidence Report EXAMPLE: 4 gold color rings, 3 gold color rings with blue stones, 5 gold color 18" chains, 6 silver color chains with turquoise color stone pendants.

**Do not list specifics related to the item's description that indicate precious metals and valuable settings. Metals should be described as gold color rather than gold, silver color rather than silver, etc. stones should be described as clear stone or diamond-like rather than diamond; or blue color rather than sapphire, etc.**

**A description of assorted jewelry WILL NOT be accepted on the Property/Evidence Report.**

Jewelry that is known or suspected to be extremely valuable because of the type of metal, stones, etc. or because of its antique or artistic value must be listed separately on the Property/Evidence Report and the exceptional value noted.

### STORAGE

Jewelry is to be stored in the Property Room vault

### DISPOSAL

Will be returned to the owner, if known, upon case adjudication or when no longer needed as evidence. If the owner cannot be determined, the items will be disposed of through auction.

## MOTOR VEHICLES

If a motor vehicle is to be impounded for evidentiary purposes for further processing, the CID UNIT must be notified.

**DO NOT CONTACT THE PROPERTY UNIT. DO NOT MAKE AN EVIDENCE TAG. DO NOT COMPLETE A PROPERTY/EVIDENCE SHEET.**

## NARCOTICS

### GENERAL PROCEDURES

#### PACKAGING

Pills, Capsules, Tablets

Shall be counted and placed in 9" x 12" envelopes or the smallest packaging possible. The envelope or container must be sealed.

Loose Items (Powders, granular, marijuana)

Place in tamper proof 9" x 12" envelopes, evidence bags or containers (dependent upon the bulk) and weigh.

Officers shall wear latex gloves when handling narcotics.

The field test shall not be submitted as evidence. The used field test should be disposed of.

Do not field test liquids.

All containers, i.e., baggies, film canisters, etc., shall be initialed, dated, and the file number and item number noted. All containers shall be sealed with tape. If the separate containers are placed in an envelope or plastic bag, each separate container shall also be marked with initials, date, file number and item number. **DO NOT STAPLE EVIDENCE CONTAINERS.**

Assorted combinations of baggies or pills shall not be accepted. All baggies, pills, items, etc. must be counted and weighed. The recorded weight should reflect the weight with the bag or container.

Narcotics Officers or supervisors shall mark and initial items which they field test.

If seizing live marijuana plants, photograph the plant in the container, remove the plant, strip leaves and place it in a paper sack, seal, initial, and date. Photos shall be sent to Records and shall contain the date/time/location and photographer on the reverse side of

the picture. Do not enter as evidence. Containers will not be entered as evidence and shall be returned to the owner or disposed of.

Marijuana that is moist must be packaged in paper bags. If the drug container also needs to be processed for fingerprints, etc., the drugs should be removed and placed in a separate envelope (9" x 12"). The container and the drugs must be listed separately on the Evidence Report.

**Any narcotics that are fresh or wet must be placed in a paper bag or manila 9" x 12" envelope. The envelope must be left unsealed. Immediately contact the on-call Property Officer to take possession of the narcotics so they may be properly dried.**

#### PROPERTY/EVIDENCE REPORT

Different types of narcotics must be listed as separate items on the Property/Evidence Report and must be packaged separately.

All narcotics must have a brief description listed on the evidence tag. EXAMPLE: Green leafy substance, white powdery substance, etc., believed to be marijuana, cocaine, etc. All narcotics must be weighed/counted and listed on the Evidence Report to include the baggie, container, etc. EXAMPLE: Green leafy substance, weight is .04 oz including bag.

The suspected substance must be noted on the Property/Evidence Report.

DO NOT place the Property/Evidence Report in evidence package with the drugs.

If prints are needed on baggies, containers, etc. you must remove the narcotics from the container to be printed and list it as a separate item on the Evidence Report. Place the narcotics in a baggie sealed with evidence tape, initial, date, and list the item number on the baggie also. Place the baggie in a 9" x 12" manila envelope sealed with evidence tape, initialed and dated.

#### STORAGE

Narcotics will be maintained in a locked area of the Property Room.

#### DISPOSAL

After court case is disposed of with District Attorney's Office and appeals are over.

For health and safety reasons with a court order, after representative samples have been taken by the lab and meth labs have been analyses photographs will be taken of evidence for court purposes. The excess narcotics and meth labs can be destroyed with a court order.

## **PARAPHERNALIA**

### **GENERAL PROCEDURES**

#### **PACKAGING**

Paraphernalia can be listed as item on the Property/Evidence Report, and may be packaged together: EXAMPLE: 5 pipes, 1 razor blade, 15 baggies)

#### **PROPERTY/EVIDENCE REPORT**

Items must be listed separately in description, see example above.

#### **STORAGE**

General storage in the Property Room

#### **DISPOSAL**

As soon as case is disposed of with District Attorney's Office.

Take photographs of items for case purposes and list the items when submitted as being ready for destruction.

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| TOBACCO |
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#### GENERAL PROCEDURES

Tobacco which is considered evidence must be seized regardless of the level of the offense. All seized tobacco, if found within it's original packing material, should be left in the original packaging. Loose tobacco evidence should be placed in a 9" x 12" envelope and submitted to the Property Unit.

#### PROPERTY/EVIDENCE REPORT

A description of the evidence should be listed on the Evidence Report at the time the tobacco is logged.

#### STORAGE

Tobacco evidence will be maintained by the Property Unit until the case is disposed of by the courts or the submitting officer authorizes disposal.

#### DISPOSAL

Tobacco seized as evidence will only be disposed of by Property Unit personnel after the case involving the evidence has been adjudicated in court per the courts order or at the discretion of the officer submitting the evidence, once the officer is notified of a judicial disposition of the evidence.

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| TOOLS |
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**GENERAL PROCEDURES**

The impounding officer shall check computer records for stolen.

**PACKAGING**

Small Tools – screwdrivers, pliers, etc. Should be placed in an envelope/bag and sealed.

Large Tools, attach a completed Evidence Tag

All sharp edges should be covered.

**PROPERTY/EVIDENCE REPORT**

Each tool must be listed and described separately

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|--------------------------------------|
| VIDEOS, CASSETTE TAPES, CDs, or DVDs |
|--------------------------------------|

GENERAL PROCEDURES

CHECKING OUT VIDEO'S, CE'S OR DVD'S

Original Evidentiary Video's, CD-R's, and/or DVD's may be released if needed to the investigating detective, Sergeant.

PACKAGING

DWI VIDEOS

Do not place in evidence bags or envelopes.

The impounding officer must complete the label on the side of the video tape.

Do not store near anything magnetic.

CDs

DO NOT place in evidence bags or envelopes. They are to be put in a plastic tape case and the evidence sticker placed on the outside of the case.

The Property Unit will provide cases if needed.

ALL OTHER VIDEOS AND CASSETTE TAPES

Videos – Place evidence sticker directly on the video. Do Not Package.

Cassettes – package in 6 x 9 envelopes and seal

Label the tape and the envelope with the file number, the impounding officer's ID number, and the impound date.

|         |
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| WEAPONS |
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## GENERAL PROCEDURES

**This section refers to submission of clubs, knives, knuckles, mace, etc.**

## PACKAGING

Weapons must be packaged separately from other items.

Small items should be placed in an envelope or bag and sealed.

All sharp edges must be covered with folded paper or a taped envelope.

If a knife, ice pick, etc. is to be sent to the lab for testing, place in a padded 9" x 12" envelope.

All weapons other than knives should be placed in a padded 9" x 12" envelope if they will fit. Cover any sharp edges.

## PROPERTY/EVIDENCE REPORT

Items must be listed separately on the Report.

The item must be completely described. List the color, brand, length, type of material, etc.

## DISPOSAL

Dependent upon the nature of the item.

Weapons, other than firearms, shall be stored in general storage in the property room. Cover any edges.



**Polk County Sheriff's Office**

**EVIDENCE - CHAIN OF POSSESSION FORM**

Use approved Sheriff's Office forms

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Jail Lockup &<br>Intake of Detainees                    | <b>Policy Number:</b> 4.10 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

The entire jail and booking process must be accomplished in an efficient manner that combines firmness with respect for the rights and needs of the person being detained. During the intake process arresting or transporting officers will work closely and support detention officers by controlling their arrested or transported prisoner.

**DEFINITIONS:**

*Classification:* The process by which detainees are separated one from another, as they are booked into a lock-up or jail.

*Jail:* A central detention facility operated by the Polk County Sheriff's Office or Jailer of a County.

*Lock-up:* A temporary holding facility, usually located in a police or constables office, where inmates are held usually for a short period of time, pending release or transport to jail.

**PROCEDURES:**

**Prisoners Taken To a Jail or Lock-up:**

No weapons (firearms, batons, knives, gas devices, etc.) are allowed in the detention facility.

1. When delivering a detainee, weapons will be secured in lockers, if provided, or in the trunk of the patrol vehicle before entering the detention facility.
2. When removing a detainee from the jail or lock-up, weapons will be placed in lockers before entering the detention facility. After securing the detainee, weapons will be retrieved at which time the jailer will turn the detainee over to the officer.

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Detainees will not be accepted into the detention facility, and will remain in the custody of the arresting or transporting officers under the following conditions:

1. Inaccuracies exist in the arrestee's paperwork;
2. A question as to the identity of the arrestee in comparison to the accompanying paperwork;
3. Transporting officers refuse or cannot furnish reasonable background data about the inmate;
4. Inmate is in need of medical attention;
5. Inmate is in need of psychiatric evaluation or observation; or
6. Inmate requires special needs that the facility cannot reasonably provide.

**Duties of Arresting Officer:**

A detainee will remain with and the responsibility of the arresting officer until the jail officer accepts custody of the detainee. When any officer is delivering a detainee to the detention facility, he or she will remain with the detainee until locked up or accepted by the booking officer. The arresting officer will:

1. Assist the jail officer during the intake process by controlling his prisoner.
2. Provide an arrest report or arrest warrant, filled out clearly and legibly by the officer, prior to releasing the arrested subject to the jail officer.
3. In cases of multiple arrests, an arrest report will be completed for each detainee.
4. After the jail officer has accepted custody of the detainee and the arresting officer has given him the arrest report, the jail officer will then be responsible for custody of the prisoner, and not before.

**Duties of the Receiving Officer In Charge of the Lock-up:**

During the intake process the officer in charge of the lock-up will:

1. Classify the detainee to the extent reasonably possible, with physical separation being maintained between the following categories of inmates:
  - a. General population - the typical custody levels for the facility;
  - b. Close and maximum custody - those who may be violent or harmful to themselves or others;
  - c. Medical isolation;
  - d. Contagious or communicable diseases;
  - e. Separation and protective custody;
  - f. Trustee; &
  - g. Drunk tank & detoxification – to be moved to general population as soon as they can care for themselves.
2. Conduct medical screening to determine the medical condition and need for medical, dental, or mental services while in custody.

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3. Confirm that the detainee has been read his rights by the arresting officer, and has been provided those rights, if requested by the detainee.
4. Determine if the inmate has contacted anyone about his or her whereabouts.
5. Determine if the detainee has any complaints against the arresting officer that is appropriate for supervisor referral.
6. Look for signs of and ask the detainee if he has any suicidal tendencies or a history of suicide attempts.

### **Conditions of Confinement:**

Although the length of stay in a lock-up as compared to a jail is much shorter, the conditions of confinement are much the same. Key among these responsibilities are:

1. Inmates will be provided continuous access to the officers by sight and sound.
2. Inmates will be provided at least three meals per day, during regular eating hours, two of which will be hot meals.
3. Inmates will be provided with clean blankets.
4. Inmates will be allowed, and provided the facilities to bath at least every other day.
5. Inmates will be allowed access to a telephone for limited use.
6. All inmates will be checked personally by sight and sound at least every hour.
7. Inmates showing suicidal tendencies will be checked by sight and sound at least every 15 minutes, and a log kept confirming these checks.
8. If detained for over 24 hours inmates will be provided with recreational items such as television and reading material.

### **Life Services:**

The officer(s) assigned to the lock-up on each shift are responsible for the following life services that will be performed on a continuous basis, as indicated:

1. **Fire Drills and Evacuations** – At least quarterly the officer in charge of the lockup will conduct a fire drill.
2. **Maintenance of fire protection systems** - At least quarterly, and in conjunction with the fire and evacuation drill, the fire protection system will be tested to include checking standpipes, hoses, extinguishers, alarms and other firefighting equipment.
3. **Suicide prevention** - In addition to the sight and sound inspections conducted every 15 minutes, officers will refer any person showing suicidal tendencies to a competent medical or mental health professional, immediately. Additionally, any item that might be used as a means of committing suicide will be removed from the cell, if reasonably possible.
4. **Medical care services** - Responsible officers will provide any medication as prescribed by a health care professional. This may include having a patrol officer seek out medication at the detainee's place of residence and bringing it to the department for issue and use as prescribed. Medicine will not be given to the

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detainee in more than one dose, and then officers will observe consumption or use of the dosage prescribed.

5. **Supervision of Detainees** - When making hourly rounds, officers will speak to the inmates to insure they are responding normally. The exception is during normal night time hours when inmates may be sleeping.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Transporting Arrested Persons                           | <b>Policy Number:</b> 4.11 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Agency personnel will take all reasonable precautions necessary to protect the lives and promote the safety of the officers, the public, and the person in custody while transporting detainees.

**PROCEDURES:**

**Prior to Transport:**

1. All detainees will be *thoroughly* searched for any weapons or contraband (See policy regarding Searches) prior to transport.
2. The search should be conducted by an officer of the same sex of the detainee if possible.
3. Transporting officers should search each detainee.
4. Transporting officers will provide the dispatcher with the following information when possible:
  - a. Identity of the detainee, (this information, along with a DOB, should be given so a warrant check can be completed);
  - b. Arrest location and destination of transport; and
  - c. Time and mileage readings before and after transport.
5. Assist the detainee into the vehicle for transport.

**Transport Guidelines:**

Detainees will be transported in the following manner:

1. **Arrestees should only be transported in vehicles equipped with security screens.** Exceptions require permission of a supervisor, and the assistance of a second officer.
2. The arrestee will sit in the rear-right seat if a second officer is needed or available will sit behind the driver. The second officer will secure his weapon prior to transport.

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3. Leg restraints will be used when detainees exhibit violent behavior or an officer believes the detainee has a potential for violent behavior.
4. All detainees will be secured in the vehicle by proper use of a seatbelt except in situations where circumstances exist that would otherwise present more danger to the officer or the person being transported.
5. Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the detainee.
6. Transport of detainee's for any reason after incarceration, will be accomplished by sworn officers or specially trained transportation officers.
7. Detainees will not be left unattended during transport.
8. In the event of a detainee escape all information will be immediately reported to the communications center by means of the police radio.

#### **Vehicle inspection:**

1. All vehicles regularly used for detainee transport will be inspected at the beginning of each shift as follows:
2. The safety screen will be securely in place and undamaged;
3. All windows will be intact, and outer door latches in proper working order;
4. Rear seat door handles and window controls should be deactivated;
5. The interior will be thoroughly searched to ensure that no weapons or contraband have been left or hidden within the vehicle. Special emphasis will be placed on inspecting under the rear seat and floorboard area.
6. Should any problems with the vehicle be discovered or any contraband or property of any kind is located inside the vehicle, the information will be documented on the Vehicle (Unit) check sheet as outlined in the departmental policy manual.
7. After each detainee transport, the vehicle will be searched again after the detainee has been delivered to the detention facility or other destination.

#### **Handcuffing:**

1. Officers will handcuff (double locked) all detainees with their hands behind their back and palms facing outward.
2. Officers may only handcuff detainees with hands in front, or utilize other appropriate restraining devices if the detainee:
  - a. Is in an obvious state of pregnancy;
  - b. Has a physical handicap; or
  - c. Has injuries that could be aggravated by standard handcuffing procedures.

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3. Detainees will not be handcuffed to any part of the vehicle during transport.
4. Additional approved restraint devices may be used to secure a detainee who violently resists arrest or who manifests mental disorders such that he poses a threat to himself, the transporting officer(s) or the public.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Bail Bonds  | <b>Policy Number:</b> 4.12 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

No employee will directly or indirectly recommend or arrange for a bondsman or post bond for any person charged with an offense unless the arrested person is a member of the employee's immediate household.

**PROCEDURES:**

**General Guidelines:**

Bail bond procedures are established by the Judges of the Circuit and Municipal Courts, and are not a police function. Any questions concerning bond procedures, including recognizance bonds, should be referred to your immediate supervisor. Officers will not recommend a particular bail bondsman, or provide preferential treatment to any particular bondsman.

A complete and updated list of all licensed or approved practicing bail bond companies are kept in the booking or intake processing area and made available for arrestees, incarcerated individuals, and their families. This list is not to be removed from the booking processing area.

Under no circumstances will a bail bond person be allowed to remain on departmental property for other than official business. Official business includes speaking to arrestees, incarcerated individuals, or their families concerning a bond or actually writing a bond. The only exception to this rule is if the bail bond person is visiting a family member or acquaintance during regular visiting hours.

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**Polk County Sheriff's Office  
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Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Report Writing  | <b>Policy Number:</b> 4.13 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Polk County Sheriff's Office prepares written reports in order to better manage the department, document events, and support the criminal justice process through effective communications.

**PROCEDURES:**

**Written reports:**

Departmental employees are required to initiate, maintain, and safeguard written reports, in appropriate form, for the following situations:

1. Citizen Complaints
2. Citizen reports of crime
3. Follow-up investigations
4. Incidents involving arrests, citations, or summons
5. Situations where an officer is dispatched
6. Situations where an officer is assigned to take action at a later time
7. Criminal and non-criminal cases initiated by officers

In some instances the department uses standard forms for the purpose of aiding officers and employees in preparing written communications. However, the failure to have a proper form does not relieve the officer or employee of the responsibility of producing the report. When in doubt, and no standardized form is available, a blank sheet of paper will be used.

**Permanent Notebook System:**

All officers and specialized employees of Polk County Sheriff's Office carry and use a permanent notebook. Guidelines for this notebook system are:

1. Write name, badge or identification number on the notebook for verification that the book contains your original notes. This also serves as a means of identification if the notebook is lost.

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2. Keep all notes in the notebook, not on loose scraps of paper.
3. Notes taken must be neat and accurate. When introduced in court, illegible notes may cause a case to be dismissed.
4. Pages should be kept intact. These pages are kept in sequence of date and time with daily inquiry activities included.
5. Information from separate investigations or inquiries is not placed on the same page. This causes confusion.
6. Take complete notes at the time of the incident or inquiry. Too much information is preferred to insufficient information.

### Report Preparation:

Reports prepared by employees and officers of Polk County Sheriff's Office:

1. Contain correct information based on accurate notes;
2. Are brief and explicit, including relevant information regarding the elements of the crime;
3. Clearly communicate ideas;
4. Answer the following questions:
  - a. **Who** was involved?  
All persons involved are identified by their role, as suspects, victims, witnesses, etc. Obtain first, middle, last names, possible aliases, home and work address, telephone numbers, dates of birth, and race.
  - b. **What** happened?  
Exactly what type of offense was committed, what means of transportation, tools, or equipment was apparently used. What was the actor's *modus operandi*? Did the actor use direct attack, or were his tactics more indirect or crafty.
  - c. **When** did it occur?  
Record the crime discovery time and the time the crime is likely to have occurred. Use terms such as *recent*, and look for other clues to time of death. Conversely, if rigor mortis has set in, and blood is dry, it has been *at least hours*. Also indicate the time witnesses and victims are contacted, and arrests made.
  - d. **Where** did it happen?  
Location is to be as exact as possible. If unable to obtain an address, record the nearest intersection or permanent landmark. Describe the area as *business, residential, open country, apartment complex*, etc. Look for evidence that the crime could have started somewhere else, and ended up at the *reported location*.
  - e. **Why** did this incident occur?  
Was the apparent motive or purpose of the crime *revenge, monetary or personal gain, thrill, drug-related, accidental*, etc.
  - f. **How** did it happen?

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Based on reasonable observations at the scene, and information provided by witnesses, explain *how entry was made, how property was obtained, or how the suspect chose and approached the victim.*

5. Avoid inappropriate language, such as slang or jargon, unless quoting a suspect, witness or victim;
6. Never use radio codes, numerical designations or other terms particular to law enforcement in report narratives;
7. Print or write legibly, except for officer's signature;
8. Be objective and unbiased, recording information whether positive or negative;
9. Contain correct grammar and spelling;
10. Place events in chronological order; and
11. Keep a copy of the report for future reference.

### Report Style:

Good reports, even technical reports contain a lot of facts, but should be easy to read and understand. Remember, the reports you write today will be seen by a jury tomorrow, and you will be judged by the way you write, what you say, and the way it is stated.

1. Write the *way you talk* in a normal conversation. Add details, the way you speak. Avoid writing *Unit 16 approached the door and spoke to Suspect #2*. Instead use, *I walked to the door and spoke with Mr. Doe*.
2. Write in the *first person singular*. Use *I* or *me*, not *Officer Johnson*.
3. Write in the past tense, if it happened in the past not *Approaching the car I see the gun in the back seat*. Instead *I walked along the driver's side of the car and saw the gun in the back seat*.
4. Carry and use a dictionary and a thesaurus. Using the right word to describe your meaning is important.
5. Use everyday words and avoid unfamiliar wording.
6. Avoid using police jargon.
7. Be very careful about using the word *suspect*. Are they really suspects or simply individuals? Suspects must be suspected of something and read their Constitutional Warnings. Get their names and use them in the report.
8. Lastly, read over your report when you are finished. Ask yourself, would a regular citizen clearly understand this report. If the answer is *no*, a jury will not understand it either. Redo it!

### Offense Reports:

Offense reports are designed to:

1. Provide a means whereby officers can conduct and record a *preliminary investigation* of a criminal offense;
2. Provide complete and accurate information for follow-up investigation and prosecution;

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3. Provide patrol officers and investigators with certain decision-making points that enable them to identify follow-up investigative needs;
4. Improve control of the report flow process within the department thereby improving report access and statistical recording; and
5. Aid other officers in the collection of *crime data, patterns, suspect information, and determine modus operandi, etc.*

Offense reports must be completed for all serious criminal acts and suspected acts. These reports clearly and concisely report elements of the crime by answering critical *who, what, when, where, how, and why* questions. It is the responsibility of the first officer arriving on the scene to complete the first handwritten copy.

Offense reports are timely written, either during or shortly after the shift on which the incident was reported. Officers turn in the report to their supervisor for evaluation, approval, and further action by the department. Once approved, the supervisor passes the report to distribution, and notifies the dispatcher for entry or clearance with NCIC and state reporting systems.

### **Arrest Reports:**

Arrest reports accurately records the circumstances surrounding the taking of physical custody of a *suspect* or *escapee*. The arresting officer completes the report and includes sex, race, and date of birth, age, home address, specific charge, and probable cause for the arrest. Supervisors review the arrest report for clarity, completeness and accuracy, and once satisfied, forward the report for action. If a final disposition is reported, the supervisor updates the indexed arrest record. Arrest files are alphabetically filed in the departmental arrest index.

### **Supplementary Reports:**

Supplementary reports are used when additional information is discovered through an investigation. The officer who discovers this new data is responsible for the supplementary report. The updated portion is attached to the related report with a supplement number and date. Every officer arriving at or entering onto a major crime scene will complete a *supplemental report* detailing the reason for their response, and the actions taken once arriving at the crime scene. These supplemental reports will contain the same level of detail as contained in the original *offense report*, but as observed by the officer completing each supplemental report.

### **Case Files:**

Case files are primarily designed to assist investigators by collecting all documents relating to a criminal or intelligence case into one location. Case files often consist of the following items:

1. Contents sheet
2. Original offense reports
3. Investigator's field notes
4. Complaint reports
5. Supplementary reports
6. Arrest reports

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|--------------------------------|--------------------------------------|
| 7. Accident reports            | 13. Latent Prints                    |
| 8. Property receipts           | 14. Criminal profiles                |
| 9. Vehicle tow slips           | 15. Statements                       |
| 10. Autopsy reports            | 16. Record checks and NCIC inquiries |
| 11. Crime scene photos         | 17. State reports                    |
| 12. Suspect photographs & data |                                      |

**File Maintenance:**

Polk County Sheriff's Office maintains a comprehensive report filing system. This system includes:

1. Reports are filed and indexed as data is received and approved by supervisors.
2. Case files remain *opened*, until the case is solved by *arrest and accepted by the prosecutor for prosecution*; or, the *statute of limitations* has expired.
3. When a case is closed, all unneeded copies are destroyed.
4. Master index card is prepared listing each report and filed. When a file is updated such information is entered into the case file and on the offense index card.

**Radio Dispatch Logs:**

Radio dispatch log entry's are recorded on all alleged or reported crime, and in some cases, are the only record of law enforcement action taken. The requirements for a radio dispatch log entry include, at a minimum, the:

1. Date and time of the initial report of the incident;
2. Name, address, and telephone number of the officer, citizen, victim or complainant requesting service;
3. Supplemental reports or calls for services;
4. Any reported injuries or deaths;
5. Nature of the incident; &
6. Date, time, and type of action taken by the officer.

**Confidentiality of Records:**

Law enforcement records contain critical and potentially life threatening information. Such mundane information as *complainants address, location and phone number; trial and appearance dates; potential witness lists; and status of a case* if released into the wrong hands can cost an officer or resident their life.

Police reports and files are reported, collected, and disseminated on a need-to-know basis. Just because an officer or employee is an employee of the department does not mean that he or she needs or should know vital information about an open case or a case pending for trial. As a result:

1. Case information will not be discussed or released outside of those officers and employees having a strict *need-to-know*.

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2. An officer or employee will not release to non-law enforcement personnel case information until after verification of a *need-to-know* is established.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Traffic Stops and Enforcement                           | <b>Policy Number:</b> 4.14 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

The Polk County Sheriff's Office will aggressively enforce traffic laws in an effort to improve safety in our community, and ultimately reduce the occurrence of traffic accidents and deaths.

**DEFINITIONS:**

*Racial profiling:* The interdiction, stopping, detention, or other unequal treatment of any person based on race, ethnicity, gender, or any combination thereof.

*Reasonable suspicion:* Also known as *articulable suspicion*. More than a mere hunch, and based on a set of articulable facts or circumstances that cause a reasonable person to believe that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person(s) being observed. Reasonable suspicion in traffic enforcement is often based on observations by the officer in combination with training and experience, and/or reasonably reliable information from a credible source.

**Racial Profiling Prohibited:**

Officers must have reasonable suspicion to believe the person being stopped has committed an infraction of the law prior to initiating a traffic stop. **Race, ethnicity, gender, religion, political affiliation, or any combination of these will not be a factor in determining reasonable suspicion for a stop, or for determining probable cause for an arrest.** The primary factor to consider is whether *an observable offense was committed*.

**PROCEDURES:**

**Officer Sets The Example:**

Police officers are always being observed as they go about their duties. The public watches every action. As a result officers will:

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|---|

1. Obey all traffic laws, including posted speed limits; if the need to travel 10 miles per hour over the speed limit exist then emergency lighting and audio equipment will be used.
2. Be courteous and polite to motorists and pedestrians;
3. Drive defensively;
4. Yield right of way; and,
5. Use emergency lights and siren only during emergency response, vehicle stops, pursuits, or to warn of hazards.

While on patrol traffic enforcement duties, officers of Polk County Sheriff's Office will patrol their assigned area while paying particular attention to zones that may need a greater concentration of enforcement. Officers will also conduct conspicuous stationary observations in which their parked patrol vehicles will serve as reminders for drivers to comply with traffic laws. Officers will not leave their assigned patrol areas without prior authorization from their supervisor.

#### **Stopping Traffic Violators:**

There are no "routine traffic stops." The following are intended to reduce the safety risks for the officer, the violator, and other users of the roadway. Under ideal weather conditions, Polk County Sheriff's Office officers will:

1. **All traffic stops will be recorded in their entirety until the violator or subject of interest has completely left the scene by audio and/or video.**
2. Notify dispatch of the intended location of the traffic stop, the license number, vehicle description, and number of occupants observed in the vehicle.
3. Safely position the patrol vehicle behind the violator's vehicle;
4. Gradually change lanes to the right side of the road, on multi-lane roadways, to insure the safety of the violator and other drivers;
5. Attempt to stop the violator in an appropriate location, on the right side of the roadway, or off the road, so not to impede traffic;
6. When possible, position the patrol vehicle on a left oblique angle, two feet outside, and to the left, and approximately one car length behind the violator's vehicle;
7. Give the responsibility of radio communication and observation of the scene to the backup officer, if one is available;
8. Instruct the violator to move to a safer location if necessary, either verbally or by public address, if stopped in an unsafe location;
9. Prohibit movement of the vehicle if the driver is impaired;
10. Exit the patrol vehicle and watch for any suspicious movement or actions of the violator;
11. Approach the violator's car:
  - a. Looking into the rear seat area, if there are only occupants in the front seat of the vehicle; and

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- b. At a point near the leading edge of the left front door, if there are occupants in both the front and rear seat.
11. Require all occupants to remain in the vehicle, unless there is reasonable suspicion to believe that occupants may pose a threat to the officer.

**Types of Enforcement Actions:**

The first level of enforcement while performing street or foot patrol *is mere officer presence*. Reasonable citizens are typically more cautious when uniformed officers are nearby. The more we patrol and are highly visible, the more likely we are to deter crime while reassuring the public that we are protecting their interests and ready to provide assistance.

Officers may exercise one of three options regarding traffic violations:

1. *Warnings* - A warning may be issued, at the officer's discretion, when:
  - a. Minor traffic violations have been committed;
  - b. The suspect driver has an emergency; or
  - c. A violation is committed due to ignorance of local ordinances that may be unique or unknown to the driver.
2. *Traffic Citations* – should generally be issued for moving or non-moving violations that hinder safe and effective flow of vehicular or pedestrian traffic.
3. *Arrest* - Officers will make a physical arrest when:
  - a. *Subject is driving while intoxicated, or driving under the influence of alcohol* or other intoxicants has occurred;
  - b. A felony has been committed;
  - c. The vehicle operator refuses to sign a promise to appear on the traffic summons; or
  - d. The officer has *articulable reason* to believe that the person will not comply with the summons.

**Specific Traffic Violations:**

Polk County Sheriff's officers will follow the listed guidelines when deciding whether or not a traffic citation is warranted:

1. *Speeding violations* – A *citation* may be given to anyone who violates the posted speed limit. The decision to cite a violator may depend on the location of the violation, previous accident history of location, and directed patrol emphasis.
2. *Equipment violations* – A *warning* will normally be given unless the violation is repetitive or flagrant.

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3. *Multiple violations* – Traffic citations may be issued for each violation, however the more flagrant violation is generally cited and warnings issued for the remainder.
4. *Newly enacted laws* – A grace period of three months is generally recognized for newly enacted laws during which only a warning will be given. After the grace period, officers will use discretion.
5. *Revoked or Suspended Driver's License* – A driver may be arrested when an officer has stopped a vehicle and identified the driver as driving with a *revoked* or *suspended* license. If the officer is unable to stop the individual in a timely manner, he may seek a warrant for the violator's arrest.

### Issuing Traffic Citations:

After stopping a suspect traffic violator, officers will:

1. Be alert for the unexpected;
2. Be confident that observations of traffic violations are accurate;
3. Present a professional image in dress, grooming, language, bearing, & emotional stability;
4. Have all necessary equipment and forms available to conduct the stop in an efficient proper manner;
5. **Decide on the probable enforcement action before making initial contact based upon the violator's driving behavior, rather than their attitude;**
6. Greet the violator with an appropriate title and in a courteous manner;
7. Inform the violator what traffic law has been violated and the intended enforcement action;
8. Ask the violator for a driver's license, vehicle registration, and proof of vehicle insurance;
9. Make the driver *aware of why they were stopped*, allowing the driver to discuss the violation while maintaining a positive attitude;
10. Use discretion and take action, explaining to the violator exactly what he is supposed to do in response to the action and how the action will affect him;
11. Complete the citation form to include description of the vehicle and driver, but do not consider or record *gender, race, or ethnicity* of the person being stopped, beyond that information required on the citation;
12. Be alert to any emotional stress exhibited by the driver,
13. Return violator's driver's license, registration, insurance information, and a copy of the traffic or warning citation, if issued;
14. Resolve any stress or physical impairment that will prohibit the driver from operating vehicle on the road;
15. Confirm that the driver and passengers are wearing seat belts;
16. Assist the violator in safely re-entering traffic;
17. Not follow the violator;
18. Turn in all citations after completion of a shift, maintaining a copy for future court use; and,
19. Appear in court if required, prepared to support your actions in compliance

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with agency policies and procedures.

### **Officer Responsibility - Traffic Citations:**

When issuing a traffic citation, the officer will notify the motorist of:

1. Court appearance schedule;
2. Whether court appearance is mandatory;
3. Whether the fine can be prepaid to the court prior to court on entering a *guilty plea*; and
4. Any other necessary information.

Officers will be mindful of drivers who are not familiar with the State or jurisdiction in which they are driving, regarding *normal procedures* for resolving a ticket. **Under no circumstance will officers accept money, valuables, or favors from motorists for any reason, to include pre-payment of fines or tickets unless specifically ordered by a court.**

### **Stops at Night or During Inclement Weather:**

Night and inclement weather traffic enforcement operations are especially hazardous to officers and citizens. Distances are hard to judge, images are not clear, and closure rates of moving vehicles are difficult to determine. Officers will take the following cautionary steps when working traffic under these conditions:

1. Keep the patrol vehicle head lights on low beam for the safety of oncoming traffic;
2. Avoid pointing headlights into oncoming traffic;
3. Use spotlights or "take-down" lights to illuminate the offender vehicle;
4. Wear reflective vests, straps, or brightly colored inclement weather gear when outside of the patrol vehicle;
5. Carry and use a handheld flashlight for supplemental illumination; and,
6. Avoid looking into headlights or other bright lights to protect night-vision.

### **Felony Stops:**

Special procedures will be followed when stopping the vehicle of known or suspected felons to include:

1. Notifying the dispatcher immediately of location, description of the vehicle and occupants, and backup;
2. Waiting for the arrival of backup support, before initiating the stop;
3. Stopping the suspect vehicle, using necessary emergency equipment to warn other traffic, in a location which presents minimal danger to others;
4. Having a firearm or other weapon easily accessible and ready for immediate use;
5. Exiting the vehicle quickly, but remaining behind the door or other cover for protection;

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6. Commanding occupants, by public address system or by voice, to get out of the vehicle individually, into a safe area and into the appropriate search position;
7. Positioning yourself to reduce the potential for being struck by any vehicle;
8. Having support officers provide cover while arresting and searching the suspect(s);
9. Avoiding other officers lines-of-fire; and,
10. Focusing all lights, including spotlights, on the interior of the suspect vehicle,

**Radar:**

Radar is an important tool in verifying speed limit violations. Several guidelines must be followed in order to effectively use radar, including:

1. Training and certification in the use of the specific radar equipment used by the agency;
2. Understanding the effective range of the radar unit so visual observations can support the speed meter reading;
3. Calibrating the unit to insure accuracy in checking speed;
4. Establishing in court:
  - a. The time, place, and location of the vehicle that was checked, the identity of the operator, the speed of the vehicle, and the visual speed estimate and radar speed of the vehicle;
  - b. That the radar unit was operated properly, and tested for accuracy prior to the stop; and,
  - c. That speed limit signs were posted in the zone in which the violation occurred.
5. Maintaining proper care and maintenance off the radar unit.

**DWI Enforcement Procedures:**

In order to effectively apprehend persons suspected of *driving while intoxicated* or *under the influence of alcohol or drugs*, the following guidelines apply:

1. Detecting driving behavior indicative of impairment, including:
  - a. Sitting through a green light;
  - b. Weaving;
  - c. Excessively crossing the center-line or driving on road shoulder;
  - d. Driving excessively slow or fast;
  - e. Disregarding stop signs, signals, or the normal flow of traffic; and,
  - f. Improper turns.
2. Using extreme caution when stopping a suspected intoxicated driver. When making contact:

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- a. Be polite and business-like;
  - b. Get violators out of the vehicle and to a safe location, carefully observing actions and statements;
  - c. Obtain the violator's driver's license or other identification; and
  - d. Request field sobriety tests, and related tests for proof of impairment of suspected drivers.
3. Arresting the violator on the basis of the Officer's observations:
- a. When a suspect is injured during a traffic accident and alcohol or drug use is indicated, request the suspected violator submit to a blood test by hospital staff within two hours of the accident;
  - b. At the point where the officer has *articulable probable cause* to believe a DWI or DUI offense has been committed, read the suspect their rights; &
  - c. Complete forms for the type of incident and indicate the results of any tests that have been administered on the forms.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Highway Incident Traffic Control                        | <b>Policy Number:</b> 4.15 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Traffic control safety procedures are implemented at roadway incidents in order to improve safety for victims, responders, other motorists, and pedestrians. Law enforcement, fire, rescue, EMS, and public works cooperate and follow safe Highway Incident Work Zone procedures.

**DEFINITIONS:**

*Advance warning:* Notification to advising approaching motorists to transition from normal driving status to that required by traffic control measures ahead of them.

*Advance warning area:* The section of highway where road users are informed about upcoming work zones or incident areas. An advance warning area may vary from a single sign or rotating strobe light on a vehicle to a series of signs or flagmen.

*Block:* Positioning a fire apparatus, police vehicle, wrecker, or other vehicle on an angle to the lanes of traffic thereby creating a physical barrier between upstream traffic and the work area.

*Buffer zone:* Space between moving vehicular traffic and personnel in the work zone.

*Class III visibility garments:* High visibility protective garments designed for use by workers exposed to high-speed traffic hazards.

*Clearance:* Act of removing wreckage, debris, or other impediments that disrupt the normal flow of traffic, and restoring the roadway capacity to its pre-incident condition.

*Downstream:* The direction traffic moves as it travels away from the incident.

*Haz-Mat:* Hazardous material. For a listing of hazardous materials and how to identify

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Texas Law Enforcement Policies and Procedures, 4.15 Highway Incident Safety Management

each, refer to a copy of the Hazardous Materials Handbook 2000 available from the U.S. Department of Transportation.

*Haz-Mat Employee:* A person employed by a transportation or clean-up company who can directly influence Haz-Mat scene safety. For the purpose of this policy, the vehicle transport operator will be the primary individual in this category.

*Incident:* Any non-recurring event that causes a reduction of roadway capacity or an abnormal increase in demand. Such events include *traffic crashes, disabled vehicles, spilled cargo, highway maintenance and reconstruction projects, and special non-emergency events.*

*Incident area:* A highway section where temporary traffic controls are imposed in response to a road user incident, natural disaster, or special event.

*MUTCD:* Manual on Uniform Traffic Control Devices, published by the U.S. Department of Transportation Federal Highway Administration.

*NFPA:* National Fire Protection Association.

*Queue:* Traffic [vehicles] that accumulate upstream from the incident waiting to pass the incident site.

*Shadow:* Protected area that is shielded by the block.

*Taper:* Act of merging lanes of traffic into fewer moving lanes.

*Work zone:* Physical area of a roadway within which law enforcement, fire, rescue, EMS, towing services, road crews, and others perform their tasks.

*Transition zone:* Lanes of a roadway within which approaching vehicles change speed and position to comply with traffic control measures.

*Upstream:* Direction traffic is moving as vehicles approach the incident scene.

**BACKGROUND:**

Approximately 20 percent of all reportable traffic incidents are secondary in nature, with

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most occurring near the end of the traffic queue. Secondary collisions are often more severe than the original incident.

Emergency responders have a significantly high risk of being struck by passing vehicles while performing their duties. Vehicle crashes are a leading cause of on duty death among law enforcement officers and fire-rescue personnel. In 1997, nearly 40 percent of all law enforcement officers who died in the line of duty died in traffic related incidents. The longer an incident is in place, the longer responders and the public are at risk.

Traffic incidents can be very complex, requiring coordination between responding agencies, each having specialized responsibilities. Responders are subject to tunnel vision regarding their primary objectives and may overlook safety issues. Some consideration must be given to traffic, not just from the perspective of *how traffic affects the incident*, but also *how the incident affects traffic*. In this role, our agency plays a very important part.

If the incident involves commercial cargo vehicles, potential Haz-Mat issues need to be considered, and additional support resources may be needed. Initial indicators may include verbal reports of illness, strong odors, and spills of unknown liquids or solids. The best sources of information for determining potential Haz-Mat risk are the commercial vehicle operator and the *four digit placard(s)* displayed on the vehicle.

## **PROCEDURE:**

### **Incident Command:**

Traffic Incidents are managed under the Incident Command system. The first on-scene response units to traffic incidents are usually law enforcement officers. The initial on-scene emergency responder is the Incident Commander (IC) until this responsibility is transferred.

Transfer of the IC duties and responsibilities may be considered as additional resources arrive at the scene. All roadway scenarios are different, so determining to whom and when IC transfer of duties should take place is difficult to put into definitive terms. However, the initial IC should consider the following questions:

1. What is the primary safety issue at the scene?
2. Is there a senior and/or more experienced IC candidate present?
3. What resources are available at the location?
4. How can I best assist at the incident scene?
5. Are my technical or primary skills needed, thereby distracting me from IC duties?  
[i.e. - if the incident is primarily a fire incident, and there is fire fighter leadership at

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the scene, transfer of IC duties to the senior fire fighter may be appropriate].

The IC will designate a *traffic control officer* [TCO] for incidents occurring on Interstate or two-lane highways. A TCO should also be designated for incidents along two-lane streets or highways when terrain, weather conditions, road geometrics or other conditions result in insufficient sight distances to allow motorists to observe the incident and react safely. The TCO may be a member of law enforcement, fire, rescue, or public works trained in Highway Incident Work Zone management. All responders must clearly understand that the IC is the designated commander at this incident, and cooperate with requests and instructions.

The IC should stage unneeded resources away from traffic hazards, and **return any unnecessary units to service as quickly as possible**. These actions minimize the number of personnel and vehicles at the scene, and time of exposure to traffic hazards.

**Size-up:**

The first on-scene unit from Polk County Sheriff's Office will complete an initial evaluation of traffic hazards, and the service resources needed to efficiently manage the incident. This *size-up* will then be broadcast to all responding resources. The report will be concise, but include:

1. Exact location;
2. Number of vehicles and victims involved;
3. Who or what persons, property, or environment is at risk;
4. Presence of *entrapment, fire, leaking fuel, spill, power lines, etc.*;
5. If evacuation of the area is needed;
6. Whether fire, rescue, EMS, Haz-mat, or other special resources are needed;
7. Best route of approach for additional resources;
8. Parking & placement instructions for responding units; &
9. Immediate needs of the scene.

If the incident involves commercial cargo vehicles or if hazardous materials are suspected, the officer must:

1. Look for the four digit placard on the truck or containers and report this information to the dispatcher for relay to the fire department;
2. Report if the spill is composition [i.e.- liquid, solid, gas];
3. Provide a safe perimeter from the spilled material; &
4. Refer to the DOT "Emergency Response Guidebook" regarding any questions.

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### Universal Vehicle Traffic Safety Protocols:

In order to maintain officer safety while at the scene of a traffic incident, Polk County Sheriff's Office officers will:

1. Never trust oncoming traffic;
2. NEVER STEP IN FRONT OF A MOVING VEHICLE;
3. Avoid turning their back to approaching traffic; &
4. Wear appropriate Class III visibility garments and or other necessary equipment.

### Vehicle Placement:

Vehicles arriving at an incident site may be used to deliver equipment, control recovery and clearance of the scene, or protect the site and the responders. Vehicle placement is critical to the smooth flow of traffic around the site, and safety of those working the incident. In general, vehicles are positioned to protect the scene and provide access to needed equipment while minimizing the number of lanes occupied by the responding vehicles and personnel.

All Incidents are unique, so a strict set of rules regarding vehicle placement is inappropriate in this policy. However, the following *guidelines* apply unless conditions warrant alternative procedures:

1. Emergency response vehicles will park on the shoulder of the road unless traffic lanes are blocked by wreckage and lane closure is necessary for responder safety.
2. If necessary to close a lane of traffic, create an initial *block*, preferably with a Polk County Sheriff's Office patrol vehicle, or other available emergency vehicle as a secondary option.
3. **///START HERE///** Fire Department vehicles will be position the first-arriving fire apparatus immediately downstream of the police vehicle to create a shadow area for operating personnel and subsequent EMS unit arrival and departure. Position the apparatus to protect the pump operator from traffic and allow visibility between the pump panel and the scene if possible.
4. Fire/rescue personnel should exit the apparatus from one side, away from traffic unless prohibited by vehicle design.
5. Turn off sources of vision impairment to approaching motorists at night including vehicle headlights. Remember, emergency vehicle lighting provides *warning* to approaching vehicles but provides very little positive traffic control. Excessive lighting from numerous response vehicles, especially at night, can confuse motorists and even degrade scene safety by focusing attention toward vehicles and away from personnel.

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6. Reserve space for towing units downstream from the incident so that additional lane blockage will not be required.
7. Additional fire apparatus or public works vehicles may be placed in the buffer space upstream from the initial block to provide more protection for responders.

### **Traffic Control:**

An essential part of fire, rescue, spill clean up, and enforcement activities is the efficient and safe control of road users through the incident area. The primary functions of temporary traffic control at an incident area are to move road users safely and expeditiously through or around the incident, and to reduce the likelihood of secondary crashes and injury. Closing or keeping traffic lanes closed greatly increased the risk of secondary incidents occurring. Five minutes of lane closure can result in a 15- minute traffic interruption.

MUTCD includes the elements of temporary traffic control, *Flagger* procedures, and utilization of traffic control devices. The MUTCD recognizes that the transient and unpredictable nature of many incidents, and states:

*For unexpected incidents, particularly those of an emergency nature, temporary traffic control devices on hand may be used for the initial response as long as they do not themselves create unnecessary additional hazards.*

There are two critical locations for traffic control with each incident. They are:

1. Incident scene - where clear understand direction is needed to move traffic safely past the incident and protect responders working on the incident. If available, traffic cones should be positioned to create a transition zone whenever traffic lanes are re-directed or closed. Cones should be placed approximately 10 feet apart. If cones are unavailable, roadway flares, and other devices may be deployed. The taper should begin at the *block point* and extend 150 feet upstream from the first emergency vehicle. Personnel should deploy and remove the warning devices while facing traffic.
2. End of the traffic queue - that forms beginning at the incident and may extend back for miles. The length of the queue depends on the magnitude of traffic volume, the number of lanes blocked, and the attraction of the incident scene to passers-by ("rubbernecking"). Drivers approaching the end of a short queue may see the incident. Drivers approaching the end of a long queue may be taken by surprise by

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suddenly slowing or stopped traffic.

On-scene personnel have very limited perception of the full impact of the incident. As the queue of high-speed traffic grows, so does the likelihood of secondary crashes. It is important to monitor the end of the traffic queue and move the first traffic control and warning to approaching motorists as the length of the queue grows.

### **Traffic Warning Units (Flaggers):**

Personnel should be positioned at the head of the queue (closest to the incident scene) to direct and control traffic and at the upstream end of the queue to warn traffic to slow down as soon as they are available. Flaggers should be visible to approaching motorists from a distance, in feet, at least 10 times the posted speed limit. (The traffic control point should be visible to oncoming interstate traffic traveling at 70 mph for 700 feet). Flagger positions may need to be greater depending upon terrain such as hills or curves. Flaggers positioned at the end of the queue should ensure that traffic back up does not impinge traffic at intersections with cross streets or railroad crossings.

Select a location highly visible to approaching drivers. Avoid the shade if possible, and maintain color contrast between your garments and the work area behind you to the maximum extent possible. Flaggers should wear Class III visibility garments.

Flaggers should be equipped with radio communication in order to receive instructions from the TCO, and to alert on-scene personnel regarding conditions upstream, especially vehicles that refuse to yield to warnings.

