

# Denton Police Department

## General Orders

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### **CHIEF'S MESSAGE**

I am proud to present the inaugural edition of the Denton Police Department General Orders. The General Orders are designed to assist all employees in accomplishing the Department's mission in a professional and lawful manner. Adherence to these orders also helps safeguard employees and the Department against civil litigation and ensures that employees will be protected when their individual actions are scrutinized, especially after a critical incident.

All employees will abide by these orders and are responsible for keeping themselves current on the content of this manual.

Be safe,

Chief of Police

# Denton Police Department

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### **LAW ENFORCEMENT CODE OF ETHICS**

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

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

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

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

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

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

### **Article 1: Primary Responsibility of Job**

The primary responsibility of the police service, and of the individual officer, is the protection of people of the United States through the upholding of laws. Chief among these laws is the Constitution of the United States and its Amendments. The law enforcement officer always represents the whole of the community and it's 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 the law, have placed upon him. He must recognize the genius of the American system of government which

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gives to no man, groups of men, or institutions, 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 attention 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 be 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 person. Following the career of a police officer gives no person 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 his responsibility to the whole community, shall deal with individuals of the community 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

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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 will 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 rights 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: Presentation of Evidence**

The law enforcement officer shall be concerned equally in the prosecution of the wrong-doer 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 persons involved, strengthening the tradition of the reliability and integrity of an officer's word.

#### **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, shall strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office and shall hold police work to be an honorable profession rendering valuable service to his community and country.

IACP Canons of Police Ethics, adopted 37 § 1.113

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### **PHILOSOPHY, VALUES, VISION AND MISSION**

#### **Philosophy of the Denton Police Department**

The sanctity of life is the primary core value and guiding principle of the Denton Police Department. As such, all employees will strive to preserve human life while recognizing that duty may require the use of deadly force, as a last resort, after other reasonable alternatives have failed or been determined impractical. The department's basic goal is to protect life, property, and to preserve the peace in a manner consistent with the freedom secured by the United States Constitution. It is our duty to guarantee these inalienable rights in strict accordance with the highest principles of our society. Operating with the statutory and judicial limitations of police authority, our role is to enforce the law in a fair and impartial manner. It is not our role to legislate, render legal judgment, or punish.

Employees should, by professional attitude and exemplary conduct, ensure all persons are treated with respect and courtesy. Employees should be cognizant of the fact that they are a part of the community they serve and are accountable to the community for their decisions and the consequences of those decisions. Employees should make every effort to involve the community in problem solving, crime suppression, and crime prevention. Employees should strive to know the residents they serve. Positive contact between employees and residents will enhance the public understanding of the employee's role in society and help build partnerships from which crime and fear of crime can be reduced.

Knowledge of the law itself and the ability to understand those ideals upon which the law is built are the cornerstones of law enforcement. Compassion and discretion will play an important role within the philosophy of any employee.

Employees of the Department are professionals. We must realize our main responsibility is the protection of the community and the preservation of human life and dignity. We are guided by the philosophy set forth here and the policies and procedures incorporated into this and other Department manuals.

#### **Department Values – P.R.I.D.E.**

**Professionalism** –conducting ourselves in a competent, reliable, and confident manner.

**Respect** - of our community, our Department, and most importantly, our self.

**Integrity**- the cornerstone of Police work; without it, public trust is lost.

**Dedication**- being committed to providing the best service to our community.

**Excellence**- being outstanding, while going above and beyond in the service of others.

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### *Philosophy, Values, Vision and Mission*

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**Vision Statement:** The sanctity of human life is the foundation by which the Denton Police Department serves. We are committed to leveraging technology, innovation, collaboration, and imagination to make us trusted and respected by our diverse community.

**Mission Statement:** To make Denton a safe, sustainable, and livable city for everyone, by keeping victims safe and holding offenders accountable.

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## **Chapter 1 - Law Enforcement Role and Authority**

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## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

The purpose of this order is to affirm the authority of the members of the Denton Police Department to perform their functions based on established legal authority.

### 100.2 POLICY

It is the policy of the Denton Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

### 100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters Louisiana, New Mexico or Oklahoma in fresh pursuit of a felony subject (La. Code Crim. P. art. 231 (Louisiana); 22 O.S. § 221 (Oklahoma); NMSA § 31-2-1 (New Mexico)).
- (c) When an officer enters Arkansas in fresh pursuit of a felony subject or a person who has committed, or is reasonably suspected of having committed, an offense of driving or operating a vehicle while intoxicated, impaired or under the influence (A.C.A. § 16-81-404).

Whenever an officer makes an arrest in another state, the officer shall take appropriate action to see that the person is taken to a magistrate or judge in the county where the arrest was made as soon as practicable (A.C.A. § 16-81-405; La. Code of Crim. P. art. 232; 22 O.S. § 222; NMSA § 31-2-2).

### 100.3 PEACE OFFICER POWERS

Sworn members of this department shall be considered peace officers pursuant to Tex. Code of Crim. Pro. art. 2.12 and Tex. Occ. Code § 1701.001 et seq. The authority of any such peace officer extends to any place in the State of Texas and assigns the duty to every peace officer to preserve the peace within the State of Texas and their jurisdiction through all lawful means. A peace officer shall perform the duties as required under the Tex. Code of Crim. Pro. art. 2.13.

Special or limited peace officer powers or authority to arrest may be granted to others as specified in Tex. Code of Crim. Pro. art. 2.121 through Tex. Code of Crim. Pro. art. 2.125.

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#### 100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE DENTON POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Denton Police Department includes:

- (a) In compliance with an arrest warrant.
- (b) Without a warrant for any offense committed in an officer's presence or within their view (Tex. Code of Crim. Pro. art. 14.01).
- (c) Without a warrant when ordered by a magistrate to make an arrest for a felony or breach-of-the-peace offense observed by the magistrate (Tex. Code of Crim. Pro. art. 14.02).
- (d) Without a warrant when the officer (Tex. Code of Crim. Pro. art. 14.03):
  - (a) Finds a person in a suspicious place and under circumstances that reasonably show that the person has committed a felony, a breach of the peace, an offense under Tex. Penal Code § 49.02 (public intoxication), or an offense under Tex. Penal Code Chapter 42 (disorderly conduct and related offenses), or is threatening to commit or about to commit some offense.
  - (b) Has probable cause to believe that a person has committed an assault resulting in bodily injury to another and that further injury may occur if an arrest is not made.
  - (c) Has probable cause to believe that a person has committed an offense under Tex. Penal Code § 25.07 (violation of certain court orders or conditions of bond in a family violence, sexual assault or abuse, indecent assault, stalking or trafficking case), regardless of whether the offense occurs within the presence of the officer.
  - (d) Has probable cause to believe that a person has committed an offense involving family violence.
  - (e) Has probable cause to believe that a person has prevented or interfered with another individual's ability to place an emergency call, even if the offense is committed outside the presence of the officer.
  - (f) Is told by a person something that would be admissible against the person and establishes probable cause to believe that the person has committed a felony.
- (e) Without a warrant when the officer is provided information, by a credible person, that a felony has been committed and that the offender is about to escape (Tex. Code of Crim. Pro. art. 14.04).
- (f) Without a warrant when the officer has reasonable grounds to believe that a person is in possession of stolen property (Tex. Code of Crim. Pro. art. 18.16).
- (g) Without a warrant when the officer observes a person committing a traffic offense under Subtitle C, Texas Transportation Code (Rules of the Road offenses) (Tex. Transp. Code § 543.001).