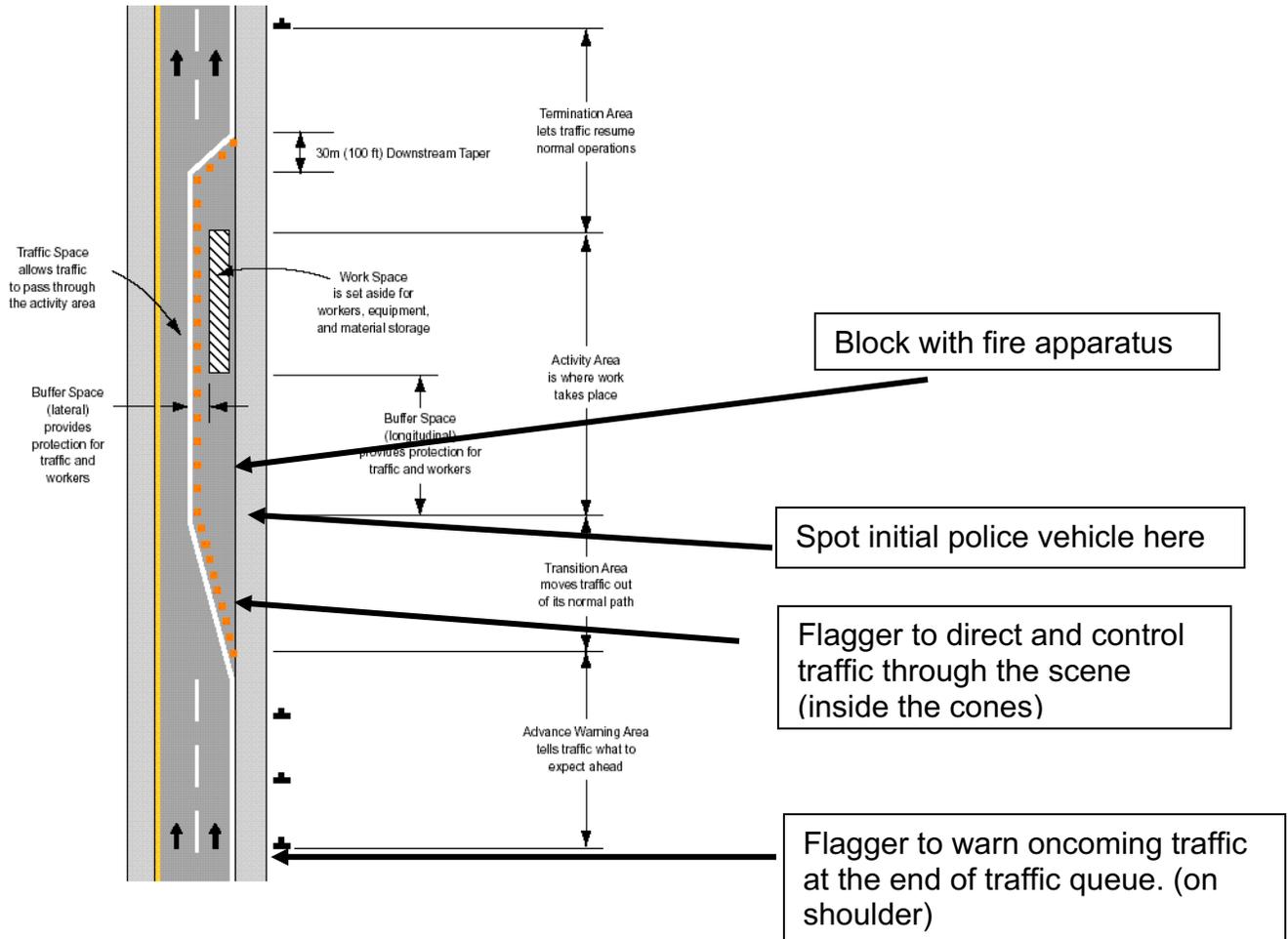
Flaggers should use STOP / SLOW paddles if they are available. Remember, motorists can be easily confused by flashlight and flag signals.

The two following diagrams represent traffic control plans for 4-lane and 2-lane highway incidents. Many additional diagrams for less frequently encountered scenarios are available in the MUTCD, section 6-H.

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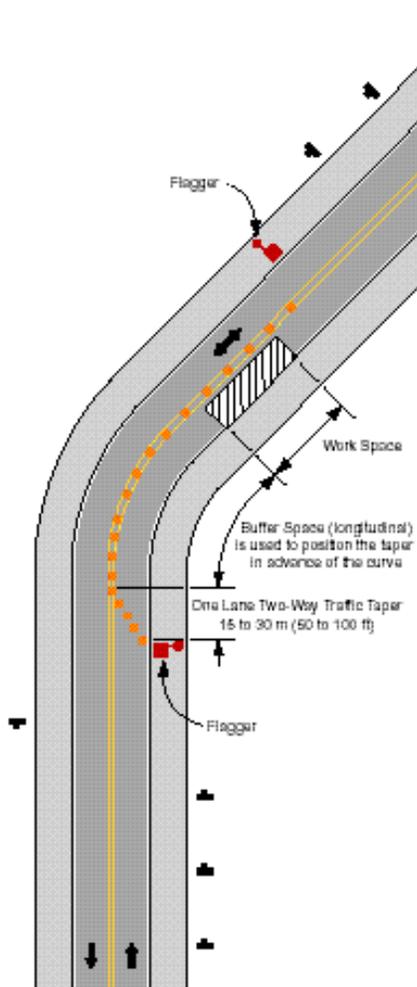
Highway Incident Work Zone for interstate or 4-lane highway with one lane closure.



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### Highway Incident Work Zone for 2-lane highway with one lane closure



Flaggers must have some means of communication to ensure that only one lane of traffic flows at one time past the Incident

#### Long-term incidents:

At major incidents involving *fatalities, severe or multiple injuries requiring extensive extrication, hazardous materials, vehicle fires, etc.*, a full closure in at least one direction of travel may be required. Closing a major highway is a last option and should be avoided if possible, because of negative effects on safety and traffic flow, not just in the immediate area, but also on the surrounding roadway network and community.

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When initial responders determine that an incident will have a major impact on traffic and cannot be cleared in 30 minutes or less, **or** will require full closure, the public works department (for municipal and county roadways) or the State Department of Transportation (for State & federal highways) should be notified and consulted to evaluate alternatives and request assistance.

If full closure is required, vehicles trapped between the diversion point and the incident site is a *high priority*. It may be possible to open the shoulder or a portion of one lane for a brief period in order to let these vehicles pass the incident.

If motorists trapped between the diversion point and the incident cannot pass, a traffic control detail should be assigned to assist motorists. If possible, motorists at the upstream end of the queue should be allowed to reverse direction and travel to the diversion point to re-enter traffic. Personnel should also be assigned to advise motorists of the plan, and to determine if any trapped motorists need assistance.

#### **Do & Don't Do:**

1. **Do** Put officers and personnel to work, you can always use additional traffic controllers.
2. **Do not** let wreckers stack up or block lanes of traffic. Use them as warning devices, and stand-bys for removing vehicles, or send them away.
3. **Do not** use flares (fusees) at incidents involving fuel spills or hazardous materials until authorized to do so by incident command.
4. **Don not** hold flares in the hand. Place them on the road surface. Flares eject drops of molten material that will penetrate clothing.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Investigation of Motor Vehicle Accidents                | <b>Policy Number:</b> 4.16 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

**Note: This policy will only be used in extreme emergencies when D.P.S. is not available within a reasonable amount of time.**

Polk County Sheriff's Office performs a variety of functions at traffic incidents including providing emergency service to the injured, protecting the accident scene, conducting accident investigations and follow-ups, preparing reports and taking proper enforcement action relative to incidents.

**DISCUSSION:**

The purpose of accident investigation is to determine the factors that contributed to and affected the crash, and utilizing that information to prosecute traffic law violators. In turn this information is used to develop other strategies that will reduce the frequency and severity of accidents.

**PROCEDURES:**

**Response to Motor Vehicle Accident Scenes:**

Law enforcement officials of Polk County Sheriff's Office will respond to any accident:

1. Involving death or injury;
2. Exceeding the reportable property damage amount established by the Texas legislature;
3. Involving a hit and run;
4. Caused by the use of either alcohol or drugs;
5. Involving hazardous materials;
6. Involving property, vehicles, equipment, or facilities of Polk County Sheriff's Office;
7. Creating major traffic congestion;
8. Resulting in vehicle damage that that requires towing services; or

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9. Assisting persons involved with information exchange.

### **Officer Responsibilities – Motor Vehicle Accident Scenes:**

When officers are dispatched to traffic accidents, they will:

1. Give priority to accidents involving injuries over accidents involving no injuries;
1. Provide basic emergency medical care to accident victims within the scope of individual officer training and skills;
2. Avoid moving victims from the accident scene unless immediate movement is necessary to protect the victim from further injury;
3. Summon additional help as required by the severity of the accident;
4. Notify the parents or legal guardians of any minors injured in the accident;
5. Protect physical evidence at the accident scene;
6. Preserve, collect, and process evidence including:
  - a. Examining and recording vehicle damage, and the effects of the accident on the surrounding environment; and
  - b. Taking appropriate photographs.
7. Establish a safe traffic pattern and flow around the accident scene;
8. Locate witnesses and record their statements;
9. Exchange information among all involved parties;
10. Avoid discussing possible civil action;
11. Remove possible vehicles from the roadway allowing for smooth traffic flow;
12. Take appropriate enforcement actions;
13. File the report within two (2) days following the investigation; and
14. Notify the public works department of any downed or damaged traffic control devices or signs and remain on the scene to direct traffic until appropriate repairs are made.

If a motor vehicle accident involving injuries occurs during the off-duty hours of the accident investigation unit, a stand-by accident investigator will be dispatched to the scene and have the same responsibilities as the accident investigation unit.

### **Follow-up Investigations:**

A follow-up investigation may be necessary in order to:

1. Collect supplementary scene data;
2. Obtain formal statements from witnesses;
3. Reconstruct the accident scene;
4. Submit evidentiary materials for laboratory examination; and
5. Prepare accident and/or offense reports to support criminal charges arising from the accident.

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If a follow-up investigation does identify an offender or offense, an arrest warrant should be obtained.

**Safety Guidelines – Motor Vehicle Accident Scenes:**

In order to minimize the possibility of further injuries, it will be the responsibility of all officers arriving on the traffic accident scene to maintain the following safety guidelines:

1. Park police vehicles without endangering pedestrians, motorists, or citizens. The police vehicle may be used as a shield for the protection of the officer and all accident victims.
2. If reduced visibility or darkness, wear a reflector safety vest. Flares are also available in each police vehicle for use in creating an illuminated warning pattern to alert other motorists. The objective is to protect the scene and participants and to temporarily detour traffic safely around the scene.
3. The Fire Department should be called out:
  - a. In case of danger of fire from leaking ruptured gas tanks;
  - b. Where there is any major crash entanglement of two or more vehicles; or
  - c. Where there is any sign of hazardous materials having been transported.
4. Police vehicles should be equipped with a copy of the current Emergency Response Guidebook, which permits both rapid identification of vehicles designed to carry hazardous materials and hazardous materials placards. The Emergency Response Guidebook provides information concerning preliminary emergency procedures, evacuation distances, etc. The Fire Chief will assume control of any scene involving hazardous materials and all law enforcement officers will provide support as required. Any investigation of the accident will only occur after approval by the Fire Chief.
5. Any property belonging to accident victims will be protected from theft or pilferage, and brought to Polk County Sheriff's Office, properly tagged and held for any accident victims unavailable to receive those items at the time of the accident.

**General Guidelines – Accident Reports:**

All officials of Polk County Sheriff's Office will maintain the following guidelines regarding accident reports:

1. All motor vehicle accident reports of Polk County Sheriff's Office will be open to public inspection at all reasonable times, within two (2) days of the date of occurrence.
2. An accident report will be filed on all accidents occurring on public property within this jurisdiction including any highway, roadway, street or public parking lot maintained by Polk County Sheriff's Office.

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3. Accident reports will not be completed if property damage does not exceed the reportable amount established by the Texas legislature for any accident occurring on private property.
4. Accidents involving only property damage, occurring during extremely inclement weather, may be handled in the following manner by dispatch if approved by the Chief Deputy:
  - a. The employee taking report will record the name, address, operator license number, and telephone number of all involved drivers.
  - b. All involved parties will be advised to file an incident report at Polk County Sheriff's Office within forty-eight [48] hours of the accident.

**Accidents Involving County Equipment:**

All accidents involving county equipment will be investigated by a certified *accident reconstructionist*, if available. If a police vehicle is involved, a supervisor will be called to the scene of the accident. The driver will fill out an accident report, and forward a copy to the Chief Deputy for approval. If approved, the report will be sent to the County Emergency Management Office, County Personnel Office and County Auditor's Office by the Patrol Captain.

**DWI or DUI Related Motor Vehicle Accidents:**

When driving while intoxicated or driving under the influence [DWI or DUI] appears to be a causal factor in the accident, officers will take immediate action. If the DWI suspect is still available he will be arrested and taken to the police station for an intoxilyzer test, unless medical treatment is required. If the DWI suspect has already been transported to a hospital an officer in accordance with state law and department policy will attempt to obtain a blood sample from the suspect. If the officer is unable to obtain a sample he will ask an attending nurse if the hospital is going to perform a toxicology screen for treatment purposes. If so the medical records may be subpoenaed at a later date to determine the suspects B.A.C. level, If the arrestee is found to be under the influence of drugs or alcohol, the driver of the other vehicle may sign an affidavit against that individual.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                                 |
|---|---------------------------------|
| <b>Subject:</b> Emergency Vehicle Response and Warning Devices          | <b>Policy Number:</b> 4.17      |
| <b>Issue Date:</b>  | <b>Revision Date:</b> 5/18/2023 |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                                 |

**EMERGENCY VEHICLE RESPONSE:**

**PURPOSE:**

1. The purpose of this policy is to establish guidelines for making decisions with regard to vehicular operation during non-pursuit, emergency response driving incidents/situations.
2. Police emergency response vehicular operation has become an increased focus of attention for public safety officials, the media, and the public at large.
3. Therefore, this policy creates an acceptable balance between the expeditious operation of police vehicles in emergency situations, and the responsible and safe operation of police vehicles, in order to protect the general public, as well as the law enforcement personnel operating the vehicle.

**POLICY:**

1. High speed, emergency response driving can present a danger to the lives of the public and officers. It is therefore, the responsibility of the Polk County Sheriff's Office to assist officers in the safe performance of their duties with regard to vehicle operations during these emergency situations.
2. In order to fulfill these obligations, it shall be the policy of the Polk County Sheriff's Office to regulate the manner in which emergency operation is undertaken and performed.

**DEFINITIONS:**

1. Emergency response driving in non-pursuit driving incidents/situations: The operation of an authorized emergency police vehicle in operation by an officer in response to a life threatening or a violent crime in progress, using due regard for the safety of others.

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2. Emergency police vehicle: A vehicle of the Polk County Sheriff's Office that is equipped with operable emergency equipment as designated by state law.

3. Emergency Response:

- a. When a situation involves imminent potential for serious injuries or death to persons.
- b. When there is, or there is a threat of, a potential crime of violence.
- c. When there is, or there is a potential threat of, a serious public hazard.

### **PROCEDURES:**

1. All Emergency Vehicle operations will comply with the Texas Transportation Code Sections 546.001, 546.002, 546.003, 546.004, 546.005 and any and all other sections related to the operation of emergency vehicles.

2. An officer must drive with due regard for the safety of all persons and must never operate any vehicle in reckless disregard for the safety of life and/or property. At all times, the officer must balance the need for his actions versus the risks involved. Officers should bear in mind that their actions while driving may be reviewed by ordinary citizens under controlled circumstances.

3. Officers will not violate traffic laws unless ALL emergency equipment, i.e. lights, siren, audio/video equipment are activated, and it is articulable and necessary to do so.

4. When deciding to initiate or continue driving under emergency conditions, consideration must be given to the following:

- a. Urgency of the situation
- b. Weather and roadway conditions
- c. Visibility
- d. Volume and speed of other vehicle traffic
- e. Officer's Ability to control the vehicle at the speed driven
- f. Condition of the vehicle
- g. The necessity of the emergency response.

5. During emergency response operation of emergency vehicles, and after receiving all pertinent information regarding a call for service, officers shall consider such factors as articulated in Paragraph 3 above and determine the appropriate response actions.

6. Officers responding to emergency situations with emergency lights and/or siren activated, shall not exceed speeds of 20 miles per hour, over the posted speed limit. This may only be nullified when case by case situations may articulate an increased speed due to life-threatening situations or officers in trouble and will ONLY be allowed

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when traffic conditions permit such speeds, without causing unreasonable risk to the officer, other officers or the public. At NO time will an officer exceed 100 mph, during an emergency response to a call for service, other than the report of an incident or situation involving the imminent potential death of a citizen(s) or another officer. Supervisors will monitor an officer's emergency response and may slow units down, anytime the supervisor deems appropriate.

7. In the event that emergency lights and/or siren are not used in low level emergency response situations, the responding officer should adjust his/her operation accordingly to account for the public's inability to hear or see the emergency response vehicle. This type of response would consist of lower level emergency situations, where a life-threatening incident or situation is not present or provided by Dispatch, such as Disorderly Conduct, Domestic Violence, etc.

8. Officers are discouraged from passing to the right of a vehicle in traffic during an emergency response. However, there may be situations where passing to the right may be necessary and/or passing to the left may not be practical. In those situations officers should anticipate the possibility of a citizen's vehicles moving suddenly to the right and in front of the police vehicle, and pass with caution, and with due regard for safety.

9. In the event of an equipment failure that could result in the unsafe operation of the patrol vehicle during an emergency response mode, such emergency response mode shall be terminated.

10. Officers with any passenger (Inmates, civilian riders, etc.) other than another police officer, shall not operate a police vehicle in an emergency response status.

11. Officers should be aware of the need for tactical control of any emergency scene, and as such, should take precaution not to place themselves or others in harm's way. Officers should park in a manner that facilitates the movement of other emergency vehicles, and at the same time allows for control of the scene. Care should be taken not to park directly in front of a scene or in driveways unless absolutely necessary. Rather, to maintain the element of surprise and reduce the potential for ambush, officers should park a sufficient distance prior to arriving at the incident site and approach the remaining distance on foot.

12. As soon as practical, officers will notify the dispatcher over the radio, of any change in their status while operating the vehicle in emergency response mode. This consists of notifying Dispatch anytime an officer initiates emergency response and when the officer terminates emergency response or arrives on scene.

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## **WARNING DEVICES:**

### **POLICY:**

All Polk County Sheriff's officers will adhere to statutory requirements regarding emergency vehicle warning devices. Such devices will be employed only under prescribed conditions and circumstances and in ways that will minimize the risk of accidents or injuries to employees or the public.

### **DEFINITIONS:**

*Emergency Vehicle:* An authorized law enforcement vehicle equipped with emergency lights (red/blue/white), siren, and other emergency warning devices required by law and used for emergency response situations.

*Emergency Warning Devices:* Devices placed in/on each agency emergency vehicle that emit audible or visual signals in order to warn others that law enforcement services are in the process of being delivered.

### **PROCEDURES:**

#### **Assigning/Determining Response Modes to Calls for Assistance:**

Field supervisors and/or communications personnel assigning officers to respond to calls for assistance will authorize which response mode will be utilized.

Field supervisors are responsible for monitoring response modes for calls for assistance and have the authority to upgrade or downgrade response modes.

When officers need to initiate emergency mode in response to sudden occurrences, they will activate emergency warning devices and then will inform communications personnel as soon as possible regarding:

1. The nature of the situation; and
2. The location and destination of the field unit.

#### **Use of Emergency Warning Devices While in Emergency Mode:**

1. Emergency lights and/or siren and other emergency signal devices will be activated as required by law during every emergency response or pursuit.
2. Headlights will be activated to augment the emergency vehicle's visibility when operating in emergency mode.
3. Four-way flashers will not be used when the emergency vehicle is in motion because they may interfere with brake lights and turn signals.

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4. The spotlight is primarily utilized to facilitate building and stationary vehicle checks and will never be directed at the windshield or into the vision of oncoming drivers.
5. Emergency signal devices may be deactivated at a distance from the scene (to be determined by the vehicle operator) as to not alert subjects of law enforcement proximity.
6. When emergency signal devices are deactivated, the operator of the emergency vehicle will comply with posted speed limits, obey all traffic control devices and signals, and proceed in a manner consistent with normal traffic flow.

**Use of Emergency Warning Devices While Conducting Vehicle Stops:**

Audible and/or visible warning devices will be used to make adequate notice of intent to stop a motor vehicle and to provide a safe environment for the vehicle operator, officer, and public.

**Discretionary Use of Emergency Warning Devices:**

Officers may activate emergency signal devices when required to assist in handling any perceived emergency situation. The officer will advise communications personnel of the nature of the emergency and the emergency response mode that has been taken.

In other than emergency situations, when expediency is required to effectively eliminate a potential hazard to the public or fellow officers, law enforcement officers may activate emergency warning devices to allow orderly and safe transit through heavily congested roadways. Examples of permissible uses of emergency warning devices during non-emergency response situations include, but are not limited to:

1. Using emergency lights as “beacons” to protect disabled motorists; and
2. Using emergency lights when it is necessary to use agency vehicles as protective barriers.

Operators of emergency vehicles will deactivate emergency warning devices as soon as possible.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                                  |
|---|----------------------------------|
| <b>Subject:</b> Vehicular Pursuit: Restrictive                          | <b>Policy Number:</b> 4.18       |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b> 10/11/2023 |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                                  |

**POLICY:**

Vehicular pursuits are *critical incidents*. The manner in which they are undertaken, performed, monitored, terminated, and supervised incorporates certain restrictions to enhance officer and public safety.

**DEFINITIONS:**

*Authorized emergency vehicle:* A vehicle of this agency equipped with operable emergency equipment as designated by state law, including a siren and emergency signaling lights.

*Primary unit:* The police unit that initiates a pursuit or any unit that assumes control of the pursuit.

*Secondary unit:* Any police vehicle that becomes involved as a backup to the *primary unit* and follows the primary unit at a safe distance.

*Serious violent suspects:* A known or suspected criminal actor who is perceived by the officer to have just committed, or is about to commit, a violent act against another by means of *deadly force*.

*Vehicular Pursuit:* An active attempt by officers in an authorized emergency vehicle to apprehend fleeing suspects who actively attempt to elude the police.

**DISCUSSION:**

Vehicular pursuit of fleeing suspects can present an unacceptable danger to the lives of the public, officers, and suspects involved in the pursuit. Just as important is the possibility of unintended damage or injury to members of the public who are not involved in the pursuit. Considering the Sheriff's commitment to protecting the general public and specifically protecting innocent life, vehicular pursuits will be conducted only

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under the guidelines of this policy. Wise and prudent officers terminate pursuits rather than unreasonably risk a threat to human life.

**PROCEDURES:**

1. Only officers who have been trained in *pursuit driving* are authorized to pursue or participate as a driver in a pursuit.
2. The decision to initiate pursuit will be based on:
  - a. Officer's perception that a misdemeanor or felony violation has just occurred, or is about to occur;
  - b. Officer's conclusion that the immediate danger to the public or the officer created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large; and
  - c. Suspect exhibits intention to avoid apprehension by refusing to stop when properly directed to do so.
3. In deciding whether to initiate pursuit, officers must consider:
  - a. Road, weather, and environmental conditions;
  - b. Population density and vehicular and pedestrian traffic;
  - c. Relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
  - d. Seriousness of the offense;
  - e. Presence of other persons in the police vehicle and vehicle being pursued;
  - f. Skill, training, and experience of the pursuing officer; and
  - g. Alternative means and opportunity of apprehending the suspect.

**Pursuit Officer Responsibilities:**

1. Pursuing officer will activate appropriate warning equipment, including audible siren and emergency signaling lights.
2. Initiating officer will notify the communications center (dispatch) and advise that a pursuit is underway. The officer will provide communications with the following information:
  - a. Unit identification;
  - b. Initial offense and reason for the stop;
  - c. Location, speed, and direction of travel of the fleeing vehicle;
  - d. Description and license plate number, if known, of the fleeing vehicle;
  - e. Number of occupants in the fleeing vehicle, and descriptions, where possible; and
  - f. Reasons supporting the decision to pursue.
3. Failure to provide this information to communications may result in an immediate

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decision by a supervisor to order *pursuit termination*.

4. Officers will keep communications updated on the progress of the pursuit.
5. All emergency vehicle operations will conform to traffic laws and regulations.
6. Officers will not drive with *reckless disregard for the safety and welfare* of others.
7. Unless otherwise directed by a supervisor, pursuits will be limited to no more than three emergency vehicles; a *primary* and two *secondary* (back-up) units. All other personnel will stay clear of the pursuit unless instructed to participate by the controlling supervisor. Three units will be used for effective High-Risk/felony stops.
8. Any *primary* or *back-up* unit sustaining damage or failure of essential vehicular equipment during pursuit will discontinue pursuit. The withdrawing unit will notify communications so that another unit may be assigned to the pursuit.
9. *Primary* pursuit unit will become *secondary* when the fleeing vehicle comes under air surveillance or when another unit has been assigned primary responsibility.
10. We will not take over pursuits from State Agencies, unless asked to do so by the pursuing officer.

#### **Communications Center Responsibilities:**

1. Communications will immediately advise a field supervisor of essential information regarding the pursuit, and designate a *controlling supervisor*.
2. Communications will carry out the following activities and responsibilities during the pursuit:
  - a. Receive and record relevant incoming information about the pursuit and the pursued vehicle;
  - b. Control radio communications and clear radio channels of all non-emergency calls;
  - c. Obtain criminal record and vehicle checks of the suspects;
  - d. Coordinate and dispatch back-up assistance as directed by the controlling supervisor;
  - e. Notify neighboring jurisdictions, when practical, that the pursuit may extend into their locality; and
  - f. Place emergency medical, fire, or hazardous materials responders on stand-by for rapid response in case of injury to persons, fire, or hazardous materials incident.

#### **Supervisor Responsibilities:**

It is the responsibility of supervisors to:

1. Take tactical control of the pursuit;
2. Consider available information and determine whether to authorize, continue, or terminate the pursuit;

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3. Monitor incoming information in order to coordinate, direct, and reinforce use of proper procedures; and
4. Respond to the location where a vehicle has been stopped following a pursuit.
5. Make sure to review all reports and videos and report any issues or problems up through the chain of command.

### **Pursuit Tactics:**

1. Officers will not follow the pursuit on parallel streets unless authorized by the controlling supervisor.
2. At all times during the pursuit, officers will obey the four second rule, requiring they stay at least four seconds behind the suspect vehicle, as determined by estimating the passing times of fixed objects.
3. Patrol units with the most prominent markings and emergency lights will be used to pursue, particularly as the primary unit.
4. Motorcycles may be used for pursuit only in exigent circumstances and when weather and related conditions allow. Motorcycles will disengage when direct support from marked patrol units becomes available.
5. Intervention tactics short of deadly force [*spike strips, low speed tactical intervention techniques, low speed channeling (with appropriate advance warning), etc.*] will not be used except as authorized by the controlling supervisor, and then only by officers trained in these tactics and on this equipment.
6. *Spike strips* and similar devices will not be used on fleeing motorcycles unless deadly force is otherwise authorized by the department's *use of force* policy.
7. Ramming, bumping, or any other intentional contact between vehicles is not authorized, except by a supervisor, and only if deadly force is otherwise justified by the department's *use of force* policy.
8. Firearms will not be fired at or from a moving vehicle.
9. Use of roadblocks, requires authorization by the controlling supervisor.
10. Controlling supervisor will only authorize roadblocks, after considering *visibility* and *escape routes* as a part of the blocking plan.
11. Officers will use appropriate safety tactics, and must keep in mind the necessity to use only *reasonable and necessary force* to take suspects into custody.
12. Secondary or back-up officers will affect arrests with the pursuing officer assuming the role of backup if feasible.
13. When the pursuit puts the officer, suspect or public in serious danger, the pursuit will be terminated immediately by the *primary* unit.

### **Termination of the Pursuit:**

1. Any officer engaged in or supporting the pursuit may terminate the pursuit at anytime.
2. Pursuits may be terminated if the suspect's identity has been determined; immediate apprehension is not necessary to protect the public or officers; and apprehension at a later time is reasonably feasible.

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3. Primary pursuing unit and supervisor will continually re-evaluate and assess the evolving pursuit situation, including initiating factors, and terminate the pursuit whenever he or she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
4. In the event of a collision with the suspect vehicle, the pursuing officer will immediately summon medical assistance for any parties involved.
5. In the event of a collision involving any third-party vehicle or persons, the back-up vehicle will stop and render assistance, and call for medical assistance.

#### **Inter-jurisdictional Pursuits:**

1. Pursuing officers will notify communications when it is likely for pursuits to cross into neighboring jurisdictions or across the county or state lines.
2. Pursuit into a bordering state will conform to the laws of both states and any applicable inter-jurisdictional agreements.
3. When pursuits enter this jurisdiction, officers will be governed by the policies of their own agencies, specific inter-local agreements, and state law.

#### **After-Action Reporting:**

1. Any officer participating in a vehicle pursuit must file a written report on the appropriate form detailing the circumstances, their actions, and observations.
2. Supervisors will determine whether policy was followed and identify training deficiencies or areas needing attention.
3. Chief Deputy or designee periodically analyzes pursuit activity and identifies any additions, deletions, or modifications warranted in department pursuit procedures and training.

**PURSUIT MATRIX:** under minor infractions and low risk to public should be labeled may pursue with caution

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# Pursuit Decision Matrix

**Offense**  
**Seriousness of Original**

|                             |                                |                                |                                |
|-----------------------------|--------------------------------|--------------------------------|--------------------------------|
| <b>Imminent Life Threat</b> | <b>May Pursue</b>              | <b>May Pursue</b>              | <b>May Pursue</b>              |
| <b>Violent Felony</b>       | <b>May Pursue</b>              | <b>May Pursue</b>              | <b>May Pursue With Caution</b> |
| <b>Property Felony</b>      | <b>May Pursue</b>              | <b>May Pursue With Caution</b> | <b>Do Not Pursue</b>           |
| <b>Misdemeanor</b>          | <b>May Pursue With Caution</b> | <b>Do Not Pursue</b>           | <b>Do Not Pursue</b>           |
| <b>Minor Infractions</b>    | <b>Do Not Pursue</b>           | <b>Do Not Pursue</b>           | <b>Do Not Pursue</b>           |

**Low Risk to Public**

**Moderate Risk to Public**

**High Risk to Public**

**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Ride Along Policy                                       | <b>Policy Number:</b> 4.19 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Civilian passengers are permitted in police vehicles only when specifically authorized for ride-along or when transported under official police business. Civilian observers may occasionally accompany law enforcement officers while on patrol in order to observe and learn about law enforcement procedures and practices. Civilian observers must be authorized by the Sheriff or designee. Employees who violate this policy will be subject to disciplinary action and assume responsibility and personal liability for their actions.

**DEFINITION:**

*Public Information:* Information that may be of interest to the general public regarding policy, procedures or events involving the department or other newsworthy information that is not legally protected, does not unduly interfere with the mission of the department, infringe upon the rights of a defendant or compromise the legitimate safety and privacy interests of officers, victims, witnesses or others.

**PROCEDURES:**

**Authorization Process- Ride Along:**

Any person or group wishing to participate in this program will be referred to the Sheriff or designee for processing of a "Ride Along Program Application" and a "Ride Along Program Release of Liability Form". Both the application and form will be processed, and based on information developed the applicants will be notified as to whether or not they are qualified to participate. In most situations, law-abiding citizens wishing to participate who have completed all necessary requirements will be granted that opportunity. Convicted felons or suspects in criminal activity will not be allowed to participate. A criminal background check will be performed on all applicants to verify criminal record.

**Civilian Rules- Ride Along:**

If the civilian is approved to ride along with a sworn law enforcement officer, they will be

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responsible for following a number of rules and regulations to ensure a safe and enjoyable experience. The civilian rider will:

1. Not participate in the ride along program more than five (5) times in a calendar year;
2. Not ride with the same officer more than five (5) times in a calendar year;
3. Only ride with officers approved by the shift supervisor;
4. Not be allowed to exit the police vehicle, at any time, to assist the officer on a call, except in officer down situations; and
5. Never carry a firearm or any other weapon while on a ride along.

**Officer Rules – Ride Along:**

The officer will:

1. Explain the hazards associated with riding in a police vehicle;
2. Explain radio safety equipment including emergency radio procedures;
3. Ensure that the passenger wears a seat belt;
4. Ensure that the passenger exits the vehicle in a relatively safe location prior to participating in high-risk activities such as high-speed pursuit or response to “shots fired” calls; and
5. Explain that the passenger may be required to testify as a witness to criminal activity observed during the ride-along.

**Media Ride Along:**

Media representatives must complete a “Ride Along Program Application”, and a “Ride Along Program Release of Liability Form”. The Chief Deputy will review both documents and approve or disapprove the applicant. If approved, individuals will be allowed to ride along with a police officer approved by the shift supervisor.

Representatives of the media are prohibited from:

1. Entering private residences or any other location where there is a reasonable expectation of privacy. (Supreme Court case of *Wilson v. Layne*);
2. Assisting the officer on call except in officer down situations;
3. Carrying a firearm or any other weapon while on the ride along; and
4. Releasing any information, photographs, or videotape to the general public unless regarded as *public information* by the department.

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**RIDE ALONG PROGRAM APPLICATION**

All civilian personnel are required to complete the following application in order to participate in a ride along with a sworn police officer. At least two forms of identification must be presented, (one with photo), with this application before any authorization is completed.

- 1. Full Name: \_\_\_\_\_
- 2. Drivers License Number and State: \_\_\_\_\_
- 3. Address: \_\_\_\_\_  
\_\_\_\_\_
- 4. Phone Number \_\_\_\_\_
- 5. Previous address: \_\_\_\_\_  
\_\_\_\_\_
- 6. Date of birth: \_\_\_\_\_
- 7. Social Security Number: \_\_\_\_\_
- 8. Place of employment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 9. Length of employment: \_\_\_\_\_
- 10. Previous \_\_\_\_\_ employer:  
\_\_\_\_\_
- 11. Name of spouse: \_\_\_\_\_
- 12. Maiden name (if applicable): \_\_\_\_\_
- 13. Have you ever been arrested, and if so for what reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 14. Nickname(s) used: \_\_\_\_\_
- 15. Number to call in case of emergency: \_\_\_\_\_
- 16. Current illnesses or medications: \_\_\_\_\_
- 17. Known allergies: \_\_\_\_\_
- 18. Blood type: \_\_\_\_\_

**Polk County Sheriff's Office**

**RIDE ALONG PROGRAM RELEASE OF LIABILITY FORM**

I, (full name of civilian) \_\_\_\_\_ will not hold liable Polk County Sheriff's Office of any liability resulting from any injury as a result of *ordinary negligence* that I might receive as a result of riding with a police officer in a police vehicle. I have been informed of the possible dangers associated with law enforcement work and understand that there are dangers involved in riding in a police vehicle for which a police officer is on patrol, issuing traffic citations, serving warrants for arrest, responding to various types of crimes or calls for service, and making physical arrests when necessary. I also agree to abide by all the rules associated with the ride along program. Rules include the following:

1. Riders will remain in the police vehicle at all times unless otherwise instructed by the officer with whom they are riding.
2. Riders will not communicate with anyone who is the subject of a police investigation, arrested, or otherwise involved in any police action.
3. Riders will not carry or attempt to use any type of weapon.
4. Riders will follow instructions of the officer with whom they are riding.

Signature of Rider: \_\_\_\_\_

Signature of Officer arranging the ride along: \_\_\_\_\_

Signature of Witness: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Note: All signatures will be in blue ink only**

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Vehicle Maintenance                                     | <b>Policy Number:</b> 4.20 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

All vehicles will be properly maintained, cleaned, and serviced.

**PROCEDURES:**

1. The shift supervisor will ensure all vehicles (units) used during the shift are properly maintained. Any problems associated with any of the vehicles will be documented on a Vehicle Check Form and forwarded to the Chief Deputy or his designee.
2. The shift supervisor will distribute a Vehicle Check Form to all subordinates operating vehicles during the tour of duty.
3. Completed Vehicle Check Forms will be turned in at the beginning of the shift, or as soon as possible thereafter.
4. Vehicle Check Forms will document information pertaining to the condition of the vehicle, including:
  - a. Mileage;
  - b. Condition of tires;
  - c. Tire pressure
  - d. Condition of exterior, (dirty, damaged, etc.);
  - e. Condition of interior, (dirty, damaged, etc.);
  - f. Gas;
  - g. Oil and other fluid levels;
  - h. Battery cables;
  - i. Battery water;
  - j. Exterior lights, (headlights, taillights, blinkers, parking lights);
  - k. Horn;
  - l. Emergency equipment, (emergency lights, siren, overhead speaker);
  - m. Spotlights;
  - n. Spare tire;
  - o. Communications equipment, (police radio);
  - p. Fire extinguisher;

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- q. Prisoner passenger area; and
  - r. Any property (contraband or other) located in the vehicle, where the item(s) was located, and a brief summary of property disposition---placed in evidence---secured by senior officer, etc.
5. A comments section on the form is for the purpose of explaining any problems, mechanical or other, associated with the vehicle.
  6. Following inspection, any defects, including body or interior damage, will be properly documented and reported immediately to the supervisor prior to beginning the tour of duty.
  7. Each officer will search the vehicle they operate prior to the start of a shift, and after any person is placed in or transported in the vehicle.
  8. The shift supervisor will be responsible for assuring that all vehicles are washed and cleaned regularly. This shouldn't be necessary every day, but the vehicles should always be neat in appearance.
  9. The shift supervisor will be responsible for assuring that all preventive maintenance, oil change, brakes repaired, etc. is accomplished on any vehicle that needs service.
  10. The Chief Deputy or designee will be made aware of any problems with vehicles by reviewing all of the vehicle check sheet forms forwarded to his or her attention.
  11. The supervisor on each shift will be responsible for making sure vehicles are decontaminated (properly cleaned with necessary bio-hazard chemicals) after incidents in which the vehicle becomes contaminated. NOTE: A vehicle is considered contaminated at any time an individual, prisoner or non-prisoner, releases bodily fluid, (blood, urine, vomit, feces, etc.), into the vehicle interior.
  12. The shift supervisor will assure that OSHA, (Occupational Safety and Health Administration), guidelines are followed when contaminated vehicles are cleaned.
  13. The following procedures will be followed when cleaning a contaminated vehicle:
    - a. Proper protective equipment will be used by the person(s) involved in the cleaning task. Equipment will always include a pair of disposable gloves, and depending on the circumstances, will sometimes require the use of a gown, a mask, and protective eyewear.
    - b. Anti-bacterial soap will be provided for hand washing, and individuals involved in the cleaning effort will use the soap when the cleaning is finished.
    - c. All disposable cleaning materials will be disposed of according to OSHA regulations that specify the use of containers labeled a "biohazard". The purpose of the container is to warn employees, or any other person(s) of the potential danger associated with the waste, and that the container should be handled with care.

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Polk County Sheriff's Office

**POLICE VEHICLE MAINTENANCE FORM**

remove

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**Polk County Sheriff's Office  
Texas Law Enforcement  
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|   |                            |
|---|----------------------------|
| <b>Subject:</b> Death or Serious Injury Notification                    | <b>Policy Number:</b> 4.21 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Officers will follow established procedure to notify relatives, and responsible adults in cases of death or serious injuries to members of the public or officers.

**PROCEDURES:**

**Preparation – Notification:**

The following guidelines apply when next of kin or responsible adult notifications are to be made:

1. Verify and confirm the identity of the deceased and their next of kin.
2. All notifications will be made in person, with the exception of serious injuries where delay might prevent the family from arriving at the hospital before the injured person's death.
3. Officers will provide immediate assistance to survivors without regard to time spent at the notification site.
4. Prior to contacting those to be notified, the assigned officers will gather and become familiar with information concerning the deceased or seriously injured person, to include:
  - a. Details of the event;
  - b. Name, age, identification details, and home address of the victim;
  - c. Location of the body, if deceased; &
  - d. Pertinent information regarding who and where contacts can be located.
5. The order of priority for notifying the family will be the *spouse*, followed by *parents, brothers or sisters*, and then any *children*. Other relatives or responsible adult will be notified if immediate family members are unavailable.
6. The parties *pastor, priest, or spiritual advisor* will be notified if readily available.
7. When another law enforcement agency is to make the notification, request:
  - a. Notification be made in person; &

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- b. Verification when notification has been completed.
8. Officers should gather information regarding relatives to aid in communication in case relatives to be notified are:
  - a. Elderly;
  - b. Disabled or have medical problems;
  - c. Visually or hearing impaired; or
  - d. Not fluent in English.
9. Officers will not use the name of the deceased or seriously injured person over the radio or release the name to news media until assured that relatives have been notified.
10. A male and female officer should be assigned to a death or serious injury notification if possible.
11. Personal effects of the deceased will not be delivered to survivors at the time of death notification.

**Making Notification:**

Once preparation for notification has been completed, the notification officers will maintain the following guidelines regarding the actual notification:

1. Upon arrival at the residence or place of business, the notification officers will:
  - a. Check accuracy of the chosen notification site;
  - b. Request to speak to the next of kin;
  - c. Identify themselves by name and agency;
  - d. Verify the relationship to the deceased or seriously injured person; &
  - e. Ask permission to enter the residence or location, and move to a place of privacy.
2. Reasonable effort will be made to make the death or serious injury notification in the privacy of the home or location away from public view and hearing.
3. Prior to making notification, officers should bring family members together if possible.
4. Address relatives in a straight-forward manner and:
  - a. Avoid graphic aspects of the incident;
  - b. Avoid the use of law enforcement jargon; &
  - c. Refer to the deceased by first name.
5. Be prepared for unexpected responses from survivors to include hysteria and possible verbal or physical attack.
6. Provide survivors with sufficient time to regain composure before proceeding.

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7. Avoid using such phrases as *I know how you feel* or *I know how hard this is for you*.
8. Provide survivors with pertinent information including:
  - a. Disposition of the body;
  - b. Location of personal effects;
  - c. Identification requirements/procedures; &
  - d. Notification officers' *names, agency and contact numbers*.

**Providing Assistance and Referral:**

Notification officers will not leave upon completion of the notification until the following has been achieved:

1. Next of kin has received adequate support. The notification officers will consider:
  - a. Emotional reaction and the physical condition of the next of kin;
  - b. Availability of other adults in the home;
  - c. Whether infants or small children are receiving proper attention;
  - d. Condition of the home environment (i.e.- evidence of excessive alcohol use or drug use, lack of means of financial support, shortage of food, problem with shelter, etc.); &
  - e. The availability of a support system (for example: *friends, family, close neighbors, access to clergy, means of transportation*).
2. For those in need of shelter, transportation, food, or other support, provide numbers for local assistance agencies.
3. If requested, officers may provide confirmed additional information regarding the incident, if known at the time.
4. Remain alert to the possible need for medical assistance. When officers are aware of serious medical conditions in advance of notification, they should place a local medical response unit on alert.
5. Before leaving, the notification officers should be reasonably assured that survivors could take care of themselves and those they are responsible for.
6. Reasonable efforts will be made for lone survivors to obtain support from family, friends, co-workers, neighbors, family clergy or counselors.
7. Conduct a follow-up contact within 24 hours with any survivor when there is a concern for the survivor's well being.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                                  |
|---|----------------------------------|
| <b>Subject:</b> Post-Shooting Incident                                  | <b>Policy Number:</b> 4.22       |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b> 04/06/2023 |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                                  |

**POLICY:**

Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping techniques. Unless adequately treated, these situations can cause disabling emotional and physical problems. Officer-involved shootings resulting in death or serious bodily injury to citizens or fellow officers may trigger stress disorders. It is the responsibility of this law enforcement agency to provide personnel with information on stress disorders, and to guide and assist in their prevention. It is the policy of this agency to take immediate action, after traumatic incidents, to safeguard the mental health of all involved personnel.

**DEFINITIONS:**

*Post-Traumatic Stress Disorder:* An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.

*Officer-Involved Shooting Incident:* A line-of-duty incident where a shooting causes death or serious bodily injury to an officer or other person.

**PROCEDURES:**

**Handling of Officers at Scene of Shooting Incident:**

The supervisor on the scene of the incident will:

1. Request necessary medical assistance, notify the Captain, Chief Deputy and Sheriff, if death or injury occurs;
2. Move the officer(s) involved to a quiet location where a peer counselor may be available;
3. Prohibit use of caffeine, other stimulants, or depressants by the officer(s) involved, unless directed by medical personnel;

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4. Interview the officer(s) involved regarding facts of the incident, although a more detailed debriefing will be conducted at a later time;
5. Notify the officer(s) involved that an investigation will occur concerning the incident, and that they may seek legal counsel;
6. Advise the officer(s) involved to refrain from discussing the incident with anyone, except a personal or agency attorney, union representative, or department investigator, until the preliminary investigation is concluded;
7. Determine whether the circumstances of the incident require the officer's duty weapon be taken for laboratory analysis. When the duty weapon is taken, the supervisor will:
  - a. Discretely take custody of the officer's weapon; and
  - b. Replace the officer's weapon with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.
8. Allow the involved officer(s) to notify their families about the incident as soon as possible. When the officer(s) is unable to do so, an agency official will personally notify the family, and arrange for their transportation to the hospital.

**Post-Incident Procedures:**

All officers directly involved in the shooting incident will be required and scheduled to meet with an agency-designated psychotherapist specialist for counseling and evaluation as soon as practical after the incident. A licensed psychotherapist may also be provided to any other affected involved support personnel, upon request.

Once the counseling sessions are completed for each involved officer, the specialist will advise this agency of their recommendations regarding the status of each member's fitness for duty and clearance to return to full duty.

Once the officer has received clearance to return to full duty, the member will meet with Administrative staff to discuss and schedule their return to full duty.

All officers involved in an officer involved shooting and any other critical incident, shall have a second and final follow-up visit with the psychotherapist specialist, within 4 weeks of the first counseling session. (This final session is not to preclude additional sessions deemed necessary by the psychotherapist specialist). The final session will ensure that the member is maintaining a stable and appropriate emotional and mental fitness and is mentally prepared and fit to continue their return to full duty.

The specialist will also advise this agency, if needed and/or appropriate, of the following:

1. Whether it is in the officers' best interest to be placed on administrative leave or light duty, and for how long;
2. When the officer's duty weapon should be returned; and

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3. The best-continued course of action going forward.

All members directly involved in a shooting incident or any other critical incident will be placed on administrative leave for no less than 72 hours after the incident. The Sheriff and Chief Deputy will have the discretion to review each critical incident and make the appropriate decisions within policy that affect all members of this Department, on a case by case basis.

The agency will:

1. Remove involved officers from their duties, pending evaluation, while maintaining their availability for any necessary administrative investigations;
2. Encourage the families of the involved officers to take advantage of available counseling services;
3. Investigate the incident as soon as practical;
4. Brief other agency members concerning the incident to minimize rumors. Agency members are encouraged to show the involved officers their concern;
5. Respond to media inquiries, and release information regarding the incident as described in the Media Relations procedures; and
6. Require each officer directly involved in the incident to re-qualify with their duty weapon prior to re-assignment to duty.

Officers should:

7. Have phone calls answered by someone else for several days, if their names are released to the public.

#### **Daily Stress Recognition:**

Post-traumatic stress disorders may not arise immediately, and officers may attempt to hide problems. Supervisors are responsible for:

1. Monitoring the behavior of unit members for symptoms of the disorder; and
2. Ordering officers to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting job performance.

#### **Training:**

The agency will provide employees with training pertaining to post-traumatic stress disorders on a regular basis. Supervisors are responsible for making information about the agency's peer counseling group and mental health services available to officers.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Blood Borne Pathogens & Other Infectious Diseases       | <b>Policy Number:</b> 4.23 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

It is the policy of this department to minimize the risk of exposure to blood borne pathogens and other infectious diseases through the establishment and maintenance of recognized protocols and safety procedures.

**DEFINITIONS:**

*Bodily Fluids:* Blood, semen and vaginal fluids or other secretions that might contain these fluids such as saliva, vomit, urine or feces.

*Exposure Control Plan:* A written plan developed by this agency and available to all employees that details the steps taken to eliminate or minimize exposure and evaluate the circumstances surrounding exposure incidents.

*Personal Protective Equipment:* Specialized clothing or equipment worn or used by members for protection against the hazards of infection. This does not include standard issue uniforms and work clothes without special protective qualities.

*Universal Precautions:* Procedures promulgated by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that all blood and bodily fluids are potentially infectious of the AIDS (HIV) and hepatitis B (HBV) viruses.

**PROCEDURES:**

The transfer of disease by exchange of bodily fluids is a serious occupational health risk to peace officers and other emergency personnel. Officers and employees of this department will follow recognized protocols and safety procedures in order to minimize this risk. When in doubt, officers and employees of the department will seek professional assistance before knowingly exposing themselves to a known serious risk of infection.

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AIDS, hepatitis B, and other serious diseases can be contracted through exposure to infected blood and several types of bodily secretions. Employees of this agency will be continuously provided with information and education on prevention of these diseases, provided up-to-date safety equipment and procedures that will minimize their risks of exposure and to institute post-exposure reporting evaluation and treatment for all members exposed to these diseases.

#### **Disease Prevention and Control Guidelines:**

1. This agency subscribes to the principles and practices for prevention of HIV and HBV exposure as detailed in the "universal precautions" prescribed by the CDC and the federal regulations of the Occupational Safety and Health Administration. Where otherwise not detailed in this policy, officers will be guided by those practices and procedures.
2. Officers should assume that all persons are potential carriers of HIV or HBV.
3. No officer will refuse to arrest or otherwise physically handle any person who may carry the HIV or HBV virus when appropriate protective equipment is available.
4. Officers will use protective gear under appropriate circumstances unless its use would prevent the effective delivery of health care or public safety services or impose an increased hazard to the officer's safety or the safety of others.
5. Leather gloves or their protective equivalent will be worn when searching persons or places or when working in environments such as accident scenes where sharp objects and bodily fluids may be expected.
6. Searches of automobiles or other places should be conducted using a flashlight, mirror or other devices where appropriate. After a cautious frisk of outer garments, suspects should empty their pockets or purses and remove all sharp objects.
7. Needles will not be recapped, bent, broken, removed from a disposable syringe or otherwise manipulated by hand.
8. Needles will be placed in, puncture-resistant, leak proof containers provided by the agency that are designated for biohazardous materials when collected as evidence, disposal or transportation purposes.
9. Officers will not smoke, eat, drink or apply makeup while on active crime or accident scenes where bodily fluid spill could be expected.
10. Any evidence contaminated with bodily fluids will be completely dried, double bagged and marked to identify potential or known communicable disease contamination.
11. Officers will not pick their noses, rub their eyes, or place their fingers in their mouth or ears, until after they've washed their hands.

#### **Custody and Transportation of Prisoners:**

1. When appropriate protective equipment is available, no officer will refuse to interview, assist, arrest or otherwise physically handle any person who may have

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a communicable disease. Should an officer be involved in an incident where proper safety materials are not available, the officer will immediately contact the shift supervisor and request assistance.

2. Officers will not put their fingers in or near the mouth of any conscious person. Officers utilizing protective gloves can, in life threatening situations, insert their finger into the mouth of an unconscious person to attempt to clear a blocked airway. This action should be performed in accordance with prescribed foreign body airway obstruction procedures.
3. When possible, persons with body fluids on their body or clothing will be transported in separate vehicles from other individuals. The individual may be required to wear a suitable protective covering if he is bleeding or otherwise emitting bodily fluids.
4. During a transfer of custody, officers will discreetly notify support personnel that the suspect/victim has body fluids on the person or that the suspect/victim has said that he or she has a communicable disease. Care must be taken to insure that the information is given only to those who have a need to know.
5. When possible, suspects taken into custody with body fluids on their body or clothing, and not in need of medical attention, will be isolated from other persons in a designated holding area posted with an "Isolation Area-Do Not Enter" sign until clean up has been completed and a change of clothes has been provided.
6. Officers will document on the appropriate arrest or incident form when a suspect taken into custody has bodily fluids on his person, or has stated that he has a communicable disease.

### **Housekeeping:**

1. Supervisors and their employees are responsible for the maintenance of a clean and sanitary workplace and will conduct periodic inspections to ensure that these conditions are maintained.
2. Supervisory personnel will determine and implement written schedules as appropriate for cleaning and decontamination based on the location within the facility or work environment, the type of surface or equipment to be cleaned, the type of soil present and the tasks and procedures to be performed in the area.
3. All equipment and environmental and work surfaces must be cleaned and decontaminated after contact with blood and other potentially infectious materials.
4. Protective coverings used in laboratory, evidence custody or enforcement operations for covering surfaces or equipment will be removed or replaced as soon as possible following actual or possible contamination.
5. Bins, pails and similar receptacles used to hold actual or potentially contaminated items will be labeled as biohazardous. These receptacles will be decontaminated as soon as feasible following contamination and then inspected and decontaminated on a regularly scheduled basis.
6. Broken and potentially contaminated glassware, needles or other sharp instruments will not be retrieved by hand but by other mechanical means and will

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not be stored in a manner that requires that they be retrieved manually.

7. Officers will remove clothing that has been contaminated with bodily fluids as soon as practical and with as little handling as possible. Any contacted skin area will be cleansed in the prescribed fashion.
8. Contaminated laundry and personal protective equipment will be bagged or containerized at the location where it is used in departmentally approved leak proof containers.
9. Personnel working within this agency's criminalistics laboratory will adhere to departmental policy and procedure as well as laboratory policy and procedure.
10. Only employees specifically designated by the Chief Deputy or designee will discard actual or potentially contaminated waste materials. Disposals will conform to established federal, state and local regulations.

#### **Disinfection of Skin Surfaces:**

Any unprotected skin surfaces that come into contact with bodily fluids will be thoroughly washed as soon as possible with hot running water and soap for at least one [1] minute then rinsed with an antiseptic solution before drying. Alcohol or antiseptic towelettes or anti-bacterial gel may be used when soap and water are unavailable. Disposable gloves should be removed inside out, with the contaminated side not exposed, and then the hands and forearms washed. Skin surfaces will be washed, showering if necessary, and mucous membranes flushed as soon as feasible following the removal of any clothing. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin. All open cuts and abrasions will be covered with waterproof bandages before reporting to duty. Other items such as handcuffs, etc., should be disinfected with a bleach solution (1 part bleach to 9 parts water), rubbing alcohol, or commercial disinfectant. Contaminated shoes and boots, including soles, should also be disinfected with an approved disinfectant. Extreme care should be taken to assure that contaminated footwear is not worn home or taken into a work area.

#### **Disinfection of Vehicle Surfaces:**

Vehicle surface areas will be disinfected whenever bodily fluids are spilled or after individuals with bodily fluid contamination are transported in a departmental vehicle. A supervisor will be notified and the vehicle taken to the service center as soon as possible. Affected vehicles will be immediately designated with the posting of an "Infectious Disease Contamination" sign upon arrival at the service center and while awaiting disinfection. Service personnel will remove any excess bodily fluids from the vehicle with absorbent cloths, paying special attention to any cracks, crevices or seams that may be holding fluids. The affected areas should be disinfected using hot water and detergent or alcohol and allowed to air dry. Vehicles taken to a service center for scheduled washing and routine maintenance will, as part of that routine, be cleaned in the interior with an approved disinfectant. Non-disposable equipment and areas upon which bodily fluids have been spilled will be disinfected as follows:

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Texas Law Enforcement Policies and Procedures, 4.23 Blood Borne Pathogens & Other Infectious Diseases

1. Excess bodily fluids should be wiped up with approved disposable absorbent materials.
2. A freshly prepared solution of one part chlorine bleach to 10 parts water or a fungicidal/ micro bactericidal disinfectant will be used to clean the area or equipment.

**Supplies:** Polk County Sheriff's Office is responsible for purchasing, storing, and issuing communicable disease prevention supplies to all personnel within the Polk County Sheriff's Office. Officers are responsible for notifying the shift supervisor for the replacement of any item. All department and emergency service vehicles will be continuously stocked with:

1. Disposable coveralls, aprons, and shoe covering in appropriate sizes;
2. Disposable latex gloves and leather gloves;
3. Puncture resistant containers and sealable plastic bags;
4. Barrier resuscitation equipment, protective eye goggles, and surgical face masks;
5. Disposable towelettes (70% isopropyl alcohol);
6. Waterproof bandages;
7. Absorbent cleaning materials;
8. "Do Not Use - Possible Infectious Disease Contamination" signs;
9. Biohazard disposal bags;
10. Portable metal mirrors; and
11. Non-porous tongs.

**Vaccination, Exposure, Evaluation and Treatment:**

1. All members of this agency who may be at risk for occupational exposure to the hepatitis B virus will be provided with the opportunity to take the HBV vaccination series at no cost within 10 working days of assignment to an occupationally exposed duty. The vaccination will be provided unless the officer has previously received the vaccination or medical reasons contradict the procedure.
2. Any person who has unprotected physical contact with blood or other bodily fluids of another person while in the line of duty will be considered to have been potentially exposed to HBV and/or HIV.
3. In cases of exposure, a supervisor will be contacted who will complete appropriate duty injury and medical forms and will take appropriate steps to document the means and circumstances under which the exposure occurred.
4. Immediately after exposure, the officer will proceed to the designated health care facility for tests of evidence of infection and treatment of any injuries.
5. This agency will ensure continued testing of the member for evidence of infection and provide psychological counseling as determined necessary by the health care official.
6. The members will receive a copy of the health care provider's written opinion within 15 days of the evaluation and information on any conditions resulting from the exposure that require further evaluation or treatment.

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7. Unless disclosure to an appropriate departmental official is authorized by the officer or by state law, the officer's medical evaluation, test results and any follow-up procedures will remain confidential.
8. Any person responsible for potentially exposing a member of this agency to a communicable disease will be encouraged to undergo testing to determine if the person has a communicable disease.
9. The person will be provided with a copy of the test results and a copy will be provided to the exposed agency officer. The officer will be informed of applicable state laws and regulations concerning the disclosure of the identity and infectious status of the source individual.
10. Criminal charges may be sought against any person who intentionally exposes a member of this agency to a communicable disease.
11. Officers who test positive for HIV or HBV may continue working as long as they maintain acceptable performance and do not pose a safety and health threat to themselves, the public or other members of this agency.
12. This agency will make all decisions concerning the employee's work status solely on the medical opinions and advice of the agency's health care officials.
13. The agency may require an employee to be examined by the department health care officials to determine if he is able to perform his duties without hazard to himself or others.
14. All members of this agency will treat employees who have contracted a communicable disease fairly, courteously and with dignity.

#### **Legal Rights of Victims of Infectious Disease:**

1. When an officer mentions in a report that an individual has or may have a communicable disease, he will write "Classified - Contains Medical Information - Not Subject To Freedom of Information Act" across the top margin of the first page of the report. The shift supervisor will ensure that the above statement is on all reports by signing his signature upon review.
2. The Supervisor making press releases will make certain the medical information is not given to the news media. Under the Texas Freedom of Information Act (FOI), medical records are exempt from disclosure.
3. All requests, including subpoenas, for copies of reports marked "Classified - Contains Medical Information - Not Subject To FOI" will be referred to the District Attorney for authorization to release the document. Prior approval will be obtained from the District Attorney before advising a victim of sexual assault that the suspect has, or is suspected of having, a communicable disease.
4. All circumstances, not covered in this Policy, that may arise concerning releasing confidential or medical information regarding a victim, or suspected victim, or a communicable disease will be referred directly to the Sheriff.
5. Any employee who divulges confidential or medical information in regard to a victim, or suspected victim, of a communicable disease will be punished in a manner authorized by law.

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**Record Keeping:**

1. This agency's personnel function will maintain an accurate record for each employee with occupational exposure that includes information on vaccination status; the results of all examinations, tests and follow-up procedures; the health care professional's written opinion; and any other germane information provided by the health care professional.
2. These health care records will be retained in a secured area with limited access for the duration of the member's employment plus 30 years and may not be disclosed or reported without the express written consent of the member.

**Training:**

1. The training coordinator will ensure that all members of this agency with occupational exposure are provided with a complete course of instruction on prevention of blood borne diseases prior to their initial assignment.
2. Affected employees will receive annual refresher training and additional training whenever job tasks or procedures are modified in a manner that may alter their risk of exposure.
3. Trainees will have access to applicable federal and state regulations pertaining to the regulation of blood borne pathogens.
4. The training coordinator will complete records on member training to include dates and content of training sessions, names and qualifications of persons conducting the training and names of those persons successfully completing the training.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Off-Duty Conduct &<br>Powers of Arrest                  | <b>Policy Number:</b> 4.24 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Peace officers are widely recognized in the community, even when not in uniform. Off-duty officers must always demonstrate courteous, professional behavior while in public. Off-duty officers should generally refrain from law enforcement activities, however sworn officers are authorized to make arrests while off-duty under exigent or emergency situations.

**DEFINITIONS:**

*Off-duty:* Not assigned or working a prescribed shift or duty. Further in the process of conducting personal business, leisure activities, or working for another person or business other.

*Personally Involved:* An officer is deemed personally involved when the off-duty officer, a family member, or a friend becomes engaged in a dispute or incident involving a personal matter with the person being arrested or any other person connected with the an incident, or the officer is accepting money for law enforcement or security duties from other than this department. This does not apply to situations where the police officer is a victim of crime.

**DISCUSSION:**

*Off-duty officers* are sometimes faced with criminal acts that they are neither equipped, nor prepared to handle in the same manner as if they were on duty. Off-duty officers taking action in response to an *on-view crime* may actually confuse on-duty officers arriving on the scene. This may lead to unnecessary injuries to officers or others. There have been many incidents where off-duty officers were mistaken for armed criminals. Off-duty officers should report observed crimes and allow on-duty officers to respond unless immediate action is needed to intervene to protect human life.

Peace officers performing official acts under *color or law, and applying reasonably good judgment* may be immune from civil liability or criminal prosecution. However, this

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conditional protection does not extend to acts intended to cause injury or damage, or to those actions that the officer knew, or reasonably should have known, were in conflict with the law or the established law. Officers must therefore use good judgment whenever there may be a perceived conflict of interest.

## **PROCEDURES:**

### **Guidelines for Off-Duty Conduct:**

Employees of Polk County Sheriff's Office are considered *off duty* at any time other than during regularly scheduled working hours.

Employees are subject to call during their off-duty time, and are subject to emergency stand-by as deemed necessary by the Sheriff or designee.

Off-duty officers shall carry approved off-duty or duty weapons as authorized in the *firearms* policy. Officers may only use these weapons in compliance with the *use of force* policy.

**Sheriff's Office employees** shall not patronize any establishment within Polk County that makes fifty percent (50%) of its profits from the sell of alcoholic beverages.

### **Off-duty responsibilities:**

Off-duty Polk County Sheriff's officers have a responsibility to:

1. Immediately report any suspected or observed criminal activities to on-duty authorities;
2. Abide by all departmental *policies and procedures* when affecting an arrest, or intervening in an altercation;
3. Carry department credentials and badge at all reasonable times; &
4. Take immediate enforcement actions only to safeguard life or prevent felony property loss, or prevent escape of dangerous offenders.

### **Permitted Off-Duty Arrests:**

Off-duty officers within the legal jurisdiction of this law enforcement agency may make arrests only when:

1. Not *personally involved* in the incident underlying the arrest;
2. There is an immediate need for the prevention of a serious crime or apprehension of a felony or violent suspect;
3. The crime requires a full custodial arrest;
4. In possession of appropriate police identification and badge; &
5. There are no on-duty officers present or capable of responding in a reasonable period of time.

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**Prohibited Off-Duty Arrests:**

Officers of this agency may not make an arrest off-duty:

1. When personally involved in the underlying incident;
2. When engaged in off-duty employment and the officer's actions are only in furtherance of the interests of the private employer;
3. As enforcement of a minor traffic regulation, code, or administrative matter;
4. When he has custody of minor children and is responsible for their safety and protection.

**Neighborhood Disputes:**

Officers will not intentionally become involved in or attempt to intervene in neighborhood quarrels or disputes involving their neighbors, friends, or relatives. Such disputes are *conflicts of interest*. Officers should avoid these situations, and contact the dispatcher and request uniformed personnel who have no bias to the outcome of the situation.

**Permitted Off-Duty Arrests When Working In Private Employment:**

When engaged in off-duty employment not associated with the Sheriff's Office, the officer should not make arrests that solely, or primarily serve the interests of the employer as opposed to the public in general. Officers should refer to the *off-duty employment* policy.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |   |
|---|---|
| <b>Subject:</b> Secondary or Off-Duty Employment                        | <b>Policy Number:</b> 4.25              |
| <b>Issue Date:</b> November 19, 2010                                    | <b>Revision Date:</b> November 19, 2010 |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |   |

**POLICY:**

It is the policy of Polk County Sheriff's Office to limit the types of off-duty or secondary employment activities officers may undertake in order to maintain accountability, and avoid potential *conflicts of interest*.

**PROCEDURES:**

**Prohibited Off-Duty Employment:**

Employees of Polk County Sheriff's Office may not engage in secondary or off-duty employment that:

1. Represents a potential *conflict of interest* between the department and a private employer including, but not limited to:
  - a. Collecting debts, repossessing merchandise, or towing vehicles;
  - b. Conducting personal or private investigations through access of departmental information, files, or records;
  - c. Assisting in case preparation or investigation for any criminal defense or civil proceeding;
  - d. Working for any business or labor group on strike; or
  - e. Any occupation regulated or licensed by the law enforcement agency or its civilian board.
  
2. Threatens the dignity of Polk County Sheriff's Office and the law enforcement profession including establishments which:
  - a. Sell pornographic books or magazines, sexual devices or videos, or provide entertainment or services of a sexual nature;
  - b. Sell, manufacture, or transport alcoholic beverages; or
  - c. Provide illegal gambling.

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**Approved Off-Duty Employment:**

Law enforcement officers may engage in off-duty employment in their official police capacity, which involves:

1. A contract agreement between Polk County Sheriff's Office and a profit-making or not-for-profit government agency which may include:
  - a. Traffic control and pedestrian safety;
  - b. Crowd control or law enforcement services at special events;
  - c. Routine law enforcement for public authorities; &
  - d. Plainclothes assignments.

**General Guidelines for Off-Duty Employment:**

The following guidelines apply to employees and officers of Polk County Sheriff's Office regarding off-duty employment:

1. Any employee considering off-duty employment must request permission in writing through the chain of command to the Chief Deputy, stating the working hours and duties of such employment. Such requests must be approved prior to the commencement of outside employment.
2. In order to be eligible for off-duty employment, a law enforcement employee must be in good standing with the department. Continued departmental approval of a law enforcement employee's off-duty employment is contingent on such good standing.
3. Officers who have not completed the probationary period (**Field Training Program or Disciplinary Probation**), or who are **on suspension paid or unpaid**, medical or other leave due to sickness, temporary disability or on-duty injury will not be eligible to engage in **any Law Enforcement related** off-duty employment.
4. A law enforcement officer may work a maximum of twenty-four [24] hours of off-duty employment, or a total of 4 hours in combination with regular duty in each calendar week. Unless otherwise approved by the Sheriff or his designee.
5. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the law enforcement officer's performance of duty.
6. Law enforcement officers engaged in any off-duty employment are subject to call-out in case of emergency, and may be expected to leave his off-duty employment in such situations.
7. Permission for an officer to engage in outside employment may be revoked when it is determined to be against the interests of the department.

Workman's compensation, public liability benefits, and legal representation are not available to employees of Polk County Sheriff's Office as a result of off-duty employment, unless conducting official police business in a contract position between the department and another agency.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

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|--|------------------------------|
| <b>Subject:</b> Smoking / E-Cigarette (Vape) Use<br>in Department Vehicles | <b>Policy Number:</b> 4.26-1 |
| <b>Issue Date:</b>   | <b>Revision Date:</b>        |
| <b>Approval Authority<br/>Title and Signature:</b>                         |                              |

**POLICY:**

It is the policy of the Polk County Sheriff's Office to take all reasonable steps necessary to provide a healthy environment for employees, inmates, and members of the public. This Department Policy establishes regulations regarding the use of tobacco products in any Department vehicle.

**PURPOSE:**

For the purposes of this policy, smoking includes, but is not limited to, tobacco products, such as cigarettes, cigars, and pipe tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette (Vape), regardless of the amount or absence of nicotine.

**DEFINITIONS:**

1. Smoking: The use of a lighted cigar, cigarette, pipe, or other tobacco smoking material.
2. Electronic Cigarettes (Vape): A device containing a nicotine based liquid that is vaporized and inhaled, used to simulate the experience of smoking tobacco. The Polk County Sheriff's Office hereby defines electronic cigarettes as a "tobacco product."

**PROCEDURES:**

1. Employees and the general public are prohibited from smoking or using e-cigarettes in any and all Polk County Sheriff's Office vehicles and/or county vehicles that are being used by this Department.
2. The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of smokers and non-smokers. All employees share in the responsibility for adhering to and enforcing this policy.
3. Conflicts should be brought to the attention of the appropriate supervisory personnel, and, if necessary, referred to the Chief Deputy and/or Sheriff for final decision. The right of a non-smoker to protect his/her health and comfort should prevail over an employee's desire to smoke in Department vehicles. Violation of this policy may result in disciplinary action.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
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|---|---------------------------------|
| <b>Subject:</b> Use of Department Vehicles                              | <b>Policy Number:</b> 4.26      |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b> 7/06/2023 |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                                 |

**POLICY:**

Polk County Sheriff's Office will establish guidelines for the proper use, care and maintenance of all vehicles assigned to the Polk County Sheriff's Office.

**PROCEDURES:**

**Operation of Department's vehicles:**

Vehicles owned by the Polk County Sheriff's Office and assigned to the department will be used for official business only. Texas General Statutes prohibit the use of Polk County owned vehicles for personal use. This section will not preclude department's employees from using Polk County vehicles for personal purposes incidental to official use (e.g., buying milk on way home from shift), but employees are prohibited from using Polk County vehicles for general personal business.

Vehicles will be operated by departmental employees only, except as necessary by mechanics or other service personnel performing maintenance or other work on the vehicle. For the purpose of this policy and procedure, Reserve and Special Officer Department's, when performing duties for and at the request of the department's Office, will be considered employees.

Unless an exception is granted, the operator of a departmental vehicle will notify the telecommunicator via radio whenever the vehicle is in use by other than the one assigned to and being operated for any purpose. The operator will provide name/call number to the telecommunicator and will provide any other information required by proper radio procedure.

Departmental vehicles will be operated in accordance with all State traffic laws, county and city ordinances, and policies and procedures of the Polk County Sheriff's Office. Seat belts and shoulder straps will be worn by all operators and passengers. Prisoners will be strapped in with seat belts whenever possible. Occupants will also comply with state child restraint laws when feasible and applicable.

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Except under extreme emergencies, departmental employees will remove keys from the ignition and lock the doors on any unattended departmental vehicle. Canine Officers are, under appropriate circumstances, exempt from this provision.

Officers who are assigned vehicles on a 24-hour a day basis will arrange with their supervisor for the vehicle to be available for use by others when the officer is off duty.

**Inspection and Maintenance of Department's Vehicles:**

Deputies will search their vehicles at the beginning and end of their shift for weapons, evidence, contraband, or any property left by prisoners or others.

Deputies will examine their vehicles at the beginning and end of their shifts for damage. Any damage observed will be reported immediately to the supervisor. Any damage reported after the vehicle has been inspected and placed into service will be considered to have occurred during the operator's tour of duty. Deputies will be responsible for the following:

1. Employees will check all fluid levels, belts and hoses before beginning a shift.
2. Employees will report any vehicle that is unsafe or in need of mechanical repairs immediately to their supervisor, who will take appropriate corrective action through the chain of command.
3. Employee's assigned vehicles are responsible for scheduling routine maintenance and service of the vehicle, including cleaning and washing of the vehicle.
4. Employees will not undertake any mechanical or electrical work on their own and will not alter, wire additional items or otherwise tamper with the electrical system or any of the vehicle's safety features.

**Distracted Driving:**

This policy is meant to assist in reducing distractions while driving a Sheriff's Office patrol vehicle, which will in turn, help reduce the number of collisions caused by such distractions.

While deputies are operating a patrol vehicle and the vehicle is in motion, they will adhere to the following mandates:

1. No texting, emailing, internet searches, or social media;
2. No use of the Mobile Data Terminal (In-Car computer);
3. No talking on a cell phone, unless phone calls are hands-free, or on Speakerphone / vehicle Bluetooth.

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Communications while a deputy is operating a patrol vehicle and responding to a call for service should be limited to radio transmissions only. Additionally, there is no reason for personnel to be using the MDT (In-Car computer), while driving. The MDT (In-Car computer), will be closed while driving and Dispatch will provide ALL information, to include ALL updates needed for all calls for service, in which deputies are responding to.

If a deputy needs to utilize the MDT (In-Car computer), to read, update, send or receive electronic messages, they will pull over to a safe location, off of the roadway, to do so.

All of the above preventive measures are meant to reduce the time that the deputies eyes are off the road and his/her hands are off of the wheel.

All supervisors will enforce policy and investigate complaints of officers driving while distracted.

**Accidents Involving Departmental Vehicles:**

All crashes involving Polk County Sheriff's Office vehicles will be reported in compliance with applicable Polk County Governmental regulations.

All crashes involving Polk County Sheriff's Office vehicles will be reported to and investigated by, the Texas State Highway Patrol.

In the event the incident is so minor that, in the opinion of the supervising officer no Highway Patrol investigation is necessary, he/she may elect to conduct his/her own investigation. That investigation report will be completed on appropriate Texas DMV forms and submitted to the department within 24 hours.

Crashes determined to be *preventable (At-Fault)*, will result in disciplinary measures by the department to include the following:

1. An employee's first preventable crash will result in a written warning or reprimand.
2. A second preventable crash will result in up to a 30 day suspension of the employee's take-home vehicle.
3. A third preventable crash will result in up to a 90 day suspension of the employee's take-home vehicle.
4. A fourth preventable crash will result in the employee being assigned to a non-driving position and/or administrative suspension, or termination from employment.
5. The Sheriff or designee, at his discretion, may impose other/additional discipline.

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Additionally, and subsequent to each preventable (At-Fault) cash, deputies will complete an online Defensive and Distracted Driving Course. The course information will be provided to the deputy by the Patrol Lieutenant and/or Captain. The above mandated course will be consistent, but may not always be the same course or training provider.

**Take Home Car Outside County:**

Employees who are issued a County take-home vehicle can use the County vehicle to and from work and no further than 30 miles outside of the County Line (unless prior approval by the Sheriff). Mileage is calculated as actual mileage from the county line to the employees residence.

If an employee lives further than 30 miles outside of the County line, the vehicle will be parked at another law enforcement agency. The employee must obtain permission from the agency and a name and number of the person who authorized them to park their County vehicle at their facility. Any other parking place must be approved by the Sheriff.

If there are any substantiated complaints brought against an employee while using their vehicle outside of the county, going to or from work, the employee will automatically lose the privilege to participate in the Sheriff's Office take home vehicle program.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Mentally Ill Persons                                    | <b>Policy Number:</b> 4.27 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

It is the policy of the Polk County Sheriff's Office to respond to situations involving mentally ill persons in a safe and efficient manner.

**DEFINITIONS:**

*Mental Illness:* An illness, disease, or condition, other than epilepsy, senility, alcoholism, or mental deficiency, that:

1. Substantially impairs a person's thought, perception of reality, emotional process or judgment; or
2. Grossly impairs behavior as demonstrated by recent disturbed behavior.

*Substantial Likelihood of Serious Harm:*

1. A person has threatened or attempted suicide or to inflict bodily harm on himself;
2. A person has threatened or attempted homicide or other violent behavior;
3. A person has placed others in reasonable fear of violent behavior and serious physical harm to them; or
4. A person is unable to avoid severe impairment or injury from specific risks, and there is a substantial likelihood that such harm will occur unless the person is placed under involuntary treatment.

**PROCEDURES:**

**Approaching Mentally Ill Persons:**

After gathering as much information as possible about the individual, having or suspected of having a mental illness, two officers will be dispatched to the scene. Upon arrival, officers should:

1. Park at least one house, business or 100 feet away from the location of the alleged mentally ill person when applicable;

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2. Establish an initial perimeter to prevent vehicular and pedestrian traffic through the area;
3. Walk slowly toward the scene from an angle rather than directly up to the front entrance, maintaining awareness of concealment areas for protection from gunfire;
4. Observe the scene for the following, to include:
  - a. Verbal threats;
  - b. Calls for help;
  - c. Presence of children;
  - d. Number of occupants;
  - e. Presence of animals; and
  - f. Possible weapons.

### **Communicating with Mentally Ill Persons:**

Proper communication skills are key in de-escalating a situation involving an individual, having or suspected of having, a mental illness. Remember, your goal is to control the situation. Therefore, officers of the Polk County Sheriff's Office will maintain the following procedures when communicating with mentally ill subjects:

1. At least two officers will be dispatched to the scene.
2. Upon arrival, only one officer will communicate with the mentally ill subject and will:
  - a. Speak in a clear and simple manner;
  - b. Never be judgmental or taunting toward the subject;
  - c. Assure the subject of his safety;
  - d. Attempt to calm the individual by showing an understanding of his feelings;
  - e. Encourage communication and allow the subject to vent his emotions;
  - f. Ask one questions at a time and allow the individual adequate time to answer;
  - g. Maintain eye contact and repeat the question, if the individual is distracted or confused by any question;
  - h. If a weapon is present, express to the individual "I want to help you with your problem, but I can't until you put down the weapon";
  - i. Ask the subject to release any "detained" subjects [do not use the word "hostage"];
  - j. Ask the individual to repeat any instructions back to ensure comprehension;
  - k. Ask open-ended questions to avoid yes or no answers.
3. The other officer(s) will;

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- a. Communicate with family, friends, or neighbors regarding the mentally ill person for additional data and medical history of the subject.
- b. Remove friends, family, and neighbors from the scene if they are agitating the mentally ill person.

4. All officers will:

- a. Maintain a non-threatening posture and voice;
- b. Not deceive, stare, or ridicule mentally ill individuals;
- c. Not take verbal abuse personally;
- d. Avoid using force unless the individual becomes violent toward himself, officers, or others;
- e. Keep their weapon side away from the individual and firearm holstered unless intent and justified in its use;
- f. Work together to restrain the individual, if necessary.

Remember, hostility should not be met with hostility, but, rather, with carefully applied physical restraint. Mentally ill subjects will not react conventionally to orders. The use of a weapon must be restricted to defending your life and that of other persons. Think safety and treatment, not punishment and retribution.

**Indicators of Mental Illness:**

At times, officers will be faced with a situation in which no friends or family are available to provide insight into the medical history of the individual in question. Therefore, officers must have the ability to pick up on verbal, environmental, and behavioral clues, which establish the mental state of the individual in question. These indicators include:

1. Verbal Cues:

- a. Illogical thoughts such as loose associations, grandiose ideas, ideas of persecution, and obsessive thoughts;
- b. Unusual speech patterns such as nonsensical speech or chatter, word repetition, extremely slow or rapid speech; and
- c. Verbal hostility or excitement such as talking excitedly or loudly, threatening harm, and argumentative or belligerent hostility.

2. Environmental cues:

- a. Strange decorations or inappropriate use of household items;
- b. Packratting and accumulating trash or waste matter; and
- c. Strange attachment to childish objects or unusually shaped items.

3. Behavioral cues:

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- a. Wearing bizarre makeup, clothing, or clothing which inappropriate for the season;
- b. Strange posture or mannerisms such as constantly looking over their shoulder or maintaining an unusual position for a long period of time;
- c. Continuous pacing;
- d. Sluggish or repetitive movements;
- e. Responding to voices or objects that are not there;
- f. Confusion about or unawareness of surroundings;
- g. Lack of emotional response;
- h. Self-inflicted injury;
- i. Facial expressions of sadness or grief; and
- j. Inappropriate emotional reactions.

### **Custody of the Mentally Ill:**

When confronted with an individual whose behavior expresses that of mental illness, officers of Polk County Sheriff's Office will seek the assistance of a licensed physician or health care psychologist to determine the mental status of the individual.

If the physician is not present on the scene, the officer may describe the behavior of the subject to the physician by phone. If such assistance is not readily available, statements of the individual, witnesses, family members, or the physical appearance of the scene itself [broken dishes, windows, furniture, torn clothing, weapons, etc.] may be used to form a reasonable belief that the individual is mentally ill.

When a mentally ill person's behavior requires confinement in order to prevent him from harming himself, another person, or committing a crime, the officer will:

1. Obtain a warrant of commitment;
2. Take the individual into custody and immediately transport him to the nearest hospital; and
3. Present the warrant of commitment to the hospital authorities, make application for emergency admission, have the individual medically cleared, then proceed to the mental hospital as directed by M.H.M.R. and the order for commitment.

However, if an officer has no time to obtain a commitment warrant and must act immediately in order to prevent personal injury or extensive property damage, the officer will:

1. Immediately arrest the individual for any criminal conduct which he has committed including disorderly conduct and threats;
2. Immediately present the matter to a magistrate and seek an emergency commitment warrant;
3. Transport the individual to the nearest mental hospital, present the warrant to hospital authorities, make an application for emergency admission, and leave the individual with hospital authorities;

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4. Notify the prosecutor that the individual has been committed.

In many cases, the prosecutor's office will dismiss the criminal charge once a commitment warrant is issued in order for the individual to be committed.

**Transportation of the Mentally Ill by Polk County Sheriff's Officers:**

Individuals taken into custody under the Emergency Peace Officer's Warrant (EPOW) will be transported to the hospital for evaluation. Hospitals receiving mentally ill persons have the responsibility to treat the patient for medical and psychological concerns. If an individual has not committed a crime and is not under arrest, he or she is free to leave once released from the hospital.

However, if an individual is transported to the hospital under the EPOW and has committed a criminal offense or a warrant check indicates an out-standing criminal warrant and the individual is found not to be a threat to themselves or others by medical and mental personnel the arresting officer must:

1. Charge the individual with a criminal offense and prepare an offense report;
2. Transport the arrested person to the Polk County jail;
3. Leave the paper work from the hospital clearing the individual of mental impairment with the jail staff;
4. Prepare an affidavit of arrest at Polk County Sheriff's Office.

**Handling Calls to Mental Health Facilities:**

If an individual has escaped from an institution and presents a danger to himself or others, officers will prepare a missing persons report and fully cooperate with the mental health facility from which he escaped. If the mental patient has pending criminal charges, officers will take action to apprehend the individual, return him to the institution, criminally prosecute him once released from the facility. Additionally, if the patient sustains an injury during his escape, officers should initially transport the patient to the hospital for treatment and notify the reporting facility from which he escaped of his capture. The facility from which he escaped will make arrangements for the return of the individual.

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Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Intoxicated Persons   | <b>Policy Number:</b> 4.28 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

All officers adhere to the following procedures when dealing with a person suspected of driving under the influence of alcohol or drugs.

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**PROCEDURES:**

**Stopping D.U.I. Suspects:**

Based on officer perception, persons whose driving behavior is indicative of driving under the influence of alcohol or drugs, while on a public highway or in areas that have ready access to a public road, will be stopped for inquiry. Indications in the perception of the officer may include:

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1. Sitting through a green light;
2. Weaving;
3. Excessively crossing the center-line or driving on road shoulder;
4. Driving excessively slow;
5. Driving excessively fast;
6. Failing to yield right of way;
7. Failing to turn lights on;
8. Failing to signal a turn;
9. Throwing objects from vehicle;
10. Playing loud radio or speaker systems;
11. Loud or boisterous vocal exclamation, or jesters;
12. Disregarding stop signs, signals, or the normal flow of traffic;
13. Improper turns;
14. Parked or stopped in a potentially dangerous place or position;
15. etc.

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However, at times officers of Polk County Sheriff's Office will be confronted with individuals whose personality and/or driving behavior suggest they are under the influence of alcohol or drugs, but, rather, are experiencing diabetic shock or another medical complication. Therefore, when stopping an individual suspected of driving

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Texas Law Enforcement Policies and Procedures, 4.28 Intoxicated Persons

under the influence [D.U.I.], the officer will take reasonable action to differentiate between intoxication and medical complications by:

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1. Checking for an alert bracelet, necklace, or I.D. card;
2. Looking for indications of medication, such as prescription bottles, wrappers, etc.;
3. Asking the individual if a medical problem or emergency exists.

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If the officer perceives that an individual's behavior is the result of a medical crisis or imminent need of medical attention, the officer must:

1. Immediately call emergency medical personnel;
2. Forward medical alert items and/or medication to arriving emergency medical personnel;
3. Transport, have medical personal transport, or secure private or public transportation of the individual(s) to a hospital or other safe haven;
4. Not let the individual operate a vehicles;
5. Take action to secure the individual's vehicle [see section entitled *Securing Individual's Vehicle*]; &
6. Complete an incident report.

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**Arresting D.U.I. Suspects:**

When, based on *the perception of the officer*, an individual is suspected of driving under the influence [D.U.I.] of alcohol or drugs, the officer will:

1. Advise the driver that he or she is being detained for suspicion of DUI;
2. Read the suspect their constitutional rights;
3. Take some sort of action to secure the individual's vehicle [see section entitled *Securing Individual's Vehicle*];
4. Transport the arrestee to Polk County Sheriff's Office for sobriety testing; &
5. Perform or have performed sobriety testing [see section entitled *Sobriety Testing*].

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If the individual is found to be intoxicated, the officer will complete a D.U.I. citation and an incident report, with attached sobriety test results. If the individual is found not to be intoxicated, and not charged with other offenses, the suspect will be released from custody. If, in the officer's judgment the individual is not capable of operating a motor vehicle on the highway, or is otherwise at risk, the officer will secure some means of transport to a reasonably safe haven.

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**Securing the Individual's Vehicle:**

When an individual is detained on suspicion of driving under the influence [D.U.I.] of alcohol or drugs or referred to emergency medical personnel for a medical crisis, the involved officer will take reasonable action to secure the individual's vehicle. At the officer's discretion, the vehicle may be:

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Texas Law Enforcement Policies and Procedures, 4.28 Intoxicated Persons

1. Released to a licensed and sober family member of the individual;
2. Released to a licensed and sober passenger of the vehicle;
3. Towed;
4. Relocated and secured at a safe location, under exigent circumstances [i.e. – the vehicle is impeding the normal flow of traffic].

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**Sobriety Testing:**

Arriving at Polk County Sheriff's Office, the individual detained on suspicion of driving under the influence [D.U.I.] of alcohol or drugs will read and sign an Intoxilyzer Warning Form, and undergo an Intoxilyzer test by a *certified Intoxilyzer operator*. However, the individual will be observed for, and not allowed to eat or drink, for at least twenty minutes prior to the Intoxilyzer test.

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If the arrestee refuses to read and/or sign the Intoxilyzer Warning Form and take the Intoxilyzer test, the arresting officer will take the individual's driver's license, note the refusal in the departmental incident report, and charge the individual with *D.U.I./refusal of test*. Following successful completion of the test, the officer will:

1. Sign the printout of the breath test results;
2. Enter the results of the test in the Intoxilyzer log; &
3. Provide a copy of the breath test results to the arrestee.

Commented [DLS11]: Use & instead of "and" in this and all future policies & procedures when lists are made. Advise others in the office of this instruction.

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Individuals suspected of driving under the influence who have been rendered unconscious or injured as a result of a motor vehicle accident, or pass out will undergo chemical testing by licensed medical personnel or a laboratory technician, provided the arresting officer:

1. Completes necessary paperwork for obtaining the sample;
2. Observe an individual withdraw the blood sample;
3. Observe a urine sample being obtained [unless a different gender as the arrestee]; &
4. Maintain the chain of custody of the sealed samples until analyzed.

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If the individual is confirmed to be over the legal limit through testing for the consumption of alcohol while operating a motor vehicle, the officer will complete a D.U.I. citation, transport the arrestee to the departmental jail or lockup facility, and complete an incident report, with attached sobriety test results. If, however, the individual is determined to not be legally intoxicated, the individual will immediately be released, unless otherwise charged with a detainable offense.

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Deleted: The results of such tests will not be used against the individual in court without his consent. However, when an individual is killed as a result of that individual, no consent is required. ¶

**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|  |                             |
|--|-----------------------------|
| <b>Subject:</b> Vehicle Towing and Inventory                                   | <b>Policy Number:</b> 04.29 |
| <b>Issue Date:</b> March 28, 2011  | <b>Revision Date:</b>       |
| <b>Approval Authority</b> Byron Lyons , Sheriff<br><b>Title and Signature:</b> |                             |

**POLICY:**

It is the policy of Polk County Sheriff's Office, members shall not make any arrest, search, or seizure which they know or should know is not in accordance with law and established Sheriff's Office procedures or policies.

**DEFINITIONS:**

- a. CARE - constitutes the watchful attention or supervision of something
- b. CUSTODY - is the immediate possession, charge, or control exercised by someone having authority
- c. CONTROL - is having the authority or power to act, guide, or exercise authority over
- d. MANAGEMENT - is the act of overseeing or supervising
- e. POSSESSION - the act of holding or taking something into care, custody, control, or management.

**PROCEDURES:**

1. Police power to seize the personal property of citizens is the exercise of authority that should never be taken lightly or capriciously. Citizens are ordinarily under no obligation to prove ownership of any property found in their possession. Conversely, the burden is upon the officer to prove that property is not legally in possession of the citizen. Unless investigation can establish otherwise, it should be presumed that property found in the possession of any citizen is that citizen's property and, if such property is seized for any reason, the citizen is entitled to recover that property when there is no longer a bona fide reason for this office to retain it. (This policy includes weapons; it excludes any contraband.) It is, therefore, the policy of this office to seize and impound property only when a legitimate need so requires and to retain such property only so long, as that need is served.

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2. It is the policy of this office that all property which comes into the possession of an officer of this office, for any reason, will be inventoried as soon as practicable and a written record of the inventory will be made on the approved form with a copy provided to the person from whom it is taken. An accurate accounting of all property will be made including a notation of where the property was located when inventoried and, if so, where it was placed for safekeeping. In the case of a closed container (briefcase, suitcase, shipping crate, etc.) or a closed compartment of a vehicle (trunk, glove box, console, camper, etc.), the container or compartment will be opened, inventoried, and the contents noted on the approved form.

a. An exception to this policy is a container or compartment that cannot be opened without using force that results in physical damage to the container or compartment that is significant and permanent because, for example, a key, combination, or appropriate opening tool is not available. In such cases, consent is required to force open the container or compartment for the purpose of inventory. If consent is not forthcoming or if the closed container or compartment is not opened or inventoried for any other reason, an entry will be made on the approved form noting that the particular container or compartment was not inventoried and why.

b. This policy does not preclude, forbid, or control the forced opening of any container or compartment under some other legal authority independent of an inventory purpose, such as consent, warrant, probable cause, etc.

c. An exception to this policy is in investigations arising under Article 17ge, V.T.C.S. (Texas Racing Act). Warrantless seizures of contraband or evidence, pursuant to this Act or its rules, may be documented utilizing Texas Racing Commission inventory/receipt form in lieu of agency forms. Dispositions of such property may be documented in the "chain of custody" section on the TRC document in lieu of agency forms. All other policy provisions of this chapter (property forms, property logs, property tags, storage, etc.) remain applicable.

3. Controlled Substances and Dangerous Drugs. Contraband that comes into a Deputy's possession, for any reason, shall be submitted to a crime laboratory for analysis and/or destruction. The only exceptions will be large seizures that are to be destroyed by court order.

4. Drug Paraphernalia. Items subject to seizure shall be stored in the Property Room until disposed of in accordance with the provisions of the Controlled Substances Act.

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**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|  |                                  |
|--|----------------------------------|
| <b>Subject:</b> In-Car and Body Worn Cameras                                 | <b>Policy Number:</b> 4.30       |
| <b>Issue Date:</b> 02/01/2016  | <b>Revision Date:</b> 10/01/2021 |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Sheriff Byron Lyons |                                  |

**PURPOSE**

The purpose of this order is to establish policy and guidelines for the use of In-Car and Body-Worn Video Cameras by officers of the Polk County Sheriff's Office.

**2 POLICY**

It is the policy of the Polk County Sheriff's Office that patrol vehicles will be equipped with video/audio recording equipment and that officers will have access to body-worn video cameras. The function of this equipment is to accurately document the events, actions, conditions, and statements made during vehicle stops, pedestrian contacts, arrests, and critical incidents so as to enhance officer reports, collection of evidence, and testimony in court. This recording will also enhance the Department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, evidence for investigative purposes, as well as for officer evaluation and training.

**3 DEFINITIONS**

- A. *Body-Worn Camera (BWC)* is defined as any device that can be worn on the body and captures digital multimedia evidence.
- B. *In-Car Video Camera Systems* are defined as any device attached to a police vehicle which captures digital multimedia evidence.
- C. *Digital Multimedia Evidence (DME)* consists of all digital recordings, to include but not limited to audio, video, photographs and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.
- D. *Private Space* means a location in which a person has reasonable expectation of privacy, including a person's home.

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#### 4 **LEGAL ISSUES**

- A. In-Car Video Camera System and BWC equipment and all data, images, videos and metadata captured, recorded, or otherwise produced by the equipment is the property of the Polk County Sheriff's Office. The personal use of any information recorded by an In-Car Video Camera System or BWC shall only be pursuant to the prior written approval of the Sheriff or his designee.
- B. Use of In-Car Video Camera Recordings or BWCs for purposes other than in accordance with this policy is prohibited.
- C. All data, images video and metadata captured by In-Car Video Cameras or BWCs are subject to state statutes and County policies regarding retention of records.
- D. The Department's Inventory / Evidence Technician shall annually prepare a report on all known costs associated with BWC equipment purchases and related data storage to forward to the state as required by the Texas Occupations Code, Sec. 1701.653.

#### 5 **PROCEDURES**

- A. The recording equipment installed in the vehicles, and the portable audio transmitter, are the responsibility of the officer assigned to the vehicle containing the equipment. The equipment shall be operated and maintained according to the manufacturer's instructions and recommendations and by the guidelines set forth in this General Order.
- B. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel. Officers may only use BWC equipment issued to them by this department. No personally owned BWC equipment may be used.
- C. In-Car Video Camera Systems, BWCs and equipment should be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned. Officers shall inspect and test the In-Car Video Camera System and BWC prior to each shift to verify proper functioning, and shall notify their supervisor of any problems. Officers shall also ensure that their recorders are equipped with sufficient memory/storage remaining to last through their shift.
- D. The In-Car Video Camera System recording equipment will automatically activate when the vehicle's emergency lights are in operation. The recording equipment may be manually deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic.
- E. Officers **WILL** ensure that the recording equipment is turned on, properly positioned, and adjusted to record events during their tour of duty. Officers **WILL**

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carry and activate a wireless microphone upon their person. Officers **WILL** audio/video record the following:

1. All enforcement contacts, such as arrests, detentions, vehicular and pedestrian stops, field interviews of suspicious or other persons.
  2. Non-enforcement contacts should they become confrontational, assaultive, or otherwise enforcement oriented.
  3. Transporting prisoners (in-car video system). In-car camera will be recording anytime a prisoner is being transported.
  4. All emergency driving situations including pursuits, emergency runs, responses to priority one calls, or responses to priority two calls even if emergency equipment (lights and siren) are not activated.
  5. Other events when the recording could have value as evidence, to limit liability, or to resolve citizen complaints.
  6. While dealing with any confrontational inmate in the jail, (Officer and Inmate or Inmate and Inmate) segregation inmate moves (anytime they are taken out of their cell and while in escort, until they are placed back in the cell) while moving and dealing with suicidal inmates.
  7. Offices equipped with a Body Worn Camera and who are actively participating in an investigation must keep the camera activated during the entirety of their participation.
- F. Officers have the discretion to not record during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood or any non-confrontational encounter that may be deemed as a law enforcement encounter. If these conversations contain valuable evidence it is advisable to record the incident.
- G. Deactivation of the In-Car Video Camera System or BWC shall occur when:
1. The event has concluded;
  2. Victim and/or witness contact has concluded;
  3. All persons stopped have been released;
- H. BWCs need not be activated when it is unsafe, unrealistic or impractical to do so. In the event an officer fails to activate the In-Car Video Camera System or BWC during a call for service or enforcement action, or when an entire contact is not captured or equipment is manually deactivated, officers shall properly document the reasons for this action. This may be accomplished in the incident report, supplement report if appropriate, or call sheet comments if no report is written. Correctional Officers will always activate their BWC's while dealing with a problem in the jail.

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1. The justification for failing to activate the BWC because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision.
- I. Officers shall not be required to activate the In-Car Video Camera System or BWC when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative, minister, etc.). An officer may not be required to keep a BWC activated for the entire duration of his/her shift.
- J. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner In-Car Video Camera System or BWC images and information without the prior written approval of the Sheriff or designee. Copies may only be made for court, training, or other purposes specifically approved by the Sheriff or his designee. Officers should be cognizant that the unauthorized release of a recording created with a body-worn-camera is a criminal offense under the Texas Occupations Code.
- K. Officers shall be allowed to review the recordings from their In-Car Video Camera System or BWC at any time. To help ensure accuracy and consistency, officers are encouraged to review recordings prior to preparing reports. If the officer is giving a formal statement about the use of force or if the officer is the subject of a disciplinary investigation, the officer shall:
  1. Have the option of reviewing the recordings; and
  2. Have the right to review recordings from other recording devices (body-worn cameras, other officers' in-car videos, etc.) which may have captured the officer's image or voice during the underlying incident.
- L. In-Car Video Camera Systems and BWCs shall not be used to record:
  1. Communications with other police personnel.
  2. Encounters with undercover officers or informants.
  3. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room (BWCs only) **unless this is an enforcement contact then the camera will be activated..** Exceptions would be during a critical incident where the officer feels it is necessary to record.
  4. When an officer would be recording a patient during a medical or psychological evaluation by a clinician or similar professional, or during treatment. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect (BWCs only).

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5. Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.
- M. Officers shall, at the conclusion of any call for service or incident which has been recorded on their In-Car Video Camera System, close out the video using the appropriate designation of the recording or using the case number assigned to that call for service or incident. At the end of their tours of duty, officers will ensure that their In-Car Video System downloads all recordings made since the previous download, and will ensure that all BWC recordings made during their tour of duty are properly downloaded utilizing established protocols.
- N. Videos from each vehicle (in-car) and each officer (BWC) involved in or at the scene of a vehicular pursuit, use of force, officer-involved shooting, in-custody death, or other incident involving an officer that results in bodily injury or death to a person, shall be uploaded as soon as practical to the appropriate server location per established protocol. A hard evidence disk should also be made preserving the evidence in the designated location.