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#### 100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE DENTON POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the Denton Police Department includes:

- (a) Without a warrant for any offense committed within the presence or view of the officer except traffic offenses. Officers may make a warrantless arrest for a traffic offense under Subtitle C, Title 7, Texas Transportation Code if the offense is committed in the same county or counties where the Denton Police Department is located (Tex. Code of Crim. Pro. art. 14.03).
- (b) When in fresh pursuit of a person who committed an offense within the officer's jurisdiction.

An officer making an arrest under this subsection shall, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made (Tex. Code of Crim. Pro. art. 14.03).

#### **100.4 CONSTITUTIONAL REQUIREMENTS**

All members shall observe and comply with every person's clearly established rights under the United States and Texas Constitutions.

## Chief Executive Officer

### 101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Texas are required to meet specific requirements for appointment. This order provides guidelines for the appointment of the Chief Executive Officer of the Denton Police Department, who is required to exercise the powers and duties of the office as prescribed by state law.

### 101.2 POLICY

It is the policy of the Denton Police Department that the Chief of Police meets the minimum standards for exercising their authority granted by law.

### 101.3 CHIEF OF POLICE REQUIREMENTS

Any chief executive officer of this department shall, as a condition of continued employment, complete the course of training prescribed by the Texas Commission on Law Enforcement (TCOLE) and be licensed by TCOLE within the time frame prescribed by Tex. Educ. Code § 96.641 (Tex. Occ. Code § 1701.358). In addition, at the time of appointment, the chief executive officer must have a minimum of 5 years' experience as a law enforcement officer and be eligible for an intermediate TCOLE certificate or its equivalent as determined by TCOLE (Tex. Local Gov't Code § 143.013).

## Oath of Office

### 102.1 PURPOSE AND SCOPE

The purpose of this order is to ensure that oaths, when appropriate, are administered to department members.

### 102.2 POLICY

It is the policy of the Denton Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

### 102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions (Tex. Const. art. XVI, § 1).

The form of the oath should be as follows:

" I, (state name), do solemnly swear or affirm that I will faithfully execute the duties of (state position) of the State of Texas and the City of Denton, Texas and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States, of Texas, and the Charter and ordinances of this City; I, (state name), furthermore solemnly swear or affirm that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money, or valuable thing, or promised any public office or employment as a reward to secure my appointment, so help me God."

If a member is opposed, the words "so help me God" may be omitted.

### 102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Tex. Const. art. XVI, § 1).

## General Orders

### 103.1 PURPOSE AND SCOPE

The manual of the Denton Police Department is hereby established and shall be referred to as the General Orders or the manual. The manual is a statement of the current policies, procedures, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

### 103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

#### 103.2.1 DISCLAIMER

The provisions contained in the General Orders are not intended to create an employment contract nor any employment rights or entitlements. The orders contained within this manual are for the internal use of the Denton Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or department members. Violations of any provision of any order contained within this manual shall only form the basis for administrative action, training or discipline. The Denton Police Department reserves the right to revise any manual content, in whole or in part.

### 103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until they may be permanently incorporated into the manual.

### 103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the General Orders, unless it is apparent from the content that they have a different meaning:

**Adult** - Generally, for the purposes of criminal charges (Penal Code), an adult is someone 17 and older. Otherwise, someone is not considered an adult until 18 years old.

**City** - The City of Denton.

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**Non-sworn** - Employees and volunteers who are not sworn peace officers.

**Department/DPD** - The Denton Police Department.

**DADS** - The Texas Department of Aging and Disability Services.

**DFPS** - The Texas Department of Family and Protective Services.

**DPS** - The Texas Department of Public Safety.

**Employee** - Any person employed by the Department.

**Manual** - The Denton Police Department General Orders.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the Denton Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers

**Officer** - Those employees, regardless of rank, who are sworn peace officer employees of the Denton Police Department.

**On-duty** - A member's status during the period when they are actually engaged in the performance of their assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**Rank** - The title of the classification held by an officer.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

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When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**TCIC** - Texas Crime Information Center.

**TCOLE** - The Texas Commission on Law Enforcement.

**TDEM** - Texas Division of Emergency Management.

**THP** - Texas Highway Patrol.

**TLETS** - Texas Law Enforcement Telecommunications System.

**TXDOT** - The Texas Department of Transportation.

### **103.5 ISSUING THE GENERAL ORDERS**

An electronic version of the General Orders will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that they have been provided access to and have had the opportunity to review the General Orders and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### **103.6 PERIODIC REVIEW OF THE GENERAL ORDERS**

The Chief of Police will ensure that the General Orders are periodically reviewed and updated as necessary.

### **103.7 REVISIONS TO ORDERS**

All revisions to the General Orders will be provided to each member on or before the date the order becomes effective. Each member will be required to acknowledge that they have reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all General Orders revisions.

Each Bureau Chief will ensure that members under their command are aware of any General Orders revision.

All department members suggesting revision of the contents of the General Orders shall forward their written suggestions to their Bureau Chief, who will consider the recommendations and forward them to the command staff as appropriate.

## **Chapter 2 - Organization and Administration**

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## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

This order establishes the organizational structure of the Department and defines general responsibilities of department members.

### 200.2 POLICY

The Denton Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

### 200.3 BUREAUS

The Chief of Police is responsible for administering and managing the Denton Police Department. There are three bureaus in the Department:

- Administrative Services Bureau
- Field Operations Bureau
- Support Operations Bureau

#### 200.3.1 ADMINISTRATIVE SERVICES BUREAU

The Administrative Services Bureau is commanded by an assigned Police Administration Manager, whose primary responsibility is to provide general management, direction and control for the Administrative Services Bureau. The Administrative Services Bureau consists of technical and administrative services.

#### 200.3.2 FIELD OPERATIONS BUREAU

The Field Operations Bureau is commanded by an assigned Deputy Chief, whose primary responsibility is to provide general management, direction and control for the Field Operations Bureau. The Field Operations Bureau consists of the Patrol Division and the Neighborhood Services Division.