## **6 SUPERVISORY REVIEW**

- A. Supervisors may review any In-Car Video Camera System or BWC videos at any time and may authorize another member to do so for the purposes of investigation, incident reviews, counseling or any other law enforcement purpose. Furthermore, detectives and investigators of the Department may review any In-Car Video Camera System or BWC video as needed to perform their duties within the Department.
- B. On at least a bi-monthly basis, supervisors shall randomly review at least two (2) Digital Multimedia Evidence videos to assist in periodic assessment of officer performance, determine whether audio/video equipment is being fully and properly used and to identify material that may be appropriate for training. Any suspected deficiencies, policy issues, or training issues observed should be noted to the appropriate Division Commander for resolution. Any policy violations or criminal acts should be documented by memorandum and forwarded through the chain of command to the office of the Sheriff.

## **7 HANDLING AND RETENTION OF DIGITAL MULTIMEDIA EVIDENCE**

- A. DME will be stored within a secure CJIS compliant server or online cloud database based on the best method to meet the needs of the Department. For prosecution, training and other law enforcement operations, the DME may be copied from its stored location to a portable storage device (CD, DVD, thumb drive, etc.).
- B. All files from In-Car Video Camera Systems and BWCs shall be securely stored in accordance with state records retention laws and for no longer than useful for purposes of training, or for use in an investigation or prosecution (including

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appeals), or for use in resolving a claim, pending litigation, or disciplinary investigation. In capital punishment prosecutions, files shall be kept until the alleged offender is no longer under control of a criminal justice agency.

- C. Personal use or the uploading of recorded data onto public or social media websites without written authorization from the Sheriff or his designee is prohibited. Should the need to release DME to the news media arise, the Public Information Officer will do so at the discretion of the Sheriff.
- D. All stored DME is subject to release in accordance with the state public records retention laws. Public requests through the Freedom of Information Act will be handled according to the State law pertaining to open records. These requests will be handled through the Records Section or person(s) designated to handle open records requests.
- E. DME which was made in a private space will not be released; nor will recordings involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the persons authorized representative.
- F. Recordings from In-Car Video Camera Systems and BWCs may be shown for training purposes upon completion of a criminal case. All such use shall be pursuant to the written authority of the Chief.
- G. The retention and destruction of DME shall be pursuant to state public records retention schedules. Videos will be stored for a period of not less than ninety (90) days. After that time videos will be deleted from the system unless they have been determined to have evidentiary or other value. Videos of evidentiary value shall be attached to the appropriate case in the Department's Records Management System (RMS) for preservation. Videos of administrative or other value shall be uploaded to the appropriate server folder(s) and held per statutory law or regulation governing the retention of such records.

## 8 **TRAINING**

- A. Officers and any other personnel who will come into contact with video and audio data obtained from the use of in-car and BWC recording systems shall receive Department approved training on the proper operation, use and care of the equipment and the Department's policy with respect to the use of such systems. Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policies or equipment. This training should include but not be limited to:
  - 1. Practices and protocols covered by this policy;

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2. Relevant state laws governing consent, evidence, privacy and public disclosure;
3. Procedures for operating the equipment safely and effectively;
4. Scenario based exercises that replicate situations that officers might encounter in the field;
5. Downloading and tagging recorded data;
6. Accessing and reviewing recorded data;
7. Preparing and presenting digital evidence for court;
8. Documenting and reporting any malfunctioning device or supporting system;
9. Supervisors will receive training relative to accessing subordinates videos for review and distribution according to the expectations outlined herein.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                                  |
|---|----------------------------------|
| <b>Subject:</b> Use of Force & Deadly Force                             | <b>Policy Number:</b> 5.01       |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b> 02/24/2023 |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                                  |

**POLICY:**

The Sheriff's Office will enforce any and all applicable state and local laws against the physical barring of an entrance to or exit from a facility or locations which is subject of nonviolent civil rights demonstrations within its jurisdiction.

Human life is sacred. Protecting human life is the most important mission of Polk County Sheriff's Office. Apprehending suspects and criminals is less important than protecting innocent human life, including the protection of the officer's own life.

Officers maintain a constant readiness and ability to act in instances where, in *their perception*, the use of force or deadly force may be appropriate. By maintaining readiness and capacity, officers reduce the likelihood of opposition and of the actual need for a forceful response of any kind. While *officer discretion* is critical, the need for accountability and control of police activities is necessary to limit abuses of authority. Officers only use the amount of force reasonably necessary to protect life and enforce the law under guidelines established in this policy manual.

**DEFINITIONS:**

**Authorized weapon:** A weapon approved by the department for sanctioned use by its officers. No weapon is authorized for carry or use by an officer unless the agency expressly approves it and the officer has demonstrated proficiency with the weapon type in accordance with agency guidelines.

**Auxiliary weapons of availability:** An officer may become separated from their agency issued firearm or secondary impact weapons. Should this occur, the officer might have access to a *weapon of opportunity*, including but not limited to a flash light, citation holder, handcuffs, or any object that could be used as a weapon in the defense of them self or another.

**Baton or expandable baton:** an impact weapon capable of inflicting bodily injury by striking with a portion of the weapon. Only batons authorized by the department are

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carried or used. Carrying or using saps, *Billy clubs* or *slapjacks* is prohibited.

**Chemical weapon:** Weapons capable of temporarily incapacitating a person through the controlled release of some chemical irritant or agent.

**Certification with weapon:** Officer has demonstrated proficiency with a particular weapon, and been tested in its safe care and use. The officer is thereby authorized to carry and use this weapon in the performance of his official duties regardless of whether the officer is on-duty or off-duty. Without such certification, the officer may not carry or use this or a similar weapon.

**Deadly force:** An action, with or without the use of a weapon, intended to cause death or serious bodily injury; or, the use of any object in a manner intended to cause death or serious bodily injury.

**Electronic weapon:** Weapons using short bursts of electrical energy to temporarily incapacitate a person without causing death or serious bodily injury.

**Firearm:** Any device designated, made, or adapted to expel a projectile through a barrel by using energy generated by rapidly expanding gases, or any device readily convertible to that use; including all handguns, rifles, and shotguns.

**Force, non-deadly force, or less-lethal force:** Actions not calculated under the circumstances to cause death or serious bodily injury.

**Knife:** Any edged weapon that is deigned to inflict serious bodily injury or death that stabbing, cutting, slicing, whether legal or illegal, and including swords, daggers, axes, hatchets, etc.

**Lateral Vascular Neck Restraint [LVNR]:** A method or manner of restraining or controlling a person by physically restraining the person's neck from behind. The technique involves the initial restraint of a person through contact and control methods which may ultimately be used to incapacitate the person by rendering the person temporarily unconscious where the person refuses to submit to lesser levels of control.

**Less than lethal or intermediate weapons:** Procedures or weapons that are designed to provide *force*, but usually *less than deadly force*. *Less than lethal* is sometimes referred to as *less-lethal, non-deadly force*. Regardless of the name, officers know that any force, especially when applied under dangerous, tense, uncertain, and rapidly evolving situations, may cause harm, serious bodily harm or death, despite the best intentions of the officer.

**Physical strength and skill:** Any physical actions by one or more officers (e.g., holding, restraining, pushing, and pulling) which may include special skills (e.g., boxing, karate, and judo) but do not include the use of *deadly force* or any weapon.

**Probable cause:** Sufficient reason based upon known facts to believe a crime has been

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committed or that certain property is connected with a crime. Probable cause must exist for a law enforcement officer to make an arrest without a warrant, search without a warrant, or seize property in the belief the items were evidence of a crime. *Probable cause* is often subjective, but if the police officer's belief or even hunch was correct, finding stolen goods, the hidden weapon or drugs may be claimed as self-fulfilling proof of probable cause. Technically, probable cause has to exist prior to arrest, search or seizure.

***Serious bodily injury:*** Harm that creates substantial risk of death, serious permanent disfigurement, or loss or impairment of any body function or organ.

## PROCEDURES:

### Levels of Use of Force:

Use of force or deadly force is controlled by the basic elements of a reasonable officer's perception and a reasonable officer's response. Officers may use only the level of force that is reasonably necessary to stop the perceived threat.

To better understand and explain *use of force* and force issues, officer *perceptions* and officer *force options* are illustrated in the Use of Force Ladder or *force continuum* that is located on the last page of this policy. This chart illustrates five levels of *perception* and five corresponding levels of *response*. Officers must be familiar with, and know how to apply and explain this compendium. Refer to the Use of Force Ladder, at the end of this policy.

Officer's general perception and corresponding force options are:

**Level 1 – (Compliant).** The suspect is perceived by the officer to be *compliant*. The appropriate level of response is *cooperative controls*, including *officer presence, hand signals, verbal commands and instructions, light touching or patting*, etc. In other words cooperation at this level is a *two way street*.

**Level 2 – (Passively Resistant).** The suspect is perceived by the officer to be *passively resistant*. The appropriate level of response is *contact controls*, including *strong or forceful soft hand, hand and arm holds, pressured physical movement of the suspect, removal*, etc.

**Level 3 – (Actively Resistant).** The suspect is perceived by the officer to be *actively resistant*. The appropriate response is *compliance techniques*. This is the threshold for any reasonable officer to consider this suspect to be a potential threat to himself, the officer, or other citizens. Compliance techniques may include *all reasonable means to cause the suspect to comply as soon as reasonably possible*. These techniques may include *use of chemical weapons, use of Taser, use of restraints, forced movement, forcing a suspect's limbs behind his back, forcing a suspect down on the floor or against a wall, Lateral Vascular Neck Restraint* [if the officer is trained and has demonstrated proficient in its use] *or using other forms of*

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*rough physical force*, etc. Once suspects are perceived as actively *resistant*, officers should not relax care until the subject is fully secured. When several officers are present and are trying to restrain a suspect use of the Taser should be a last resort and when all officers feel they are losing control of the suspect. Using the Taser as a pain compliance (dry stun, no darts) is allowed if it will end the use of force and secure the suspect.

**Level 4 – (Assaultive & A Threat to Bodily Harm).** The suspect is perceived by the officer to be assaultive – *and a threat to bodily harm*. The appropriate level of response is immediate *defensive tactics*. The original assaultive behavior may have been directed at a fellow suspect, apparent victim or the officer. *Defensive tactics* may include *impact weapons, hard fist, or any other reasonable means available* and at hand to stop the aggression, defend against the attack, and bring the suspect into compliance. It is contemplated and understood that reasonable officers, while employing defensive tactics, may cause injury, serious injury, and in some isolated instances, death without intending such consequences.

**Level 5 – (Assaultive & Serious Threat of Bodily Harm or Death).** The suspect is perceived by the officer to be *assaultive – serious bodily harm or death*. The appropriate level of response is *deadly force*. Deadly force includes firearms, knives, or any other means immediately available that a reasonable officer, in the same circumstance, would consider as potentially causing death or serious bodily injury.

### Discussions of Possible Officers Perceptions & Tactics:

#### Level 1 – (Compliant). No or Slight Apparent Potential for Harm

**Arrival & Presence:** Officer present at the scene. This includes proper voice and/or other identification, body language, and awareness by the subject that he is dealing with an officer of the law. May also include presence of the officer's vehicle, seeing the officer in his uniform, hearing officer identification, etc. A reasoning person seeing and hearing these things will normally alter their behavior, and respond to the officers instructions.

**Interview Stance:** The officer adopts a stance outside his danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked.

#### Level 2 – (Passively Resistant). Moderate Potential for Physical Harm

**Dialogue between Parties:** A two way, controlled, non-emotional communications between the officer and the subject, aimed at a problem identification and/or resolution.

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**Verbal Direction:** Officer asks, advises, or commands subject to engage in, or refrain from, a specific action or non-action.

**Soft hand Techniques:** Officer may choose to employ some assistance in movement, compliance, or removal from the immediate scene.

### **Level 3 – (Actively Resistant). Moderate Potential for Physical Harm**

**Restraint Devices:** Mechanical tools used to restrict a subject's movement and facilitate searching such as, handcuffs, flex cuffs, leg irons, belly chains, optional nylon restraining devices etc.

**Chemical Agents Individual Protection devices:** CS/OS spray agent used to subdue a subject.

**Transporters:** Techniques used to control and/or move a subject from point A to point B with the minimum effort by the officer or, to gain and retain control over the subject.

**Takedown:** Techniques that redirect a subject to the ground in a controlled manner to limit physical resistance and to facilitate the application of a restraint device, and to prevent intentional injury to the subject.

**Pain Compliance:** Techniques that force a subject to comply with an officer, as a result of the officer inflicting controlled pain upon specific points in the subject's body, such as pressure point techniques and or dry stun using an electronic weapon. Pain compliance should only be used when all other means of lesser force has been exhausted. Dry stunning a restrained suspect in a patrol vehicle or in the jail should be a last resort and to prevent injury.

### **Level 4 – (Assaultive & A Threat to Bodily Harm). Serious Potential for Physical Harm**

**Incapacitation:** Techniques intended to stun or render a subject temporarily unconscious. These techniques may be an impact weapon, such as a strike to a major nerve area,

**Intermediate Weapon:** Impact weapons that are primarily used to control a subject such as a baton, expandable baton, Taser, and/or police canine.

### **Level 5 – (Assaultive & Serious Threat of Bodily Harm or Death). High Potential for Great Bodily Harm or Death**

**Deadly Force:** Techniques that may result in imminent death or serious

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injury, unconsciousness or permanent disfigurement, such as impact weapon strikes or use of firearms. Blows with impact weapons will not be made to the head. Deadly Force techniques are a last resort.

Only when there is a reasonable expectation that altered or damaged property may place others in imminent risk of death or serious bodily injury *deadly force* is appropriate to protect property. For example, stopping a suspect from setting a fire, or throwing a bomb.

It is important to remember that almost all incidents faced by police are not scripted, easy to understand, or predictable as to outcome.

Officers use their best effort to determine the threat level and apply the corresponding response. Time permitting, officers must use care in evaluating a suspect's actions and perceived threat level. If there is reasonable doubt and time permits, seek assistance before acting. Justification for the use of force and deadly force must be limited to what is *known or reasonably perceived* by the officer at the time of the incident. Facts unknown at the time force is used should not be considered later to determine whether the force was justified.

Officers may not intentionally use more force than is necessary and reasonable under the circumstances. Officers may never use force in response to mere verbal provocation or abusive language directed at the officer. Officers must never use deadly force, except to protect his life, or the life of other human beings.

### **Application of Use of Force & Deadly Force:**

Application of *deadly force* and *force* are authorized by a peace officer only to achieve the following lawful objectives:

1. To defend himself, or others against serious threats of serious bodily injury or death;
2. To stop dangerous felony flight, where there is serious imminent risk to the public of death or serious bodily injury; &
3. To prevent roaming at large by obviously mad or vicious animals; to relieve animals so badly injured that it cannot reasonably survive from injuries causing prolonged suffering.

Application of *force* but not *deadly force* is authorized by a peace officer only to achieve the following lawful objectives:

1. To preserve the peace;
2. To defend themselves, or others against unlawful violence;
3. To prevent the commission of self-inflicted injury, or suicide by any person;
4. To make lawful arrests or searches; to overcome resistance to such arrests or searches; and to prevent escape from custody;
5. To prevent or interrupt an intrusion on, or interference with the lawful possession of property; &

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6. To prevent roaming at large by obviously mad or vicious animals, or to relieve animals so badly injured that it cannot reasonably survive from injuries causing prolonged suffering.

Before using any force against a suspect, time permitting, officers must:

1. Have *probable cause* to arrest that suspect;
2. State his intentions to arrest, and identify himself as a peace officer; &
3. State the reason for the arrest.

The amount and degree of force officers may use to achieve an objective takes into consideration the following possible issues, if time and circumstances allow:

1. Nature and seriousness of the original offense committed by the suspect;
2. Nature and seriousness of the risk of injury to the officer or others;
3. Age, physical condition, and behavior of the suspect;
4. Relevant actions by any third parties;
5. Physical conditions (e.g., visibility) at the scene;
6. Feasibility and availability of alternative actions: &
7. Opportunity and actual ability of the suspect to injure the officer, himself, or others.

Before officers use force (but not deadly force) when protecting a person from self-inflicted bodily injury [suicide attempt] or from uncontrollable circumstances, the officer must consider other available alternatives to protect that person from harm.

Officers may use unauthorized objects as weapons, or use weapons in unauthorized manners if emergency circumstances make it necessary to protect human life and prevent serious injury.

Officers may draw and ready any authorized weapons for use only when they reasonably anticipate that they may have to use such weapon(s). This does not require officers to use the weapons.

#### **Use of Non-Deadly Force:**

Officers use physical strength and skill, restraint devices, chemical weapons, electronic weapons, or impact weapons to apply non-deadly force only.

Officers have no obligation to *retreat* or *back down* before resorting to approved use of force, including deadly force. Officers may consider retreat or withdrawal where delay could make a more peaceable arrest, or stop, likely if such tactics would not increase risk to him or others. In some cases, an increased show of force may reduce the amount of force necessary to accomplish the officer's objective.

Officers may not attempt to affect arrests alone if there is substantial risk to himself from the arrestee or another party unless there are no available reasonable alternatives.

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Officers use handcuffs or other restraining devices on all arrestees unless it is obviously unnecessary or impractical (e.g. the elderly, young juveniles, amputees, crippled, injured, or other applicable subjects). Officers must take reasonable precautions to protect arrestees from injury caused by handcuffs or other restraining devices. Only restraining devices and techniques approved by the department may be used.

Officers may use chemical weapons for self-protection, or to subdue a person unlawfully resisting arrest. Any person on which a chemical weapon has been used must be treated or decontaminated for exposure to the chemical agent as soon as practical and thereafter monitored for possible latent effects.

Officers may use approved electronic weapons in accordance with this policy. An electronic weapon is only be used to protect persons from assault or to subdue persons unlawfully resisting arrest.

Officers may use impact weapons to protect him or another from assault or to arrest a person who unlawfully and violently resists arrest if lesser methods have failed, or if circumstances warrant the immediate use of the baton. However, officers should:

1. Avoid baton blows that are capable of inflicting serious bodily injury;
2. Not raise the baton above the head to strike someone or use the baton as a club or bludgeon;
3. Deliver only short snappy body blows to vulnerable areas in order to temporarily incapacitate subjects; &
4. Not deliberately strike the *face, head, neck, collarbone, spine, kidney area, solar plexus, knees, or elbows.*

Officers not trained and currently certified with impact weapons are not authorized to use flashlights or other similar devices as substitutes, except in extreme life-threatening emergencies.

### **Use of Deadly Force:**

Deadly force may not be used under the following circumstances:

1. As a warning or threat;
2. With the intent to maim or cripple a person;
3. On a person who has not caused or threatened to cause serious bodily injury or death to another person, including the officer;
4. On a person who simply flees or evades arrest;
5. At or from a moving vehicle; **unless absolute necessary to prevent serious bodily injury**
6. Merely to prevent the destruction or theft of property; or
7. When the officer has any doubt as to the justification for using deadly force.

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### Reporting the Use of Force:

Officers, who discharge a firearm, use chemical weapons, electronic weapons, impact weapons, special weapons, knives, or who cause bodily injury or death to other persons by use of force or deadly force must notify their direct supervisor immediately.

Officers are required to complete a separate use of force written report detailing the circumstances surrounding the use of force incident. This written use of force report requirement must be met even though other required reports may have already covered the situation. This report will be given to the officers Lieutenant or Captain as soon as completed so that it can be examined to make sure the use of force was justified. Use of force paperwork will be completed before end of shift on the same day force was used.

In incidents where officers cause serious bodily injury or death through the application of deadly force, they first call for medical assistance, secure the scene as well as possible, and then notify their direct supervisor. Upon arrival, the supervisor takes charge of the scene, secures it and refers it to the Sheriff or Chief Deputy along with any investigation concerning the incident and report the incident to the Sheriff or designee.

In incidents involving the use of force, all officers assist in every way possible with the investigation. Any report required by this policy receives executive review in an effort to:

1. Protect the integrity of the facts and the evidence;
2. Ensure that the officer's use of force complied with all appropriate state and federal laws, and department policy;
3. Determine if the officer's use of force indicates a need for special counseling, training, or disciplinary action;
4. Determine whether the situation requires further action; &
5. Evaluate the need for additional, or future, training. If an officer is having use of forces more often than the division in a whole than their use of force reports need to be gone over and discussed with the Chief Deputy to see if there is a need for counseling or additional training.

### Reporting Requirements:

The Shift Supervisor, must be notified immediately, who will then immediately notify the Sheriff and Chief Deputy when any type of deadly force is used and there are resulting *serious physical injuries or death*.

Each officer who witnessed the incident or responded to the scene must complete a written report. These witness reports must be completed no later than the conclusion of the shift in which the incident occurred and filed with the Chief Deputy or designee.

The officer(s) who actually used or employed the deadly force will be relieved of duty and transported to the station. At the time the officers are relieved of duty the weapon(s) used in the incident are collected and tagged as evidence. The Chief Deputy or designee or next senior supervisor at the scene instructs the officer(s) who used deadly force to:

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1. Refrain from making any statements to the news media, other officers, or supervisors;
2. Refrain from discussing the matter between officers or witnesses [if more than one officer];
3. Return directly to the station; &
4. Refrain from completing any reports or statements for at least twelve [12] hours.

When the officer arrives at the station, investigators debrief the officer and advise Chief Deputy or designee of their findings. Thereafter the officer(s) are transported home. The officer is to be given the opportunity to receive counseling if they or the department request it. Upon return to duty the next day, the officer(s) involved in the deadly force incident must complete his report and make all required statements. The officer(s) provide all required information as if a witness to the incident, first hand *perception of events* at the time, and the *corresponding force options used*. Special attention must be given to any deviation from this policy.

All reports completed by the officers using force, other officers or witnesses must include the following:

1. A description of the events leading to the use of force or deadly force;
2. The original offense or *probable cause* for the stop or action;
3. An accurate description of the incident and reasons for employing force;
4. A description of the weapon or device used and the manner in which it was used;
5. A description of the injuries suffered, and the treatment given or received;
6. A list of all participants and witnesses to the incident; &
7. A copy of all incident reports compiled because of the incident.

The Sheriff or designee formalizes criteria for reporting incidents. Reports of all injuries are filed in the central file and the employee's personnel record.

### **Weapons Control & Issue:**

Officers must register all firearms carried on-duty or off-duty, and only carry or use authorized duty weapons, firearms and ammunition under these standards:

1. Firearm is registered with the department.
2. Specific firearm and ammunition *manufacturer, type, and caliber (or mm)* is approved for use by the Sheriff.
3. Firearms have been inspected, fired, and certified safe by the department's firearms instructor.
4. The officer has demonstrated proficiency and been certified in the last twelve [12] months in the use of all weapons and ammunition he carries on-duty or off-duty.
5. Officer qualifies with the same weapon and type of specific ammunition [caliber, bullet weight, bullet design, and powder load] actually carried on duty.
6. If a different firearm is carried off-duty, the conditions of 1-5 above apply to the off-

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duty weapon(s).

Officers may not modify or alter an authorized weapon in any material way without Agency approval.

**Firearms & Weapons Demonstrations of Proficiency:**

The firearms & weapons instructor trains and mentors all officers in completing *demonstrations of proficiency* in the use of their primary and secondary firearms, as well as any off-duty firearms, and other weapons carried in the performance of official duties. Demonstration for all weapons [*firearms, batons, expandable batons, control sticks, chemical agents, electronic devices, knives, special munitions delivery systems, etc.*] authorized and carried by department officers must be conducted on a recurring basis. For further detail on weapons demonstration of proficiency refer to the *firearms demonstration of proficiency policy*.

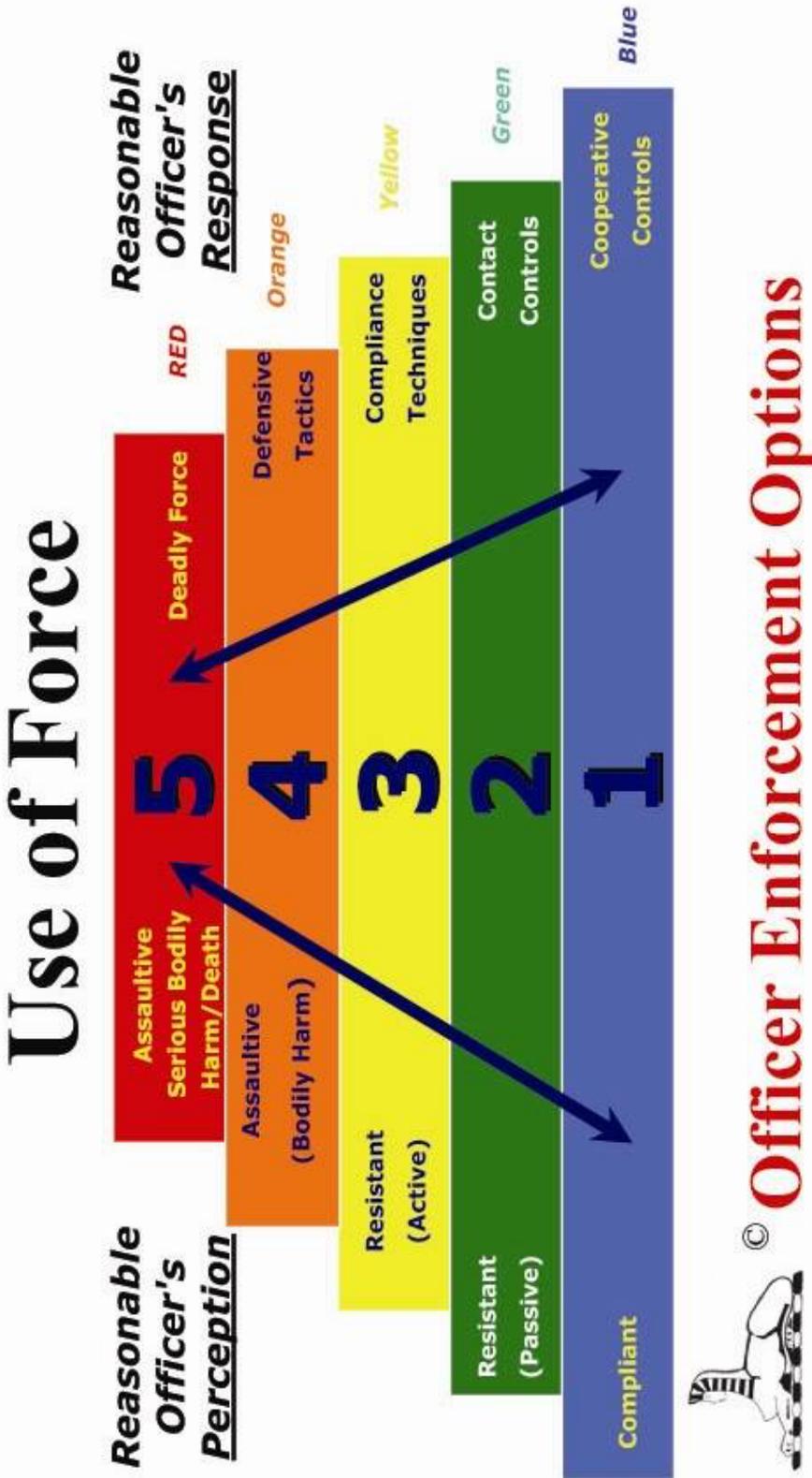
Under no circumstance may officers not having demonstrated proficiency with their weapons be allowed to carry or use those particular weapons. In particular, to carry and use *handguns, shotguns, OC spray, straight baton, PR-24, expandable baton, or electronic device*. Officers must annually *demonstrate proficiency* with each weapon, subject to the approval of the weapons instructor.

**Allegations against Staff:**

The Chief Deputy, or Internal Affairs Unit, investigates all allegations of improper use of force & deadly force, after notifying the Sheriff. In cases where possible criminal acts are involved, the appropriate law enforcement agency or prosecutor office must be notified.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|  |                              |
|--|------------------------------|
| <b>Subject:</b> Duty to Intervene                  | <b>Policy Number:</b> 5.01-1 |
| <b>Issue Date:</b>                                 | <b>Revision Date:</b>        |
| <b>Approval Authority<br/>Title and Signature:</b> |                              |

The purpose of this policy is to establish a duty for all officers to intervene in any excessive use of force.

**POLICY:**

It is the policy of the Department that any officer that observes another employee using force that is clearly beyond what is reasonable and necessary has a duty to intervene by verbal and/or physical means. Any officer that observes an excessive use of force will, as soon as practical, report the use of force to a supervisor in writing. This same standard applies even if the employee using force is a supervisor. Excessive force by any officer or employee will not be condoned or tolerated.

**PROCEDURES:**

**A. DUTY TO INTERVENE**

1. 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. 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 suspect; leaving a secured suspect in a prone position in any fashion that restricts breathing or blood flow; any use of force in violation of this Department's policy.
2. Officers shall promptly report excessive use of force to a supervisor in writing. The obligation to report remains in place even if the officer is successful in intervening in the use of excessive force. Any failure to intervene and/or a failure to report improper use of force shall be grounds for discipline.

**B. RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this policy.
2. All supervisory personnel are responsible for ensuring compliance with the provisions and intent of this policy.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Chemical Agents –<br>Oleoresin Capsicum (OC)            | <b>Policy Number:</b> 5.02 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Oleoresin Capsicum [OC] and similar chemical spray agents are authorized for use as a non-deadly force option by officers of the Polk County Sheriff's Office, when officers are trained in its use and decontamination.

**PROCEDURES:**

Polk County Sheriff's Office officers are authorized to carry and deploy department approved chemical agents, to include OC. However, before such use, officers will complete a training course approved by the Sheriff or designee. OC (Pepper Spray), and similar approved chemical agents are a **Level 3** or higher force option, and requires an officer threat perception equal to higher than **Actively Resistant**. Any use of chemical agents will be in compliance with Polk County Sheriff's Office force policy. For more information see: Use of Force: Deadly and Less Lethal Force, and Use of Force Chart. As used in this policy, the terms *OC* and *chemical agents* are interchangeable.

Application of OC is authorized to affect lawful arrest, prevent escape from custody, defend one's self, defend others from the imminent use of physical force, and to restore institutional integrity in a detention facility.

OC is a force option for officers and employees of the department; however it is not intended to be an alternative to the use of *deadly force* when deadly force is imminently necessary to save human life, and is clearly authorized.

The following guidelines apply to the carrying and use of OC chemicals.

**Training Requirements:**

The following training requirements apply to all uniformed officers, civilian-clothed officers, and civilian employees authorized to carry and dispense chemical agents:

1. OC or other agents are only authorized for carrying and use by officers and employees of this department who have successfully completed a basic course of instruction in the specific chemical agent. Each course will be approved by the

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department and consist of *limits on use and application, decontamination procedures, liability, use of force, and an individual demonstration of proficiency.*

2. Officers and employees authorized to carry and use OC agents will *demonstrate proficiency* in its use and decontamination procedures at least every 12 months. Any officer or employee who had not *demonstrated proficiency* within this 12-month period will not carry or use OC or any other chemical agent.

### Using OC or Similar Spray:

1. Uniformed officers wear the dispensing canister externally in a holster. The device will not be pocketed or otherwise concealed by uniformed officers, since one purpose of chemical agents is to create a *visible deterrent* to potential offenders. This provision does not apply to employees or officers assigned to *civilian clothes or under cover duties.*
2. In most cases, a chemical dispenser will not be drawn and used against an individual holding a deadly weapon.
3. When reasonable efforts have failed to calm a person who is acting violently and presenting a danger to himself or others, a *minimum* stream of OC may be dispensed at the person.
4. Chemical agents are best applied to terminate aggressive or violent behavior, or a threat of violent behavior, which could result in physical injury or death to the officer, other persons, or the offender.
5. Chemical agents will not be discharged in the immediate vicinity of an infant, unless the infant's life is endangered, since their respiratory system is small and especially sensitive to irritating vapors.
6. Chemical agents will normally be discharged from a distance recommended by the manufacturer of the dispensing device.
7. Officers should point the dispensing device at the violent or threatening person's body, in accordance with the manufacturer's recommendations.
8. Discharging of the device will be limited to one successful hit, not exceeding one (1) full second of target depression, or the termination of the violent or threatening behavior.
9. Suspect persons exposed to chemical agents will be handcuffed after exposure, and before decontamination for their and others safety.

### Decontamination:

1. Sprayed individuals will be assisted in decontamination, as soon after the scene is secured as is reasonably possible.
2. No officer will apply, or permit others to apply, oil or grease medications such as butter, cold cream, lanolin, Vaseline®, lotion, or salves, which could trap the irritant to the skin and cause blistering, unless directed by a physician.
3. Exposed areas should not be bandaged, but exposed to fresh air for evaporation.
4. If a person exposed to OC or other chemical agents requests medical attention,

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the person will be accorded a medical inspection or examination by competent medical personnel as soon as possible.

5. Any patrol vehicle interior exposed to chemical agents will be thoroughly decontaminated before being returned to normal service.
6. Vehicle exteriors exposed to chemical agents will be washed or hosed off before being returned to normal use.

### **Reporting Procedures:**

Officers utilizing the OC or other chemical devices will prepare a use of force incident report, which describes the use of the chemical irritant, and includes:

1. Justification for use
2. Date and time of exposure
3. Time lapse before wash-up or decontamination
4. Any injuries observed during decontamination procedure
5. Whether the individual sprayed asked for medical treatment, and, if so, resulting actions taken.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
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|   |                            |
|---|----------------------------|
| <b>Subject:</b> Special Munitions –<br>Distraction Devices              | <b>Policy Number:</b> 5.03 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

This Polk County Sheriff's Office may employ *special munitions - distraction devices* when the application of such devices will aid in the accomplishment of the mission, without unreasonable risk to human life.

**PROCEDURE:**

**Distraction Devices:**

Distraction devices are usually considered *less-than-lethal*, and are employed to distract or attract attention. Both hand-thrown and shoulder fire weapon delivery systems are applicable within this policy. Shoulder fired weapons include service shotguns, fog generators, and 37mm gun rounds, which produce a sudden loud noise or a flash of light. These devices, whether fired from a weapon or hand thrown may also be referred to as *flash-bang* systems. These tools are generally to be used to provide diversion or to mask law enforcement personnel movement activities.

**Safety Precaution:**

All munitions, including special munitions, are employed within the guidelines of the departmental *use of force* policy. Such devices are not designed to produce shrapnel or expelled particles. However, these munitions are capable of causing bodily injury, serious bodily injury, or death in some circumstances, especially if not employed properly. Manufacturer's recommendations may require larger clearance or safety zones. If so, these recommendations replace the following. Flash-bang devices are:

1. Deployed in a manner that are calculated to not injure human life;
2. Not to be used within a 20-foot radius of any individual, unless a substantial wall or safety barrier protects persons within this radius;
3. Not to be used in enclosed structures when individuals inside the structure are at risk from shrapnel, expelled particles, fire, or burns caused by the devices; &
4. Not to be used in the proximity of highly flammable materials.

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**Deployment:**

1. During normal operations, distraction devices will be secured in munitions lockers at the department, or transported in a secured container by supervisory personnel with the rank of sergeant or above.
2. Distraction devices are used consistent with Polk County Sheriff's Office training and manufacturers' instructions.
3. Distraction devices may be used in emergencies that require deployment of personnel in dangerous situations, or as an alternative to the use of more lethal force.
4. Distraction devices are normally used in planned assaults, which require the temporary disorienting or confusion of individuals without risk or injury to human life.
5. Only personnel trained in the use of distraction munitions, and under direct supervision, will employ these devices.
6. When practical, staff assigned to deliver distraction devices should be backed up by other staff armed with conventional weapons to provide protection to human life.
7. When practical, medically trained officers [first aid] or medical personnel will be present during the deployment of distraction devices to provide *emergency first aid*.
8. Regardless of the level of support available, officers will render first aid to any injured person as soon as practical after the situation is stabilized.

**Reporting:**

After employment of special munitions in a tactical incident, a report will be completed that includes:

1. The supervisor authorizing the use of special munitions;
2. Supervisor's perception for the need to deploy special munitions;
3. Identification of officers deploying munitions;
4. Number and types of rounds expended;
5. Effects on targeted person(s) and any injuries;
6. Collateral or unintended injury or damage; &
7. Attachment of any associated medical or damage reports.

This data may be described in the incident or investigative report, and does not have to be reported by means of a special document.

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|   |                            |
|---|----------------------------|
| <b>Subject:</b> Special Munitions – Less Lethal                         | <b>Policy Number:</b> 5.04 |
| <b>Issue Date:</b> 10/21/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

*Less-lethal special munitions* may be used in situations when employment will help accomplish mission objectives and/or is calculated to reduce the risk to human life.

**Special Munitions Devices:**

This policy addresses the use of munitions usually considered *less-than-lethal*, including hand thrown [grenade] devices, and shoulder fired weapons such as service shotguns, fog generators, or 37mm rounds loaded with *rubber sabots, rubber pellets, beanbags, gas, stains, oleoresin capsicum, or similar* projectiles.

**Precaution:**

All special munitions are employed within the guidelines of the department's *use of force* policy. These weapons can cause serious bodily injury or death under some circumstances. Special munition rounds will not be deliberately fired or thrown at the face, chest, neck, or spine of any individual. Special munitions usually come with manufacturer recommendations and guidelines. Officers designated to use these devices must be familiar with, and trained in the application of these recommendations and guidelines before deployment.

**Deployment:**

1. Special munitions will normally be secured in munitions lockers at the station or transported in secured containers by supervisory personnel with the rank of sergeant or above.
2. Special munitions must be used in accordance with agency training and manufacturers' instructions.
3. Special munitions may be used in emergencies that require deployment of personnel in dangerous situations, or as a considered alternative to the use of more lethal force.
4. Special munitions rounds are normally used in planned assaults which require the temporary disabling of target individuals, or facilitate maneuver, capture, or temporary disabling of individuals.

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5. Only personnel trained in the use of special munitions and under direct supervision expend these devices.
6. When practical, and to protect human life, staff assigned to deliver these rounds should be backed up by other staff armed with conventional weapons.
7. Emergency medical [first aid] trained officers or medical personnel will assist in the deployment of special munitions to provide emergency first aid when available.
8. Officers will render first aid and decontaminate those exposed to the effects of gas, chemicals, or OC as soon as practical after the situation is stabilized.

**Reporting:**

After using special munitions in tactical incidents, a report will be completed that includes:

1. The supervisor authorizing the use of special munitions;
2. Supervisor's perception for the need to deploy special munitions;
3. Identification of officers deploying munitions;
4. Number and types of rounds expended;
5. Effects on targeted person(s) and any injuries;
6. Collateral or unintended injury or damage; &
7. Attachment of any associated medical or damage reports.

This data may be described in the incident or investigative report, and does not have to be reported on a special document.

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|---|----------------------------|
| <b>Subject:</b> Knives & Edged Weapons                                  | <b>Policy Number:</b> 5.05 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Officers are authorized, but not required, to carry tactical knives and edged weapons for general service and defensive purposes. This policy is intended to instruct the officer in the acceptable use of the knife in common tasks and in defense of life.

**DEFINITIONS:**

*Edged weapon:* Any blade for cutting, as in a tool or machine.

*Knife:* An instrument for cutting, consisting of a sharp-edged metal or composite blade fitted with a handle of some type.

*Immediate measure of defense:* Taking action or using any implement to defend the officer's life or safety, or the life or safety of another, with implements or devices not normally intended to be weapons or issued as public safety equipment.

*Tactical folding knife:* A knife with a hinged blade, designed primarily for tactical and defensive use.

*Tactical fixed-blade knife:* Any tactical knife in which the blade and the grip or handle are permanently fused in some manner with a blade sharpened on one or more edges for cutting or stabbing.

**PROCEDURES:**

**Precautions:**

Officers are authorized to possess and use a tactical knife both on and off-duty. While in normal duty uniform, or in civilian attire, officers may carry a *tactical folding knife* in a specifically designed holder on the duty belt, or in a pocket. Folding tactical knife blades will not be casually visible to the public, except during intentional use by the officer. During special operations or assignments such as SRT, search parties in rough terrain, and rescue operations, officers may carry *tactical fix blade knives* in sheaths on the belt, and the knife

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and sheath may be visible to the casual observer. All carriers, sheaths, and knives will be of the type normally carried by police officers, and subject to the approval of the officer's immediate supervisor.

It is recognized that officers may have many needs for a knife, including both general work and for limited defensive purposes. While not considered to be a primary weapon of choice in a defense-of-life situation, officers may, under *extraordinary circumstances*, use a tactical knife in defense of their life and the lives of others.

#### **General Use:**

The officer will use reasonable care in the general use of the knife as a tool to prevent injury to the officer and others. General use of tactical knives may be employed in such actions as *cutting injured occupants out of seat belts, to release flex restraints in emergencies, to pry, open, cut, etc.*

The carrying and use of any knife by on and off-duty officers will be done as unobtrusively as possible so as not to alarm any bystander. Officers will use the tactical knife in a safe and responsible manner, taking care not to exhibit or handle the knife carelessly.

#### **Defensive Use:**

Officers may use a tactical knife as a weapon of defense under extraordinary circumstances. Any use of a knife as a defensive weapon will be in compliance with policy 5.1 - *Use of Force & Deadly Force*, maintaining that use of a knife as a defensive weapon is a Level 5 application of force.

Officers are cautioned that a tactical knife is primarily a cutting tool to assist them in their daily duties, and is not intended to be a *primary weapon of defense*. Extraordinary circumstances, however, may dictate that the tactical knife be used as an *immediate measure of defense of life*.

The use of a tactical knife against an aggressive, life-threatening suspect can be employed only when the officer has an objective and reasonable belief that human life is in imminent danger of serious bodily injury or death, and this belief is based on the totality of the circumstances known to the officer at the time. Officers are cautioned that while any use of *deadly force* is a grave undertaking by police, the use of any knife against another human being may be viewed as an extraordinary defensive measure, and should be reserved for those extraordinary situations where defensive options are limited.

#### **Reporting Use of Force:**

Officers who cause bodily injury or death to other persons through the use of an edged weapon will first call for medical assistance, secure the scene as well as possible, and then notify their direct supervisor. Upon arrival, the supervisor will take charge of the scene, along with any investigation concerning the incident, and report the incident to the Sheriff or designee.

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Officers are required to complete a written report detailing the circumstances surrounding the use of force incident. This written use of force report requirement will be met even though other required reports may have already covered the situation.

In incidents involving the use of force, all officers will assist in every way possible with the investigation. All reports will receive executive review in an effort to:

1. Protect the integrity of the facts and the evidence;
2. Ensure that the officer's use of force complied with all appropriate state and federal laws, and department policy;
3. Determine if the officer's use of force indicates a need for special counseling, training, or disciplinary action; and
4. Determine whether the situation requires further action.

**Reporting Requirements:**

The Sheriff or designee will be notified immediately when any type of deadly force is used and there are resulting *serious physical injuries or death*.

Each officer who witnessed the incident or responded to the scene will complete a written report. These witness reports will be completed no later than the conclusion of the shift in which the incident occurred and filed with the Chief Deputy or designee.

The officer(s) who actually used or employed the deadly force will be relieved of duty and transported to the station. At the time the officers are relieved of duty the weapon(s) used in the incident will be collected and tagged as evidence. The Chief Deputy or designee or next senior supervisor at the scene will instruct the officer(s) who used deadly force to:

1. Refrain from making any statements to the news media, other officers, or supervisors;
2. Refrain from discussing the matter between officers or witnesses [if more than one officer];
3. Return directly to the station; and
4. Refrain from completing any reports or statements for at least twelve [12] hours.

When the officer arrives at the station, investigators will debrief the officer and advise Chief Deputy or designee of their findings. Thereafter the officer(s) will be transported home. Upon return to duty the next day, the officer(s) involved in the deadly force incident will complete his report and make all required statements. The officer(s) will provide all required information as if a witness to the incident, first hand *perception of events* at the time, and the *corresponding force options used*. Special attention will be given to any deviation from this policy.

All reports completed by the officers using force, other officers or witnesses will include the following:

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1. The original offense or *probable cause* for the stop or action;
2. A description of the events leading to the use of force or deadly force;
3. An accurate description of the incident and reasons for employing force;
4. A description of the weapon or device used and the manner in which it was used;
5. A description of the injuries suffered, and the treatment given or received;
6. A list of all participants and witnesses to the incident; and
7. A copy of all incident reports compiled as a result of the incident.

The Sheriff or designee will formalize criteria for reporting incidents. Reports of all injuries are filed in the central file and the employee's personnel record.

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**Polk County Sheriff's Office  
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|   |   |
|---|---|
| <b>Subject:</b> TASER   | <b>Policy Number:</b> 05.06             |
| <b>Issue Date:</b> September 24, 2012                                   | <b>Revision Date:</b> December 10, 2012 |
| <b>Approval Authority<br/>Title and Signature:</b> Byron Lyons, Sheriff |   |

**POLICY:**

**USE OF ELECTRONIC INCAPACITATION DEVICES**

TASERS, Electronic Incapacitation Devices (EIDs), are considered soft intermediate less lethal weapons and are not likely to result in death or serious physical injury. These "Electro-Muscular Disruption (EMD)" weapons use an 18 to 26 watt electrical signal to temporarily override the body's central nervous system and directly control the skeletal muscles. This EMD effect causes an uncontrollable contraction of the muscle tissue, allowing the TASER to temporarily debilitate a subject regardless of pain tolerance or mental focus.

The **M26 ADVANCED TASER, TASER X26 or the TASER X2** systems are deployed as an additional law enforcement tool not intended to replace firearms or self-defense techniques. They may be used to control a dangerous or violent suspect when deadly force does not appear to be justified and/or necessary; or attempts to subdue the suspect by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the suspect.

**A. Use of Force Policy**

It is the policy of this agency that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively control an incident. Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

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**B. Authorized Personnel and Training**

Only commissioned personnel who have successfully completed a Agency approved course of instruction on the deployment of the M26 ADVANCED TASER, TASER X26 or the TASER X2 systems may be authorized by the Sheriff or his designee to carry or use them.

1. Biennial in-service training for all personnel authorized to carry and use less lethal weapons shall be documented and coordinated with the Training Coordinator.
2. Failure to complete required in-service training for less lethal weapons will result in revocation of the employee's authorization to carry the weapon(s) until proper training is completed.

**C. Authorized Electronic Incapacitation Devices**

Only the **M26 ADVANCED TASER, TASER X26 or the TASER X2** as authorized for use by the Polk County Sheriff's Office personnel. The use of personally owned electronic incapacitation devices or cartridges is **prohibited**.

Officers authorized to use an Electronic Incapacitation Device may be issued a TASER as determined by the Sheriff or his designee. TASERS for certain off duty jobs may be authorized as determined by need.

**D. TASER Deployment Procedures**

- a. Use verbal commands and point the laser sight at subject before firing. Before using the TASER, the Officer shall, if practical, verbally warn the subject that the TASER will be deployed if the subject does not cease his/her combative behavior and comply with the officer's commands.
- b. When the TASER is going to be deployed, the user should announce "TASER, TASER." This shall provide other Officers with a warning that the TASER is about to be deployed and give notification to the suspect of imminent discharge. When a tactical situation exists where it is not desirable to have the subject made aware of imminent deployment (i.e., person threatening suicide, or harm to themselves or someone else) then it is sufficient that Officer advise each other of imminent deployment via other forms of communication.
- c. Request backup or arrest assistance (depending on the situation).
- d. Use cover and distance to ensure officer safety.

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- e. Aim at center of mass if possible. (The ideal target area for deployment is the back portion of the body.) Watch for thick and/or loose clothing. If probes hit clothing, the electrical current can penetrate for a maximum of 2 ¼ inches away from the skin. The TASER **should not** be aimed at and/or discharged at the eyes, face or genitals of a subject.
- f. The TASER **should not** be deployed if the subject is coated with or standing in or near flammable liquids. (Some chemical and pepper sprays are alcohol based and are flammable.)
- g. Avoid use at locations that may endanger the subject if the subject falls to the ground as a result of TASER deployment. Examples would include, but not limited to, slanted rooftops, ledges of tall buildings, tall fences, deep water or any materials which would cause serious injury if fallen on. The officer deploying the TASER is responsible for evaluating each situation on an individual basis.
- h. If two or more officers are involved when a TASER is deployed, they shall make every effort to coordinate their actions to avoid miscommunication and/or jeopardizing their tactical situation.
- i. If subject runs, the officer(s) must run also to prevent TASER wires from breaking.
- j. Officers **shall not** use TASERS on subjects who are under physical restraint unless the subject is still violently resisting and lesser means of controlling the subject have failed.
- k. Officers **shall not** use TASERS on subjects who are very young, on the elderly or on pregnant females unless the situation is such that there is no other safe method available to subdue them. Each officer will be expected to justify and articulate his/her reasons for deploying the TASER.
- l. TASERS shall only be used as a “stun gun” in the event that additional air cartridges are needed and are unavailable, in self-defense or a confrontation with a suspect has become physical and normal air cartridge deployment is impractical.