#### 200.3.3 SUPPORT OPERATIONS BUREAU

The Support Operations Bureau is commanded by an assigned Deputy Chief, whose primary responsibility is to provide general management, direction and control for the Support Operations Bureau. The Support Operations Bureau consists of the Criminal Investigations Division, Recruiting and Training Division, and the Support Services Division.

### 200.4 COMMAND PROTOCOL

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### *Organizational Structure and Responsibility*

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#### **200.4.1 SUCCESSION OF COMMAND**

The Chief of Police exercises command over all members of the Denton Police Department. During planned absences, the Chief of Police will designate the Assistant Chief of Police or a Bureau Chief to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Assistant Chief of Police
- (b) Field Operations Bureau Chief
- (c) Support Operations Bureau Chief
- (d) On-duty Lieutenant

#### **200.4.2 UNITY OF COMMAND**

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each member shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, Bicycle Patrol), any supervisor may temporarily direct any subordinate if an operational necessity exists.

#### **200.5 AUTHORITY AND RESPONSIBILITIES**

Each member will be assigned duties and responsibilities. Each member is delegated the authority necessary to effectively execute those responsibilities. Each member will also be held accountable for the appropriate application of that delegated authority.

## Departmental Directives

### 201.1 PURPOSE AND SCOPE

The purpose of this order is to establish guidelines for issuing Departmental Directives.

### 201.2 POLICY

Departmental Directives will be used to modify orders of the Denton Police Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department. Applicable meet-and-confer agreements or memorandum of understanding and other alternatives should be considered before a Departmental Directive is issued.

### 201.3 PROTOCOL

Departmental Directives will be incorporated into the General Orders, as required, upon approval. Departmental Directives will modify existing orders or create a new order as appropriate and will be rescinded if incorporated into the manual.

The Chief of Police or the authorized designee should ensure that all Departmental Directives are disseminated appropriately. Departmental Directives should be numbered consecutively and incorporate the year of issue. All members will be notified when a Departmental Directive is rescinded or has been formally adopted into the General Orders.

### 201.4 RESPONSIBILITIES

#### 201.4.1 COMMAND STAFF

Command staff shall periodically review Departmental Directives to determine whether they should be formally incorporated into the General Orders and, as appropriate, will recommend necessary modifications to the Chief of Police.

#### 201.4.2 CHIEF OF POLICE

Only the Chief of Police or the authorized designee may approve and issue Departmental Directives.

### 201.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the Departmental Directives. During shift briefings, each member shall acknowledge, on a roster, that they have been provided access to and have had the opportunity to review the Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

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# Emergency Management Plan

## 202.1 PURPOSE AND SCOPE

This order clarifies the role of the Denton Police Department and responsibilities of its members pertaining to large-scale emergencies and the Texas Division of Emergency Management (TDEM). This order establishes the framework from which the Department directs its strategic planning (preparedness) and tactical response for all hazards and large special events. It is applicable to all employees (sworn and non-sworn) and assigns specific responsibilities for all hazards, whether man-made or natural.

### 202.1.1 DEFINITIONS

**Alpha-Bravo Schedule** – A modified work schedule broken-down into 12-hour shifts. Day shift (Alpha) begins at 0600 and ends at 1800 and night shift (Bravo) begins at 1800 and ends at 0600 the following calendar day.

**Department Operations Center (DOC)** – Department Operations Centers (DOCs) are facilities from which individual departments control their internal resource mobilizations and tactical operations during periods of increased service demands beyond normal capabilities. Activities normally carried out in a DOC should not take place in the EOC. Conversely, interagency coordination and strategic planning should not take place at a DOC. Department level staffing plans should address both tactical level DOC and EOC staffing needs during significant events.

**Department-Wide Emergency Response** - When a circumstance (man-made or natural) has created an emergency situation requiring the use of tactics and resources other than those normally used in a Normal State of Readiness, the Chief of Police, or designee, may order a Department-wide Emergency Response in order to decisively and immediately respond, mitigate, and recover from the emergency situation.

**Emergency Management Coordinator (DPD)** - Employee designated as the single point of contact (SPOC) for all routine emergency management matters and is responsible for ensuring the department's emergency management planning and response efforts comply and/or coincide with applicable city ordinances, National Incident Management System, and Incident Command System protocols and best practices. In addition, the Emergency Management Coordinator is responsible for ensuring that the department's emergency management planning and general response strategies seamlessly integrate with the City of Denton Emergency Management Plan as well as plans, memoranda of understanding/agreement, and interlocal agreements with other partner entities.

**Emergency Operations Center (EOC)** – The purpose of the Emergency Operations Center is to coordinate strategic decision-making, resource allocation, public information, and warning. The operation of the EOC does not eliminate a department's needs for tactical level coordination of staffing and resources which normally takes place in a DOC. The EOC focuses on inter-agency coordination and strategic decision-making. Agency representatives cannot effectively

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carry out these functions if they are preoccupied with internal department response planning and coordination which should take place within a DOC.

**Emergency Operations Center Representative** - Agency representatives at the EOC capable of committing their department's resources.

**Emergency Operations Plan (EOP)** – An emergency operations plan is a course of action developed to mitigate the damage of potential events that could endanger an organization's ability to function. Such a plan should include measures that provide for the safety of personnel, property and facilities. It should also include provisions to assess the severity of an incident and implement steps to eliminate the problem.

**Event** - A planned, non-emergency activity. ICS can be used as the management system for a wide range of events (e.g., parades, concerts, and/or special and sporting events).

**Event Action Plan (EAP)** - A written plan containing general SMART objectives reflecting the overall strategy for managing an event. It may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the event during one or more operational periods.

**Finance Section** - The section responsible for all incident costs and financial considerations.

**FLOP** – An acronym used to identify a group of incident management personnel organized according to function and reporting to the Incident Commander.

- (a) **Finance/Administrative Section** - Manages cost associated with the event.
- (b) **Logistics Section** - Identifies, requests, receives, and delivers tangible items.
- (c) **Operations Section** - Manages field resources.
- (d) **Planning Section** - Forecasts needs, prepares briefings, and develops status reports.

**Incident** - An occurrence, natural or human-caused, that requires an emergency response to protect life or property (e.g., terrorist threats or attacks, wild land and urban fires, floods, hazardous materials spills, aircraft accidents, earthquakes, hurricanes, tornadoes, public health and medical emergencies, etc.).

**Incident Action Plan (IAP)** - A written plan containing general SMART objectives reflecting the overall strategy for managing an incident. It may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the incident during one or more operational periods.

**Incident Command Post (ICP)** - The location of the tactical-level, on-scene incident command and management organization for field response teams. The ICP typically comprises the Incident Commander and immediate staff and may include other designated incident management officials. Typically, the ICP is located at or in the immediate vicinity of the incident site and is where direct, on-scene control of field response units takes place. Incident planning and communications are also conducted at the ICP.