**The TASER will only be deployed as an apprehension tool used in the process of a custodial arrest situation. All persons subjected to a TASER deployment will be taken into custody unless hospitalized as a circumstance of their condition. If hospitalized, they will still be**

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**considered to be “in custody” until released on bond, released pending formal charges or turned over to detention personnel.**

#### **E. POST-DEPLOYMENT PROCEDURES**

Officer(s) using a TASER on a subject will ensure that the Sergeant or, in his absence, the Corporal is notified of the incident as soon as practicable after the deployment. The Sergeant or Corporal will assess the situation and determine whether or not his/her presence is needed on the scene. The Sergeant or Corporal will notify the Chain of Command of all deployments of TASER.

**Persons who have been subjected to a TASER deployment shall be treated as follows:**

1. Officers shall request emergency medical personnel to examine the subject.
2. Medical personnel will be requested to remove the probes and treat the puncture sites.
3. If the probes cannot be removed because of an unusual penetration or a hit to a vital area, the subject will be transported by EMS to an appropriate health care facility. An examination for secondary injuries related to the fall should not be overlooked.
4. If the suspect is transported to a medical facility, he/she will be accompanied by an officer as the subject is considered to be in custody and a proper disposition will be made as to their confinement or release.
5. The probes may have blood on them and should be handled as a biohazard, wearing protective gloves when handled. The wires shall be wound around the cartridge. The used probes shall be placed in the spent cartridge container. The probes, cartridge and a few of the Anti-Felon Identification Tags shall be wrapped in the protective gloves and placed into evidence.
6. Photographs should be taken of the probe penetration sites and any secondary injuries in addition to the general appearance and condition of the subject. The photos will be documented as evidence in the approved manner.
7. When booking the subject into jail, Detention personnel will be advised of the fact that the suspect was subjected to a TASER

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deployment and verification from medical personnel will be submitted.

7. Officers shall complete a “**Use of Force**” form in addition to an **Offense Report, see use of force plan for paperwork.**
8. The Offense Report shall include but not limited to the following elements;
  - a. Event(s) leading up to suspect being subjected to a TASER deployment
  - b. Where was suspect when subjected to deployment (grass, concrete, asphalt, fence est.)
  - c. The TASER serial number percentage of charge and how long charge was deployed for
  - d. Where the darts imbedded on suspect and if wires were broken or not
  - e. What time medical personnel was requested, what time they arrived, their name(s) and contact number(s)

**F. Care and Use of Electronic Incapacitation Devices**

- a. Each officer issued a TASER will ensure the batteries of the TASER systems are properly charged and the probe cartridge removed.
- b. The probe cartridge will only be inserted immediately prior to its being placed in a holster.
- c. Any defective or damaged TASER will not be carried and will be turned in for repair or replacement.
- d. Expired air cartridges will not be carried. Outdated cartridges will only be used for training purposes.
- e. For uniformed personnel TASERS will only be carried in holsters accompanying their purchase and in the cross draw position. This will prevent accidental discharge. Detectives or plain-clothes personnel may carry TASER in an approved side holster.

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- f. Accidental discharges of any TASER system will be investigated by the on duty supervisor and supported by Offense Report and photographs. The appropriate medical assistance will be requested for any person struck by probes. Discharged air cartridges and probes shall be treated as evidence. Injuries of Sheriff's Office personnel will also be supported by "First Report of Injury" report. Results of the investigation shall be forwarded up the Chain of Command.
- g. TASER will be inspected monthly by the appropriate supervisor with an inspection report completed. Any damage to the TASER will be immediately reported to the supervisor.

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**Polk County Sheriff's Office  
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|   |                            |
|---|----------------------------|
| <b>Subject:</b> Emergency Management                                    | <b>Policy Number:</b> 6.01 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

It is the policy of Polk County Sheriff's Office to plan for unforeseen events and circumstances. Meeting this objective will be accomplished by supporting and maintaining emergency plans; training staff in their responsibilities and duties regarding these plans; and coordinating with local emergency service agencies.

**PROCEDURE:**

**Emergency Services Coordinator:**

The Sheriff or designee will act as the Emergency Services Coordinator (ESC) whenever the community Emergency Management Plan is activated during emergencies or drills. The Sheriff or designee will be the primary liaison between the Emergency Operations Center and the Agency. The ESC may report to the Emergency Operations Center during declared emergencies, or may work from the Agency or a field command post, depending upon the nature of the emergency according to the Emergency Management Plan.

The Incident Command system is used to facilitate communications and coordinate multi-agency response during major emergencies. All Agency employees must be familiar with and follow Incident Command procedures during declared emergencies.

**Emergency Plans:**

The Sheriff or designee is responsible for providing Agency input to the Emergency Manager and assisting with development and review of emergency plans, and integrating these plans into departmental policies and procedures. These plans involve:

1. Bomb threats
2. Escape routes and movement
3. Evacuation
4. Major fires
5. Natural Disasters including floods, hurricanes, tornadoes, earthquakes, and blizzards
6. Hazardous material Incidents

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7. Hostage situations
8. Medical Emergencies
9. Employee Work Stoppage
10. Major transportation accidents
11. Interruptions in utility service

**Contents:**

Each emergency plan contains:

1. Discretionary reaction options for staff first becoming aware of the emergency.
2. Supervisory notification procedures, to include the telephone numbers in the department, at home, and pager number of:
  - a. shift supervisor
  - b. Chief Deputy
  - c. Sheriff, &
  - d. Other personnel as specified in the individual plan.
3. Command responsibilities when supervisory personnel are unavailable, including:
  - a. A senior staff member on duty will assume command of the emergency until the arrival of the sheriff or designee;
  - b. Sheriff or designee will assume charge for the duration of the crisis; and
  - c. In the event of a prolonged crisis, a relief schedule for command staff will be established.
4. Establishing an emergency command post at the site which will provide:
  - a. Radio and telephone to staff;
  - b. Sufficient space for tactical planning; and
  - c. A safe area.
5. Emergency staff call-up procedures. Off-duty officers may be called in when additional support is needed.
6. Time keeping procedures established early in the crisis. As soon as possible, staff will be assigned specific duties in the emergency response.
7. Description of special equipment needs. Depending on the type of emergency, reliance on outside sources of equipment may be involved.
8. Description of special communication needs. Radio frequencies for local fire department and emergency services, monitors for civil defense or weather warnings will be included.
9. Procedures for information release to the media. News releases will only be done with the approval of the Sheriff or designee.

A follow-up investigation and report will be prepared for the Sheriff and Chief Deputy,

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including an assessment of the effectiveness of the plan and staff response.

**Training:**

Polk County Sheriff's Office employees will receive disaster response instruction during:

1. Initial training;
2. Refresher training, not less than annually;
3. Specialty training for staff with critical roles; &
4. Joint or cross training with community and other government resources upon which the department will draw in an emergency.

Conduct of training for emergencies will be based on the plans developed at the direction of the Sheriff, and carried out by the Training Officer.

**Review of Plans:**

Once developed, the plans will be maintained in a ready status for reference, consulted periodically, and distributed to the:

1. Sheriff
2. Chief Deputy
3. Fire Departments and Emergency Medical Service

Employees are required to review emergency plans at least once a year for accuracy and updating. New employees will familiarize themselves with the plan and their individual roles.

**Revision:**

Review and revision of emergency plans will be on an annual basis or as circumstances [e.g., new phone numbers or staff changes] dictate. As political and crime indicators dictate, plans will be adjusted and added in an effort to keep pace with evolving threats.

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**Polk County Sheriff's Office**

**HANDLING A CRISIS: THE FIRST 30 MINUTES**

The procedure followed in the first 30 minutes of a crisis is crucial in establishing how people perceive the crisis and their attitude about how it was handled. Here is a checklist to help you work through that crucial first 30 minutes.

1. *Assign the appropriate person to handle the situation.*
2. *Understand the circumstances. Do not speculate.*
3. *Define the problem.*
4. *Consider all the options. Act decisively to ensure the safety and well-being of students and staff.*
5. *Communicate with the staff.*
6. *Communicate with the media. In an emergency, the quickest way to reach the greatest number of people may be through the media.*
7. *Disseminate accurate information through the news media, key communicators, organization leaders, etc.*
8. *Change your telephone hotline message, if applicable. Keep this information as up-to-date as you can.*
9. *Ensure that all necessary officials have been notified.*

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**Polk County Sheriff's Office  
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|   |                            |
|---|----------------------------|
| <b>Subject:</b> Emergency Call-Out Procedure                            | <b>Policy Number:</b> 6.02 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

It is the responsibility of all Polk County Sheriff's Office officials to work jointly in response to emergency situation.

**PROCEDURES:**

**Notification of Sheriff:**

Dispatch will notify the Sheriff or designee concerning any major incident to include, but not limited to:

1. A police officer involved shooting;
2. Any serious physical injury to any officer or public employee;
3. Any homicide within the department's jurisdiction;
4. Any crime or incident involving a "gang" or other groups of people who have the potential for violating the law;
5. Any serious crime against a federal, state, or municipal government and/or employee;
6. Any crime in which an officer of Polk County Sheriff's Office is a suspect;
7. Any civil unrest, natural disaster, or major accident;
8. Any crime so unusual that it would shock the conscience of the public; and
9. Any time that the shift supervisor determines that it is necessary to have the Chief Deputy or designee present.

**General Guidelines:**

It will be the responsibility of the shift supervisor on duty to utilize the services of specific departmental personnel, depending on the circumstances of an emergency situation, to include:

1. A criminal investigation division or officer to investigate:
  - a. Homicides;
  - b. Felony offenses;

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- c. Major Thefts or Burglaries;
  - d. Robberies; or
  - e. Rape or sexual offenses.
2. Patrol personnel for incidents involving, but not limited to:
- a. Civil unrest;
  - b. A natural disaster;
  - c. Any major accident; or
  - d. A search for missing persons.
3. A tactical unit for incidents involving, but not limited to:
- a. A hostage situation;
  - b. Civil unrest;
  - c. In search efforts following a major accident or natural disaster; or
  - d. To issue a high risk felony warrant.
4. Canine [K-9] personnel for situations involving, but not limited to:
- a. Tracking suspects who have fled from major crime scenes;
  - b. Tracking suspects who have escaped from custody; or
  - c. Conducting drug searches.

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|   |                            |
|---|----------------------------|
| <b>Subject:</b> Civil Disturbances                                      | <b>Policy Number:</b> 6.03 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

The manner in which law enforcement officers deal with unruly crowds and illegal gatherings has direct bearing on their ability to control and defuse the incident and contain property damage, injury or loss of life. Officers confronting civil disturbances will follow the procedures of containment, evacuation, communication, use of force, and command and control as written in this policy.

**DEFINITION:**

*Civil Disturbance:* An unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property, or other unlawful acts.

**PROCEDURES:**

The first officer to arrive on the scene of a civil disturbance will do the following:

1. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent.
2. Notify the communications center of the nature and seriousness of the disturbance, particularly the availability of weapons. Request the assistance of a supervisor and any necessary backup and advise as to the present course of action. If approaching the crowd would not present unnecessary risk, instruct the gathering to disperse.
3. Attempt to identify crowd leaders and any individuals personally engaged in criminal acts.

The ranking officer at the scene will be the officer in charge (OIC). The OIC or other highest-ranking officer assuming command at the scene will take the following steps:

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1. Assess the immediate situation for seriousness and its potential for escalation. If the disturbance is minor in nature and adequate resources are available, efforts should be made to disperse the crowd.
2. Establish the number of personnel and equipment necessary to contain and disperse the disturbance and relay this information to the communications center.
3. Where necessary, ensure that appropriate notification is made to outside agencies to include the fire department, rescue squads, state and local law enforcement agencies, departmental officials, public information officer, the agencies legal advisor, and the local detention center.
4. Establish a temporary command post based on proximity to the scene, availability of communications, available space and security from crowd participants.
5. Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area.
6. Ensure that, to the degree possible, innocent civilians are evacuated from the immediate area of the disturbance.
7. Ensure that surveillance points are established to identify agitators, leaders and individuals committing crimes, and to document and report on events as they happen. Photographic and videotape evidence of criminal acts and perpetrators will be generated whenever possible.
8. Ensure establishment and sufficient staffing of a press area.

#### **Command Options:**

When adequate personnel and resources are in place, the OIC will establish communications with leaders of the disturbance and discuss actions necessary to disperse the crowd. Should the crowd fail to disperse in the prescribed manner, the OIC should be prepared to implement one of the following options:

1. Containment and dialogue. The objective of containment and dialogue is merely to disperse the crowd. In doing so, the OIC should:
  - a. Establish contact with crowd leaders to assess their intentions and motivation and develop a trust relationship; and
  - b. Communicate to the participants that their assembly is in violation of the law and will not be tolerated, that the department wishes to resolve the incident peacefully and that acts of violence will be dealt with swiftly and decisively.
2. Physical arrest. When appropriate, the OIC will order the arrest of crowd leaders, agitators or others engaged in unlawful conduct. In doing so, he will:
  - a. Ensure the appropriate use of tactical formations and the availability of protective equipment for officers engaged in arrest procedures;
  - b. Ensure the availability of transportation for arrestees; and
  - c. Ensure that a backup team of officers is readily available, should

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assistance be required.

3. Nonlethal force. When physical arrest of identified leaders and agitators fails to disperse the crowd, the OIC may use nonlethal force to accomplish these ends. In so doing, the OIC will ensure that:
  - a. A clear path of escape is available for those who wish to flee the area.
  - b. The use of tear gas, smoke or other nonlethal devices is coordinated and controlled.
  - c. Canine teams are restricted from all enforcement actions.
4. Use of deadly force. The use of deadly force in the control and dispersement of civil disturbances as in other circumstances is governed by this department's use-of-force policy. Specifically:
  - a. Law enforcement officers are permitted to use deadly force to protect themselves or others from what is reasonably believed to be an immediate threat of death or serious bodily injury.
  - b. Particular caution should be taken when using firearms during civil disturbances— the arbitrary use of return fire in crowds is prohibited.
  - c. Where sniper fire is encountered or hostages taken, this department's policy on hostage and barricaded subjects will be followed.

#### **Mass Arrest:**

During the course of civil disturbances, it may be necessary to make arrests of numerous individuals over a relatively short period of time. In order for this process to be handled efficiently, safely and legally, the OIC should ensure that:

1. An arrest team is designated to process all prisoners for purposes of transportation;
2. An adequate number of vehicles are made available to remove the prisoners to the detention center;
3. An adequate secure area is designated in the field for holding prisoners after initial booking and while awaiting transportation;
4. All arrested individuals are searched, photographed and properly identified prior to transportation to the detention center for formal booking;
5. All injured prisoners are provided medical attention prior to being booked;
6. All arrested juveniles are handled in accordance with this department's procedures for the arrest, transportation, and detention of juveniles; and
7. All evidence and weapons taken from arrestees are processed in accordance with this department's policy on the preservation and custody of evidence.

#### **Deactivation:**

When the disturbance has been brought under control, the OIC will ensure that the following measures are taken:

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1. All law enforcement officers engaged in the incident will be accounted for and an assessment made of personal injuries.
2. All necessary personnel will be debriefed as required.
3. Witnesses, suspects, and others will be interviewed or interrogated.
4. All written reports will be completed as soon as possible following the incident to include a comprehensive documentation of the basis for the department's response to the incident.

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|   |                            |
|---|----------------------------|
| <b>Subject:</b> Strikes and Labor Disputes                              | <b>Policy Number:</b> 6.04 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

It is the policy of Polk County Sheriff's Office for officers assigned to strikes and labor disputes to deal fairly with the involved parties, while upholding their sworn responsibilities to protect life, property, and the rights of those involved. The parties involved in a labor dispute have responsibilities as well as rights. Strikers may assemble and demonstrate peacefully to bring attention to their cause, but they do not have the right to intimidate non-strikers, or to impede business and public passageways. Employers have the right to keep their businesses open and free from undue interference, intimidation, damage, or destruction.

**PROCEDURES:**

**Command Authority:**

Operational control of officers assigned to a labor strike is the responsibility of the Chief Deputy, or his designee. The Officer-In-Charge (OIC) of the strike detail will contact the business and labor unions involved to:

1. Inform them the police agency is aware of the strike (or impending strike), and advise them of agency policy relating to the enforcement of law and protection of personal and corporate rights;
2. Emphasize to the union the importance of a peaceful demonstration, that their right to legally assemble and protest will not be interfered with, so long as it does not interfere with the legal right of the company to transact business; and
3. State the agency's position on warning and arresting demonstrators, and the need to maintain communication at all times between police personnel and strike leaders.

If insufficient officers are available to man the strike detail, permission may be sought from the Chief Deputy, or designee, to request additional officers under this agency's mutual assistance agreement. In no case will non-sworn personnel, reserve, or auxiliary officers be utilized for strike details.

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In determining manpower and equipment needs, the OIC will consider:

1. The number of pickets, their attitude, and organization;
2. The number of non-strikers, anti-strikers, and bystanders;
3. Whether the striking company will attempt to stay open, and whether non-striking employees will attempt to enter the premises; and,
4. The cooperation demonstrated by all parties involved in the strike.

**Duties and Responsibilities of Assigned Personnel:**

It is the responsibility of officers assigned to labor strikes to:

1. Protect life and prevent personal injury;
2. Protect the statutory and constitutional rights of all parties involved;
3. Protect personal and public property;
4. Maintain public peace;
5. Refrain from fraternizing or engaging in any unnecessary conversation with picketers, management personnel, or bystanders;
6. Refrain from entering the company property except to conduct necessary police acts;
7. Keep arrests for minor law violations to a minimum, controlling such conduct through conversation with picket captains, union representatives, or management personnel;
8. Warn picket captains or management representatives that violations of the law will result in arrest;
9. Refrain from arresting picketers for verbal abuse, if unaccompanied by threats against officers. Language that incites violence or other unlawful acts will form the basis for physical removal and/or arrest of those responsible;
10. Discourage picketers from drinking alcoholic beverages, and seek supervisory approval prior to arresting persons who fail to abide with open container, public consumption, public inebriation, or related laws.

**Operation of Picket Lines:**

1. Officers are obligated to protect persons engaged in expressing their right to peacefully picket and persuade others to honor their picket line, as long as such persons do not violate statutes such as trespass, disturbance of the peace, or disorderly conduct.
2. Non-striking employees, customers, and members of the public have the right to enter and leave the site of the strike.
3. Officers will take all reasonable measures to protect the rights of the parties. Attempts by either labor or management personnel to prevent the free exercise of these rights will first be brought to the attention of the appropriate strike captain or management supervisor.
4. Officers will advise persons attempting to cross hostile or potentially hostile picket lines of the possible danger involved, and if appropriate, attempt to

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dissuade them of such action, advising they must follow police instruction, if they choose to cross.

5. Officers will provide necessary breaches in picket lines to allow interested parties to cross, and will personally escort pedestrian traffic across the line to a safe distance.
6. Vehicular traffic will be provided access through picket lines after having been given appropriate warnings. The volume, rate of passage, and speed of vehicles crossing picket lines will be determined by the OIC.

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|---|----------------------------|
| <b>Subject:</b> Crime Scenes  | <b>Policy Number:</b> 7.01 |
| <b>Issue Date:</b> 10-01-2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

It is the policy of Polk County Sheriff's Office that officers understand and follow established procedures to effectively protect, collect and preserve evidence of a crime and conduct initial investigative and other essential tasks at crime scenes.

**DISCUSSION:**

The actions taken by patrol and investigative officers at crime scenes often determine the course and success of criminal investigations. Initial responding officers play a critical role by protecting evidence, rendering emergency services, and initiating investigations. Remember that the public, the courts, and other law enforcement agencies will judge our department by the manner in which we carry out what appear to be *mundane and routine* tasks at a crime scene.

The public is becoming ever mindful of the manner in which crime scenes should be handled and preserved. Key watchwords in crime scene management are . . . *get it all, get it right, get it recorded, and get it the first time*. Remember, there is no such thing as *going back to the crime scene*, after it is released back to the public.

**PROCEDURES:**

**Initial Response:**

Initial responding officers will begin and continue the preliminary investigation until re-assigned by a superior officer, detective, or crime scene technician.

It is the responsibility of the initial responding officer(s) to:

1. Watch for individual suspects or vehicles that may be in flight while in transit to the crime scene.
2. Verify that a crime has been committed and relay essential information to communications upon arrival.

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3. Administer first aid and/or summon emergency medical assistance if required and protect victims or others.
4. Arrest suspects if possible. A decision to leave the crime scene to arrest or pursue a suspect is made based on weighing the immediate needs of victims and others against the safety of the public if the suspect were allowed to escape.
5. Provide communications with the following information for broadcast:
  - a. Nature of the crime committed;
  - b. Description of perpetrators, mode, and direction of flight;
  - c. Description of vehicles used by offenders and any accomplices;
  - d. Whether firearms or other deadly weapons were used and descriptions of same; &
  - e. Any support required at the crime scene.
6. Identify:
  - a. Determine the identities of any witnesses to the crime and request for them to remain at the scene until they can be interviewed;
  - b. The identities of any other persons who were present upon arrival at the crime scene;
  - c. The license tags of vehicles parked near the crime scene and remain aware of suspicious persons on hand at or near the crime scene.
7. Provide supervisors and investigative personnel with complete information about the offense, possible modus operandi, and the measures taken by officers and others.

**Preservation of the Crime Scene:**

In order to preserve evidence at crime scenes, first responding officers will:

1. Enter the crime scene only for purposes of aiding victims or bystanders in need of immediate assistance, apprehending suspects, or securing the area. Officers will avoid touching, walking upon, or moving objects, or otherwise altering or contaminating the crime scene;
2. Define the boundaries of the crime scene including all areas that may reasonably be searched for evidence.
3. Consider the nature and seriousness of the crime and if necessary:
  - a. Request backup assistance to restrict access to the crime scene and control any on-lookers;
  - b. Erect barricade tape, rope or cordon off, lock or otherwise secure the immediate crime scene and restrict access to defined crime perimeters; and

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- c. Record any alterations made at the crime scene due to emergency assistance to victims, the actions of persons reporting the crime, and handling of any items of evidentiary value or other actions.
4. Restrict persons from the crime scene who are not directly involved in the investigation. In the case of homicides or other major crimes the officer-in-charge (OIC) will ensure that the identity of all persons entering the crime scene is recorded. Document the entire crime scene investigation process using photographs and/or videotape from beginning until the search team leaves the premises;
5. Approach homicides and other major crime scenes in a single defined line or path. This action limits destruction of footprints and other impressions, and contamination of scent trails that may be useful in canine searches.
6. The *place last seen* of a kidnapped or missing person should also be protected in a similar manner to the above.

**Collection of Evidence:**

Initial responding officers at major crime scenes will not collect potential evidentiary value unless absolutely necessary to protect the evidence from damage or destruction, or unless directed by the OIC. If directed by the OIC, officers may:

1. Clearly and completely document the *chain of custody* of all evidence beginning with initial collection, packaging, and labeling at the crime scene.
2. Search the crime scene in a manner or method prescribed by the senior supervisor. Particular emphasis is placed on items that may help establish who, what, when, where, or how the crime was committed. This may include but is not limited to:
  - a. Objects found in unexpected or unusual locations; &
  - b. Weapons, tools, clothing, stains, blood spatters, fingerprints, footprints, tire or tool mark impressions, broken glass, fibers, soil or other items or substances.
3. Photograph, preserve, package, and label evidence.

**Interviewing Witnesses:**

Witnesses at crime scenes will be identified and preliminarily interviewed as soon as possible. The neighborhood surrounding the crime scene should be canvassed promptly in order to identify additional witnesses or others who may have some knowledge of the crime or possible related events.

The purpose of these interviews is to gather basic information about the crime at the earliest point possible in order to identify the perpetrator and establish the basis for the follow-up investigation. In addition to asking for positive details, officers will ask

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potential witnesses such questions as. . . *is there anything unusual or different about this day or period?*

**Crime Scene Reporting:**

Officers conducting preliminary and follow-up investigations will complete appropriate reports in accordance with agency policy. At a minimum, reports will include:

1. Date and time of arrival at the scene;
2. Any relevant weather or situational conditions such as the status of the crime scene upon arrival (e.g., fire, crowds, and initial observations);
3. How the crime was discovered and reported and the relationship of reporting individuals to victims or others if appropriate;
4. Identity of other officers or emergency personnel present upon arrival and those who responded to the crime scene thereafter;
5. Physical evidence discovered and the identity of the officers responsible for its collection (special note should be made of any valuables collected at the scene, such as currency or jewelry);
6. Name, address, and telephone number or other appropriate identification of witnesses to the crime;
7. Results of interviews with victims and witnesses to include in particular the identity or best possible description of suspects, method of operation, means of escape and any other pertinent identifying information;
8. Diagrams, sketches, photographs video tape or other similar information made at the scene or the identity of officers or civilians who made such recordings; and
9. Recommendations for further investigation such as the names of witnesses or others who may be able to provide additional information.

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|---|------------------------------|
| <b>Subject: Eyewitness Identification</b><br>(Live Lineup & Photo)            | <b>Policy Number: 7.01-1</b> |
| <b>Issue Date:</b> July 19, 2012  | <b>Revision Date:</b>        |
| <b>Approval Authority</b><br><b>Title and Signature: Byron Lyons, Sheriff</b> |                              |

**POLICY: Eyewitness Identification; 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.**

**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 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.**

**PROCEDURES: 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 an 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 model policy was written to provide 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.**

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## **I. Procedural Guidelines.**

### **A. 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 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.**

### **B. 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.**

### **C. Explaining that the Perpetrator May or May Not Be Present.**

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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.

#### **D. Explaining that the Investigation will Continue**

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

#### **E. 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 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.

#### **F. 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.

## **II. Sample Standard Operating Procedures**

The procedures which follow have been designed to: (a) reduce erroneous eyewitness identifications, (b) enhance the reliability and objectivity of eyewitness identifications, (c) collect and preserve eyewitness evidence properly, (d) respect the needs and wishes of victims and witnesses, and (d) 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

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**Operating Procedures for that particular method. In any given situation only set of Sample 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 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.**

#### **B. Sample Standard Operating Procedures for Sequential, Blind Photo Array Administrations**

##### **1. Preparation**

###### **a. Designating a Preparer**

**Preparing the photo array should be undertaken by someone other than the person who will administer the photo array. Ideally, the investigating officer will prepare the photo array as this ensures that others who might be involved in the case are not used as fillers. Moreover, because the investigating officer knows who the suspect is, he or she should not be conducting the actual administration of the photo array.**

###### **b. Selecting Suspect Photograph**

**If multiple photos of the suspect are available, choose the photo that most resembles the suspect's appearance at the time of the crime. Do not include more than one photograph of the same suspect. If you do not know what the suspect looked like at the time of the crime, choose the photo that most**

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resembles the victim's or witness's description of the perpetrator. If there are multiple suspects, include only one suspect's photo in the array.

**c. Selecting Fillers**

All persons in the photo array 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, fillers should be chosen so that no person stands out in the photo array. Do not mix color and black and white photos. Use photos of the same size and basic composition. Never mix mug shots with other types of photographs.

**d. Choosing Number of Fillers**

Wherever possible, include a minimum of five fillers. Because increasing the number of fillers tends to increase the reliability of the procedure, one may have more than the minimum number of fillers.

**e. Ensuring Similarity**

Assess the array to ensure that no person stands out from the rest. Cover any portions of the photographs that provide identifying information on the suspect and similarly cover other photographs used in the array.

**f. Placing Subject Photographs in Order**

- 1) Place a filler in the lead position.
- 2) Place the remaining photographs which will comprise the photo array in random order.
- 3) Place two blank photographs at the end (blanks on the same type of photographic paper as the actual photographs but which will not be shown to the witness; this is intended to cause the witness to think there may still be photographs to view in order to reduce pressure to choose what the witness may presume to be the last photograph).

**g. Presenting the Photo Array to the Independent Administrator**

Present the ordered photo array to the independent administrator. Do not tell the independent administrator which position the suspect is in.

**2. Administration**

The administrator of the photo array presentation should be an independent administrator who does not know the identity of the suspect and the witness should be informed of this. In a blind procedure, no one should be present who knows the suspect's identity.

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**a. Blinded Administration**

If the blind procedure described above is not followed, then the photo array administrator should document the reason why and the administrator should be blinded. That is, he or she should conduct the photo array in a manner such that he or she does not know which person in the array the witness is looking at. There is a separate sample standard operating procedure for blinded photo array administration in this model policy immediately following this sample standard operating procedure.

**b. Instruct Witness**

Each witness should be instructed outside the presence of the other witnesses. The independent administrator should give the witness a written copy of the following Witness Certification Statement and should read the instruction statement aloud at the beginning of each identification procedure:

In a moment, I am going to show you a series of photos. The person who committed the crime may or may not be included. I do not know whether the person being investigated is included.

Even if you identify someone during this procedure, I will continue to show you all photos in the series.

The investigation will continue whether or not you make an identification.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion colors may look slightly different in photographs.

You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator.

The photos will be shown to you one at a time. Take as much time as you need to look at each one. After each photo, I will ask you "Is this the person you saw [insert description of act here]?" Take your time answering the question. If you answer "Yes," I will then ask you, "In your own words, can you describe how certain you are?"

Because you are involved in an ongoing investigation, in order to prevent damaging the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way the photo array procedure will be conducted and the other instructions I have given you?

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**c. Document Consent to Participate**

Witnesses should then be asked to read the following additional paragraph and sign and date below.

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to review the photographs, and I will follow the instructions provided on this form.

a) Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.

**d. Presentation of Photographs**

Present each photo to the witness separately (one at a time), in order. When the witness is finished viewing the photo, have the witness hand the photo back.

**e. Question Witness**

After the witness has looked at a photo and handed it back to you, ask: "Is this the person you saw [insert description of act here]?" If the witness answers "Yes," ask the witness, "In your own words, can you describe how certain you are?"

**f. Document Witness's Responses**

Document the witness's response using the witness's own words. Have the witness complete the appropriate section of the **Witness Certification Statement** to reflect the outcome of the procedure.

**g. Show All Photographs**

Even if the witness makes an identification, show the witness the next photo until you have gone through all the photographs. If a witness asks why he or she must view the rest of the photos, despite already making an identification, simply tell the witness that to assure objectivity and reliability, the witness is required to view all of the photographs.

**h. Avoid Feedback During the Procedure**

Do not give the witness any feedback regarding the individual selected or comment on the outcome of the identification procedure in any way. Be aware that witnesses may perceive such things as unintentional voice inflection or prolonged eye contact, in addition to off-hand words or phrases, as messages regarding their selection. Avoid casual conversation comments such as "very good." Be polite but purposeful when you speak.

**i. Additional Viewings**

Only upon request of the witness, the witness may view the photo array again after the first photo array procedure has been completed. If the witness

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requests an additional viewing, the photo array administrator should present the entire photo array in the same order as the original presentation, a second time. If this occurs, it must be documented. The photo array administrator should never suggest an additional viewing to the witness. It is recommended that the witness not be allowed to view the photo array more than two times.

**j. Subsequent Use of Materials**

Ensure that if the witness writes on, marks, or in any way alters identification materials, those materials are not used in subsequent procedures.

**k. Multiple Identification Procedures With Same Witness**

Avoid multiple identification procedures in which the same witness views the same suspect more than once.

**l. Multiple Identification Procedures With Different Witness**

If you need to show the same suspect to a new witness, have the preparer remix the photo array and renumber them accordingly.

**m. Multiple Suspects**

When there are multiple suspects, a separate photo array should be conducted for each suspect. There should not be more than one suspect per photo array.

**n. Reuse of Fillers**

When showing a different suspect to the same witness, do not reuse the same fillers from a previous array shown to that witness.

**o. Contact Among Witnesses**

To the extent possible, prevent witnesses from conferring with each other before, during, and after the photo array procedure.

**p. Identification of Special Features**

Only after an identification is made, a follow-up interview should assess any relevant factors that support the identification, such as: special facial features, hair, marks, etc.

**3. Special Procedures are Required for Illiterate Persons or Persons Who Possess Limited English Proficiency**

**a. Be Alert to People Who do not Speak English or Possess Limited English Proficiency**

Given the diversity of communities, police officers may encounter persons who do not speak English or who possess limited English proficiency in the course of a criminal investigation. When presented with this situation, officers should carefully consider the ethical and legal ramifications of how to handle the case

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when there is a language barrier.

#### **b. Using an Interpreter**

Unless the administrator speaks the victim's or witness's language fluently, an interpreter should be used for persons who do not speak English. The interpreter shall sign the Witness Instruction Statement on obtaining consent of a non-English speaking person to assist in the eyewitness identification process. Law enforcement personnel should consider arranging for an interpreter if a person interviewed:

- 1) Is unable to communicate in English
- 2) Has a limited understanding of English
- 3) Is deaf, hearing impaired, or speaking impaired
- 4) Is otherwise physically challenged to communicate in English

#### **c. Review and Explain Forms**

If the person is unable to read, the administrator, in the presence of the witness, will give the explanation, read any forms, and obtain consent and acknowledge the consent on the Witness Certification Statement, stating why the person was unable to sign the form.

### **4. Documentation**

In order to strengthen the evidentiary value of the administration it should be documented in full. Video documentation (with audio) 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.

Preserve the photo array, together with all information about the identification process.

### **C. Sample Standard Operating Procedures for Sequential, Blinded Photo Array Administrations**

#### **1. Preparation**

##### **a. Select Suspect Photograph**

If multiple photos of the suspect are available, choose the photo that most resembles the suspect's appearance at the time of the crime. Do not include more than one photograph of the same suspect. If you do not know what the suspect looked like at the time of the crime, choose the photo that most resembles the victim's or witness's description of the perpetrator. If there are multiple suspects, include only one suspect's photo in the array.

##### **b. Selecting Fillers**

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All persons in the photo array 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, fillers should be chosen so that no person stands out in the photo array. Do not mix color and black and white photos. Use photos of the same size and basic composition. Never mix mug shots with other types of photographs.

**c. Choosing Number of Fillers**

Whenever possible, include a minimum of five fillers. Because increasing the number of fillers tends to increase the reliability of the procedure, one may have more than the minimum number of fillers.

**d. Ensuring Similarity**

Assess the array to ensure that no person stands out from the rest. Cover any portions of the photographs that provide identifying information on the suspect and similarly cover other photographs used in the array.

**e. Placing Subject Photographs in Order**

- 1) Place a filler in a folder and set it aside for placement in the lead position.
- 2) Place the remaining photographs which will comprise the photo array in separate folders and place them in random order (mix them up) so you do not know which photograph is in which folder.
- 3) Take the folder you set aside in step 1), above and place it in the lead position.
- 4) Place two empty folders at the end.
- 5) Number the folders.

**2. Administration**

**a. Blinded Administration**

The purpose of a blinded administration is to conduct the photo array in a manner such that the administrator does not know which person in the array the witness is looking at.

**b. Instruct Witness**

Each witness should be instructed outside the presence of the other witnesses. The blinded administrator should give the witness a written copy of the following Witness Instruction Statement and should read the instruction statement aloud at the beginning of each identification procedure:

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The folders in front of you contain photos. In a moment, I am going to ask you to look at the photos. The person who committed the crime may or may not be included in the photos. I do not know whether the person being investigated is included.

Although I placed the photos into the folders, I have shuffled the folders so that right now I do not know which folder contains a particular photo.

Even if you identify someone during this procedure, I will continue to show you all photos in the series.

The investigation will continue whether or not you make an identification.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion colors may look slightly different in photographs.

You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator.

You will look at the photos one at a time. When you open a folder, please open it in a manner that does not allow me to see the photo inside the folder. Take as much time as you need to look at each one.

When you have finished looking at a photo, close the folder and hand it to me. I will then ask you, "Is this the person you saw [insert description of act here]?" Take your time answering the question. If you answer "Yes," I will then ask you, "In your own words, can you describe how certain you are?"

Because you are involved in an ongoing investigation, in order to prevent compromising the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way the photo array procedure will be conducted and the other instructions I have given you?

**c. Document Consent to Participate**

Witnesses should then be asked to read the following additional paragraph and sign and date below.

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to review the photographs, and I will follow the instructions provided on this form.

- 1) Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.

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**d. Present Folders**

Present each folder to the witness separately (one at a time), in order. The blinded administrator should not be in a position to view the photographs while the witness is viewing the photographs. The eyewitness should be the only person viewing the photographs. When the witness is finished viewing the photo, have the witness hand the folder back.

**e. Question Witness**

After the witness has looked at a photo and handed it back to you, ask: "Is this the person you saw [insert description of act here]?" If the witness answers "Yes," ask the witness, "In your own words, can you describe how certain you are?"

**f. Document Witness's Responses**

Document the witness's response using the witness's own words. Have the witness complete the appropriate section of the Witness Certification Statement to reflect the outcome of the procedure.

**g. Show All Folders with Photos**

Show all folders containing photos to the witness. Even if the witness makes an identification, show the witness the next photo until you have gone through all the photographs. If a witness asks why he or she must view the rest of the photos, despite already making an identification, simply tell the witness that to assure objectivity and reliability, the witness is required to view all of the photographs.

**h. Avoid Feedback During the Procedure**

Do not give the witness any feedback regarding the individual selected or comment on the outcome of the identification procedure. Be aware that witnesses may perceive such things as unintentional voice inflection or prolonged eye contact, in addition to off-hand words or phrases, as messages regarding their selection. Avoid casual conversation comments such as "very good." Be polite but purposeful when you speak.

**i. Additional Viewings**

Only upon request of the witness, the witness may view the photo array again after the first photo array procedure has been completed. If the witness requests an additional viewing, the photo array administrator should present the entire photo array in the same order as the original presentation, a second time. If this occurs, it must be documented. The photo array administrator should never suggest an additional viewing to the witness. It is recommended that the witness not be allowed to view the photo array more than two times.

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**j. Subsequent Use of Materials**

Ensure that if the witness writes on, marks, or in any way alters identification materials, those materials are not used in subsequent procedures.

**k. Multiple Identification Procedures with Same Witness**

Avoid multiple identification procedures in which the same witness views the same suspect more than once.

**l. Multiple Identification Procedures with Different Witness**

If you need to show the same suspect to a new witness, remix the photo array as before and renumber them accordingly.

**m. Multiple Suspects**

When there are multiple suspects, a separate photo array should be conducted for each suspect. There should not be more than one suspect per photo array.

**n. Reuse of Fillers**

When showing a different suspect to the same witness, do not reuse the same fillers from a previous array shown to that witness.

**o. Contact Among Witnesses**

To the extent possible, prevent witnesses from conferring with each other before, during, and after the photo array procedure.

**p. Identification of Special Features**

Only after an identification is made, a follow-up interview should assess any relevant factors that support the identification, such as: special facial features, hair, marks, etc.

**3. Special Procedures are Required for Illiterate Persons or Persons Who Possess Limited English Proficiency**

**a. Be Alert to People Who do not Speak English or Possess Limited English Proficiency**

Given the diversity of communities, police officers may encounter persons who do not speak English or who possess limited English proficiency in the course of a criminal investigation. Where presented with this situation, officers should carefully consider the ethical and legal ramifications of how to handle the case when there is a language barrier.

**b. Using an Interpreter**

Unless the administrator speaks the victim's or witness's language fluently, an interpreter should be used for persons who do not speak English. The interpreter shall sign the Witness Certification Statement on obtaining consent of a non-English speaking person to assist in the eyewitness identification

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**process. Law enforcement personnel should consider arranging for an interpreter if a person interviewed:**

- 1) Is unable to communicate in English**
- 2) Has a limited understanding of English**
- 3) Is deaf, hearing impaired, or speaking impaired**
- 4) Is otherwise physically challenged to communicate in English**

**c. Review and Explain Forms**

**If the person is unable to read, the administrator, in the presence of the witness, will give the explanation, read any forms, and obtain consent and acknowledge the consent on the Witness Instruction Statement, stating why the person was unable to sign the form.**

**4. Documentation**

**In order to strengthen the evidentiary value of the administration it should be documented in full. Video documentation (with audio) 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. Preserve the photo array, together with all information about the identification process.**

**D. Sample Standard Operating Procedures for Sequential, Blind Live lineups**

**1. Preparation**

**a. Designating a Preparer**

**Preparing the live lineup should be undertaken by someone other than the person who will administer the live lineup. Ideally, the investigating officer will prepare the live lineup as this ensures that others who might be involved in the case are not used as fillers. Moreover, because the investigating officer knows who the suspect is, he or she should not conduct the actual administration of the live lineup**

**b. Selecting Fillers**

**All persons in the 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, fillers should be chosen so that no person stands out in the live lineup.**

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**c. Choosing Number of Fillers**

Whenever possible, include a minimum of five fillers. Because increasing the number of fillers tends to increase the reliability of the procedure, one may have more than the minimum number of fillers.

**d. Ensuring Similarity**

Assess the lineup to ensure that no person stands out from the rest.

**e. Placing the Subjects in Order**

Place a filler in the lead position and place the remaining persons who will comprise the live lineup in random order.

**f. Presenting the Live lineup to Administrator**

Present the ordered live lineup to the administrator. Do not tell the administrator which position the suspect is in.

**2. Administration**

The administrator of the live lineup should be an independent administrator who does not know the identity of the suspect and the witness should be informed of this. In a blind procedure, no one should be present who knows the suspect's identity. In some live lineups, exceptions must be made to allow for the presence of defense counsel. Once the live lineup commences, defense counsel's role is limited to that of observer.

**a. Instruct Witness**

Each witness should be instructed outside the presence of the other witnesses. The live lineup administrator should give the witness a written copy of the following Witness Certification Statement and should read the instruction statement aloud at the beginning of each identification procedure:

In a moment, I am going to show you a series of individuals. The person who committed the crime may or may not be included. I do not know whether the person being investigated is included.

The investigation will continue whether or not you make an identification.

Even if you identify someone during this procedure, I will continue to show you all individuals in the series.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed.

**You should not feel you have to make an identification. It is as important to**

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**exclude innocent persons as it is to identify the perpetrator.**

**The individuals will be shown to you one at a time. Take as much time as you need to look at each one. After each individual, I will ask you "Is this the person you saw [Insert description of act]?" Take your time answering the question. If you answer "Yes," I will then ask you, "In your own words, can you describe how certain you are?"**

**Because you are involved in an ongoing investigation, in order to prevent damaging the investigation, you should avoid discussing this identification procedure or its results.**

**Do you understand the way the lineup procedure will be conducted and the other instructions I have given you?**

**b. Document Consent to Participate**

**Witnesses should then be asked to read the following additional paragraph and sign and date below. I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to view the individuals who will be presented to me, and I will follow the instructions provided on this form.**

**1) Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.**

**c. Presentation of Subjects**

**Begin with all live lineup participants out of the view of the witness. Present each subject one at a time in the order presented to the administrator by the preparer. Present each individual to the witness separately, removing those previously shown from the field of view.**

**d. Question Witness**

**After each individual is shown, ask the witness: "Is this the person you saw [insert description of act]?" If the witness answers "Yes," ask the witness, "In your own words, can you describe how certain you are?" Document the witness's response using the witness's own words.**

**e. Document Witness's Responses**

**Document the witness's response using the witness's own words. Have the witness complete the appropriate section of the Witness Certification**

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**Statement to reflect the outcome of the procedure.**

**f. Show Every Subject**

**Even if the witness makes an identification, show the witness the next subject until all subjects have been shown. If a witness asks why he or she must view the rest of the subjects despite already making an identification, simply tell the witness that to assure objectivity and reliability, the witness is required to view all of the subjects.**

**g. Consistency of Actions**

**Ensure that any identification actions (e.g., speaking, moving) are performed by all members of the live lineup.**

**h. Avoid Feedback During the Procedure**

**Do not give the witness any feedback regarding the individual selected or comment on the outcome of the identification procedure in any way. Be aware that witnesses may perceive such things as unintentional voice inflection or prolonged eye contact, in addition to off-hand words or phrases, as messages regarding their selection. Avoid casual comments such as “very good.” Be polite but purposeful when you speak.**

**i. Additional Viewings**

**Only upon request of the witness, the witness may view the lineup again after the first live lineup has been completed. If the witness requests an additional viewing, the independent administrator should present the entire live lineup a second time. If this occurs, it must be documented. The live lineup administrator should never suggest additional viewing. It is recommended that the witness not be allowed to view the live lineup more than two times.**

**j. Multiple Identification Procedures With Same Witness**

**Avoid multiple identification procedures in which the same witness views the same suspect more than once.**

**k. Multiple Identification Procedures With Different Witness**

**If you need to show the same suspect to a new witness, have the preparer change the order of the subjects in the lineup.**

**l. Multiple Suspects**

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**When there are multiple suspects, a separate live lineup should be conducted for each suspect. There should not be more than one suspect per lineup.**

**m. Reuse of Fillers**

**When showing a different suspect to the same witness, do not reuse the same fillers from a previous lineup shown to that witness.**

**n. Contact Among Witnesses**

**To the extent possible, prevent witnesses from conferring with each other before, during, and after the live lineup procedure.**

**o. Contact between Witnesses, Suspects, and Fillers**

**Take precautions to ensure that witnesses do not encounter suspects or fillers at any time before or after the identification procedure.**

**p. Identification of Special Features**

**Only after an identification is made, a follow-up interview should assess any relevant factors that support the identification, such as: special facial features, hair, marks, etc.**

**3. Special Procedures are Required for Illiterate Persons or Persons Who Possess Limited English Proficiency**

**a. Be Alert to People Who do not Speak English or Possess Limited English Proficiency**

**Given the diversity of communities, police officers may encounter persons who do not speak English or who possess limited English proficiency in the course of a criminal investigation. Where presented with this situation, officers should carefully consider the ethical and legal ramifications of how to handle the case when there is a language barrier.**

**b. Using an Interpreter**

**Unless the administrator speaks the victim's or witness's language fluently, an interpreter should be used for persons who do not speak English. The interpreter shall sign the Witness Certification Statement on obtaining consent of a non-English speaking person to assist in the eyewitness identification process. Law enforcement personnel should consider arranging for an interpreter if a person interviewed:**

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- 1) Is unable to communicate in English
- 2) Has a limited understanding of English
- 3) Is deaf, hearing impaired or speaking impaired
- 4) Is otherwise physically challenged to communicate in English

#### c. Review and Explain Forms

If the person is unable to read or write, the administrator, in the presence of the witness, will give the explanation, read any forms, and obtain consent and acknowledge the consent on the Witness Certification Statement, stating why the person was unable to sign the form.

#### 4. Documentation

In order to strengthen the evidentiary value of the administration, it should be documented in full. Video documentation (with audio) 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. A still photograph of each individual in the live lineup should be taken and details of all persons present during the live lineup should be documented.

#### E. Sample Standard Operating Procedures for Show-ups

Show-ups should be avoided whenever possible because of their suggestiveness. Photo arrays and live lineups are preferred. However, where circumstances require the prompt display of a suspect to a witness, the following procedures should be followed to minimize potential suggestiveness.

##### 1. Preparation

###### a. Contact Among Witnesses

Separate witnesses and do not allow communication between them before or after conducting a show-up.

###### b. Document Witness's Description of Perpetrator

Document the witness's description of the perpetrator prior to conducting the show-up.

###### c. Temporal and Spatial Proximity to the Offense

Use show-ups only where the suspect is detained within a reasonably short time frame following the offense and is found in relatively close proximity to it. Although this is dependent on the individual circumstances of each case, courts have generally held that a two-hour time lapse is acceptable.

###### d. Transport Witness to Suspect

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**Transport the witness to the location of the suspect whenever practical, rather than bringing the suspect to the witness. The suspect may be taken to a location where the witness can view the suspect for possible identification.**

**e. Do not Return Suspect to Crime Scene**

**Suspects should not be taken to the scene of the crime.**

**f. Disclosure of Location of Witness's Home**

**Consider carefully whether to take the suspect to the witness's or victim's home.**

**g. Avoid Appearance of Guilt**

**Do not conduct show-ups when the suspect is in a patrol car, handcuffed, or physically restrained by police officers unless such protective measures are necessary to ensure safety.**

**h. Minimize Reliance on Show-ups**

**If one witness identifies the suspect, you are strongly urged to use a photo array or a live lineup with any remaining witnesses.**

**2. Administration**

**a. Instruct Witness**

**Each witness should be instructed outside the presence of the other witnesses. The show-up administrator should give the witness a written copy of the following Witness Certification Statement and should read the instruction statement aloud at the beginning of the show-up identification procedure:**

**In a moment, I am going to show you a person who may or may not be the person who committed the crime.**

**You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator.**

**The investigation will continue whether or not you make an identification.**

**Because you are involved in an ongoing investigation, in order to prevent damaging the investigation, you should avoid discussing this identification procedure or its results.**

**Do you understand the procedure and the instructions I have given you?**

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**b. Presentation of Suspect and Questioning of Witness**

Present the suspect to the witness and ask the witness whether the person they are looking at is the person they saw commit the crime. If the witness answers "Yes," ask the witness to describe, in their own words, how certain they are.

**c. Document Witness's Response**

Document the witness's response using the witness's own words.