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**Incident Command System (ICS)** - A standardized emergency management construct specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during incidents. It is used for all kinds of emergencies and is applicable to small as well as large and complex incidents.

**Incident Commander (IC)** - The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site. DPD IC's generally operate from the DOC and delegate responsibilities at the incident site.

**LIPS** - Acronym used to prioritize SMART objectives.

- (a) **Life Safety** - Objectives that deal with immediate threats to the safety of the public and responders are the first priority.
- (b) **Incident Stabilization** - Objectives that contain the incident to keep it from expanding and objectives that control the incident to eliminate or mitigate the cause are the second priority.
- (c) **Property/Environmental Conservation** - Objectives that deal with issues of protecting public and private property and the environment are the third priority.
- (d) **Societal Restoration** - Objectives that identify strategies to return public and private sector functions to normal levels and are the fourth priority.

**Logistics Section** - The section responsible for providing facilities, services, and material support for the incident.

**National Incident Management System (NIMS)** - A system mandated by HSPD-5 (Homeland Security Presidential Directive) that provides a consistent nationwide approach for Federal, State, local, and tribal governments; the private sector; and nongovernmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

**Normal State of Readiness** - This phase constitutes a continuous and constant state of readiness. The DPD proactively ensures this state of readiness by constantly training, maintaining equipment, conducting ongoing equipment inspections, and gathering information in order to formulate an effective response plan.

**Operational Period** - An operational period is the period of time scheduled for executing a given set of operational actions as specified in the EAP or IAP. The length of the operational period is to be determined by the DPD DOC. When operations are focused primarily on recovery programs, operational periods are typically a week or longer.

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**Operations Section** - The section responsible for all tactical incident operations and implementation of the EAP or IAP.

**Planning Section** - The section responsible for the collection, evaluation, and dissemination of operational information related to the incident, and for the preparation and documentation of the EAP or IAP. This section also maintains information on the current and forecasted situation and on the status of resources assigned to the incident.

**SMART Objectives** - Objectives reflecting the overall strategy for managing an event or incident. SMART stands for:

- (a) **Specific** – Is the wording precise and unambiguous?
- (b) **Measurable** – How will achievements be measured?
- (c) **Action-oriented** – Is an action verb used to describe expected accomplishments?
- (d) **Realistic** – Is the outcome achievable with given available resources?
- (e) **Time-sensitive** – What is the timeframe?

**Situational Awareness** - The perception of environmental elements with respect to time or space, the comprehension of their meaning, and the projection of their status after some variable has changed, such as time, or some other variable, such as a predetermined event. It is also a field of study concerned with perception of the environment critical to decision-makers in complex situations.

**Tactical Alert** - When the department has received or developed reliable intelligence that there is a relatively high probability that a circumstance (man-made or natural) may escalate into an emergency situation requiring the use of tactics and resources other than those normally used in a Normal State of Readiness, the Chief or Police, or designee, may place the department on Tactical Alert in order to prepare for a decisive and immediate department-wide tactical response, if needed.

#### **202.2 POLICY**

The Denton Police Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The City Emergency Management Plan complies with the Texas Division of Emergency Management Plan. This plan provides guidance for City emergency operations within and outside its borders as may be required (Tex. Gov't Code § 418.001, et seq.; 37 Tex. Admin. Code § 7.13).

#### **202.3 ACTIVATING THE EMERGENCY MANAGEMENT PLAN**

The Emergency Management Plan can be activated in a number of ways. For the Denton Police Department, the Chief of Police or the highest ranking on-duty supervisor may activate the Emergency Management Plan in response to a major emergency.

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Upon activation of the plan, the Chief of Police or the authorized designee should contact the Texas Division of Emergency Management to assist with mutual aid response from local, state and federal law enforcement agencies.

#### 202.3.1 RECALL OF PERSONNEL

If the Emergency Management Plan is activated, all employees of the Denton Police Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the highest ranking on-duty supervisor.

Failure to promptly respond to an order to report for duty may result in discipline.

#### 202.3.2 OPERATIONAL CONDITIONS (OPCON)

The department operates in three general states. Each state automatically triggers certain duties and responsibilities for all department personnel (sworn and non-sworn). These states are:

##### **Normal State of Readiness**

In accordance with the department's mission, and in order to effectively serve the citizens of the City of Denton, all personnel carry out their duties in a perpetual state of readiness. The department proactively ensures this state of readiness by constantly training, maintaining equipment, conducting ongoing equipment inspections, gathering information, and distributing intelligence in order to formulate an effective response to all hazards. In this normal state of readiness all department personnel are required to maintain a constant state of situational awareness by doing certain daily activities to include, but not limited to the following:

- (a) Awareness of the potential need to send their resources and personnel to other units or other assignments (e.g., DOC, EOC, Command Posts, etc.) with little to no notice.
- (b) Review Emergency Operations Plans (EOPs) with their employees.

##### **Tactical Alert**

When the department has received or developed reliable intelligence that there is a relatively high probability that a circumstance (man-made or natural) may escalate into an emergency situation requiring the use of tactics and resources other than those normally used in a Normal State of Readiness, the Chief of Police, or designee, may place the department on Tactical Alert in order to prepare for a decisive and immediate department-wide tactical response. In the event the Chief of Police places the department on Tactical Alert, the Chief's designee will notify the department via a "DPD All" page and email. This page and email title will include the reason for the tactical alert (e.g., Tactical Alert-Severe Weather, Tactical Alert- Flooding, Tactical Alert-Civil Disturbance, Tactical Alert-Terror Threat, etc.), as well as, any additional directions.

In addition to any special instructions received via pager or email, when placed on Tactical Alert, all department personnel (sworn and non-sworn) will prepare for the probable incident by doing the following:

- (a) Continue performing all activities as in a Normal State of Readiness.
- (b) Keep phone nearby, day or night, whether on or off-duty.

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- (c) Prepare to work modified hours (e.g. Alpha/Bravo) for a long duration of time.
- (d) Prepare to work or support EOC and/or DOC operations.
- (e) Prepare a “go bag” containing personal items needed for extended duty assignments (e.g., personal hygiene items, change of clothing, water, and food, etc.)
- (f) Sworn personnel will report to work in Class D (tactical uniform) with all equipment needed to work patrol and crowd control regardless of primary or ancillary assignments (See Patrol SOP for a list of equipment needed.)