**d. Multiple Identification Procedures With Same Witness**

Avoid multiple identification procedures in which the same witness views the same suspect more than once.

**e. Avoid Requirement of Performance by the Suspect**

Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.

**f. Avoid Conduct Suggestive of the Suspect's Guilt**

Officers should avoid words or conduct that may suggest to the witness that the individual is or may be the perpetrator.

**g. Contact Among Witnesses**

Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.

**3. Special Procedures are Required for Illiterate Persons or Persons Who Possess Limited English Proficiency**

**a. Be Alert to People Who do not Speak English or Possess Limited English Proficiency**

Given the diversity of communities, police officers may encounter persons who do not speak English or who possess limited English proficiency in the course of a criminal investigation. Where presented with this situation, officers should carefully consider the ethical and legal ramifications of how to handle the case when there is a language barrier.

**b. Using an Interpreter**

Unless the show-up administrator speaks the victim's or witness's language

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**fluently, an interpreter should be used for persons who do not speak English. Law enforcement personnel should consider arranging for an interpreter if a person interviewed:**

- 1) Is unable to communicate in English**
- 2) Has a limited understanding of English**
- 3) Is deaf, hearing impaired, or speaking impaired**
- 4) Is otherwise physically challenged to communicate in English**

#### **4. Documentation**

**In order to strengthen the evidentiary value of the administration it should be documented in full including the time, date, and location of the procedure, identities of persons present, and the outcome of the procedure. Video documentation (with audio) 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.**

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**Appendix A  
Polk County Sheriff's Office  
Witness Certification Statement Photo Array**

**Case No.:**

**Offense:**

**Date of Offense:**

**Witness:**

**Time, Date, and Place of Photo Array:**

**Persons present:**

**Instructions:**

**In a moment, I am going to show you a series of photos. The person who committed the crime may or may not be included. I do not know whether the person being investigated is included.**

**The investigation will continue whether or not you make an identification. Even if you identify someone during this procedure, I will continue to show you all photos in the series. Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion colors may look slightly different in photographs.**

**You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator. The photos will be shown to you one at a time. Take as much time as you need to look at each one. After each photo, I will ask you "Is this the person you saw [insert description of act here]?" Take your time answering the question. If you answer "Yes," I will then ask you, "In your own words, can you describe how certain you are?"**

**Because you are involved in an ongoing investigation, in order to prevent damaging the investigation, you should avoid discussing this identification procedure or its results.**

**Do you understand the way the photo array procedure will be conducted and the other instructions I have given you?**

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**Page 2 (Witness Certification)**

**Consent to Participate:**

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to review the photographs and I will follow the instructions provided on this form.

Signed: \_\_\_\_\_  
(Witness)

I certify that I have translated and read the instructions to the witness.

Signed: \_\_\_\_\_  
(Translator, if applicable)

Signed: \_\_\_\_\_  
(Photo Array Administrator)

**Identification Result:**

I have picked photo number \_\_\_\_\_ Signed: \_\_\_\_\_  
(Witness)

I did not pick anyone from the photo array Signed: \_\_\_\_\_  
(Witness)

**Witness Confidence Statement:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Administrator Certification:**

The photo that was picked from the photo array by the above-named witness has been identified as \_\_\_\_\_

Signed: \_\_\_\_\_  
(Photo Array Administrator)

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**Appendix B  
Polk County Sheriff's Office  
Witness Certification Statement Live Lineup**

**Case No.:**

**Offense:**

**Date of Offense:**

**Witness:**

**Time, Date, and Place of Live Lineup:**

**Persons present:**

**Instructions:**

**In a moment, I am going to show you a series of individuals. The person who committed the crime may or may not be included. I do not know whether the person being investigated is included.**

**The investigation will continue whether or not you make an identification. Even if you identify someone during this procedure, I will continue to show you all individuals in the series. Keep in mind that things like hair styles, beards, and mustaches can be easily changed.**

**You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator. The individuals will be shown to you one at a time. Take as much time as you need to look at each one. After each individual, I will ask you "Is this the person you saw [Insert description of act]?" Take your time answering the question. If you answer "Yes," I will then ask you, "In your own words, can you describe how certain you are?"**

**Because you are involved in an ongoing investigation, in order to prevent compromising the investigation, you should avoid discussing this identification procedure or its results.**

**Do you understand the way the lineup procedure will be conducted and the other instructions I have given you?**

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**Page 2 (Witness Certification)**

**Consent to Participate:**

**I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to view the individuals, and I will follow the instructions provided on this form.**

**Signed: \_\_\_\_\_  
(Witness)**

**I certify that I have translated and read the instructions to the witness.**

**Signed: \_\_\_\_\_  
(Translator, if applicable)**

**Signed: \_\_\_\_\_  
(Lineup Administrator)**

**Identification Result:**

**I have picked number \_\_\_\_\_ Signed: \_\_\_\_\_  
(Witness)**

**I did not pick anyone \_\_\_\_\_ Signed: \_\_\_\_\_  
(Witness)**

**Witness Confidence Statement:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Administrator Certification:**

**The individual who was picked from the live lineup by the above-named witness has been identified as \_\_\_\_\_**

**Signed: \_\_\_\_\_  
(Lineup Administrator)**

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Investigating Child Abuse                               | <b>Policy Number:</b> 7.03 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Reports of child abuse and neglect are investigated promptly and efficiently, and appropriate measures taken consistent with the concept of *equal protection under the law*, and in the best interests of the child.

**DISCUSSION:**

Child abuse and neglect has been traditionally regarded as the principle responsibility of child protective services and social welfare agencies. However, research has demonstrated that a large percentage of repeat offenses, many of which involve serious injury or death to a child, involve *known repeat offenders*.

It is the position and policy of Polk County Sheriff's Office that effective response to child maltreatment requires cooperative and coordinated efforts between social welfare and law enforcement agencies, and further, that under certain circumstances, arrest and criminal prosecution is an appropriate and preferred approach to the problem from a preventive standpoint.

**DEFINITION:**

*Child Abuse:* Any situation in which:

1. Parents, guardians, or other responsible adults have inflicted physical, mental, or sexual abuse upon a child;
2. Child has been exploited for sexual purposes through prostitution or pornography;
3. Child has been subjected to reckless endangerment that has or would likely cause physical or mental harm; or
4. Child has been subjected to emotional assault such as a closed, sustained confinement.

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*Child Neglect:* Any situation in which parents, guardians, or other responsible adults have failed to provide essential or needed:

1. Physical needs of the child to include food, clothing, and shelter and that caused or would likely cause serious physical injury, sickness, or disability;
2. Medical care to treat or prevent serious physical injury, illness, or emotional disability; or
3. Emotional nurturing and stimulation that has or could likely cause emotional injury over time.

*Abandonment:* Leaving a child alone or in the care of another under circumstances that demonstrate an intentional abdication of parental responsibility.

## **PROCEDURES:**

### **Reporting/Initial Complaint Response:**

Instances or suspected instances of child abuse or neglect must be reported by public and private officials such as *physicians, dentists, school employees, clergymen, law enforcement officers, and others*. Officers will record and respond to all reports of child abuse, neglect, and abandonment in the following manner:

1. A preliminary interview will be conducted with the reporting individual, when known, to determine the basis for the report, to include determination of such factors as:
  - Physical condition of the child;
  - Description of the abusive or neglectful behavior;
  - Evidence of parental disabilities such as alcoholism, drug abuse, mental illness, or other factors that demonstrate or suggest their inability to care for the child;
  - a. Description of suspicious injuries or conditions;  
Nature of any statements made by the child concerning parental maltreatment;
  - b. Evidence of parental indifference or inattention to the child's physical or emotional needs; and
  - c. Motivation of the person filing the report or furnishing the information.
2. When the source of the report cannot be identified and/or time is not of the essence, a report of the complaint will be made to *state child protective authority* as prescribed by law. Where reasonable suspicion exists for further investigation, a coordinated investigative effort should be undertaken with the child protection authority.
3. Immediate action will be taken by officers when:
  - a. Complaint warrants arrest or criminal prosecution;

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- b. Child protective personnel are not available and time is of the essence;
  - c. Child is in danger and child protective personnel cannot enter the home;
  - d. Suspected perpetrator may flee;
  - e. Police presence is required to maintain order or to protect the safety of child protection officers; or
  - f. When the child must be taken into protective custody against parental wishes.
4. The preferred means of removing a child from the home is by court order. However, in cases of abandonment, severe abuse, or neglect, where the child is in *imminent danger of death or serious bodily harm* and *time is of the essence*, an officer will remove the child from the home for purposes of *protective custody*. The assistance of child welfare authority officers should be sought, if available, in a timely manner. Parental permission should also be sought, but is not required in order to remove the child under emergency circumstances.
  5. In cases where protective custody is warranted and time permits, the state child protection agency will be notified and a court order for protective custody will be sought prior to the child's removal.

#### **Background Investigation:**

Investigating complaints of child abuse generally requires contact with several sources of information depending upon the nature of the complaint and the scope of abuse. In all but emergency situations, the following sources of information should normally be contacted prior to interviewing the family and/or the child:

1. **Medical personnel:** Family practitioners, emergency room staff and medical examiners often acquire information that confirms or suggests abuse which may include:
  - a. "Pattern" injuries that may be linked to specific objects used in an attack such as hot irons, coat hangers; fingertip marks caused by tight gripping; straight, curved, or jagged lesions indicating whipping; bite marks; and scald or peculiar burn marks;
  - b. Injuries to specific body parts such as the genitals, buttocks or rectum as well as trauma to the torso, upper arms and thighs in the absence of other common injuries commonly suffered by children in play accidents such as skinned knees, elbows, and forehead;
  - c. Signs of old injuries to various parts of the body in different stages of healing, particularly those that are not common to childhood;
  - d. Bone fractures of small children and related injuries that are inconsistent with the child's level of maturity and risk of injury, such as spiral fractures (suggesting vigorous shaking), fractures to the rear and upper skull (suggesting blows to the head), subdural hematomas without scalp contusions (suggesting violent shaking with resultant head whiplash), and

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- fractures of long bones and joints that are suggestive of violent pulling, twisting, or jerking of the extremities;
- e. History, pattern, or extent of injury that does not correlate with the alleged cause of death or means of injury;
  - f. Inordinate delay in seeking medical attention, evidence of administration of home remedies for relatively serious injuries, history of prior visits to different emergency rooms, frequent changes of physicians and prior diagnosis of “failure to thrive”, and at autopsy, the presence of old injuries or other internal injuries that were not detectable through external examination.
2. **Social welfare officers:** They may provide considerable insight into situations of suspected child abuse as many abusive families have had prior contact with local support agencies. These agencies may provide supportive information on:
- a. Family background;
  - b. Employment;
  - c. Economic and domestic stability; &
  - d. Previous contacts with child protective service agencies.
3. **Schoolteachers:** They also provide some insight into cases of suspected child abuse through records of the child’s attendance, grades, demeanor, socialization, motivation and perceived emotional stability. Several behavioral indicators suggestive of child abuse include:
- a. Recurrent injuries or complaints of parental physical mistreatment;
  - b. Marked changes in the child’s behavior or level of achievement;
  - c. Strong antagonism toward authority;
  - d. Exaggerated reactions to being touched;
  - e. Withdrawal from peers;
  - f. Assaultive or confrontational behavior;
  - g. Delinquent acts, running away from home or truancy; &
  - h. Refusal to dress for physical education or dressing inappropriately.

**Family Interview:**

Based on information generated in the background investigation, reasonable suspicion may exist to conduct an interview with the family and the child. The interview may comprise the following criteria:

1. If there is reason to believe that charges may be filed against the parents or others, interviews should be conducted at the law enforcement agency and prior contact, when appropriate, should be made with the prosecutor’s office.
2. A child protective service officer should participate with the investigator in the interview.

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3. The interview should be conducted in a non-accusatory, informal, fact-finding manner, and questions should be presented in an open-ended format to allow parents or others complete latitude in responding.
4. In determining whether to accept a parent's explanation, officers should consider the following questions:
  - a. Is it reasonable to believe that the child's injuries were self-inflicted or accidental given the child's maturity, manual dexterity and ability to walk or stand?
  - b. Was the parent's story consistent with other evidence?
  - c. Do parents claim ignorance of critical details of the incident?
  - d. Does the home appear to be clean and well maintained?
  - e. Does the family live a socially isolated environment without the support of neighbors, friends, or family?
  - f. Do the parents appear to support one another in a positive home environment?
  - g. Does there appear to be frequent or ongoing crises in the family?
5. Some parents may explain or excuse the incident as a *legitimate attempt to discipline the child*. Parents have the right and the responsibility to discipline their children, and may choose to use reasonable corporal punishment such as spanking, or paddling. However, in order to be reasonable and acceptable, the discipline should be:
  - a. Appropriate to the misbehavior involved but never involves serious injury;
  - b. Consistent with the child's ability to understand its relevance to acts in question; &
  - c. Administered with prudence and caution rather than recklessly, brutally, or without sufficient regard for the child's power of endurance.

### **Interviewing Children:**

Officers conducting interviews with children in suspected child abuse cases should be familiar with and follow these guidelines:

1. Interview the child separately from parents, whenever possible.
2. Avoid repeated interviews with the child, whenever possible.  
Have joint interviews with child protective worker or prosecutor present to minimize the trauma of these sessions.
3. Avoid questions that can be answered with a "yes" or "no" response, and use open-ended questions.
4. Do not use anatomically correct dolls, unless the officers or social worker have received extensive training in the use of these figures. Anatomically correct dolls may in and of themselves be suggestive and shocking to the child.

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5. Conduct the interview with the child sitting in a casual and non-threatening manner rather than across a table.
6. Do not lead the child, or suggest answers, probe or pressure the child.
7. Do not express concern, shock or disbelief in response to answers.
8. Reassure the child that he/she is not to blame and is not in trouble for what happened or for being asked questions.
9. Video record the interview, and retain the videotape for evidence. Simple audiotapes or simple written notes alone are acceptable in the absence of video.
10. Always have an officer of the same sex present or conducting the interview.

**Physical Evidence:**

Collecting physical evidence to document abuse is very important for prosecuting these cases. In this regard, officers should be aware of the following:

1. Color photographs of injuries should be taken and preserved for evidentiary purposes. They may be taken by medical personnel or by a same-sex officer of this agency. All injuries should be described in writing and diagrammed.
2. X-rays should be taken if appropriate, and any that have been taken should be collected and preserved.
3. Photographs of home conditions bearing on the child's maltreatment should be taken.
4. Any instruments that were used in the physical attack should be identified and preserved as well as any clothing that bears evidence such as blood or semen stains.
5. Any other items that have bearing on the abuse or neglect, such as guns, knives, drugs, poisons or related items in possession of the suspected perpetrator, should be identified and collected.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

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| <b>Subject:</b> Criminal Investigation                                  | <b>Policy Number:</b> 7.04 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Complaints of major violations of the law require investigations that are conducted in-depth, and with attention to detail regardless of whether the investigation is preliminary or of a follow-up nature.

**PROCEDURES:**

**Preliminary Investigation:**

The preliminary investigation begins when the first law enforcement unit arrives at the scene of a crime, or information is taken by an officer concerning a crime. The investigation will continue until postponed or until transferred to another officer. The following officer responsibilities are part of the preliminary investigation and may vary according to the type of crime being investigated and the circumstances associated with the crime scene:

1. Provide aid to the injured;
2. Protect the crime scene to insure evidence is not lost or contaminated;
3. Determine if an offense has actually been committed, and if so, the exact nature of the offense;
4. Determine the identity of the suspect or suspects, and effect an arrest if it can be accomplished either at the scene or through immediate pursuit;
5. Furnish other field units descriptions, method and direction of flight of suspects, and other relevant information concerning wanted suspects or vehicles;
6. Obtain complete identification of all witnesses;
7. Determine what information is known by the victim and each witness;
8. Determine, in detail, the exact circumstances of the offense;
9. Arrange for the collection of evidence;
10. Obtain written and signed statements from victim(s), witnesses, and from the suspect(s);
11. Determine the necessity and degree of follow-up surveillance of the crime scene;  
&
12. Accurately and completely record all pertinent information on the report forms.

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The initial stages of all preliminary investigations, including crime scene processing, will be conducted by patrol officers. The investigation of any serious crime will be the responsibility of a criminal investigator.

As soon as a patrol officer concludes the preliminary investigation, the initial field report should be completed including all information obtained at the scene of the offense.

It is the responsibility of the shift supervisor to ensure that an adequate and complete preliminary investigation has been made and to review, screen, and approve the officer's report. The confirmation of shift supervisor approval will be on each report. In the case of those offenses reported directly to and handled completely by a criminal investigator, the Chief Deputy, will review the report.

### **Follow-up Investigation:**

The follow-up investigation is an extension of the preliminary investigation. The purpose of the follow-up is to provide additional investigation in order to affect the arrest of an offender and/or recover stolen property. Officer or criminal investigator responsibilities of the follow-up investigation include:

1. Identifying and apprehending offenders;
2. Collecting, documenting, and preserving physical evidence, arranging for the analysis and evaluation of the evidence, and reviewing the laboratory analysis of that evidence;
3. Recovering stolen property;
4. Conducting additional interviews of victims and witnesses as required;
5. Interrogating suspects as required;
6. Obtaining additional information from law enforcement officers and informants;
7. Reviewing department records and coordinating with adjoining agencies regarding other similar offenses to determine if other crimes may have been committed by the suspects;
8. Reviewing all information contained in the case file (preliminary investigation and earlier follow-up reports) concerning this offense;
9. Recording information obtained and preparing supplementary reports as required;
10. Distributing information, as appropriate;
11. Planning, organizing, and conducting searches, if necessary;
12. Arranging for polygraph examinations;
13. Preparing a case file folder; &
14. Checking the suspect's local police record and criminal histories.

### **Assignment of Investigators:**

In assigning investigators for follow-up, department management will normally consider the following guidelines:

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1. Patrol officers normally conduct and complete the investigation of all non-criminal calls for police service and for misdemeanor or felony crimes not appropriate for referral to the criminal investigator.
2. A Criminal investigator will conduct follow-up investigations when one or more of the following conditions exists:
  - a. Offense appears to be part of a pattern.
  - b. When follow-up investigations are required in widely separated locations outside this jurisdiction.

### **Relationships with Prosecuting Attorney:**

The prosecuting attorney's office prosecutes felony and misdemeanor criminal cases in each court and for offenses committed in whole or in part within their jurisdiction.

Prosecutor offices usually manage a tremendous caseload. In order to support the prosecutor's staff, all personnel are required to:

1. Coordinate appointments in advance;
2. Be on time;
3. Have a subject for discussion planned in advance;
4. Present facts clearly, detailing the actual evidence or statements to support your contentions;
5. Clearly identify fact from your opinion; &
6. Keep conversations brief.

In every known contested case, misdemeanor or felony, the officer involved will make an appointment with the prosecuting attorney to discuss the case prior to trial.

During investigations, planning sessions, or pretrial stages, any questions of law or criminal procedure will be addressed to the prosecuting attorney. Questions on law enforcement procedure will be addressed to the Sheriff or his designee.

Any criminal cases referred to the prosecuting attorney which result either in a decision of *declined to prosecute* or *dismissed* due to *law enforcement mishandling* must be reported by the prosecuting attorney or officers to the Sheriff or designee immediately for carefully reviewed and appropriate corrective action taken.

### **Serious Crimes - Criminal Investigator Response:**

A criminal investigator assigned to Polk County Sheriff's Office will be on-call 24 hour's each day to conduct the following investigations:

1. Deaths or serious injury of a violent or suspicious nature;
2. Rapes or suspected rapes;
3. Armed robberies;
4. Burglaries where there is excessive or unusual loss (high dollar value, cash,

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- jewelry, silver, etc.);
5. Major disasters (where investigators can assist in identification of victims);
  6. Hostage situations;
  7. Kidnappings, extortion;
  8. Officer involved shootings;
  9. Bombings; &
  10. Any criminal offense or situation for which the on duty ranking officer or shift supervisor believes a *criminal investigator* should be immediately assigned.

In the event the criminal investigator on call is unavailable, the Division Captain or the Chief Deputy will be contacted immediately for further guidance. If requested by the assigned criminal investigator, the dispatcher will direct available patrol personnel to assist with protection of crime scene, traffic, crowd control, witness canvas, etc.

#### **Use Of Crime Checklist:**

Attached to this policy is a Crime Checklist that will be used in addition to any other investigative tool or list in the conduct of the investigations. Investigators regardless of seniority or rank will cover or attempt to cover each item on this list when conducting their investigations. Each item will be addressed within the body of their written reports.

### **CRIME CHECKLIST**

The following is a crime checklist. It contains questions, which should be addressed during the criminal investigation, as well as specific questions relating to different types of crimes. These lists are not intended to be all-inclusive, but will serve as guides in doing actual investigations, preparing reports, and in supervisory review of such reports.

#### **General Investigative Questions:**

##### ***Who is involved?***

1. Who is the victim?
2. Who is the suspect?
3. Who is a witness?
4. Who reported the case?

##### ***What happened?***

1. What took place?
2. What offense was committed?
3. What are the elements of the offense?
4. What was the object of the attack?

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***When did it happen?***

1. When in time did the occurrence take place?
  - a. At what hour?
  - b. On what day?
  - c. In what month?
  - d. In what year?
2. Was it day or night?
3. Was it clear or cloudy?
4. Was it foggy, misty, raining, smoggy, snowing, hailing, sleet, etc.?

***Where did it happen?***

1. Where did the offense occur?
2. Where was the object of the offense?
3. Where is the object of the offense now?
4. Where was the object of the offense found?
5. Where was the perpetrator of the offense?
6. Where is the suspect now?
7. Where was the suspect when apprehended?
8. Over what area did the offense extend?
9. Where were the witnesses in relation to the crime scene?
10. Where are the witnesses now?

***How did it happen?***

1. How was the offense committed?
  - a. What preparation was made to commit the offense?
  - b. What was done to avoid detection?
2. How was the property or person attacked?
  - a. What method was used to induce the victim to give up his property?
  - b. What means were used to overcome resistance of the victim?
  - c. What means or instruments were used in the perpetration of the offense?
3. How did the offender act?
4. How did the victim act?
5. How did the situation assist in the commission of the offense?
6. How did the offender enter the crime scene?
  - a. What means were used?

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7. How did the offender leave the crime scene?

a. What means were used?

**Offenses Against Persons:**

The offenses of robbery, assault, battery, murder, kidnapping, abduction, mayhem, sex offenses, and extortion are considered offenses against the person. The investigating officer should determine the following:

1. What device, trick, ruse, or other method did the perpetrator use to gain access to the victim?
2. What did the perpetrator say, using exact wording?
3. What in detail did the perpetrator do?
4. How did he act?
5. What means did he use to commit the act?
6. What preceded the offense?
7. What was the victim doing immediately preceding and at the time of the offense?
8. Were there any accomplices?
  - a. What did they look like?
  - b. What did the accomplices do in participation of the crime?
  - c. Did they arrive with the perpetrator?
  - d. Did they leave with the perpetrator?
9. How did the perpetrator arrive and depart?
10. What other facts surrounding the occurrence could be used to identify the perpetrator and accomplices?

**Offenses Against Property:**

***Burglary***

1. Precisely what type of premise was entered?
2. Where was the point of entry?
3. Where was the point of departure?
4. What instruments were used to gain entry?
5. What was done to preserve evidence of entry and exit?
6. What acts were committed by the perpetrator at the scene?
7. Where were occupants of the premises?
8. How did the perpetrator arrive and depart?
9. Are there any other facts or acts that can be used to identify the perpetrator?
10. From what place was property stolen?
11. Were there occupants on the premises?
12. Where were they?

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13. What means were used to take the property?
14. How did the victim discover the loss?
15. What means were used to distract attention of victims or persons in the vicinity?
16. How did the perpetrator arrive and depart?

### ***Fraudulent Checks***

1. How were the checks written or otherwise prepared?
2. What type of paper was used?
3. How were the checks returned?
4. What purpose was to be served by check?
5. What claim was made by the passer to establish authenticity of check?
6. Was the victim able to note description of check passer?
7. What caused the victim to notice the worthless check?
8. What did the passer say when presenting the check to the victim?
9. What time of day was the check passed?
10. How did the check passer arrive and depart?
11. Are there any other pertinent facts?

### ***Embezzlement***

1. What property was the subject of the embezzlement?
2. What was the value of the property?
3. Who had ownership?
4. Who had possession of the property at the time of the conversion?
5. Under what circumstances was the property received or held?
6. How was the loss of the property discovered?
7. Where was the property recovered?
8. Who had possession of the property at the time of recovery?

### ***Arson***

1. How was the fire reported?
2. Who reported the fire?
  - a. Name
  - b. Address
  - c. Telephone number
  - d. Occupation
  - e. Description
  - f. Circumstances causing person to note fire
3. When time was the fire discovered?
4. Who discovered the fire?

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- a. Name
  - b. Address
  - c. Telephone number
  - d. Occupation
  - e. Description
5. Where was the person who discovered the fire?
  6. How did he happen to be there?
  7. What type of structure or property was set on fire?
  8. Was the building vacant, and if so, for how long?
  9. Was the building inhabited?
  10. Was a human being in the structure at the time of the fire?
  11. Would an ordinary person have reason to know or suspect the building was inhabited?
  12. Who occupies the building?
  13. What type of business is carried on in the building?
  14. How long has this business been at this location?
  15. Who owns the building?
    - a. Name
    - b. Address
    - c. Age
    - d. Description
    - e. When acquired building
16. How was the fire started?
  17. What materials, accelerants, and devices were used?
  18. What was the value of the property destroyed?
  19. What were the findings of the arson investigator, of the fire department, and other agencies? (Such reports are attached as exhibits.)
  20. Was there a burning or charring as distinguished from mere scorching?
  21. What evidence (traces on clothing of suspect or clue materials at the scene) is associated the suspect with the scene?
  22. What actions of the suspect offered evidence of criminal intent?

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                              |
|---|------------------------------|
| <b>Subject:</b> Autopsy   | <b>Policy Number:</b> 7.04-1 |
| <b>Issue Date:</b> August 20, 2012                                      | <b>Revision Date:</b>        |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                              |

**POLICY:** To establish procedures to determine when autopsies should be performed and when a detective should attend the autopsy.

It is the policy of Polk County Sheriff's Office

**DEFINITIONS: Autopsy:** Inspection and dissection of a body after death, as for determination of the cause of death; postmortem examination.

**PROCEDURES:** A detective will follow the following procedures when determining when an autopsy is needed and when to attend;

1. Any homicide, suicide, suspicious death, any person under the age of 18, or any death where the victim died from the hands of another. A detective **WILL** attend the autopsy on any of these cases **NO EXCEPTIONS**.
2. All other autopsies the detective will make contact with the Detective Captain who will determine if it is necessary for the detective to attend the autopsy. In case of his absence, the detective will contact the Chief Deputy in case of his absence; the detective will contact the Sheriff to make the determination.
3. The Detective Captain will also make the decision on where the autopsy is to be performed either a Jefferson County or Harris County. In his absence the Chief Deputy or Sheriff will make the determination.
4. All homicides and deaths under the age of 18, the autopsy **WILL** be performed at the Harris County Medical Examiners Office in Houston, Texas.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Investigation of Missing Persons                        | <b>Policy Number:</b> 7.05 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Officers investigating reports of missing persons must conduct proper investigations; prepare necessary reports, and request State or National Crime Information Center entries.

**DISCUSSIONS:**

The effectiveness of State or National Crime Information Center [TCIC/NCIC] communication networks depend on accurate and prompt entry in all cases. This is especially so in missing persons cases. To assist in the maintenance of accuracy in the system it is also important to cancel entries when the person is located or assistance is no longer required.

Each telecommunications operator making an actual entry must insure that the entry contains accurate and complete information and that unnecessary delays in making the entry are avoided.

**PROCEDURES:**

**General Guidelines - Missing Persons:**

The following guidelines apply to missing person's cases:

1. Officers receiving missing persons reports collect and evaluate information (pictures, descriptions, last seen data, and likely places to frequent, etc.), and investigate possible leads provided by the reporting person.
2. In situations involving missing juveniles, the investigating officer should take immediate action to confirm that the youth is missing (i.e. search of the residence, check schools, friend's homes, local stores, parks, etc.).
3. An entry/deletion form will be completed to establish that missing persons are entered into the State or National Crime Information Center systems and subsequently deleted once located.

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### Missing Persons – Receiving a Telephone Call:

Officers receiving a *missing person's* notification utilizes the following procedure:

1. Interview the reporting person and evaluate the information received.
  - a. If the information fits the following criteria [one or a combination of items, may surface in the discretion of the officer] for a missing person, complete an *initial missing persons report*. The criteria is:
    - i. Person has not followed an established routine;
    - ii. Person has not been heard from or seen in the last 24 hours;
    - iii. Person left a child unattended or themselves is a juvenile;
    - iv. Person has been despondent, depressed, or stressful recently;
    - v. Person is physical or mentally disabled or is senile;
    - vi. Reporting person is reasonably justified to suspect foul *play*; &
    - vii. Other similar issues.
  - b. If the information does not fit the criteria for a missing person, offer referrals to the person reporting the incident. If in doubt, always make a report.
2. Investigations and reports should include detailed information concerning last known location, associates, habits, locations frequented, clothing descriptions, etc. Investigating officers should determine the circumstances leading up to the disappearance, and obtain a recent photograph of the missing person if available.
3. Submit the initial report and a completed State or National Crime Information Center entry/deletion form to the appropriate official for review.
4. After review and approval, the reviewing authority will forward the report and the entry/deletion form to a certified State or National Crime Information Center operator.
5. Operator receiving these documents will enter the information into the system. A copy of the entry printout will be attached to the other documents submitted.
6. Operator making the entry will then submit all the stated documents to the proper investigative authority for further follow up investigation.

### Missing Person Entries:

A missing person record may be entered into TCIC or NCIC for a person of any age for the following reasons:

1. Missing person is under proven physical/mental disability or is senile, thereby possibly subjecting self or others to personal and immediate danger.
2. Circumstances surrounding the missing person indicate a non-voluntary abduction or kidnapping.
3. Report regarding the missing person is declared un-emancipated.

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4. Person is reported missing after a disaster.

**Proper Documentation:**

When a person is declared missing, proper documentation verifying that fact must be established. Examples of acceptable documentation are:

1. Missing persons report, prepared as a result of investigation by a law enforcement officer.
2. Written statement from a physician or other authoritative source, which verifies a missing person's physical/mental disability.
3. Written statement from a parent, guardian, next of kin or other authoritative source advising that the missing person is in danger or that their disappearance was not voluntary.

**Missing Person Deletions:**

When a missing person is located or information received requiring a State or National Crime Information Center deletion, the following procedures will be followed:

1. Officer locating the missing person or developing information that requires a deletion will be responsible for completing the deletion process.
2. Reporting person or the family of the missing person will be contacted and informed of the information obtained.
3. Officer will locate the initial report and complete the State or National Crime Information Center deletion form attached to the report. If the initial report is unavailable, the officer will prepare a separate deletion form.
4. Officer will submit the deletion form to a certified State or National Crime information Center operator for deletion from the system.
5. Telecommunications operator receiving notification that the missing person has been located, or that the investigating officer wants to clear or cancel the person, will follow State or National Crime Information Center guidelines and clear the entry from the system.
6. Once the entry has been deleted, the operator will attach a deletion print out to the submitted documents to be returned to the officer assigned to the investigation.
7. The assigned investigative officer will sign the deletion form after reviewing the case circumstances and submit the form to the appropriate supervisor who will also sign the deletion form.
8. Once the missing person report is cleared, it will be filed, along with all other documents, in accordance with Polk County Sheriff's Office policy on records.

**Wilderness searches:**

When circumstances indicate that the missing person may be "lost," or located in a remote area and is injured or disoriented, the primary investigator, with approval of the his/her supervisor, may initiate a search effort. The department will serve as the lead agency in the search, and will ask for support from fire, EMS and perhaps volunteer

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agencies as needed, depending upon the size of the search area and difficulty of terrain.

The Chief Deputy will serve as the incident commander (IC) and operations will be coordinated under the Incident Command System. The Incident Commander (IC) should be capable of:

1. Establishing objectives;
2. Establishing priorities;
3. Developing search strategies, objectives, and tactics;
4. Delegating responsibilities; and
5. Communicating effectively.

The keys to successful wilderness searches are limiting the search area and then looking for clues to the subjects' location. The Incident Commander (IC) will:

1. Consider intelligence from the initial investigation and attempt to determine the last known position of the search subject(s);
2. Assign a number of patrols to monitor the outside perimeter of the search area. (Many search subjects have been located when they walk to a road or trail);
3. Assign an investigator to check other locations where the subject(s) may be such as at home, at the home of acquaintances, bars, taverns, etc;
4. Protect any clues or evidence, including scent trails, at the Last Known Position (LKP) from disturbance or contamination;
5. Assign a small number of experienced/skilled persons to hastily search the immediate area surrounding the Last Known Position (LKP) to look for evidence that may indicate direction of travel;
6. Request a trained canine with handler to attempt to track and locate the subject;
7. Request air reconnaissance assistance from law enforcement or civil aviation authorities;
8. Assign an officer or qualified civilian to remain with the family or friends of the missing subject in order to communicate search efforts and to continue gathering information that may be clues to the subject's location;
9. Not allow a large number of individuals to conduct a "grid search" until other, more effective search techniques have been exhausted.

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**Polk County Sheriff's Office**

**MISSING PERSON ENTRY FORM**  
**State or National Crime Information Center (TCIC/NCIC)**

Name: \_\_\_\_\_ Eye color: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Build: \_\_\_\_\_  
Sex: \_\_\_\_\_ Height: \_\_\_\_\_  
Race: \_\_\_\_\_ Weight: \_\_\_\_\_  
Hair color: \_\_\_\_\_

Clothing Description: \_\_\_\_\_

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Vehicle Description: \_\_\_\_\_

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Summary of Disappearance: \_\_\_\_\_

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**POLK COUNTY SHERIFF'S OFFICE**

**State or National Crime Information Center (TCIC/NCIC)  
Missing Person Deletion Form**

Deleted Name: \_\_\_\_\_

Deleted by: \_\_\_\_\_ Deletion Date: \_\_\_\_\_

Signature of Officer Requesting Deletion: \_\_\_\_\_

Reason for Deletion: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Employee Making Deletion: \_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_

(All Signatures in blue ink)

Notes: \_\_\_\_\_

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Domestic Abuse  | <b>Policy Number:</b> 7.06 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Our agency will reduce incidences and severity of *domestic abuse* whenever reasonably possibly. We attempt to identify victims of domestic abuse, protect them, and provide support through a combination of direct law enforcement intervention and referrals to community services. At the same time, training and supervision enhance officer safety when responding to *domestic abuse* calls for service.

**DEFINITIONS:**

*Domestic abuse:* Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily harm, bodily injury or assault between family or household members; or criminal sexual conduct between family or household members, whether minors or adults. Sometimes referred to as *family violence, domestic violence, spousal abuse, wife abuse, husband abuse, family abuse, or child abuse*. Victims of domestic abuse may be adult or child, male or female.

*Family or household members:* Spouses, former spouses, parents, children, or persons related by blood, or persons who are presently or in the past have resided or cohabited together as a family.

**DISCUSSION:**

The outcome of a disturbed domestic relation is impossible to predict. Unlike *stranger on stranger* crimes, almost everyone involved in a domestic disturbance incident have a prior history with one another, and the responding officer(s), no matter how well meaning and professional in their conduct, are often deemed as *interfering outsiders*. Do not assume that the complainant will appreciate your efforts. As a law enforcement officer use your *discretion to determine* the most reasonable course of action under emotional circumstances.

Complainants often want responding officer(s) to make the alleged offenders *behave*, but not *arrest him or her*. In other instances, the abusive pattern may have been occurring for some time and the victims are intimidated and fearful of retribution.

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Responding officers will be tested at every turn in a domestic disturbance call. Officers need to exercise extreme caution while dealing with both complainants and alleged offenders.

More troubling and difficult to handle are domestic disturbance calls involving law enforcement officers, or from family members of officers or department employees. Officer discretion may become skewed or influenced by factors that are not readily apparent. If available, at least two officers will respond to domestic violence calls for two reasons: to enhance officer safety and to maintain objectivity.

## **PROCEDURES:**

### **Dispatch Procedures:**

Dispatchers receiving *domestic abuse* calls can provide the responding officers with vital information that could save the victim's and the officer's life. The dispatcher will give domestic abuse calls the same priority as any other potentially life-threatening call and will, when reasonably available, dispatch two officers to reported location.

Dispatchers will not cancel law enforcement response to a domestic abuse complaint based solely on a follow-up call from the original complainant. Some form of secondary verification is required before the call for service will be cancelled.

The dispatcher will pass all critical information to responding officer(s) before arriving at the scene including:

1. Nature of the alleged conduct;
2. If the alleged offender is present and, if not, the actor's possible location;
3. The alleged offenders description;
4. If weapons are involved in the incident;
5. If the alleged offender is under the influence of drugs or alcohol;
6. If there are children present;
7. If any household member has undergone any recent traumatic experience such as *loss or job, death in the family, etc.*

### **Responding Officer Procedures:**

If the alleged offender is still at the scene of the incident, the responding officer(s) will:

1. Restore order by gaining control of the situation;
2. Take control of weapons used or threatened to be used in the crime;
3. Assess the need for medical attention, and call for assistance as indicated;
4. Interview all parties;
5. Determine whether arrest(s) should be made, or other actions taken;
6. Collect and record evidence, and when appropriate, take color photographs of

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- injuries and property damage;
7. Complete offense or incident reports to document the response, whether or not a crime was committed or an arrest made;
  8. Tell victims how to obtain a copy of the incident report;
  9. Advise victims that a petition for relief may be filed with a magistrate of the county where the petitioner resides, where the alleged incident of abuse occurred, or where the respondent may be served;
  10. Advise all parties about the serious and criminal nature of domestic abuse, its potential for escalation, and help that is available.
  11. Remain on the scene until satisfied that the threat has diminished; and
  12. Provide victim(s) with referral information for legal or social assistance and support.

If the alleged offender has left the scene and in the judgment of the officer(s) a crime has been committed, the responding officer(s) will:

1. Conduct a search of the immediate area;
2. Obtain information from victim(s) and witnesses as to where the alleged offender might be;
3. Assess the need for medical attention, and call for assistance as indicated;
4. Interview witnesses;
5. Determine if arrest(s) should be made, or other actions taken;
6. Collect and record evidence, and when appropriate, take color photographs of injuries and property damage;
7. Complete offense or incident reports to document the response;
8. Tell victim(s) about how to obtain a copy of the incident report;
9. Advise victim(s) that a petition for relief may be filed with a magistrate of the county where the petitioner resides, where the alleged incident of abuse occurred, or where the respondent may be served;
10. Advise those present about the serious and criminal nature of domestic abuse, its potential for escalation, and help that is available.
11. Provide victim(s) with referral information for legal or social assistance and support.
12. If evidence warrants and supports a criminal charge, refer the matter to the prosecuting attorney.

### **Arrest Procedure:**

When law enforcement officers have probable cause to believe a person has committed acts which constitute a crime under the domestic abuse laws of this state, the officer should make an arrest. . If the incident did not take place in the presence of the law enforcement officer, the officer must reasonably believe that the offense occurred within the past twenty-four (24) hours. Otherwise, the case is documented, follow-up investigation done if needed, if no charges are filed the case will be referred to D.A.'s office for evaluation and recommended charges.

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**Responding to Calls Involving Law Enforcement Officers:**

This department provides unbiased and impartial law enforcement services to all members of the community including family or household members of departmental employees. To accomplish this task in relation to domestic disturbance calls, the Sheriff will attempt negotiation with law enforcement agencies, with overlapping jurisdiction, to provide mutual support in responding to domestic disturbance calls involving departmental staff.

If a domestic disturbance call for service is from a residence, family member, or employee or officer of this department the dispatcher will:

1. Request response assistance from a law enforcement having overlapping jurisdiction.
2. Notify the on-duty supervisor immediately.
3. Notify the Chief Deputy.
4. Pass all critical information as listed above to the responding officer(s).
5. Continue to monitor response progress and report to department management.

In situations where response support is not available from other law enforcement agencies the dispatcher receiving the call will:

1. Assign the on-duty supervisor and a second officer to respond to the call.
2. Notify the Chief Deputy.
3. Pass all critical information as listed above to the responding officer(s).
4. Continue to monitor response progress, and report to department management.

It is the policy of this department not to provide any *professional courtesy*, *special consideration*, or *special treatment* to officers or employees of this department who are alleged suspects in a domestic disturbance incident. In such instances, responding officers will follow the *responding officer procedures* and *arrest procedures* described above.

**Protection Order:**

1. Individuals claiming they have been victims of domestic abuse may submit a petition to a magistrate for relief, accompanied by an affidavit made under oath stating the specific facts and circumstances of the incident(s) and the specific relief sought. The clerk of the magistrate will normally provide the forms and assistance to help the petitioner with writing and filing of a petition.
2. Acting upon the petition, the magistrate may issue a *temporary* or *permanent order of protection* for the victim(s), depending on the law and facts.
3. If the order or cancellation is sent to Administrative Assistant, the person responsible for service of civil process will immediately:

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- a. Ensure that the *order of protection*, *temporary order of protection*, or any modification or cancellation of such orders, is immediately entered into the state crime information center system. At a minimum, the following information describing the subject of the order will be entered:
  - i. Full name and date of birth.
  - ii. Race and sex.
  - iii. Driver's license number (and social security number if available).
  - iv. Last known address.
  - v. Whether the order of protection, temporary order of protection, or any modification "has" or "has not" been served.
- b. Place a priority on service of the *protection order*, *temporary order of protection*, or any modification of such order. The order must be served to the offender personally or a copy of the order left at the subject's residence with a responsible aged resident, or by delivering a copy to an agent authorized to receive service of summons. As service of the protection order is time-critical, this department will not attempt service by certified or registered mail.
- c. Information contained in and obtained from the state protection order registry will be deemed confidential and will be available only to courts, law enforcement, and prosecuting attorneys.

**Violation of a Protection Order:**

A person commits the offense of violation of a valid *order of protection* if the offender knowingly violates any condition of that order. Officers should arrest any alleged offender of a protection order, even if the violation did not take place in the presence of the officer.

**Protective Order:**

It is the policy of Polk County Sheriff's Office to enter each *Protective order* issued within this jurisdiction into the state crime information center system. The procedure for entering a *no contact order* is identical to the procedure for entering an *order of protection*, *temporary order of protection*, or any modification or cancellation of such orders.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Covert Electronic Recording                             | <b>Policy Number:</b> 7.08 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Polk County Sheriff's Office will restrict covert electronic monitoring or recording activities to investigations where a reasonable suspicion of criminal activity exists. This investigative technique is essential in determining criminal wrongdoing, or in gathering evidence of known criminal activity. Official use of covert electronic monitoring techniques by this agency must be approved by the «Approval\_title» or Chief Deputy and with the concurrence of the Prosecuting Attorney.

**DEFINITIONS:**

*Consensual Monitoring and/or Recording:* Monitoring and/or recording of private conversations of an individual or group of individuals whom investigating officers reasonably suspect are involved in, or are planning to commit a criminal offense and; that a consenting party is present during the monitoring and/or recording of such conversations. Consensually monitored conversations may be by *telephone recorders, body recorders, or transmitters* that are recorded on magnetic tape, digital media, CCTV, or other electronic recording equipment. To be consensual, at least one of the parties to the conversation(s) must be aware that the conversation(s) is being electronically monitored or recorded, and agree to the monitoring or recording.

*Non-Consensual Monitoring and/or Recording:* The monitoring and/or recording of private conversations of individuals or group of individuals whom investigating officers reasonably suspect are involved in, or are planning to commit a criminal offense, and where no party involved in the conversion consents to the recording or monitoring of the conversation(s). Federal and many state laws prohibit such recordings by law enforcement officers except under the strict terms of a specific court order.

*Covert:* An electronic device is *covert* when it is hidden from normal view or otherwise secreted away, and at least one of the individuals to be recorded has a reasonable expectation of privacy. Examples of covert recording devices are body recorders or transmitters, miniature closed circuit television [CCTV], or parabolic microphones.

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*Overt* surveillance – Is the use of electronic or photographic equipment that is not hidden from general view, regardless of whether or not the suspect actually see the monitoring device or knows of its existence. Examples of overt surveillance devices include:

1. CCTV mounted in hallways, parking lots, waiting rooms, etc;
2. Officers carrying a tape recorder in their hand or placing it on a table;
3. CCTV equipment mounted in a patrol car; or
4. Use of handheld video camera.

*No or low expectation of privacy* – In some instances citizens have no or low expectations of privacy. For example:

1. Officers recording telephone conversations where they are a party to the conversation.
2. Officers recording face-to-face conversations where they are a party to the conversation.
3. Recording information at a crime scene.
4. Monitoring and recording public hallways, elevators, rooms [less restrooms], of a public building, including department facilities.
5. Monitoring and recording sobriety tests.
6. Recording of voluntary statements made by victims, witnesses, or suspects.
7. Recording routine traffic stops with portable or fixed recording equipment.

For policy guidelines on *overt electronic recording* or instances where there is *no or low expectation of privacy* see policy on “Overt Electronic Recording”.

#### **Limitations:**

Officers may utilize a covert electronic recording device in conjunction with a *consenting party*, such as a *cooperating witness, informant, or undercover officer* in accordance with state and federal law. Interception of any form of communication which is not *consensual* and where the consenting party is not present is not legal in Texas. In other words, the consenting party needs to be present during all parts of the conversation.

#### **PROCEDURES:**

##### **Use of Covert Electronic Recording Devices in Consensual Surveillance:**

1. Before using any covert recording device in a consensual setting, the officer must inform the individual and obtain the consenting party’s signature on the Consensual Monitoring Consent Form.
2. All original recording tapes will be duplicated as needed, sealed, and stored as official evidence.

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3. The use of electronic recording devices for surveillance or undercover purposes often requires a balance between the need for information gathering, against the rights of the individual(s) being investigated. With this in mind, officers will:
  - a. Use lawful and non-intrusive investigative techniques to collect information necessary to prevent a criminal act from occurring, to identify suspects, and to aid in prosecution;
  - b. Complete a thorough investigative report, during each phase of the investigation process; and
  - c. Continually, evaluate the need for covert electric surveillance in this particular case.
4. Information gathered by electronic recording will only be disseminated on a strict *need to know basis*.

**Departmental Approval - Use of Electronic Recording Devices:**

The Sheriff or designee is responsible for approving and directing investigation activities that utilize consensual covert monitoring techniques. Departmental approval may be obtained by:

1. Any officer conducting a legitimate investigation where covert monitoring may be an important aid to investigation;
2. Completing a formal written request, and forwarding the request to the responsible supervisor; and
3. Conforming approval in writing in the investigative case file.

**Prosecuting Attorney Approval - Use of Consensual Covert Electronic Devices:**

Once Departmental approval is obtained for consensual monitoring, approval of the Prosecuting Attorney must be obtained as follows:

1. The investigating officer will make direct or telephone contact with the prosecuting attorney or a deputy prosecutor and present the facts of the case. The prosecuting attorney or deputy prosecutor must concur with use of the consensual monitoring technique stating that:
  - a. The use of this technique under the circumstances of the case is legal; and
  - b. The use of the consensual monitoring technique does not constitute entrapment.
2. Whether approved or disapproved, the investigating officer will finalize the Consensual Monitoring Request Form by completing the designated portion. A copy of the approved completed form will be forwarded to the office of the prosecuting attorney within 5 days.

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**Use of Electronic Recording Devices in Covert Non-Consensual Surveillance:**

1. Prior to using covert recording in a non-consensual surveillance, the agency, through the prosecuting attorney, will obtain a *court order* from a court holding jurisdiction in the case.
2. To start the approval process, investigators will verbally brief the prosecuting attorney on the necessity, means, and anticipated resources necessary to conduct the surveillance.
3. The prosecuting attorney will make the final determination regarding any petition to the court for an authorizing court order.
4. Under no circumstances will an officer of this department conduct or be associated with a non-consensual covert monitoring or recording activity that is not authorized by a court order.

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**Polk County Sheriff's Office**

**CONSENSUAL MONITORING REQUEST AND CONSENT FORM**

The following Consensual Monitoring Request and Consent Form may address a number of monitoring techniques to include:

1. Installation of a recording device on a telephone;
2. Installation of a closed-circuit television (CCTV) or other type of video recording device; or
3. Placement of a transmitter or body recorder on a person or officer.

All monitoring techniques must be documented fully under the section labeled Summary of Facts to include any relevant information.