#### **Department-wide Emergency Response**

When a circumstance (man-made or natural) has created an emergency situation requiring the use of tactics and resources other than those normally used in a Normal State of Readiness, the Chief of Police, or designee, may order a Department-wide Tactical Response in order to decisively and immediately respond, mitigate, and recover from the emergency situation. In the event the Chief of Police orders a Department-wide Emergency Response, the Chief's designee will notify the department via a “DPD All” page and email. This page and email title will include the reason for the department-wide emergency response (e.g., Emergency Response-Severe Weather, Emergency Response-Flooding, Emergency Response-Civil Disturbance, Emergency Response-Terror Incident, etc.), as well as, any additional directions. In addition to any special instructions received via pager or email, during a department-wide emergency response all department supervisors will execute the tasks they would normally prepare for while on a Tactical Alert and follow orders given by the DOC.

#### **Personnel Deployment (Alpha/Bravo)**

In order to leverage the resources needed to decisively and immediately respond to, mitigate, and recover from an emergency situation, the Chief of Police (or designee) may establish a department-wide work schedule change. If so directed, the usual modified work schedule is broken-down into 12-hour shifts. Day shift (Alpha) begins at 0600 and ends at 1800 and Night shift (Bravo) begins at 1800 and ends at 0600 the following calendar day. Supervisors will submit personnel rosters reflecting personnel assignments to day and night shifts to the DOC, via their chain of command. The DOC IC may modify any or all portions of Alpha/Bravo. The following groups are designated to work as follows:

- (a) Day Shift (Alpha):
  - 1. All Patrol day shifts
- (b) Night Shift (Bravo)
  - 1. All Patrol power shifts
  - 2. All Patrol night shifts
- (c) All other personnel within their respective Divisions and Sections (e.g., Major Crimes, General Investigations, Training, etc.) shall be divided equally between day and night shift (i.e., 50% Alpha and 50% Bravo), unless otherwise directed by the DOC.
- (d) Special Operations and non-sworn personnel schedule modifications will be designated by the DOC IC, if needed.

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#### **202.4 DEPARTMENT OPERATIONS CENTER (DOC)**

When the Departmental Operations Center (DOC) is activated, the incident shall be managed in accordance with ICS protocols. The objectives of any activation is to decisively and immediately respond to, mitigate, and recover from an emergency situation while continuing to provide police services to the citizens of the City of Denton.

##### **202.4.1 DOC OPERATIONAL AUTHORITY**

The DOC operates with the authority of the Chief of Police. The designated IC may leverage this authority in order to decisively and immediately respond to, mitigate, and aid in recovery from an emergency situation while continuing to provide police services to the citizens of the City of Denton. ICs have all department resources at their disposal and have the authority to do the following, to include but not limited to:

- (a) Cancel training courses, court, and leave;
- (b) Modify work schedule;
- (c) Direct equipment issue;
- (d) Suspend the ride-along program;
- (e) Direct staff to establish an Incident Command Post (ICP);
- (f) Hold over DPD personnel (sworn and non-sworn);
- (g) Direct support units to report to patrol functions;
- (h) Limit response to service types and actions (e.g., not responding to alarm calls); and
- (i) Assign personnel (sworn and non-sworn) to serve in the DOC in various capacities.

##### **202.4.2 CRITERIA FOR DOC ACTIVATION**

Situations that trigger activations may be unique and therefore activations are a judgment call based upon numerous factors; however, generally, the DOC should be activated when a situation exists that has overwhelmed or will overwhelm and/or deplete department resources, regardless if the City of Denton Emergency Operations Center (EOC) has been activated or not. When an on-duty Lieutenant is aware of a situation that could potentially trigger a DOC activation, they will consult with their Bureau Chief. The Bureau Chief will consult with the Chief of Police to make the final determination to activate the DOC.

Incidents that would merit a DOC activation may include, but are not limited to the following:

- (a) 9-1-1 system crash;
- (b) Large spontaneous protest;
- (c) Large-scale power outage;
- (d) Hazardous weather event;
- (e) Officer involved incident with an associated hostile crowd;
- (f) Larger than normal media response to an incident;

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- (g) Multi-agency protracted response to an event;
- (h) Large training exercise; or
- (i) As directed by the Chief of Police or designee

#### 202.4.3 DOC RESPONSE AND PROTOCOL

Upon initial activation of the DOC, an on-duty Lieutenant will respond as the DOC Incident Commander (IC) for the initial operational period. Generally, the DOC will be located at the Chief's Conference Room; however, the IC may direct that the DOC be located elsewhere. The IC will begin to assess the situation and direct what personnel will be needed in the DOC as an initial response.

- (a) Upon activation, the IC, or designee, will immediately notify other entities that the DOC has been activated. Notifications include, but are not limited to, the following:
  - 1. City of Denton Emergency Management
  - 2. Communications
- (b) Upon activation, the IC, or designee, will:
  - 1. Review all relevant emergency operations plans;
  - 2. Draft SMART objective for the operational period using LIPS to prioritize objectives;
  - 3. Determine what the operational periods will be;
  - 4. Document all relevant decisions, requests for resources and activity in the applicable ICS form.
- (c) The DOC will be run in accordance with ICS training and protocol. Each operational period of the incident will be documented in an Incident Action Plan (IAP) or Event Action Plan (EAP) using all the applicable ICS forms. The number of personnel who will respond to the DOC will vary depending on the size and scope of the incident (scalable). The personnel required at the DOC can either be increased or decreased, as needed. Specific personnel with specialized skills may be required during complex incidents.
  - 1. All personnel (sworn and non-sworn), regardless of rank and/or work groups are either subject to support or subject to callback for the DOC. The usual personnel needed for DOC duties may include, but are not limited to personnel to assist with:
    - (a) Special Operations
    - (b) Special Events
    - (c) Fleet
    - (d) PIO
    - (e) Planning
    - (f) Operations

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- (g) Logistics
- (h) Finance

#### **202.5 INCIDENT ACTION PLANS (IAP) AND EVENT ACTION PLAN (EAP)**

The IAP or EAP is a written plan that defines the incident or event objectives and reflects the tactics necessary to manage an incident or event during an operational period. The IAP or EAP is to be considered directive and helps all personnel involved understand incident objectives and issues. An IAP or EAP is the primary source of data used to refine public safety systems, protocols, and procedures for subsequent incidents or events. In addition, financial reimbursement to the department for large incidents is contingent upon submitting an IAP or EAP.

An IAP or EAP or supporting ICS documents are required under the following circumstances:

- (a) DOC activations;
- (b) EOC activations;
- (c) Special events requiring a command post;
- (d) Anytime a command post is used for any operation for two or more designated operational periods; or
- (e) Anytime any emergency operations plan (EOP) is applied in to an event or incident in conjunction with a DOC, EOC, and/or command post activation.