**General Information:**

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

Time: \_\_\_\_\_

Address of location to be monitored:

Monitoring Technique: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Officer Requesting Monitoring:

Consenting Party: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Summary of Facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
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**(All signatures in blue ink)**

Requesting Officer(s) Signature:

\_\_\_\_\_

Signature of Witness #1:

\_\_\_\_\_

Signature of Witness #2:

\_\_\_\_\_

**Approval by Sheriff:**

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

Time: \_\_\_\_\_

Sheriff's Name: \_\_\_\_\_

Sheriff's Signature: \_\_\_\_\_

Request Approved (Yes or No):

\_\_\_\_\_

**Approval by Prosecuting Attorney:**

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

Time: \_\_\_\_\_

Signature of Investigating Officer Presenting Facts of the Case to the  
Prosecuting Attorneys Office: \_\_\_\_\_

Prosecuting Attorney's Name: \_\_\_\_\_

Prosecuting Attorney's Signature: \_\_\_\_\_

Request Approved (Yes or No):

\_\_\_\_\_

Based on the facts as presented, this request is approved for a period of thirty (30) days. Any further monitoring after the thirty (30) day period will require further review of the investigation.

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**CONSENSUAL MONITORING CONSENT FORM**  
**Transmitter or Body Recorder**

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

I (Name of Consenting Party) \_\_\_\_\_ of (Address  
Of Consenting Party) \_\_\_\_\_ hereby  
authorize the following officer's (Name of Officer's) \_\_\_\_\_  
\_\_\_\_\_ of (Name of Department) \_\_\_\_\_  
\_\_\_\_\_ to place a transmitter or body recorder on my person  
for the purpose of recording any conversations with (Name of Subjects) \_\_\_\_\_  
\_\_\_\_\_ which, I may have on or about the  
date of \_\_\_\_\_.

I have given this written permission to the above named officers knowingly, voluntarily and without threats or promises of any kind. I understand that I must be a party to any conversation in order to record that conversation.

I, therefore, agree not to leave the recording equipment unattended or take any other action, which is likely to result in the recording of conversations to which I am not a party.

Consenting Party Signature:  
\_\_\_\_\_

Signature of Witness #1:  
\_\_\_\_\_

**(All signatures in blue ink)**

Signature of Witness #2:  
\_\_\_\_\_

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**CONSENSUAL MONITORING CONSENT FORM**  
**Telephone Recording**

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

I (Name of Consenting Party) \_\_\_\_\_ of (Address  
Of Consenting Party) \_\_\_\_\_ hereby  
authorize the following officer's (Name of Officer's) \_\_\_\_\_  
\_\_\_\_\_ of (Name of Department) \_\_\_\_\_  
\_\_\_\_\_ to install a recording device in a telephone located at  
(Address of Telephone to be Monitored) \_\_\_\_\_  
for the purpose of recording any conversations that I may have on that telephone  
with (Name of Suspects) \_\_\_\_\_  
on or about the date of \_\_\_\_\_.

I have given this written permission to the above named officers knowingly,  
voluntarily and without threats or promises of any kind.

Consenting Party Signature:  
\_\_\_\_\_

Signature of Witness #1:  
\_\_\_\_\_

**(All signatures in blue ink)**

Signature of Witness #2:  
\_\_\_\_\_

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**CONSENSUAL MONITORING CONSENT FORM**  
**Video Recording**

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

I (Name of Consenting Party) \_\_\_\_\_ of (Address  
Of Consenting Party) \_\_\_\_\_ hereby

authorize the following officer's (Name of Officer's) \_\_\_\_\_

\_\_\_\_\_ of (Name of Department) \_\_\_\_\_

\_\_\_\_\_ to install a closed circuit television (CCTV) or other

video recording devise in a premises located at (Address of Location to be

Monitored) \_\_\_\_\_ to view

(Description of Location to be Viewed) \_\_\_\_\_

\_\_\_\_\_ for the purpose of viewing and or video recording any

activity that I may have with (Name of Suspects) \_\_\_\_\_

and others as yet unknown on or about the date of \_\_\_\_\_.

I have given this written permission to the above named officers knowingly,  
voluntarily, and without threats or promises of any kind.

Consenting Party Signature:  
\_\_\_\_\_

Signature of Witness #1:  
\_\_\_\_\_

**(All signatures in blue ink)**

Signature of Witness #2:  
\_\_\_\_\_

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Overt Electronic Recording                              | <b>Policy Number:</b> 7.09 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

The Polk County Sheriff's Office will use overt electronic surveillance techniques and equipment whenever reasonably necessary to deter crime and provide a record of events that might be used as evidence in a criminal case.

**DEFINITIONS:**

*Covert:* An electronic device is *covert*, when it is hidden from normal view or otherwise secreted away, and at least one of the individuals to be recorded has a reasonable expectation of privacy. Examples of covert recording devices are body recorders or transmitters, miniature closed circuit television [CCTV], or parabolic microphones. For department guidelines on covert surveillance see our policy on Covert Electronic Recording.

*Overt* surveillance: Is the use of electronic or photographic equipment that is not hidden from general view, regardless of whether or not the suspect actually sees the monitoring device or knows of its' existence. Examples of overt surveillance devices include:

1. CCTV mounted in hallways, parking lots, waiting rooms, etc;
2. Officers carrying a tape recorder in their hand or placing it on a table;
3. CCTV equipment mounted in a patrol car; or
4. Use of handheld video camera.

*No or low expectation of privacy* – In some instances residents have no or low expectation of privacy to include:

1. Officers recording telephone conversations where they are a party to the conversation;
2. Officers recording face-to-face conversations where they are a party to the conversation;
3. Recording information at a crime scene;

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4. Monitoring and recording public hall ways, elevators, rooms [less restrooms], of a public building, including department facilities;
5. Monitoring and recording sobriety tests;
6. Recording of voluntary statements made by victims, witnesses, or suspects; and
7. Recording routine traffic stops with portable or fixed recording equipment.

## **PROCEDURES:**

### **Use of Recording Equipment:**

Officers may utilize during both routine and special investigation *overt recording equipment* when the recording equipment is generally in view or when there is *no or low expectation of privacy*.

*Overt recording equipment utilized by officers may be issued by the department or carried as personal equipment. Such overt recording equipment may include:*

1. *Personal hand held tape recorders;*
2. *Personal handheld CCTV recorders;*
3. *CCTV mounted in department hallways, interview rooms, and assembly areas;*
4. *CCTV or audio recording equipment installed in patrol cars; and*
5. *CCTV equipment installed in sobriety test rooms.*

### **Personal tape Recorders:**

Officers may carry and use personal tape recorders or portable video cameras. These devices have many administrative uses including note taking, dictating reports, or recording accident details. When using these devices officers may use their own discretion regarding retaining video or audiotape. If the tape can be used as criminal evidence the tape will be saved and secured as any other evidence. Otherwise the tape may be used again after one week.

### **Evidence and Recording Tape Rotation:**

Surveillance tapes from patrol units, department CCTV installations, and other similar devices will be maintained for thirty days, before they are reused. Only tapes that lack evidentiary value will be placed back in inventory and reused. Recordings that have evidentiary value will be tagged and stored as any other evidence until the case is closed.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|  |                            |
|--|----------------------------|
| <b>Subject:</b> Canine Operations                  | <b>Policy Number:</b> 7.10 |
| <b>Issue Date:</b>                                 | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature:</b> |                            |

**POLICY: CANINE UNIT**

The mission of the Polk County Canine Unit is the same as that of the Polk County Sheriffs Office; in general, the prevention of crime, protection of life and property, and the apprehension of criminals; but, using the means unique to the trained canine. One of the greatest values, and the most difficult to measure or evaluate, is the deterrent effect of the Canine Team. Any criminal on foot realizes that he cannot outrun or outfight a trained canine and has very little chance of hiding once the canine is on his trail.

The community relation's value of the Canine Team is well known. Few branches of the Polk County Sheriffs Office inspire more interest among people of all ages than the canine and its handler. Properly presented to the public, the canine program is welcomed and appreciated. The program epitomizes the high standards of courage and security that most citizens value. It is the goal of the Polk County Narcotics Canine Team to be the criterion for trained canine teams, and to represent the Polk County Sheriffs Office on all occasions in a manner to reflect credit on themselves and this Office.

**SELECTION OF CANINE OFFICERS**

Departmental personnel desiring assignment will submit an inter-office request through the Personnel Office and submit an application. No transfer request will be honored until the concerned officer has completed two years of service in the grade of Police Officer. Personnel requesting transfer to the Canine Program must be in good physical condition and weight must be in proportion to height. The applicant must reside in his own home, which provides sufficient yard space for the dog, unless the canine training officer, canine supervisor and Chain of Command approve other satisfactory arrangements. The applicant's family must be interviewed as to their desire of having a dog in the household. When an opening for a Canine Officer arises, the Canine Supervisor will post an announcement outlining the selection process to be used to fill that opening unless a deviation from this standard is approved by the canine Chain of Command. Once an officer has been selected to the Canine Unit and is placed with a

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canine partner, the officer will abide by the following agreement for work hours and compensation.

- 1) While it is understood that the amount of time it takes officers in the Canine Unit to care for their animals varies from day to day and week to week, officers agree that the care they will provide is expected to average five (5) hours per week. Those hours of special duty consists of the care, cleaning, and maintenance of the canine and equipment. These special duties may be performed at the officer's home or any other suitable location. In the event an officer discovers that more or less time is routinely required, then the officer shall report that information in writing to the Chief and the Sheriff so that appropriate action can be taken.
- 2) Officer's regular duty begins at the time the officer leaves home with the canine for the start of each shift. All travel time with the canine to and from duty locations is included as part of the officers regular duty.
- 3) Mandatory training of officers and canine as a team (currently at least 16 hours per month) is conducted while on regular duty.
- 4) Veterinarian visits are made while on regular duty, if possible. If this is not possible, the officer will be compensated for this time.
- 5) Other time spent with the canine, i.e., on walks or at family outings, shall not be considered part of the officer's workweek, and is non-compensable as off-duty recreation.

## **STANDARDS FOR SELECTION OF POLICE CANINES**

- 1) Police Canines trained for patrol duties will be of either sex and preferably one of the following breeds.
  - a) German Shepherd,
  - b) Belgian Malinois, or
  - c) Dutch Shepherd.

Other breeds may be considered on an individual basis by the canine training officer and the canine Supervisor.

- 2) The canine shall be no younger than one year of age upon entry into the program.
- 3) The canine should stand a minimum of twenty-four inches high at the shoulders and weigh at least sixty (60) pounds.

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- 4) All prospective canines shall be tested by the canine training officer for all traits consistent with the highest level of performance for a Police Canine.
- 5) Prior to acceptance, all prospective canines shall be checked by a veterinarian for:
  - a) Internal parasites;
  - b) Kidney function;
  - c) Subluxation (hip condition); and
  - d) Any other physical defects.
- 6) The Chief or the Sheriff may approve deviations from these requirements.
- 7) All canines in the Polk County Sheriffs Office should maintain a current narcotic certification from a nationally recognized certifying organization.

### **PROCUREMENT AND DISPOSITION OF DOGS**

- 1.) Citizens may donate prospective canine dogs. Once a citizen donates a dog; however, the citizen “relinquishes all claims to the dog, even though the dog may not complete training.
- 2) Canine Officers may, at their own expense, and with the approval of the Canine Supervisor, provide their own dog.
- 3) With the approval of the Chief or the Sheriff, members of the Canine Unit may work with other Departmental Units or outside groups to raise funds for the purchase of Police Canine from a reputable outside vendor.
- 4) The handler of a Police Canine will have the option to take over ownership of the canine upon its retirement. If the Handler does not choose to take over ownership, the Canine Supervisor will attempt to locate a suitable owner for the canine with another canine handler, or other approved Police Officer of Law Enforcement Agency. If no suitable owner can be found, or the canine is determined to be unsuitable for placement, the canine shall be euthanized.
- 5) The Polk County Sheriffs Office can purchase a prospect, either pre-trained or untrained, for the purpose of being placed into the Polk County Sheriffs Office Canine Program.

### **DEPLOYMENT OF OFFICER CANINE TEAM(S)**

- 1) The canine handler should evaluate the seriousness of the offense in an attempt to determine if the canine team should be deployed; however, the canine team should not be restricted to utilizing the canine in felonious crimes only.

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2) Canine Teams should be used in accordance with the Polk County Sheriffs office policy for general police service and not limited to the following situations:

- a) Location and apprehension of burglars.
- b) Criminal cases where suspect(s) fled on foot.
- c) Prowlers.
- d) Lost persons.
- e) Intermittent patrol on foot in certain problem areas, such as schools and dark secluded areas not accessible to car patrol, and
- f) Detection of narcotics.

### **USE OF OFFICER CANINE TEAM(S)**

1) All dogs shall be under control at all times and should not be permitted to apprehend a person except in cases where that force is justified. No more force than necessary to make the arrest will be used.

2) Canines may be released to pursue and apprehend suspects under one or more of the following conditions:

- a) To search buildings for burglary suspects.
- b) To apprehend suspects who have used violence in the original crime for which they are wanted.
- c) To apprehend suspects who are armed or believed to be armed with a weapon.
- d) To apprehend suspects who have demonstrated a careless disregard for the safety of others in an attempt to flee or evade arrest either on foot or in a vehicle. If the canine team is involved in a vehicle pursuit it will be his responsibility to advise police dispatch that a canine team is in a position to deploy a canine when the pursuit terminates. Police dispatch will then advise the primary units in the pursuit that a canine team is involved in the pursuit.
- e) To prevent serious bodily injury, death or to stop an assault.
- f) To search large open areas that present a significant threat to the canine search team.
- g) To track suspects off leash when the seriousness of the offense poses a significant threat to the canine search team. Prior to deploying the canine in an off leash track the canine handler must have demonstrated his ability to control his canine partner and the canine training officer has observed, tested and pre-approved the canine team to be utilized in this manner.

3) Each handler will make a decision to deploy a canine partner based on training, level of control over the canine partner, and the parameters set forth by the canine training

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officer and the Canine Supervisor. It will be the personal responsibility of each canine handler to decide whether the canine can be deployed off-leash to apprehend a suspect safely without careless disregard for the safety of the canine, the patrol officers involved, or the uninvolved citizens.

- 4) No prisoner or any other unauthorized person shall be transported in a Police Canine Unit while a canine is on board.
- 5) Dogs will be secured for their own safety and the safety of others when not accompanied by the handler.
- 6) No one will be permitted to tease or antagonize the dog, or attempt to touch the dog, without the Canine Officer's consent.
- 7) The Canine Supervisor should give approval prior to any canine demonstrations.
- 8) Canine Officers will avoid areas of inflammatory situations such as areas of lawful assembly, picket lines, student gatherings, and riot situations without express permission from the supervisor in charge.
- 9) Canine Officers must be completely aware of his own dog's state of training and abilities to the fullest, and to avoid attempting to use the dog beyond his capabilities that might cause injury to the dog or others.
- 10) When a Canine Officer is requested at the scene, the officer making the request will explain the situation fully to him. Upon arrival at the scene, the Canine Officer will be responsible for determining whether the circumstances justify the use of a canine and determining the tactical utilization. Regardless of rank, the Canine Officer will be responsible for making the decision whether or not to deploy the canine unless otherwise directed by the Sheriff or Chief Deputy. The decision to not deploy the canine should be based on the handlers experience level, the technical / tactical feasibility of the utilization and where no threat to human life exists.
- 11) Canines will not be utilized in an extra job where the primary purpose of the extra job is to utilize the canine's training and abilities.
- 12) Canine Officers may take their canine on any extra job where the officer is employed regardless of their status as a canine handler and availability of the canine is desirable and reasonable.
- 13) At no time will a canine be used to intimidate a prisoner.

## **TRAINING STANDARDS FOR POLICE CANINES**

This section establishes a standard for the training of canines for the Polk County Sheriffs Office.

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1) The Canine Supervisor will be responsible for the Canine Training program and will designate a Canine Training Officer. The Canine Training Officer will have the responsibility and authority to train the canine teams. The canine handler has the responsibility of adhering to the Canine Training Officer's decisions and instructions regarding the canine training, If the training is done by an outside agency, the canine handler shall have the responsibility of obeying that agency's training officer and shall display a professional appearance and represent the Polk County Sheriffs Office to the best of his or her ability.

2) Upon the selection to the Canine Unit, a new handler will undergo a Canine Handler training period with the Training Officer. After the initial canine handler training, the Training Officer will make a recommendation to the Canine Supervisor that the new handler should continue training or be released to work with his canine with restrictions defined by the Training Officer. In the event that an experienced handler returns to the unit, the Training Officer may recommend to the Canine Supervisor that the handler be released to work with his canine prior to the conclusion of the canine handler training period. As soon as practicable, new handlers will attend a Handler Training Course conducted by an outside training school or academy, preferably by the vendor that supplied the canine assigned to the new handler.

3) Canine teams should display a high level of ability and control in the following areas:  
a) Obedience:

Heel on leash with automatic sit; walking, running, with or without outside distractions.

Heel off leash with automatic sit; walking, running, with or without outside distractions.

Down on command, while standing, walking or running with no aggressive distractions.

Stay, in a designated position, off leash at a distance.

Come, to the handler on command.

b) Man Work:

**Suspect Apprehension** - It will be the policy of the Polk County Sheriffs Office Canine Unit to employ a "Bite and Hold" technique of apprehension. Upon command the canine will apprehend a suspect by affecting a bite and holding the bite until given the release command by the handler. The handler may secure the suspect, then take control of the

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canine and give the command to release the bite. If the suspect is cooperative during the arrest the canine handler may secure the canine and then affect the arrest on the suspect. In the event that the suspect does not comply with the arresting officer after the canine is ordered off of the suspect, the handler may make the decision to have the canine re-engage the suspect. The handler must utilize good judgment, reasonable force and prudence in any situation where the canine has or potentially could be utilized to apprehend a suspect.

**Building / Area search** - The canine can be deployed into the search area and given the command to search for a person. The canine should conduct the search as directed by the handler, including but not limited to, returning to the handler upon command, searching areas specified by the handler, engaging an accessible suspect with the bite and hold technique, and giving an alert when an inaccessible suspect is located.

**Handler protection** - The canine should, from the down / stay position or upon release of the automatic vehicle door, respond to a threat to the handler and engage the threat with the bite and hold technique.

**Escort prisoner** - In the event that a handler is in the position to have to escort a prisoner without another officer as a back-up, the canine may be used to assist in escorting the prisoner. The handler will place himself between the prisoner and the canine. The canine will engage the suspect if the suspect attempts to escape or to assault the handler.

**Tracking / Trailing** - The canine should be capable of following a track / trail over multiple surfaces, varying weather conditions, during day or nighttime hours for indeterminate distances. Most tracks will be conducted on leash; however, if the canine search team is tracking in an environment that presents a significant threat to the canine search team the canine handler may choose to conduct the track off leash. It will be the responsibility of the canine handler to control the canine during this off leash track. His decision must be based on his training, the situation of the track, and the parameters set forth by the canine training officer and the Canine Supervisor. Prior to any off leash track the canine handler must consider the safety of the search team, perimeter officers and citizens who might be unknowingly in the track area.

**Narcotic Detection** - Canines assigned to the Narcotic Division will adhere to all rules and regulations set forth by the Polk County Sheriffs Office regarding canines. A canine handler assigned to the Narcotic Division will follow the Narcotic Division Chain of Command as well as the Canine Unit's Chain of Command. If the canine assigned to Narcotic Division is a dual purpose canine, the canine handler will be responsible for maintaining his canine partner's skills. The Narcotic Canine Handler will participate in the Department's organized training as division scheduling permits. The Polk County Sheriffs Office narcotic training aids will be secured in Narcotics Office with access limited to the Narcotics officers only.

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The-narcotic training aids shall be maintained by the Canine Training Officer.

The Canine Training Officer will be responsible for:

- 1) An accompanying officer's presence when he retrieves or returns the narcotic training aids to the storage safe in the Narcotics office.
- 2) Transporting the narcotic training aids to and from the training site.
- 3) Maintaining an accurate record of each training aid removed and replaced in the transportation containers.
- 4) Ensuring that each training aid is safely secured at the training site so that no canine can inadvertently come in contact with the training aid that could result in a medical emergency for the canine.

All Narcotic Canines should be able to detect varying amounts of the following narcotics:

- 1) Marijuana,
- 2) Cocaine,
- 3) Crack Cocaine
- 4) Meth

Canines should be able to detect these substances under varying conditions in buildings and in vehicles. The handler should be able to recognize the odor responses of the canine and call the alert at the appropriate time.

4) Specialty Canines - A specialty canine shall be any canine trained in one specific skill or a set of interrelated skills but specifically excluding any type of aggression or bite training. Examples of these types of canines are bomb detection canines and cold trail / track canines.

5) Once the Canine Team has satisfactorily demonstrated its abilities in each of the areas listed the canine may be utilized as a Police Canine.

6) After the initial training, each canine and canine officer will participate in regular in-service training exercises consisting of four (4) hours per week or sixteen (16) hours per month. This training shall include, although is not limited, to the following:

- a) Building Searches,
- b) Tracking,
- c) Criminal Apprehension,
- d) Narcotic Detection,

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- e) Officer Protection,
- f) Aggression Control, and
- g) Area Searching.

7) Canines and canine officers will be evaluated throughout the year to ensure that an acceptable level of ability and control is being maintained.

a) Should the canine fail to respond adequately during any training or deployment, steps shall be taken at the discretion of the Training Officer and Canine Supervisor to provide the additional training necessary to correct the deficiency.

b) Upon Completion of additional training, the canine will be evaluated to ensure that the deficiency has been corrected. If it is found that the canine is still performing at an unacceptable level, training will continue and the handler will be instructed as to the restrictions placed on the deployment of the canine.

8) Newly acquired canines that have been previously trained will be tested and evaluated for suitable by the canine training officer prior to being used for patrol and narcotic duty.

## **CARE OF THE CANINE**

1) Each canine officer will be responsible for grooming, feeding, and medical care of his or her canine. The canine's living quarters will be kept clean and sanitary, and kept secure to the degree that it will:

a) Ensure that the dog remains confined when the canine officer is not present, and prevent unauthorized persons from entering the canine's confinement area.

2) The Polk County Sheriffs Office will furnish food and veterinarians' care for the canine. Each officer will use the veterinarian specified by the Canine Training Officer.

3) Each canine will receive an annual vaccine for Distemper, Hepatitis, Leptospirosis, Para influenza, Rabies) and will be checked for Internal Parasites Semi-annually.

4) The canine handler must submit an IOC through the canine chain of command for approval of expenses for illnesses, operations or treatment that are not emergency in nature or specified herein.

The Polk County Sheriffs Office will authorize boarding the canine, if necessary, during the canine officer's vacation.

## **EQUIPMENT**

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The training officer will issue each officer: two leashes, a training collar, a harness, a 30-foot long line, and a grooming brush. These articles will be used only in training and handling the dog assigned to the canine officer. The purchase of any special equipment that is needed for training purposes shall be considered on an individual basis.

## **VEHICLES**

1) The canine officer will be assigned a County vehicle for use in transporting the police dog, while on duty as well as to and from the officer's quarters. The vehicle will be used in accordance with existing policies regarding the use of County vehicles. Each canine officer is subject to call-out at all times and shall keep the County vehicle in the best possible condition and ready for use at any time. It is the responsibility of the assigned officer to keep the vehicle in sanitary condition by cleaning the car, inside and out. At no time will a canine handler smoke or allow any person to smoke in the canine handlers' assigned unit.

## **TEAM DEMONSTRATIONS**

The main purpose for a demonstration is to show the canine team's abilities and represent the Polk County Sheriffs Office in a manner reflecting credit on them and the Sheriffs Office. Guidelines are so that injuries may be prevented and to ensure good relations with the Public by presenting a safe and interesting demonstration. The canine handler should obtain approval from the Canine Supervisor before any demonstration. To ensure complete safety at these demonstrations, the officer will at no time permit citizens to touch or come close to the canine.

Any agitation and attack demonstrations should be limited and on leash with approval of the Canine Supervisor. At no time should the canine officer let his canine off leash at a Public demonstration unless the canine is enclosed in a secured area. The rule can be excluded if it is a demonstration to another department. Working the canine off leash often depends on the size of the crowd and the size of the demonstration area. At no time should the canine officer allow citizens to handle his narcotic device.

At all times during working hours the narcotics officer will bring his assigned canine to work with him unless other alternatives have been made with his or her supervisor.

## **CANINE USE IN CORRECTIONAL FACILITY:**

Any use of canine teams in correctional facilities will require prior approval from the Sheriff, or his designee. The Canine Handler, Canine Supervisor, and Jail Administrator or his designee, shall be present during the use of the canine in the correctional facility. Before the canine enters the correctional facility, all inmate movement shall cease while the canine(s) are being utilized in the correctional facility.

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Texas Law Enforcement  
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|   |                            |
|---|----------------------------|
| <b>Subject:</b> Special Response Team,<br>[S.R.T.]                      | <b>Policy Number:</b> 7.11 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Polk County Sheriff's Office will utilize a Special Response Team [S.R.T.] Team and tactics in high-risk situations involving threat of human life.

**DEFINITIONS:**

*Inner Perimeter:* A containment area immediately surrounding the situation location that minimizes and controls movement of suspects within that area. Inner perimeter should be sufficiently large to reasonably limit threats to human life, yet small enough to facilitate control and management of the threat.

*Outer Perimeter:* A large area that surrounds the inner perimeter and prohibits unauthorized vehicular and pedestrian traffic from reaching the inner perimeter. The outer perimeter should be configured to afford protection and safety to those outside the perimeter boundaries.

*Control Zone:* The space between the outer perimeter and the inner perimeter. Officers manning the outer perimeter may allow authorized persons into the *control zone* for restricted purposes as authorized by the incident commander. Depending upon the specific geographic circumstances, all bystanders, residents, merchants, non-involved police officers, and others will be evacuated from the inner perimeter and the control zone, or sheltered in place if evacuation is not possible or desired.

*Debriefing:* The presenting of all pertinent information for a formal report.

**PROCEDURE:**

**Response Situations:**

Following authorization of the Sheriff or designee, S.R.T. team members will respond to the following high-risk situations including, but not limited to:

1. Barricaded persons;

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2. High-risk arrests;
3. High-risk searches;
4. Hostage situations;
5. Personal security;
6. Search & rescue;
7. Special events;
8. Stake outs;
9. Terrorist threats or attacks;
10. Threatened suicide intervention; or
11. Any other activity or situation deemed appropriate.

**Selection of S.R.T. Members:**

Officers wishing to work as a part of the S.R.T. team must:

1. Have two years experience with a law enforcement agency within Polk County;
2. Be able to function effectively as an integral part of a law enforcement team;
3. Be able to follow orders without hesitation or delay;
4. Submit a written request for consideration to the S.R.T. team leader which contains:
  - a. Reason for requesting assignment; and,
  - b. An outline of specialized skills, interests, or training that would benefit the team.
5. Achieve an overall rating of at least *good*, as adjusted for age, on the agency physical fitness evaluation;
6. Have *unrestricted duty and training* medical status;
7. After meeting the above requirements, request an oral interview with the S.R.T. team leader and Sheriff or designee; and
8. If selected, voluntarily submit to increased random drug testing and an annual medical examination.

**Training:**

Specialized training of team members will include:

1. A minimum of eight [8] hours per month. Plans are evaluated and approved by the Chief Deputy at least fifteen [15] days prior to each training session.
2. Participation in the physical fitness program. Those who fail to meet the fitness standards will be prohibited from participating in S.R.T. activities. Any officers who do not pass the physical standards within 60 days after initial failure will be removed from the team.
3. The *negotiation officer* will attend or conduct training in negotiations of incidents, verbal skills, and entry team drills at least monthly.

S.R.T. operations are a team effort, and teamwork is critical to the safe and efficient

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accomplishment of assigned missions. All members of the team will attend required training. Officers unable to complete required training will be placed on probation from team assignments until the training deficiency is corrected or permanent reassignment is made. Training exercises will be realistic and emphasize functional teamwork. Training will be recorded in a monthly report and kept on permanent file.

### **Firearms:**

The use of and proficiency of firearms is an integral part of S.R.T. training, therefore the following guidelines will be maintained:

1. Team members will maintain an award rating of expert, and proficiency with all Department and personal firearms carried during S.R.T. operations.
2. Only approved weapons and ammunition will be carried during S.R.T. operations.

### **Equipment:**

Specialized equipment is also an integral part of the S.R.T. mission. To ensure a successful resolution of tactical operations and officer safety, the agency will provide individual and team equipment. Issued equipment will be stored at Polk County Sheriff's Office or maintained by officers as directed by the S.R.T. team leader and inspected monthly by the team leader or his designee to ensure operational readiness. Any personal equipment not issued by the department must first be approved by the team leader, and record of this approval will be placed in the individual officers personnel file.

### **Jurisdictional Responsibilities:**

Any high-risk situation in which a hostage victim is a *foreign official* or an *official guest of the United States*, or when the commission of federal crimes are involved may require concurrent jurisdiction between a federal agency and our department. During operations where responsibility is *concurrent*, every effort should be made to insure mutual agreement prior to conducting tactical operations. In those instances where a question of *tactics, approach, or civil rights* cannot be resolved, the incident commander will relinquish control of the situation to federal agents and withdraw agency personnel from the scene. Under no circumstance will Agency S.R.T., patrol, or other officers perform any act at the direction of Federal officers that violates departmental general orders or codes of ethics.

### **Responsibilities - Initial Scene Supervisor:**

Before S.R.T. responds to high-risk situations, the on-scene supervisor will:

1. Notify dispatch of the situation and request back-up units including *patrol, S.R.T., fire department, and emergency medical services*;
2. Attempt voice contact with the suspects or endangered parties to collect critical information about the situation;
3. Evacuate injured parties and bystanders, unless evacuation attempts are likely to result in a greater risk of injury to citizens or officers;
4. Establish an *inner perimeter, outer perimeter, and control zone*;

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5. Establish a *command post* and *staging area(s)*;
6. Relay information about the situation to dispatch including, but not limited to, *location of possible hostages, description of suspects and their weapons, possible avenues of escape, and safe locations for additional units to respond*;
7. Instruct the police dispatcher to notify appropriate personnel, advising them to report to the command post location;
8. Direct all responding personnel to the command post for assignment;
9. Remain at the command post to:
  - a. Supervise officers assigned outer perimeter duties; and
  - b. Assist in documentation of official reports.
10. Detain all witnesses for debriefing.

**Responsibilities - S.R.T. Team Leader:**

In response to high-risk situations, it will be the responsibility of the S.R.T. team leader to:

1. Report to the Incident Commander (IC) under the Incident Command System;
2. Debrief incident upon arrival;
3. Debrief officers, witnesses and other responders, and relocate key individuals for later access or assistance;
4. Take command of the inner perimeter, limiting access to authorized personnel;
5. Establish a forward command post with necessary equipment;
6. Develop plans for *containment, negotiations, or decisive action* as the situation warrants;
7. Determine short and long term objectives and mission requirement;
8. Direct operations regarding the employment of S.R.T., department, and support units, to include minimum levels of force and deadly force necessary to accomplish the mission; &
9. Ensure proper documentation of all events through conclusion.

**Responsibilities - Special Response Team Officers:**

Arriving to the scene of a high-risk incident, S.R.T. team members will:

1. Relieve other officers on the inner-perimeter;
2. Evaluate the threat, and prepare verbal or written intelligence and scouting reports for the S.R.T. team leader;
3. Locate and isolate suspects;
4. Assist in removal of non-essential persons out of zones of danger;
5. Carry out *containment, assault, arrest, negotiation, or other* plans as directed by the S.R.T. team leader, with minimal injury to officers, citizens, or suspects;
6. Relocate perimeter containment if the suspect moves; and

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7. Employ minimum levels of force necessary to accomplish the assigned mission, as directed.

**Responsibilities – Chief Deputy:**

The Chief Deputy or his designee is the Incident Commander (IC), and is the final authority at high-risk incidents. His responsibilities include:

1. Maintaining liaison with other concerned agencies and jurisdictions;
2. Gathering intelligence from debriefings and scouting reports;
3. Establishing strategic priorities for the mission;
4. Authorizing the use of deadly force, and discharge of firearms;
5. Ensuring departmental resources are available for the successful conclusion of the mission;
6. Assisting the S.R.T. team leader in developing and analyzing strategy or contingency plans;
7. Requiring, collecting, and analyzing *incident* and *supplemental reports* from all S.R.T., and other officers a the scene; &
8. Conducting *critical incident review analysis*, and preparing and submitting revisions to policies & procedures, as discretion dictates.

**Critical Incident Review:**

S.R.T. actions will be critiqued and evaluated at a debriefing immediately following the incident, and in a critical incident review analysis conducted by Chief Deputy. The purpose for these evaluations is to improve law enforcement services to the community while minimizing the threat to innocent life.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Juvenile Curfew Violations                              | <b>Policy Number:</b> 7.12 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

It is the policy of Polk County Sheriff's Office to effectively enforce and report juvenile curfew violations in a consistent, fair, and uniform manner.

**PROCEDURES:**

**Confronting Potential Violators:**

Upon observation of a juvenile who is in possible violation of the curfew ordinance, an officer will take the following steps:

1. Request juvenile's name, age, date of birth, address, and provide the dispatcher with location of potential violation, number of persons involved and their identity or physical description.
2. If the individual is violating curfew restrictions, determine why the youth is out, where he or she has been, and where he or she is going.
3. Inform them a violation of the curfew ordinance or law has occurred.
4. Determine from communications whether the individual has outstanding warrants and whether he or she has been previously cited for curfew violations.
5. If the individual has two prior curfew violations, consideration may be given to detention of the juvenile as an alternative means of enforcement.
6. In all cases where curfew violations have been identified, the officer will complete the appropriate departmental record of the violation.

**Enforcement Options:**

The following courses of action may be taken at the officer's discretion:

1. The violator may be directed to proceed directly home:
  - a. For a first offense;
  - b. When the circumstances of the violation suggest a reasonable attempt on the part of the juvenile to conform with the ordinance or law; or
  - c. When the officer feels that the individual will proceed home as directed.

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2. If directed to proceed directly home, the officer will present a copy of the violation to the youth and provide counseling on the purpose and intent of the *curfew ordinance* and the potential law enforcement response to future violations.
3. The violator may be transported home:
  - a. If the juvenile has more than one curfew violation;
  - b. When there are indications that the juvenile has purposely ignored the ordinance or law;
  - c. When the officer has suspicion that the juvenile will not proceed home;
  - d. When the officer decides that he needs to make personal contact with the youth's parents or guardian; or
  - e. When there is a question concerning the whereabouts of the parents or their ability to provide proper supervision or control of their child. (*Note:* In this case, arrest and referral to juvenile authorities may be a reasonable and prudent option.)
  - f. When the officer determines the juvenile may be a risk enroute to their home.
4. If the juvenile is transported home, the parent or responsible adult should be contacted, informed of the circumstances of the violation, the nature and purpose of the ordinance or law and potential consequences of future violations. A copy of the violation should be given to the parent or guardian, who should sign the original. Unwillingness of the parent or guardian to sign will be noted on the violation or warning notice.
5. Detention of a curfew violator should be made when the youth has two or more prior curfew violations or when:
  - a. The juvenile's past delinquent or juvenile history demonstrates a pattern of disregard for the ordinance or law; or
  - b. Circumstances of the offense, such as the time and location of the violation, provide *reasonable suspicion* of intent to commit additional delinquent or criminal acts.
6. Officers may use discretion concerning arrest for any curfew violation. Officers should always explain the basis for their arrest decision.
7. When juveniles are arrested, they will be transported to the appropriate holding area where their parents or guardian will be contacted as soon as possible for pickup. Such detention will conform to Polk County Sheriff's Office policy on legal detention of juveniles.
8. If the juvenile's parents or guardian cannot be contacted within the prescribed period of time allowed for such detention, the youth will be transported to this jurisdiction's juvenile care facility. The officer's incident report will indicate the juvenile authority's final disposition of the case.

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**Reporting and Follow-up Requirements:**

To adequately evaluate the effectiveness of the curfew ordinance and its impact on crime in this community and to provide information for the tracking of curfew violators, it is essential that the following reporting and follow-up activities be performed:

1. Officers will submit a report of a curfew violation in which a citation has been issued or a juvenile is detained. The report details:
  - a. Name and place of residence of the violator;
  - b. Time, place, and circumstances surrounding the violation;
  - c. Actions taken by the officer with respect to the violator;
  - d. Any citations or warnings issued to the juvenile, parents or guardians;
  - e. Final disposition of the incident; &
  - f. Any other pertinent information.
2. Supervisors review curfew reports for completeness and use this information as necessary to identify current or potential problem areas or individuals.
3. A designated officer sends a notice of violation by first class mail to any parent or guardian who was not personally served with a notice by the detaining or reporting officer. The department may use these reports to:
  - a. Identify current or potential juvenile problem areas, such as common locations and/or establishments where violations are frequently taking place; &
  - b. Inform proprietors or others of their responsibility to discourage and report identified curfew violators.
4. Polk County Sheriff's Office officers are responsible for the filing of curfew violation reports, and other related duties involving juvenile curfew violators.

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|---|----------------------------|
| <b>Subject:</b> Juvenile Procedures                                     | <b>Policy Number:</b> 7.13 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

Officers and employees will take steps to positively influence juvenile offenders and non-offenders whenever possible. Officers must be aware that juveniles are a protected class, and as such cannot surrender protection guaranteed by the State and U.S. Constitution.

**DEFINITIONS:**

*Juvenile Offender:* A young person who has not yet attained the age at which he or she should be treated as an adult for purposes of criminal law who:

1. Violates a state or federal law, or municipal or local ordinance;
2. Engages in disobedient, immoral, or indecent behavior;
3. Is in need of treatment, rehabilitation, or supervision;
4. Has runaway from home or lawful place of residence without just cause;
5. Is beyond the control of parents or a legal guardian; or
6. Has been habitually truant or overtly defiant in school.

*Status Offender:* A juvenile who is charged with an offense that would not be a crime if committed by an adult.

*Responsible Adult:* In the absence of the juvenile's parents or legal guardian, an adult with reasonable physical and mental capacities who is:

1. Responsible for the physical custody of a juvenile;
2. An acquaintance of the juvenile's parents; or
3. Able to reasonably demonstrate supervision for the juvenile until parents, legal guardian, or next of kin can assume that responsibility.

*Non-secure Custody:* A condition under which a juvenile's freedom of movement is controlled by members of Polk County Sheriff's Office, and when the juvenile:

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1. Is held in an unlocked, multi-purpose area, such as a report-writing room or office;
2. Is at no time handcuffed to any stationary object;
3. Is held only long enough to complete identification, investigation, processing, and then released to a responsible adult, transferred into a juvenile facility, or court; &
4. Is under continuous visual supervision until released.

*Secure Custody:* A condition in which a juvenile is physically detained or confined in a locked room, set of rooms, or cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody.

## **PROCEDURES:**

### **Conditions of Custody:**

Juveniles, regardless of their detention status, will always be separated by *sight and sound* from all adult witnesses, detainees, prisoners, or inmates. There are no exceptions to this policy. This policy applies at all times the juvenile is being detained, including transport.

### **Enforcement Alternatives:**

Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion in deciding on appropriate actions. Alternatives that may be considered and employed include:

1. Release without further action;
2. Informal counseling, advising the youth of the consequences their actions;
3. Informal referrals to community services;
4. Referral to parents or a responsible adult;
5. Informal counseling of parents or a responsible adult;
6. Limited custody and a *station house warning*;
7. Issuance of a summons or complaint;
8. Arrest under non-secure custody; or
9. Arrest under secure custody.

### **Enforcement Criteria:**

The following general guidelines may be used in determining the appropriate enforcement or crime deterrent action when dealing with juvenile incidents.

1. Referring juveniles to their parents or community resources may be appropriate following release or informal counseling by the officer. Such action may be taken in incidents where property damage or personal injury is not involved, but intervention is necessary to avoid potential delinquent actions, or when the youth has had no prior enforcement contacts. Examples of these incidents include, but are not limited to:

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- a. Curfew violations;
  - b. Loitering;
  - c. Minor liquor law violations; or
  - d. Disorderly conduct.
2. Officers may elect to transport the youth home or direct him to return home and may make personal, telephone, or mail contact with the youth's parents or guardians to provide them with information and counseling on their child's actions; refer the youth to appropriate community service agencies with or without follow-up; or detain the youth at the station house until he is released to a parent or guardian if the:
  - a. Incident is of a serious or potentially serious nature;
  - b. Youth is fully aware of the seriousness or potential seriousness of actions and/or is acting in alliance or collusion with others to commit such acts;
  - c. Youth fails to cooperate or to positively respond to intervention efforts and directions;
  - d. Youth has prior informal warnings for engaging in delinquent acts; or
  - e. Youth's parents or legal guardian have apparently failed to provide appropriate control and supervision.
3. Officers may file delinquency charges against a juvenile when the act:
  - a. Would be considered a felony if committed by an adult;
  - b. Involves deadly weapons;
  - c. Is a serious or potentially life threatening gang-related offense;
  - d. Involves assault;
  - e. Occurs while the juvenile is on probation, parole or when they have charges pending against them; or the juvenile is a repeat offender;
  - f. Juvenile refuses to participate in diversion or intervention programs; or
  - g. It has been determined that parental or other adult supervision is ineffective.
4. An officer may also take a juvenile into custody if the youth is lost, seriously endangered, or is a runaway. The following guidelines will be followed for any juvenile reported as a runaway:
  - a. Confirm juvenile as a runaway through departmental reports, NCIC, or some other means.
  - b. Take juvenile into custody and transport to the department. If no departmental reports or NCIC data exist, release the juvenile.
  - c. If transported, the juvenile intake or probation officer will be contacted for further direction such as incarceration or transport to a children's center.
  - d. Complete an incident report.

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- e. Copy all documents concerning juvenile contact and forward to Juvenile Probation Officer.
  - f. Delete runaway from NCIC records. If the juvenile has been entered into NCIC by some other police agency, notify that agency for deletion of the entry. The police agency in question can also provide other useful information concerning the juvenile, and make further contacts as needed.
  - g. Notify parents or guardian of the juvenile's status and location.
5. In cases of alleged child abuse, officers will contact a youth officer or their immediate supervisor in order to conduct an investigation of the complaint, unless probable cause justifies immediate action to protect child.

**Status Offenses:**

The following guidelines apply to all *status offenses* committed by juveniles:

1. Based on the seriousness and circumstances surrounding the offense, background and demeanor of the juvenile and other relevant factors, an officer may release a juvenile to his parents, guardian or another responsible adult. This is a matter of officer discretion.
2. Juveniles taken into custody for status offenses will be frisked prior to being transported and may be handcuffed or restrained if, in the discretion of the officer, the juvenile poses a physical risk to the officer, themselves or others.
3. Officers will pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.
4. Held in *non-secure custody* as provided by state law and for the briefest time necessary to conduct identification, investigation, and related processing requirements to facilitate their release to a parent, responsible adult, or transfer to a juvenile facility.
5. Transportation of a juvenile in a caged vehicle is not secure custody.
6. Status offenders and other juveniles taken into *temporary non-secure custody* for non-criminal type offenses will not be fingerprinted or photographed for purposes of establishing or supplementing criminal records.
7. Status offenders in temporary custody will:
  - a. Not be placed in a holding area within *sight or sound* of adult suspects or detainees;
  - b. Be maintained under constant visual supervision;
  - c. Have reasonable access to toilets and washing facilities;
  - d. Be provided food if in need of nourishment to include any special diets necessary for health or medical purposes;
  - e. Be provided any medication or necessary emergency first aid by a licensed doctor;
  - f. Be provided with reasonable access to water or other beverages; &
  - g. Be allowed reasonable access to a telephone.

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**Criminal Offenses:**

Juveniles who have committed, or have been accused of committing, criminal offenses will be:

1. *Provided all appropriate warnings* (See Civil and Constitutional Warnings Policy) including Miranda and any department, state, court ordered juvenile warnings, or Magistrate warnings (if required);
2. Subject to the same security requirements as adults and may be handcuffed or otherwise restrained as necessary during transport and processing;
3. Fingerprinted and photographed. The fingerprint card and *mug shot* will be marked "*Juvenile*" and maintained in this agency's central repository for such purposes, separate from adult fingerprints and mug shots and subject to *controlled dissemination*.

Juveniles placed in secure detention, whether in cells, locked rooms, or other locations, will be:

1. Separated by *sight and sound* from any incarcerated adults, and juveniles of the opposite sex;
2. Informed of the estimated time they will be in detention;
3. Provided with constant auditory access to officers responsible for their supervision; &
4. Personally observed by supervisory personnel on both a routine and unscheduled basis no less than every 30 minutes.

A juvenile in custody will not be questioned about an alleged criminal act without the presence of his parent, legal guardian, or attorney. In such instances, the juvenile and the adult will be advised of their constitutional rights prior to interrogation. If, prior to or during questioning, the juvenile, his parents, or legal guardian express the desire to *speak with an attorney*, all questioning will cease and will not be renewed until an attorney, has been secured, and the attorney allows the questioning to continue. In the absence of a parent or guardian, the officer will document in the report **what steps were taken to notify the parent or guardian**, at that point a juvenile may be questioned and may provide statements after a *magistrate* has provided warning to the juvenile.

Interrogation of juveniles should not extend over periods of time that could be considered unreasonable or harassing. Interrogation should be conducted by one officer at a time whenever possible. Officers should inform juveniles of the procedures that will be followed with regard to custody, release, and transport to another facility, or to a custody hearing.

**Juvenile arrested on warrant:**

When conducting warrant arrest of juveniles:

1. See and comply with items in Criminal Offenses Section, above; &

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2. Advise juvenile of constitutional rights at first opportunity;
3. Take juveniles before the court that issued the warrant as soon as possible;
4. Contact a juvenile intake officer concerning the arrest, if after regular court hours or on a weekend;
5. Notify parents or guardian; &
6. Delete arrest warrant from departmental records if entered into the NCIC.

If the arrest warrant was entered into the NCIC by some other police agency, contact that agency and advise of the arrest.

### **Parental Liability:**

A parent or guardian may be liable for property damage done by a child in their care, custody, and for whom they exercise discipline, if the parent was negligent in their care, custody, and discipline, or the child willfully and maliciously damaged property.

### **School Related Offenses:**

A child engaging in conduct that is considered a prosecutable offense on property owned by a school district or at a school-sponsored event will be referred to the juvenile court for charges. The department will report verbally to the superintendent of the child's school within 24 hours or on the next school day any instance of a child taken into custody for a criminal offense. A written notice will be prepared and sent to the superintendent of the child's school within 7 days of the verbal notification.

### **Emergency Medical Aid:**

Juveniles in custody who are believed to suffer from serious physical conditions or illnesses that require prompt treatment will be referred to emergency medical services for evaluation and treatment. Officers have the authority to *consent to treatment* of a juvenile who is in need of immediate medical attention.

### **Disclosure of Juvenile Records:**

Records of juveniles are confidential and may not be disclosed to the public except for reporting criminal activity of juveniles to a school superintendent. Records may be inspected by other law enforcement and juvenile justice agencies having legitimate reason to view the records. The records of juveniles missing from home may be forwarded to NCIC for dissemination nationwide. Any records or files pertaining to juveniles will be sealed upon court order. Upon receipt of a court order, the department will forward all records to the court and delete all index references. Records pertaining to juveniles will be disposed of according to the approved records management schedule of the department.

### **Record Keeping:**

Officers who select non-custodial alternatives or engage in informal enforcement contacts with juveniles will complete appropriate field interview and incident reports for each contact. These reports will clearly identify the juveniles involved, the nature of the incident, and the rationale for the officer's disposition.

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Juveniles taken into custody for criminal offenses will be subject to the same reporting requirements as adults. Such reports will be clearly marked "*Juvenile*," will be maintained separately from adult arrest records and will be subject to state law regarding dissemination and access. A custody record will be maintained with each juvenile arrest report that specifies:

1. Time juvenile entered *secure detention* and the duration of each detention;
2. Type of restraining device, if any, used;
3. Name of the officer responsible for visual supervision, and schedule of visual supervision, if the juvenile is placed in a locked room or cell;
4. Statement of the need for secure detention;
5. Confirmation that juvenile was provided all warnings;
6. Time periods of any interrogation, and the officers, parents, legal guardian, or attorney present.

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**Polk County Sheriff's Office**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> School Liaison  | <b>Policy Number:</b> 7.14 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

It is the policy of the Polk County Sheriff's Office conduct investigations, and carry out police-related business on school property in conformance with the authority and responsibility of school officials to protect children in their charge and manage the school environment.

**DISCUSSION:**

Responding to calls for service, or conducting investigations on school property, requires understanding the authority and responsibility of school administrators, and the related limitations and requirements placed on law enforcement officers by law.

School administrators work under the authority of the school board, which derives its authority from the state legislature, and promulgates board rules that determine how children will be educated in most facets of the education process. Policies and procedures concerning *curriculum; dates and hours school will be attended; attendance requirements; holidays; and security and law enforcement support for school property and school sponsored events* are examples. Carrying out these policies and procedures shapes the management responsibilities entrusted to the superintendent of schools and principal of each campus.

School officials are charged with *en loco parentis rights and responsibilities*, meaning that school staff members stand *in the place of the parent* while students are at school and school functions. When considered in the context of an issue or question, school officials will usually ask themselves, "*What would a reasonable parent do in this situation?*"

Sworn law enforcement officers responding to calls for service on school property, or a school sponsored activity, do not have en loco parentis rights or responsibilities. Likewise, sworn law enforcement officers assigned to conduct school campus programs such as DARE, or carry out the duties of a school resource officer, or campus police officer, do not have *en loco parentis* rights or responsibilities. Non-sworn guards or security officers working for a school district may have en loco parentis rights and responsibilities, unless

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otherwise stated by the school board.

Absent a specific direction or request from law enforcement officials, school officials may elect to do the following, because of *en loco parentis rights and responsibilities*.

1. Conduct searches of lockers, automobiles, or other facilities on school property.
2. Search students and their possessions, and confiscate items that are illegal or not allowed on campus per Board policy.
3. Use electronic recording devices, including closed circuit television [CCTV], or one- or two-way intercom systems, to enforce laws or Board rules.
4. Use metal detectors or other screening devices.
5. Administer discipline through a variety of administrative and disciplinary options, as well as the juvenile justice system.
6. Control or deny access to school property, and enforce trespass.
7. Establish rules that regulate student behavior, dress, hair style and length, and limit items that can be brought to school.

Generally, school officials have discretion as to “if” and “when” they will report juvenile offenses to public law enforcement; however, most schools report serious violations of the law and violent crimes, and do not tolerate offenders.

#### **PROCEDURE:**

##### **General:**

This policy addresses:

1. Dealings with juveniles on school property during school hours, and during school-sanctioned events.
2. Law enforcement officers who are subject to these policies and procedures while serving in extra-duty security and related assignments for schools.

It does not pertain to juveniles legally using school facilities after school hours, or juveniles trespassing or committing offenses on school property after school hours

##### **Responding to Calls for Service:**

1. Officers responding to calls for service that are not imminently life-threatening will first report to the campus principal, and seek assistance and direction to the incident location. When practical, officers will ask the department dispatcher to arrange this contact and location.
2. When practical, seek counsel with the principal or assistant principal to determine various options available to the officer and school system for resolving juvenile crime or discipline issues.

##### **Interviewing/Interrogating Students:**

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1. Officers will not normally contact or seek out students on campus for alleged offenses that did not occur in conjunction with school activities. When possible, juveniles should be contacted before or after school hours at their place of residence, work, or while recreating.
2. Except in exigent circumstances, or in arrest situations as outlined in this policy, officers needing to detain or question youths on school property will first contact the school principal or assistant principal. To the degree possible, officers will explain the nature of their business and the exceptional need to meet with the youth(s) in question during school hours.
3. Generally, students will not be contacted by officers publicly in the school setting for purposes of questioning, unless an arrest is anticipated or reasonably possible. Youths to be questioned should be summoned by school officials to a private interview room or other appropriate area.
4. School officials may refuse officer's request to question a student in their charge, if no arrest warrant exists. Officers may be asked to contact the parents, guardians, or juvenile justice authorities with their request. Except in exigent circumstances officers will make efforts to comply with these requests.
5. School officials may be present as observers during interviews or questioning of students, if they request.
6. Officers will not enlist school officials or employees to conduct interviews, inquiries, or similar fact-finding activities as part of an investigation involving students. School officials who act at the direction of, or on behalf of, the interest of police constructively become *police officers*, and, as such, must abide by legal provisions pertaining to a police officer. Police officers are not precluded from questioning school officials regarding their knowledge of activities and similar matters about youths in their charge.

#### **Arrest/Removal of Students:**

1. Students will not be removed from school property without notifying the school principal, or his/her designate, or without an *arrest warrant* or *probable cause*. Officers are responsible for ensuring that the youth's parent(s), guardian(s), or a responsible adult is notified of the youth's removal, irrespective of the responsibility of school officials to make such notification.
2. Officers should avoid making arrests on school grounds when they may be made effectively elsewhere.
3. If it is necessary to arrest a juvenile on a school campus during class hours, officers will secure an arrest warrant, and notify the principal or his/her designate before making the arrest, unless exigent circumstances exist, or such notification jeopardizes the ability of officers to safely and effectively make the arrest.
4. Where possible, officers will not arrest juveniles on school grounds, if use of force is a reasonable possibility.
5. Arrest of students on school property should, to the degree possible, be conducted so as to minimize embarrassment to the student and disruption of school activities

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and functions. Officers should use handcuffs or other restraining devices when making arrests in schools whenever deemed necessary to ensure the security of juvenile arrestees, and safety of other students, the officers, and others.

### **Searching Students and Property:**

1. Police searches of students and their property on school premises are generally subject to the same legal requirements for a *search warrant* and *probable cause* as other searches. Exceptions to the search warrant requirement (e.g., consent to search, emergency situations) that apply to non-school searches also apply to school searches.
2. School officials cannot give police permission to search students or their possessions, and retain *en loco parentis* rights and responsibilities. Such circumstances constitute a police search, and become subject to the restrictions of a police search.
3. School officials, including school security officers, may conduct both routine and non-routine searches without a *search warrant*. In searching students' persons, the standard for school administrators, including security guards, is *reasonable suspicion*. A good deterrent practice will normally include routine searches of lockers, storage spaces, backpacks, and rooms on a random basis.
4. Searches conducted by school officials upon the request of, or with the active participation of police, require a search warrant.
5. At the request of school administrators, sworn law enforcement officers may accompany school officials who are conducting a search; however, the officers may not participate with school officials in the search either directly or indirectly.

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**Polk County Sheriff's Office**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Vehicle Roadblocks  | <b>Policy Number:</b> 7.15 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

Polk County Sheriff's Office may conduct vehicle roadblocks to promote roadway safety, alter or stop the flow of traffic during an emergency, or during instances of compelling law enforcement or public concern. Roadblock applications include *prison or jail escapes, apprehending persons suspected of committing dangerous acts, natural disasters, or when the need for stopping vehicles is substantial and outweighs the inconvenience or intrusion to motorists.*

**DISCUSSION:**

Law enforcement officers assigned to patrol public roads, have a general duty to protect the public. As such, officers may from time to time set-up roadblocks in the furtherance of these duties.

Fourth Amendment guidelines regarding *search and seizure* generally require officers to have *reasonable individualized suspicion* to stop and spot check vehicles for the primary purpose to detect evidence of ordinary wrongdoing such as possession of illegal narcotics. In this regard, the United States Supreme Court has upheld decisions for vehicle roadblocks that *systematically and briefly stop vehicles without individualized suspicion if the need is substantial and outweighs the intrusion to motorists.* Such roadblocks are typically designed to intercept illegal aliens, check vehicle safety equipment, or to remove obvious drunk drivers from the road.

**DEFINITION:**

*Moving Roadblock:* A temporary operation in which law enforcement or other authorized personnel slow or impede the flow of vehicle traffic at or below the posted speed limit for the intended purpose of controlling the movement of a particular violator.

*Roadblock:* A temporary operation in which law enforcement or other authorized personnel stop some or all vehicle traffic to halt traffic flow, inspect individual vehicles or their contents, to interview drivers or, an attempt to prevent the continued movement of a fleeing

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person.

## PROCEDURES:

### Safety-Check Roadblocks:

*Safety-check roadblocks* are only authorized in situations where a specific need for the roadblock operation has been identified by Polk County or State of Texas officials, including *identifying drunk drivers, verifying motorist proof of vehicle registration, insurance, or driver's license, or to intercept illegal aliens*. After the need has been determined, the Patrol Captain may plan and approve a safety-check roadblock. The Patrol Lt. or Sgt. will be present and control any *safety-check roadblock*. His responsibilities while the roadblock is being conducted include ensuring that:

1. Necessary warning lights or signs are provided:
  - a. To provide early warning alert to oncoming motorists of the roadblock; and
  - b. Near enough to the checkpoint that officers in patrol units can intercept those vehicles whose drivers are attempting to leave the scene.
2. Officer's working at any roadblock will have and use:
  - a. Reflective traffic safety vests;
  - b. Functional flashlights with orange traffic cones, if at night.
3. Policies & procedures regarding *search and seizure* are followed.
4. Safety-checks are performed as quickly and efficiently as possible.
5. The roadblock is:
  - a. On a section of road free of hills, curves, and similar visual barriers to oncoming traffic;
  - b. Visible to motorists from a distance, allowing ample time to slow-down and stop their vehicles;
  - c. Held during non-peak traffic times;
  - d. Temporarily discontinued if the safe and efficient flow of traffic is impeded;
  - e. Not conducted on the main portion of any controlled access or interstate highway; and
  - f. Never conducted as a multi-purpose effort, masking a *fishing expedition* for evidence of illegal activity instead of concentrating on the specific authorized purpose of the operation.
6. A system of stopping vehicles is established [i.e. - every vehicle, every other vehicle, or every tenth vehicle].

### Vehicular Pursuit Road Blocks:

Due to the obvious dangers inherent in the use of roadblocks in pursuit situations, officers

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of Polk County Sheriff's Office will utilize a stationary roadblock in direct support of vehicle pursuits only:

1. At the direction of the Sheriff or his designee; and
2. When the fleeing suspect has committed a violent felony and has exhibited extreme disregard for the lives and safety of the public in general.

The Communications Center will notify support units of the reason for, and location of the supporting roadblock. The dispatcher will insure that the principal pursuit vehicles acknowledge the location of the roadblock. If pursuing units do not acknowledge the existence of the roadblock, the supporting roadblock will immediately be abandoned. Vehicles other than Polk County Sheriff's Office vehicles will not be used as roadblocks. No one will remain in vehicles that have been placed as part of a stationary roadblock.

### **Moving Roadblocks:**

Officers of Polk County Sheriff's Office may employ *moving roadblocks*:

1. At the discretion of the Sheriff or designee; and
2. When the fleeing suspect has forced or attempted to force passage through a stationary roadblock.

In order to reduce the chances of vehicle damage, injury to officers, or members of the public, officers may employ one or more of the following *moving roadblock* methods:

1. *Blocking*: In a pursuit of moderate speed, blocking can be accomplished by positioning a vehicle in front of the violator and another beside the violator. In this process, speed is gradually reduced until the violator is stopped. Officers will use reasonable efforts to avoid actual contact with the violator vehicle.
2. *Creating slow moving traffic*: In a pursuit situation, slowing or impeding the normal flow of traffic may accomplish reducing the movement options of the wanted vehicle. In this process, department vehicles not involved in the pursuit enter the roadway ahead of the violator, and moderately slow vehicular traffic, forcing a reduction in speed of all following vehicles, including the violator and officers in pursuit. Officers should also refer to *Vehicle Pursuit Policy & Procedures*.

### **Records Maintenance:**

Employees of Polk County Sheriff's Office will maintain records regarding roadblocks. These files will normally be used to:

1. Focus safety-check roadblocks on highway safety issues; and
2. Establish new means of the safest and most efficient method of securing fleeing motorist.

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**Polk County Sheriff's Office**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Evertel Policy  | <b>Policy Number:</b> 7.16 |
| <b>Issue Date:</b> 10/01/2021   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

**Mission:** To immediately gain full compliance with all FOIA, CJIS, and S.B. 944 (Texas Public Information Act), regarding best practices for internal messaging and communications. Effective from the date of this policy, the following is requested for your County-owned and/or government-owned devices:

- **Every employee should download Evertel to their phones/tablets by searching “Evertel” in their App Store**
- **Only Evertel will be used for official department sharing of intelligence, collaboration, SMS & Text messaging using smart phones while on-duty**
- **Social media and consumer Apps will NOT be used, on any device (county owned), for official department sharing of intelligence, inter-agency networking, intra-agency collaboration, and text messaging**

**Purpose:**

The purpose of this policy is to direct the employees of this agency with respect to the use of the Evertel Communications Application to county owned and/or government-owned smart phones & devices.

Evertel has many facets and this policy is not meant to be all-encompassing, but rather to provide a general guideline of usage. Common sense and good judgement must be employed by department users of Evertel, on & off duty.

**Policy:**

Evertel is a web-based, encrypted communication platform.

Evertel has been shown to improve inter-department communication, to facilitate real-time information & intelligence sharing resulting in a more effective incident response, to advance investigations, increase officer safety and improve cooperation with participating agencies.

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All county owned phones and devices assigned to the Sheriff's Office will use Evertel, no exceptions. All communications that are Sheriff's Office and case related will be through Evertel.

Access to Evertel is at the discretion of the Agency Head or their designee. Periodic audits of the communications within Evertel may occur. Any team member or agency using Evertel in violation of department policy or Memorandums of Understanding may have their account suspended or deactivated and potentially face an internal investigation.

Evertel will be administered by the Agency Head or their designee.

Evertel has the capability to share files, intelligence, BOLOs, etc. The purpose of this is to share information quickly, efficiently, and to track updates and leads on that information.

Evertel meets CJIS requirements and therefore sensitive information can be shared on this application. Caution should be exercised as to who has access to this account in accordance with CJIS and FBI standards for information security.

#### **Definitions:**

**Direct Message** – A direct message (DM) is a message sent from one user to another single user or group of users selected by the sender. While on-duty and sharing official department information/intelligence, this will replace all forms of 'text messaging' from your cellular provider. Your DM's are not visible to the public in Evertel and can be controlled.

**Executive** – This is the most powerful status in Evertel. This would be used for those positions that need to 'blast communicate' to every User in the department. They are the only Users that can create "Agency Alerts", the service that sends the blast communication which is 1-way, no commenting (crisis updates, emergencies, mass notifications, mobilizations). They can also perform 'audits' of any User and any Room. Most Executive accounts are Chief/Sheriff, Agency Head, some mid-management, PIO's, senior 911/Dispatch supervisor.

**Manager** – This is the common status for all "Supervisors", sworn and civilian. They can create Rooms, share information, documents, and bulletins to all other Rooms in your Agency, have full control of who comes into Rooms and who can serve as Managers in those Rooms. You can have unlimited number of Managers. They are owners of the Rooms they create and manage.

**User** – This is the default position for every member of your agency that signs up AND has the encrypted access code. If they do not have this code, they are placed as a 'Guest' (see below). Users are Sworn personnel & Civilians and those supervisors that do not have Manager status. Users receive the full blast communications from "Agency Alerts" and all

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Room intelligence, chats, and attachments. All levels have access to "Direct Messages", our encrypted texting service as well as voice messaging.

**Guests** – In this age of full transparency, engagement, and crisis management, this service enhances leaders' ability to communicate with those connected to the 1st Responder mission. Community leaders, volunteers, Explorers, task forces, city officials, legal advisors, etc. They can all be connected with your Department and will NOT receive any intelligence, room chats, or blast communications. A Guest is any person that signed up with your agency name but did NOT have the encryption key. This is very important...they have NO access to any intelligence or information and you (Managers / Executives) have full access to remove them from your agency at any time, assigned them to "guest rooms", and control texts (Direct Messages) to them.

**Profile** – Information that a user provides about himself or herself on Evertel.

**Room** – Rooms are encrypted/secure chat rooms where groups of people communicate on specific or general topics.

**Speech** – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, voice messaging, or related forms of communication.

**Thread** – Threads are communication topics within rooms.

**1. Procedure:**

Use of Evertel

Evertel is a web & mobile based application and all data is stored in the Cloud (AWS Gov Cloud). It can be used on "smart" cellular phones, computers, tablets, etc.

Communication on Evertel occurs in real-time and data, text, voice cannot be deleted.

Evertel will not be used to send jokes/comments of a sexual, racist, or questionable nature or to deride employees or citizens. It will not be used to transmit or receive violent, threatening, obscene, illegal, or immoral materials unless required to do so as part of an ongoing criminal investigation. All content within Evertel is stored in your encrypted portal forever and nothing can be deleted. Keep all communications professional.

Content

The Agency's intent for utilizing Evertel is to improve communication, increase collaboration, and instantly share intelligence intra & inter-departmentally.

This includes:

Information pertaining to active crimes, investigations, or incident response.

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Information pertaining to closed investigations relating to relevant 1<sup>st</sup> Responder subjects.

Identifying biographical information of suspects, persons of interest, or endangered suspects & citizens.

Training or information to support the Agency's work-related efforts & missions.

Situational awareness information to improve employee safety and effectiveness.

Other information as approved by the Agency Head or their designee.

Evertel communications "rooms" will be built in a logical manner at the discretion of the Room Manager/s. Manager status can be obtained by contacting the Agency Administrator.

**Administrative Investigations:**

Employees who are subject to administrative investigations may have their Evertel account audited.

Although messages in Evertel can be retracted, they are still visible to an administrative audit.

Evertel is licensed by this Agency as an official method of communications. It is therefore subject to all Policy and Procedures, Executive Orders and City/County/State Ordinances governing the use of the internet, intranet, electronic correspondence and Social Media.

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# Polk County Sheriff's Office

## Texas Law Enforcement

### Policies and Procedures

|  |                            |
|--|----------------------------|
| <b>Subject:</b> INTERNET SITES / WEB PAGES/<br>SOCIAL NETWORKING             | <b>Policy Number:</b> 7.17 |
| <b>Issue Date:</b>   | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> SHERIFF BYRON LYONS |                            |

#### INTRODUCTION:

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, and hold to these standards of conduct whether on or off duty. An employee's actions must never bring the department into disrepute, nor should conduct be detrimental to its efficient operation.

#### PURPOSE:

The purpose of this directive is to establish departmental policy concerning personal web pages or internet sites when referencing or effecting the Polk County Sheriff's Office (private messages, post, tweets and business messages, post, or tweets), to ensure employees use appropriate discretion in the use of private post or references to the Polk County Sheriff's Office so as not to discredit or disrespect the office, to ensure that the release, either directly or indirectly, of information concerning crimes, accidents, or violations of ordinances or statutes to persons outside the office is not disseminated, and that all employees treat as confidential the official business of the office.

#### POLICY:

That all Polk County Sheriff's Office personal use computers, computer applications, computer programs, internet resources and network/ internet communications in a responsible, professional, ethical, and lawful manner. That conduct of its employees conduct when it relates to their employment or representations of their employment through numerous social networking venues. Employees of the Polk County Sheriff's Office have a right to have personal web pages or networking sites. When reference is made to the Polk County Sheriff's Office, a review of that reference is needed to ensure that such reference does not compromise our integrity and thus, undercut public confidence in this agency or this profession. Therefore, it shall be the policy of the Polk

County Sheriff's Office that employees of the office are prohibited from posting, transmitting and or disseminating any photographs, video or audio recordings, likeness or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Polk County Sheriff's Office, on any personal or social networking website or web page, without the express written permission of the Sheriff or Chief Deputy.

No employee of the Polk County Sheriff's Office shall represent themselves, directly or indirectly, in any public forum as a member of the Polk County Sheriff's Office, either by text, photograph, or image depicting the uniform, badge, or patch, in any manner that reflects a lack of good moral character. No employee will represent themselves in any public forum as an employee of the Polk County Sheriff's Office with other information, opinion, or posture that would bring unfavorable criticism or embarrassment upon the department.

**POLICY REVIEW:**

This will be reviewed by the Polk County Sheriff's Office Administration or any person so designated by the Sheriff on an annual basis to ensure that it is legally sound and reasonably enforceable

**POLICY TRAINING:**

All full-time officers, administrative staff, support personnel, interns and volunteer staff will become familiar with and adhere to the provisions of this policy and receive and receive training and access to this policy.

**DEFINITION OF SOCIAL NETWORKING:**

Is defined as social networking sites that use internet services to allow individuals to construct a public or semi-public profile within that system, define a list of other users with whom they share some connections, views and access their list of connections and those made by others within that system. The type of network and its design vary from site to site. Some examples of social media include:

|           |         |           |
|-----------|---------|-----------|
| FACEBOOK  | TWITTER | SNAP CHAT |
| INSTAGRAM | YOUTUBE |           |
| REDDIT    | TUMBLER |           |

These policies address the use of social media in general and not one particular form.

**PROCEDURES:**

A. Employees having personal web pages or other types of social media internet postings which can accessed by the public, shall not place or allow photographs or depictions of

themselves dressed in uniform and or display any type of identification identifying the Polk County Sheriff's Office without approval as indicted in this directive.

B. Photographs of the inside of the Sheriff's Office as well as any crime or accident scenes shall not be posted.

C. Employees are prohibited from posting, transmitting, and or disseminating any pictures or videos of official department training, activities, or work-related assignments without written consent from the Sheriff or Chief Deputy.

D. Employees who post photos, comments, etc. of other department employees must inform and seek approval from the employee (s) before posting.

E. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of this provision shall notify their supervisor immediately for follow-up action.

F. sites deemed inappropriate, whether an employment association or not, bring discredit to this department or to a department employee, or promoting misconduct, whether on or off duty, may be investigated through a criminal or administrative investigation.

G. No employee shall gossip about the affairs of the department with persons outside of the department.

H. If any employee indicates in any public forum any opinion on a police related issue, then that employee shall state that the views and opinions expressed are the employee's personal ones, and not those of the Polk County Sheriff's Office.

#### **LIMITATIONS:**

A. No sexual, violent, racial, ethically derogatory material, comments, pictures, artwork video or other reference may be posted along with any department approved references or private messages and sites that would bring discredit to the Polk County Sheriff's Office.

B. Employees shall not post any material on the internet that brings discredit to or may adversely affect the efficiency or integrity of the Polk County Sheriff's Office.

C. Employees should consider the possible adverse consequences of internet posting, such as current employment, future employment, cross-examination in criminal cases, and public as well as private embarrassment.

D. Employees are reminded to exercise good judgement and demonstrate personal accountability when choosing to participate on social-networking sites.

## **DISCIPLINARY:**

Employees should use common sense in all communications, particularly on website or social networking site accessible to anyone. What you say or post on your site, shared or what is said and posted on your site by others could potentially be grounds for discipline. Employees can be disciplined by company for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.

## **EXTERNAL/PUBLIC USERS OF SHERIFF'S OFFICE SOCIAL MEDIA SITES**

This section of the policy governs all public users and others who interact with the Polk County Sheriff's Office through any and all social media sites and technology. By interacting with the Sheriff's Office through any and all social media platforms, you agree to the following terms and conditions.

The Sheriff's Office social media sites are a means of communication between the Sheriff's Office and the public. The Sheriff's Office reserves the right to remove any content that is posted on any Polk County Sheriff's Office social media site that is in violation of this policy.

Comments on any and all Polk County Sheriff's Office social media sites that contain any of the following, are prohibited:

- A. Profane language or content;
- B. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- C. Sexual content or links to sexual content, or the promotion of pornography, obscenity, indecency or other material offensive to prevailing community standards or common societal discernment;
- E. Conduct or encouragement of illegal activity;
- F. Information that may tend to compromise the safety or security of the public.
- G. Comments containing specific or imminent threats.

The Sheriff's Office is authorized to restrict or remove any content that is deemed in violation of the above listed prohibited content or any applicable laws.

Facebook users who repeatedly violate this policy may be banned from commenting on any and all Polk County Sheriff's Office social media sites.

**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Social Media  | <b>Policy Number:</b> 7.17 |
| <b>Issue Date:</b> October 1, 2021  | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

I. INTRODUCTION

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, and hold to these standards of conduct whether on or off duty. An employee's actions must never bring the department into disrepute, nor should conduct be detrimental to its efficient operation.

II. PURPOSE

The purpose of this directive is to establish departmental policy concerning personal web pages or internet sites when referencing or effecting the Polk County Sheriff's Office (private messages, post, tweets and business messages, post, or tweets), to ensure employees use appropriate discretion in the use of private post or references to the Polk County Sheriff's Office so as not to discredit or disrespect the office, to ensure that the release, either directly or indirectly, of information concerning crimes, accidents, or violations of ordinances or statutes to persons outside the office is not disseminated, and that all employees treat as confidential the official business of the office.

III. POLICY

That all Polk County Sheriff's Office personal use computers, computer applications, computer programs, internet resources and network/ internet communications in a responsible, professional, ethical, and lawful manner. That conduct of its employees conduct when it relates to their employment or representations of their employment through numerous social networking venues. Employees of the Polk County Sheriff's Office have a right to have personal web pages or networking sites. When reference is made to the Polk County Sheriff's Office, a review of that reference is needed to ensure that such reference does not compromise our integrity and thus, undercut public confidence in this agency or this profession. Therefore, it shall be the policy of the Polk County Sheriff's Office that employees of the office are prohibited from posting, transmitting and or disseminating any photographs, video or audio recordings, likeness or images of department logos, emblems, uniforms, badges, patches, marked vehicles,

equipment, or other material that specifically identifies the Polk County Sheriff's Office, on any personal or social networking website or web page, without the express written permission of the Sheriff or Chief Deputy.

No employee of the Polk County Sheriff's Office shall represent themselves, directly or indirectly, in any public forum as a member of the Polk County Sheriff's Office, either by text, photograph, or image depicting the uniform, badge, or patch, in any manner that reflects a lack of good moral character. No employee will represent themselves in any public forum as an employee of the Polk County Sheriff's Office with other information, opinion, or posture that would bring unfavorable criticism or embarrassment upon the department.

#### IV. POLICY REVIEW

This will be reviewed by the Polk County Sheriff's Office Administration or any person so designated by the Sheriff on an annual basis to ensure that it is legally sound and reasonably enforceable

#### V. POLICY TRAINING

All full-time officers, administrative staff, support personnel, interns and volunteer staff will become familiar with and adhere to the provisions of this policy and receive and receive training and access to this policy.

#### VI. DEFINITION OF SOCIAL NETWORKING

Is defined as social networking sites that use internet services to allow individuals to construct a public or semi-public profile within that system, define a list of other users with whom they share some connections, views and access their list of connections and those made by others within that system. The type of network and its design vary from site to site. Some examples of social media include:

FACEBOOK  
TWITTER  
INSTAGRAM  
YOUTUBE  
REDDIT  
TUMBLR  
SNAP CHAT

These policies address the use of social media in general and not one particular form.

#### VII. PROCEDURES

A. Employees having personal web pages or other types of social media internet postings which can accessed by the public, shall not place or allow photographs or depictions of

themselves dressed in uniform and or display any type of identification identifying the Polk County Sheriff's Office without approval as indicted in this directive.

B. Photographs of the inside of the Sheriff's Office as well as any crime or accident scenes shall not be posted.

C. Employees are prohibited from posting, transmitting, and or disseminating any pictures or videos of official department training, activities, or work-related assignments without written consent from the Sheriff or Chief Deputy.

D. Employees who post photos, comments, etc. of other department employees must inform and seek approval from the employee (s) before posting.

E. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of this provision shall notify their supervisor immediately for follow-up action.

F. sites deemed inappropriate, whether an employment association or not, bring discredit to this department or to a department employee, or promoting misconduct, whether on or off duty, may be investigated through a criminal or administrative investigation.

G. No employee shall gossip about the affairs of the department with persons outside of the department.

H. If any employee indicates in any public forum any opinion on a police related issue, then that employee shall state that the views and opinions expressed are the employee's personal ones, and not those of the Polk County Sheriff's Office.

## VIII. LIMITATIONS

A. No sexual, violent, racial, ethically derogatory material, comments, pictures, artwork video or other reference may be posted along with any department approved references or private messages and sites that would bring discredit to the Polk County Sheriff's Office.

B. Employees shall not post any material on the internet that brings discredit to or may adversely affect the efficiency or integrity of the Polk County Sheriff's Office.

C. Employees should consider the possible adverse consequences of internet posting, such as current employment, future employment, cross-examination in criminal cases, and public as well as private embarrassment.

D. Employees are reminded to exercise good judgement and demonstrate personal accountability when choosing to participate on social-networking sites.

## XV. DISCIPLINARY

Employees should use common sense in all communications, particularly on website or social networking site accessible to anyone. What you say or post on your site, shared or what is said and posted on your site by others could potentially be grounds for discipline. Employees can be disciplined by company for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.

**POLK COUNTY SHERIFF'S OFFICE**  
**Texas Law Enforcement**  
**Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> UAS-Unmanned Aircraft System<br>(Drone)                       | <b>Policy Number:</b> 7.18 |
| <b>Issue Date:</b> December 16, 2021  | <b>Revision Date:</b>      |
| <b>Approval Authority</b><br><b>Title and Signature:</b> Byron Lyons, Sheriff |                            |

**POLICY:**

**POLICY STATEMENT**

This General Order establishes the authorized use and operational guidelines for Unmanned Aircraft Systems (UAS) with the Polk County Sheriff's Office. This Standard Operating Procedure is designed to minimize the risk to people, property, and aircraft during the operation of the UAS while continuing to safeguard the right to privacy of all persons. It is the practice of the Department to ensure that Department employees who operate and deploy UAS assets are Remote Pilots In Command (RPIC) as defined by the Federal Aviation Administration (FAA) and have received training on the proper and safe operation of unmanned aircraft. This Standard Operating Procedure will define the training and certifications necessary to operate and deploy unmanned aircraft and will establish guidelines and best practices for RPICs to follow in order to safely deploy UAS assets. At all times the Department and its personnel shall comply with 14 CFR Parts 107 plus applicable portions of CFR 14 parts 61 and 91; as well as Texas Government Code 423. If conflicts exist between FAA regulations, Texas Government Code, Texas Administrative Code, and any part of this policy, the most restrictive will apply.

**II. PROCEDURAL CONTENT**

- A. Missions
- B. Emergencies
- C. Training and Standards
- D. Position Duties and Responsibilities
- E. Reporting Requirements

**III. DEFINITIONS**

- A. Aircraft - A device that is used or intended to be used for flight in the air. This includes sUAS.
- B. Airworthiness Statement - The Airworthiness of the UAS is self-certified by the Remote Pilot in Command through a preflight inspection prior to flight
- C. Crewmember - A person assigned to perform duty while an aircraft is operating

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D. Crew Research 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 Remote Pilot in Command and Visual Observers.

E. Division Program Coordinator (DPC) - The individual responsible for assisting in the tactical and administrative functions related to the UAS program, including 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 crew members and compliance with Texas Government Code 423 reporting requirements. The DPC is also responsible for the condition, maintenance, and flight records of the UAS and its associated equipment. For matters concerning the sUAS program, the DPC reports directly to the Operations Bureau Assistant Chief.

F. First Person View (FPV) - The Remote Pilot is observing the flight solely through the UAV's camera(s).

G. Flight Team - Any combination of the RPIC, Remote Pilot or Visual Observer(s). Only the RPIC meets the FAA definition of crewmember.

H. Flight Time - Remote piloting flight time commences when the aircraft moves under its own power for the purpose of flight and ends when the aircraft comes to rest after landing.

I. 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.

J. Line of Sight (LOS) - The Remote Pilot and/or the Visual Observer can see, unaided, the UAS under their control during flight.

K. 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 small unmanned aircraft cannot be higher than 400 feet above the ground, unless the small unmanned aircraft 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.

L. National Airspace System (NAS) - Airspace inside the continental United States. It is further defined through air navigation facilities, equipment and services, airports, or 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 sUAS.

M. 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

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operations to be conducted during civil twilight if the small unmanned aircraft has lighted anti-collision lighting visible for at least 3 statute miles. The night time-operations prohibition in this rule is waivable through the FAA for Part 107.

N. Remote Pilot - The individual exercising pilot at the controls over the UAS during flight. The Remote Pilot need not be 14 CFR 107 certified if the pilot is under the supervision of a RPIC who is in direct communication and in a position to take over control of the UAS, regardless of certification. Undesignated remote pilots may be student pilots at the controls.

O. Remote Pilot in Command (RPIC) - The mission commander with on-site authority for the UAS. The individual solely responsible for the overall flight operations for a specific mission. The Officer may also act as either Remote Pilot or Visual Observer. Regardless, the Officer may not delegate their responsibility. An RPIC may only operate one UAS at a time. Each UAS in use shall have its own RPIC assigned. All RPICs shall be licensed through 14 CFR 107. **THE RPIC SHALL BE HELD RESPONSIBLE FOR ALL ASPECTS OF THE MISSION REGARDING sUAS OPERATION.**

P. Unmanned Aircraft System / Vehicle (UAS/UAV) - 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).

Q. Visual Flight Rules (VFR) - All flights with the UAS shall be conducted under VFR conditions and at an altitude below 400' AGL. VFR is established as a 3 mile visibility and a cloud ceiling of 1,000 feet for day operations and 5 mile visibility with a cloud ceiling of 2,000 feet for night operations.

R. Visual 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).

#### IV. AFFECTS

All Personnel

#### V. PROCEDURES

##### A. Missions

1. All missions are requested by the Sheriff or his designee, who will have responsibility for the request and who should ensure the request are within departmental guidelines, needs, and law regarding the use of an UAS.

2. All missions will be flown in accordance with FAA regulations, 14 CFR Parts 107, all applicable FAA Certificates of Authorizations or Waivers, applicable portions of 14 CFR

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Parts 61 and 91, current FAA National Policy regarding UAS Operational Approval, Texas Government Code 423 and this General Order.

3. Pilot at the controls: A person operating a small 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.

4. Approved Uses/Missions: All UAS mission requests shall be authorized by the Division Program Coordinator, or his/her designee (RPIC). Missions that will be considered for approval, include, but are not limited to: aiding in search and rescue operations, crime scene photography, crash reconstruction, hazmat scene deployment, major disaster scenes, storm damage, fire scenes, tactical situations, communications tower inspections, community events, maintenance and training. Other case by case missions may be approved by the Sheriff or his designee if those missions are immediately necessary to preserve the health, safety, and welfare of people or property within the County of Polk.

5. Weather Brief: 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. 1-800-WX BRIEF will provide a live briefer with access to this data. Review of NoTAMs and Temporary Flight Restrictions (TFRs) are required prior to launch. 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, DroTAMs, TFRs and icing.

6. Pre-Flight Briefing: 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), Drone Notices to Airman (DroTAM), 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) Create a designated return to home or take-off/landing point.
- i) Execution of a pre-flight check utilizing the approved checklist.

7. Line of Sight: With vision that is unaided by any device other than corrective lenses, the Remote Pilot in Command, the Visual Observer (if one is used), or the person manipulating

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the flight controller of the small unmanned aircraft system must be able to see the unmanned aircraft throughout the entire flight. Visual line of sight is required in order to know the unmanned aircraft's 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 unmanned aircraft shall be able to verbally communicate at all times.

8. Maintenance: Maintenance must be up to date prior to launch. Accurate UAS maintenance reporting is the responsibility of the Division 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 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.

9. Mission Debrief: After changeover or landing, the RPIC shall debrief all missions.

10. Payloads: Any payload used on a UAS shall be approved by the Division Program Coordinator. Weapons and dispersal payloads will not be used.

## B. Emergencies

1. 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.

2. 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 UA is not operating in a predictable or planned manner.

3. Loss of UAS Flight Control (Lost Link) - The UAS lost link procedures shall be initiated which shall automatically cause the UAS to climb to its pre-determined altitude and return to and land at the designated

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home location. 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.

4. Loss of GPS Signal - Should the UAS lose GPS signal during autonomous operations, the RPIC must immediately command the 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.

5. 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.

6. 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.

7. Flight Termination - The intentional and deliberate process of performing controlled flight into terrain (CFIT). Flight termination must be executed in the event 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.

8. Accident Notification and Investigation - The RPIC must report to the FAA within 10 days of any operation that results in 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 Division Program Coordinator immediately 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.

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C. Training and Standardization

1. Remote Pilot in Command (RPIC) training requirements:

a) An RPIC may be authorized to operate more than one type of UAS as long as the RPIC is trained and current in each individual model. The RPIC may only operate one UAS at a time.

b) 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:

(1) FAA rules pertaining to UAS flight operational limitations;

(2) All aspects of 14 CFR Part 107;

(3) Knowledge of the rules and responsibilities described in 14 CFR 91;

(4) All aspects of Texas Government Code 423;

(5) Crew Resource Management;

(6) Mission planning requirements for establishing the Mission AOR and Perimeter;

(7) Mission briefing requirements to include Division's approved checklists and Manufacturer's recommendations;

(8) Mission debriefing requirements, and

(9) Any other specific responsibilities required by the Division Program Coordinator to accomplish the Division's mission.

c) The RPIC shall show proficiency operating the specific UAS model in flight including emergency procedures, technology, and support equipment. The RPIC's proficiency shall be evaluated by the Division Program Coordinator or designee who has mastered aeronautical knowledge and training as it pertains to the use of an unmanned aircraft.

d) The RPIC shall show proficiency communicating and crew resource management with the flight team members (Visual Observer and Remote Pilot) demonstrating satisfactory

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communications between team members. The RPIC's communications will be evaluated at all stages of the flight continuum: pre-flight inspection, flight operations, and post flight procedures.

2. sUAS Observer Training Requirements:

- a) 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.
- b) Visual Observers must be both formally trained and designated, or can be chosen ad hoc for a specific mission under Part 107.
- c) Night operations require 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. According to the waiver, the training must be recorded and presented to the FAA Administrator's designee. The Division Program Coordinator will have a RPIC/VO document that the required training was performed. The RPIC/VO documentation will be held within the individual's personnel file.

D. Position Responsibilities and Duties

1. Remote Pilot in Command (RPIC):

- a) The RPIC is solely responsible for everything the flight team does or fails to do.
- b) 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. The DPC will forward this information to the Operations Bureau Assistant Chief of Police for review.
- c) 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.
- d) The RPIC is responsible for the safe conduct of all flights, including, but not limited to:
  - (1) Flight planning and preparation, including pre-flight inspections of UAS and equipment;
  - (2) Weather briefing;
  - (3) Flight operations, including course, air speed, altitude, and duration;
  - (4) Timely reporting of new or previously unknown hazards to safe flight encountered;
  - (5) Post-flight inspection, to include assuring batteries are recharged and to ensure the duty aircraft is ready for the next mission;
  - (6) After each deployment, maintaining and making appropriate entries in UAS logbooks.

2. sUAS Visual Observer:

- a) Performing assignments assigned by a RPIC.
- b) Assisting the RPIC in the safe conduct of all flights, including but not limited to:
  - (1) The Visual 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.
  - (2) If the flight becomes a hazard to ground personnel or other aircraft, the Visual Observer shall immediately notify the RPIC.

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(3) During any phase of flight, if the Visual Observer notices a malfunction with the aircraft, he should immediately notify the RPIC.

#### E. Reporting Requirements

1. 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 immediate entry of the flight data, then the information can be recorded the following work day.

##### 2. Legislative Reporting:

a) In compliance with the Texas Government Code, Article 423.008:

(1) No later than January 15th of each odd-numbered year, The AOD Chief Pilot 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.

(2) The written report shall include information pertaining to the preceding 24 months:

i. The number of times UAS assets were used, organized by date, time location and types of incidents and types of justification for use;

ii. The number of criminal investigations aided by the use of an UAS and a description of how the UAS aided each investigation;

iii. 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;

iv. 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

v. The total cost of acquiring, maintaining, repairing and operating or otherwise using each UAS.

#### F. Use of Force

1. Polk County does not use force by means of a drone, including deadly force.

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

|   |                            |
|---|----------------------------|
| <b>Subject:</b> Chaplains   | <b>Policy Number:</b> 8.01 |
| <b>Issue Date:</b> 01/28/2022   | <b>Revision Date:</b>      |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                            |

**POLICY:**

This policy establishes the guidelines for Polk County Sheriff's Office chaplains to provide counseling or emotional support to members of the Department, their families and members of the public. The Polk County Sheriff's Office shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

**ELIGIBILITY:**

Requirements for participation as a chaplain for the Polk County Sheriff's Office may include, but are not limited to:

1. Being above reproach, temperate, prudent, respectable, hospitable, able to teach, free from addiction to alcohol or other drugs, and free from excessive debt.
2. Managing his/her household, family, and personal affairs well.
3. Having a good reputation in the community.
4. Successful completion of an appropriate-level background investigation.
5. A minimum of five years of successful counseling experience.
6. Possession of a valid driver's license.

The Sheriff may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

**RECRUITING, SELECTION AND APPOINTMENT:**

The Polk County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

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## **RECRUITMENT:**

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and non-discriminatory employment. A primary qualification for participation in the application process should be an interest in and ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

## **SELECTION AND APPONTMENT:**

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

1. Submit the appropriate written application.
2. Include a recommendation from employers or volunteer programs.
3. Interview with the Sheriff and the Chief Deputy.
4. Successfully complete an appropriate background investigation.
5. Complete an appropriate probationary period as designated by the Sheriff.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

## **IDENTIFICATION AND UNIFORMS:**

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performances of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by the chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" on the uniform. Chaplain uniforms shall not reflect any religious affiliation.

Chaplains will be issued Polk County Sheriff's Office identification cards which must be carried at all times while on-duty. The identification cards will be the standard Polk County Sheriff's Office identification cards with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department

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## **CHAPLAIN COORDINATOR:**

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Sheriff or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and or Chief Deputy.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

1. Recruiting, selecting and training qualified chaplains.
2. Conducting chaplain meetings.
3. Establishing and maintaining a chaplain callout roster.
4. Maintaining records for each chaplain.
5. Tracking and evaluating the contribution of chaplains.
6. Maintaining a record of chaplain schedules and work hours.
7. Completing and disseminating, as appropriate, all necessary paperwork and information.
8. Planning periodic recognition events.
9. Maintaining a liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

## **DUTIES AND RESPONSIBILITIES:**

Chaplains assist the Department, its members and the community as needed. Assignments of chaplains will usually be to augment the Operations-Bureau, but chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this

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department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service, or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Polk County Sheriff's Office.

#### **OPERATIONAL GUIDELINES:**

1. Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
2. Generally, each chaplain will serve with the Polk County Sheriff's Office personnel a minimum of eight hours per month.
3. At the end of each watch, the chaplain will complete a chaplain shift report and submit it to the Sheriff or the authorized designee.
4. Chaplains shall be permitted to ride with deputies during any shift and observe the Polk County Sheriff's Office operations, provided the Sheriff, and or Chief Deputy has been notified and has approved the activity.
5. Chaplains shall not be evaluators of members of the Department.
6. In responding to incidents, a chaplain shall never function as a deputy.
7. Chaplains shall serve only within the jurisdiction of the County of Polk, unless authorized by the Sheriff or the authorized designee.
8. Each chaplain shall have access to current department member rosters addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent unauthorized access to the data.

#### **ASSISTING DEPARTMENT MEMBERS:**

The responsibilities of a chaplain related to department members include, but are not limited to:

1. Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
2. Visiting sick or injured members when in the hospital or at home.
3. Attending and participating, when requested, in funerals of active or retired members.
4. Serving as a resource for members who are dealing with the public during significant incidents (e.g., accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse).
5. Providing counseling and support for members and their families.
6. Being alert to the needs of members and their families.

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### **ASSISTING THE DEPARTMENT:**

The responsibilities of a chaplain related to this department include, but are not limited to:

1. Assisting members in defusing a conflict or incident, when requested.
2. Responding to any significant incident (e.g., natural and accidental deaths, suicides and attempted suicides, family disturbances) in which the supervisor believes the chaplain could assist in accomplishing the mission of the Department.
3. Responding to all major disasters, bombings and similar critical incidents.
4. Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
5. Attending department ceremonies, social events, and community outreach and offering invocations and benedictions, as requested.
6. Participating in in-service training classes.
7. Training others to enhance the effectiveness of the Department.

### **ASSISTING THE COMMUNITY:**

The responsibilities of a chaplain related to the community include, but are not limited to:

1. Fostering familiarity with the role of law enforcement in the community.
2. Providing an additional link between the community, other chaplain coordinators and the Department
3. Providing a liaison with various civic, business and religious organizations.
4. Assisting the community when they request representatives or leaders of various denominations.
5. Assisting the community in any other function, as needed or requested.
6. Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

### **CHAPLAIN MEETINGS:**

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

### **PRIVILEGED COMMUNICATIONS:**

No person who provides chaplain services to members of the Department may work or volunteer for the Polk County Sheriff's Office in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially

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applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Polk County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

**TRAINING:**

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Sheriff may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

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**Polk County Sheriff's Office  
Texas Law Enforcement  
Policies and Procedures**

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|---|----------------------------------|
| <b>Subject:</b> Automated License Plate Reader (LPR)                    | <b>Policy Number:</b> 10.01      |
| <b>Issue Date:</b> 01/26/2023   | <b>Revision Date:</b> 08/29/2023 |
| <b>Approval Authority<br/>Title and Signature: Byron Lyons, Sheriff</b> |                                  |

**POLICY:**

It is the policy of the Polk County Sheriff's Office to only use license plate reader equipment as directed by Departmental policy, state and federal law. Personnel trained in its use and in applications acceptable by the Department will only utilize LPR equipment. The data collected by the LPR will be restricted to official law enforcement use only. The Polk County Sheriff's Office requires that all employees abide by the guidelines set forth in this policy

**Purpose :**

The purpose of this directive is to define and outline the appropriate applications and restrictions regarding the use of the automated license plate reader (LPR) equipment operated by Departmental personnel.

**1 . DEFINITIONS**

**Alert Data** – Information captured by an LPR relating to a license plate that matches the license plate on a particular “Hot List”.

**Automated License Plate Reader (LPR)** – Equipment consisting of fixed cameras and computer hardware/software used to automatically recognize and interpret the characters on vehicle license plates. This data is then recorded and matched against a “Hot List” of license plates.

**Authorized User** – A sworn or non-sworn member of the Department who has been authorized by the Sheriff or his designee to operate an LPR or to access and use LPR stored data, and who has successfully completed training provided by the agency.

**Hot List** – A database populated with license plates of specific concern to law enforcement. This database includes, but is not limited to, information from TCIC, NCIC, Texas Department of Public Safety, and the Polk County Sheriff's Office.

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**Hit** – A positive indication of a match between a license plate observed and read by the LPR and a license plate on a “Hot List”. Verification of a stolen vehicle must be confirmed prior to taking law enforcement action.

## **2 . PROCEDURES**

General Procedures Operators assigned to a unit that is equipped with LPR equipment will ensure the equipment is turned on during the entire shift. Employees must receive training before they can be assigned to an LPR equipped patrol unit. Training will be provided by the Department’s coordinator or their designee. All users will be required to have individual credentials for access and use of the system and/or data to ensure proper operation and facilitate oversight of the LPR system

## **3 . Deployment Procedures**

An LPR mounted on a portable trailer will not be placed in the traffic lanes of city streets. The trailer should be placed near the roadway to be able to capture the data for vehicles traveling on that roadway. Placing the LPR trailer in a TXDOT right of way requires prior approval from the Texas DPs and TXDOT. The trailer and LPR should be properly secured/locked when deployed. Deployment of the LPR Trailer must have prior approval from the Sheriff or his designee.

Deployment Locations including the location defined in the LPR letterhead as well as State Highway 146 S @ FM 2610, FM 1988 @ Fm 3278, US Highway 190 E, US Highway 190 W, FM 3126 @ FM 3277, FM 2457 @ FM 3126. The LPR trailer is permitted and subject to move to any location in the county pending approval from TxDOT and the Sheriff as needed for investigative purposes.

## **4 . Coordinator Responsibilities**

Coordinator Responsibilities It is the responsibility of the LPR coordinator to: A. Administer and manage the LPR program. B. Complete any administrative functions related to the LPR system. C. Enter approved users and roles of the users into the LPR system. D. Coordinate LPR training for employees. E. Troubleshoot, document and coordinate maintenance and repairs on LPR equipment. F. Determining retention period of data, which requires: 1. Balancing existing technology. 2. Current state law. 3. Data

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storage capabilities. 4. Cost and investigative needs while determining or adjusting data retention periods.

## **5. LPR Usage**

LPR Usage The LPR system does not have access to real time data; therefore, an alert alone shall not be a basis for law enforcement action. Prior to initiating a stop on a vehicle or other intervention based on alert data, officers shall: A. Visually confirm license plate number – Officers shall visually verify that the license plate on the vehicle matches identically to the suspected license plate from the “Hot List”. B. Confirmation (Confirmed read) – Officers must receive confirmation by running the visually verified license plate (on the vehicle) through their MDC or Dispatch. Once the license plate number and wanted status is confirmed, a traffic stop may be initiated. C. Independent Probable Cause – Nothing in this policy prevents an officer from taking law enforcement action on a vehicle if probable cause exists independent of the LPR alert data. All investigative queries into collected LPR data is recorded under the officer’s user profile and is available for auditing and review by the Department. Any perceived policy violation or other misuse of the system may result in appropriate disciplinary action. The database may be accessed for law enforcement purposes only. Users will be trained in the use of the system that can search the database for specific license plates, partial license plates, geographic areas, and periods. In those instances where LPR data is identified as relevant to a specific case or investigation, the data should be retained in an investigative file or electronically attached to the case in the records management system

## **6. LPR System Maintenance**

LPR System Maintenance Employees must inspect the LPR equipment and notify their supervisor immediately of any damage or malfunction of the LPR equipment. LPR cameras are attached to the vehicle in a manner designed to ensure the maximum accurate reads possible. Only properly trained personnel are authorized to move and/or adjust the cameras. Designated personnel will maintain LPR cameras, equipment, and hotlist. LPR data will download information back to DPS every 24 hours and data collected shall be stored by the software provider for a minimum period of 5 years.

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