#### **202.6 AFTER ACTION REVIEW/REPORT (AAR) AND CORRECTIVE ACTION PLAN (CAP)**

Organizational learning requires continuous assessment of organizational performance, looking at successes and failures, and ensuring that learning takes place to support continuous improvement. The After Action Review/Report (AAR) is the primary means and tool for facilitating this assessment. A team will be assembled to discuss a task, incident, event, activity, or project, in an open and honest fashion. The systematic application of properly conducted AARs across an organization can help drive organizational change. When applied correctly, AARs can become a key aspect of the internal system of learning and motivation. Subsequent to any incident or event, which requires an IAP or EAP, an AAR with key personnel will be conducted no later than two calendar weeks after the last operational period of the incident or event. Attendance and participation at the AAR is mandatory, unless otherwise authorized by the Chief of Police. All input from the review will be compiled into an After Action Report and submitted to the Chief of Police. The Chief of Police will then issue a Corrective Action Plan (CAP). Compliance with the CAP is mandatory. CAPs may direct that corrective action be taken, to include, but not limited to, the following examples:

- (a) Department general order changes;
- (b) Unit SOP changes;
- (c) Equipment purchases or redistribution;
- (d) Department reorganization;

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- (e) Budget reallocation; and/or
- (f) Personnel reassignment.

#### **202.7 LOCATION OF THE EMERGENCY MANAGEMENT PLAN**

Copies of the Emergency Management Plan are available on the shared drive and Public Safety Communications. All supervisors should familiarize themselves with the Emergency Management Plan and the roles members will play when the plan is implemented. The Assistant Chief of Police should ensure that department members are familiar with the roles they will play when the plan is implemented.

#### **202.8 EMERGENCY MANAGEMENT PLAN REVIEW**

The Chief of Police or the authorized designee shall review the Emergency Management Plan annually and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The Chief of Police or the authorized designee should appropriately address any needed revisions (37 Tex. Admin. Code § 7.12).

#### **202.9 TRAINING**

The Department should provide annual training on the Emergency Management Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Management Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command discussion.

In a continuing effort to ensure all department personnel possess and maintain the knowledge, skills, and abilities needed to decisively and immediately respond, mitigate, and recover from any emergency situation, the department will provide up-to-date NIMS and ICS training for its employees. All employees are required to complete all required NIMS and ICS training within 18 months of their initial assignment and/or promotion to their current rank.

The Training Supervisor shall ensure that appropriate personnel have completed the Texas Division of Emergency Management approved training (Tex. Gov't Code § 418.005).

## Training

### 203.1 PURPOSE AND SCOPE

This order establishes general guidelines for how training is to be identified, conducted and documented. This order is not meant to address all specific training endeavors or identify every required training topic.

### 203.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local agencies and the Texas Commission on Law Enforcement (TCOLE) training requirements. It is a priority of this department to provide continuing education and training for officer safety, the professional growth and development of its members.

### 203.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with TCOLE rules and regulations concerning law enforcement training.

### 203.4 TRAINING SUPERVISOR

The Chief of Police shall designate a Training Supervisor who is responsible for developing, reviewing, updating and maintaining the department training plan so that required training is completed. The Training Supervisor shall review the training plan annually.

### 203.5 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

#### 203.5.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all-inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

- (a) Federally mandated training:

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1. National Incident Management System (NIMS) training.
- (b) State-mandated training:
  1. Members of this department shall successfully complete TCOLE approved basic law enforcement training and successfully pass the licensing examination before being issued a peace officer's license (37 Tex. Admin. Code § 217.1).
    - (a) The basic law enforcement training requirement may be waived if the member is eligible for licensure by meeting the training and licensure standards within the parameters set by TCOLE.
    - (b) Employees must hold a Texas Peace Officer license before performing law enforcement duties.
  2. Members of this department shall complete the required hours of TCOLE approved continuing education training applicable for their position with the department (Tex. Occ. Code § 1701.351; Tex. Occ. Code § 1701.352; 37 Tex. Admin Code § 218.3).
  3. Members serving as school resource officers shall attend training specific to that position (Tex. Occ. Code § 1701.263; Tex. Educ. Code § 37.0812).

#### **203.5.2 PROFICIENCY CERTIFICATE**

The Denton Police Department will provide all members with training necessary to obtain applicable proficiency certificates (Tex. Occ. Code § 1701.402; 37 Tex. Admin. Code § 221.1).

#### **203.5.3 TEXAS COMMISSION ON LAW ENFORCEMENT APPROVED TRAINING**

The Training Supervisor shall coordinate efforts and associated training advisory board requirements when the Chief of Police has directed the Training Supervisor to seek approval as a training provider from the Texas Commission on Law Enforcement (TCOLE) (37 Tex. Admin. Code § 215.1 et seq.; Tex. Occ. Code § 1701.252).

The Training Supervisor will meet the training coordinator duties specified in 37 Tex. Admin. Code § 215.9.

#### **203.6 TRAINING ATTENDANCE**

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
  1. Court appearances.
  2. Previously approved vacation or time off.
  3. Illness or medical leave.
  4. Physical limitations preventing the member's participation.
  5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled shall notify their supervisor as soon as practicable but no later than one hour prior to the start of training and shall:

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1. Document their absence in an email to their supervisor.
2. Cancel their class reservation and/or provide notification of their absence to the Training Section.
3. Make arrangements through their supervisor or the Training Supervisor to attend the required training on an alternate date

#### **203.7 DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the Denton Police Department General Orders and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Lexipol policy manager.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Lexipol policy manager. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this order.

#### **203.8 TRAINING RECORDS**

The Training Supervisor is responsible for the creation, filing and storage of all training records in compliance with TCOLE standards using the Texas Commission on Law Enforcement Data Distribution System (TCLEDDS) for sworn member records (37 Tex. Admin. Code § 218.5).

All department members, sworn and non-sworn, should forward a copy of their job related training certificates and certifications received from outside agencies and organizations to the Training Division.

Training records shall be retained in accordance with the established records retention schedule.

## Electronic Mail

### 204.1 PURPOSE AND SCOPE

The purpose of this order is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department.

### 204.2 POLICY

The Department provides electronic mail to employees for use in the performance of their duties. The electronic mail system is made available to members to efficiently communicate with each other, other governmental entities, companies, and individuals for the benefit of the community. Denton Police Department members shall use email in a professional manner in accordance with this order and current law (e.g., Texas Public Information Act).

### 204.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use General Order for additional guidance). The electronic mail system is subject to inspection by authorized City officials and may be subject to public view through open records. All messages composed, sent or received on the electronic mail system are the property of the City of Denton.

### 204.4 EMAIL USE

All members of the Department who are assigned an email account will check their messages at least once per shift or normal workday. Members will check their email account near the end of shift prior to regularly scheduled days off or planned absences. The email account should be checked as soon as practicable upon return from a planned absence. Email received on a member's day off will be returned on the next duty day, when possible.

Department-related labor organizations may use the electronic mail system for distributing information to their members or perspective members only with the expressed permission of the Chief of Police or designee.

### 204.5 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration or practices of the Department.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. In the event that a member has questions

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about sending a particular email communication, the member should seek prior approval from a supervisor in their chain of command.

It is a violation of this order to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name or password. Any member who believes their password has become known to another person shall change their password immediately.

#### **204.6 EMAIL RECORD MANAGEMENT**

Email may, depending upon the individual content, be a public record under the Texas Public Information Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The City of Denton Technology Services shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release General Order.

## **Administrative Communications**

### **205.1 PURPOSE AND SCOPE**

This order sets forth the manner in which the Department communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status. This order also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Department.

### **205.2 POLICY**

The Denton Police Department will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

### **205.3 PERSONNEL ORDERS**

Personnel Orders may be issued periodically by the Chief of Police or the authorized designee to announce and document all promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status.

### **205.4 CORRESPONDENCE**

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

Official internal correspondence shall be on the appropriate department electronic or non-electronic memorandum forms. Correspondence forwarded through the chain-of-command shall be delivered to the addressee within a reasonable time of initial receipt.

Electronic correspondence shall contain the sender's department-approved signature and electronic communications disclaimer language.

### **205.5 SURVEYS**

All surveys made in the name of the Department shall be authorized by the Chief of Police or the authorized designee.

### **205.6 OTHER COMMUNICATIONS**

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee (see the Departmental Directives General Order).

## Supervision Staffing Levels

### **206.1 PURPOSE AND SCOPE**

The purpose of this order is to establish guidelines to ensure that proper supervision is available to meet the needs of the Department and members throughout all Bureaus.

### **206.2 POLICY**

The Denton Police Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

### **206.3 MINIMUM SUPERVISION STAFFING LEVELS**

Minimum staffing levels should be established by the Bureau Chiefs for each Bureau and work group. The supervision staffing levels should support proper supervision, span of control, compliance with any meet-and-confer agreements or memorandum of understanding and activity levels to meet the needs of members and the goals of the Department.

#### **206.3.1 TEMPORARY SUPERVISORS**

In order to accommodate unanticipated extended leave (i.e. illness, military leave, family emergency, and other unforeseen circumstances), the next eligible candidate on the current Sergeant's or Lieutenant's list may be used as a temporary supervisor in place of a regularly assigned supervisor (Tex. Local Gov't Code § 143.038).

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## Retiree Concealed Firearms

### 207.1 PURPOSE AND SCOPE

The purpose of this order is to provide guidelines for the issuance, denial, suspension or revocation of Denton Police Department identification cards to qualified former or retired law enforcement officers under the Law Enforcement Officers' Safety Act (LEOSA) and/or Texas law (18 USC § 926C; Tex. Gov't Code § 411.199; Tex. Occ. Code § 1701.357).

### 207.2 POLICY

It is the policy of the Denton Police Department to provide identification cards to qualified former or retired officers to facilitate the lawful carrying of concealed weapons by those individuals.

### 207.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that they are not qualified to receive a firearms qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

#### 207.3.1 LEOSA CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify them as having been employed as an officer.

If the Denton Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active-duty standards for qualification to carry a firearm.

#### 207.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when they are:

- (a) In possession of photographic identification that identifies them as having been employed as a law enforcement officer, and one of the following:
  - (a) An indication from the person's former law enforcement agency that they have, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

- (b) A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by Texas law or by a private person or entity on their property if such prohibition is permitted by Texas law.

#### **207.4 TEXAS STATE IDENTIFICATION CARD**

The Chief of Police or the Chief of Police's designee is responsible for issuing identification cards to qualified retirees as follows:

- (a) To qualifying honorably retired officers under Tex. Gov't Code § 614.121 who (Tex. Gov't Code § 614.124):
  - (a) Did not retire in lieu of any disciplinary action.
  - (b) Are eligible to retire in this state or are ineligible to retire only as a result of an injury received in the course of employment.
  - (c) Are entitled to receive a pension or annuity for service or are not entitled to receive a pension or annuity only because those were not offered.
  - (d) Possess a weapons proficiency certification under Tex. Occ. Code § 1701.357.
- (b) To qualifying retired law enforcement officers under 18 USC § 926C who (Tex. Gov't Code § 614.1241):
  - (a) Were last employed by the Denton Police Department or retired after 20 years of service with the Denton Police Department and are currently receiving retirement or pension benefits as a result of that service.
  - (b) Possess a weapons proficiency certificate under Tex. Occ. Code § 1701.357.

##### **207.4.1 TEXAS STATE IDENTIFICATION FORMAT**

The identification card issued to qualifying retirees shall contain the following (Tex. Gov't Code § 614.124; Tex. Gov't Code § 614.1241; Tex. Gov't Code § 614.125):

- (a) The full name of the retired officer;
- (b) A photograph of the officer;
- (c) The name of the Denton Police Department upon the card;
- (d) If applicable, the signature of the person authorizing the issuance of the card on behalf of the Denton Police Department;

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### *Retiree Concealed Firearms*

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- (e) A brief description of the officer, including height, weight and eye color;
- (f) The thumbprint of the officer;
- (g) The date the officer last served as a law enforcement officer for the Denton Police Department;
- (h) The date of issuance;
- (i) A phone number operational 24 hours a day, seven days a week that a person may call to verify the validity of the identification card;
- (j) The words "State of Texas" and the state seal;
- (k) A statement as follows: "This identification card certifies that (insert the name of the officer) is an honorably retired peace officer of the Denton Police Department." If the identification card is issued under the authority of Tex. Gov't Code § 614.1241, the statement shall read: "This identification card certifies that (insert the name of the officer) is a qualified retired law enforcement officer of the Denton Police Department."; and
- (l) An expiration date not later than one year after the date of issuance.

#### 207.4.2 LICENSE TO CARRY A HANDGUN

The Chief of Police shall issue a sworn statement to any retiree officer from this department who requests such a statement for the purpose of applying to the Texas Department of Public Safety for a LTC. The sworn statement must include (Tex. Gov't Code § 411.199):

- (a) The name and rank of the officer.
- (b) The status of the officer.
- (c) Whether the officer was accused of misconduct at the time of their retirement.
- (d) A description of the physical and mental condition of the applicant.
- (e) The type of weapons the officer had demonstrated proficiency with during the last year of employment or service.
- (f) If the officer is retired, whether the officer would be eligible for reemployment with the agency and, if not, the reasons the officer is not eligible.
- (g) A recommendation regarding the issuance of a handgun license.
- (h) Whether the applicant holds a current certificate of proficiency under Tex. Occ. Code § 1701.357.

#### 207.4.3 AUTHORIZATION

Qualified former officers with a Texas handgun license issued by the Texas Department of Public Safety under state law may carry concealed, within this state, any handgun. The card does not itself authorize a retiree to carry a concealed firearm outside this state. The former officer must also meet state and LEOSA requirements.

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### *Retiree Concealed Firearms*

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#### **207.4 FORMER OFFICER RESPONSIBILITIES**

A former officer with a card issued under this order shall immediately notify the Lieutenant of their arrest or conviction in any jurisdiction, or that they are the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders General Order.

##### **207.4.1 RESPONSIBILITIES UNDER LEOSA**

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that they are not prohibited by law from receiving or possessing a firearm.

##### **207.4.2 RESPONSIBILITIES UNDER TEXAS LAW**

A retiree with a Texas identification card shall:

- (a) Surrender their identification to this department on or before its expiration date (Tex. Gov't Code § 614.124; Tex. Gov't Code § 614.1241).
- (b) Notify the Department if the identification card is lost or stolen and submit an affidavit stating the card was lost or stolen if they are requesting a replacement (Tex. Gov't Code § 614.127).
- (c) If carrying a handgun under authority of a LTC, present the LTC and a driver's license or state identification whenever a law enforcement officer demands identification (Tex. Gov't Code § 411.205).

#### **207.5 DENIAL, SUSPENSION OR REVOCATION**

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

#### **207.6 FIREARM QUALIFICATIONS**

The Rangemaster may provide former officers an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification.

The Rangemaster will maintain a record of the qualifications and weapons used (Tex. Occ. Code § 1701.357).

## **Chapter 3 - General Operations**

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## Response to Resistance

### 300.1 PURPOSE AND SCOPE

This order provides guidelines on the reasonable response to resistance. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

This order is written in terms to apply to sworn officers. In incidents where civilian employees are authorized to use force, they are subject to the same policies and procedures as officers, but the test of objective reasonableness is judged from the perspective of an objectively reasonable civilian employee with like-training.

Additionally, this order will provide directives and guidelines on the following:

- De-escalation principals and techniques;
- Parameters relating to the use of objectively reasonable force;
- Reporting requirements; and
- Providing medical assistance to injured subjects.

#### 300.1.1 PHILOSOPHY

The sanctity of human life is the foundation by which DPD serves the community. The response to resistance by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may exercise control over another in carrying out their duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use lawful and objectively reasonable force and to protect the public welfare requires a careful balancing of all human interests.

Officers should recognize that their conduct prior to the response to resistance may be a factor which can influence the level of force necessary in a situation.

#### 300.1.2 DEFINITIONS

Definitions related to this order include:

**Active Aggression** – A physical act threatening assault or a verbal statement threatening assault, coupled with the immediate ability to carry out the threat or assault that would cause a reasonable person to believe bodily injury is imminent to any person.

**Bodily Injury** - Physical pain, illness or any impairment of physical condition (Tex. Penal Code § 1.07(a)(8)).

**De-escalation** - Using techniques, after consideration of the proportion of the threat, to stabilize the situation and reduce the immediacy of the threat, so that more options and resources are

# Denton Police Department

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available to bring about a successful resolution to an encounter with a non-compliant subject. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, thereby eliminating the need to use force in response to resistance.

**De-escalation Techniques** - Communicative or other actions used by officers, when safe, and without compromising law enforcement priorities, that are designed to increase the likelihood of gaining voluntary compliance from a non-compliant subject, and reduce the likelihood of using force in response to resistance. The techniques used, such as the use of distance, cover, and tactical repositioning, must be proportional to the threat encountered.

**Defensive Resistance** – Physical actions that attempt to prevent the officer's control, but make no directed attempt to harm the officer. At this level of resistance, the subject tenses their muscles or attempts to push or pull away in a manner that does not allow the officer to establish control.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force in response to resistance when a person allows themselves to be searched, escorted, handcuffed or restrained.

**Less-Lethal Force** - Any application of force other than lethal force.

**Lethal Force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or serious bodily injury. (Tex. Penal Code § 9.01(3))

**Imminent** - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

**Neck Restraints** - Any technique used to apply external pressure to the neck that impedes a person's ability to breathe, deprives the brain and/or body of oxygen, and/or impedes blood flow.

**Objectively Reasonable** - An objective standard in determining the necessity for force and the appropriate level of force viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight, and within the limitations of the totality of the circumstances presented at the time of the incident, including, but not limited to, the severity of the crime at issue, the tactics employed, whether the suspect poses an immediate threat to the safety of officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

**Passive Resistance** – A person's refusal to comply with a lawful order that does not include any physical act, verbal statement, or pre-fight behavioral indicators that would cause an officer to believe that there is an immediate risk of bodily injury to any person.

**Serious Bodily Injury** - Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ (Tex. Penal Code § 1.07(a)(46)).

### **300.2 POLICY**

The use of force in response to resistance by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a

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## General Orders

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daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests. The standard in determining the necessity for force and the appropriate level of force will be viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight, and within the limitations of the totality of the circumstances presented at the time of the incident, including, but not limited to, the severity of the crime at issue, the tactics employed, whether the suspect poses an imminent threat to the safety of officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

#### **300.2.1 DUTY TO INTERCEDE**

All officers and employees, regardless of rank, tenure, or level of training, have the duty and responsibility to intervene in any other officer's or employee's use of unreasonable force. Any officer or employee present and observing another officer or employee using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer or employee who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

#### **300.2.2 RESPONSE TO RESISTANCE RELATED ORDERS**

- Biased Based Policing
- Canines
- Contacts and Detentions
- Control Devices
- Electronic Control Weapons
- Foot Pursuits
- Handcuffing and Restraints
- Officer Involved Shootings and In-Custody Deaths
- Response to Resistance Review Boards
- Vehicle Pursuits

#### **300.3 DE-ESCALATION OF POTENTIAL FORCE ENCOUNTERS**

De-escalation is the preferred, tactically sound approach in many critical incidents. When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques

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to reduce the likelihood of force and increase the likelihood of voluntary compliance. Nothing in this de-escalation policy requires an officer to place themselves in harm's way to attempt to de-escalate a situation. Recognizing that circumstances may rapidly change, officers may need to abandon de-escalation efforts after they have commenced. Understanding that no general order can realistically predict every situation an officer might encounter, the Department recognizes that each officer must be entrusted with well-reasoned discretion in determining the reasonable de-escalation techniques to use in a situation. This de-escalation policy is intended to complement, not replace or supersede, other portions of the DPD General Orders Manual or specific officer training that addresses de-escalation. Officers shall be required to receive training on key de-escalation principles.

#### 300.3.1 ASSESSMENT AND DE-ESCALATION

As officers arrive on the scene, observe conditions, and interact with the persons there, they should continue to gather additional relevant information and facts. These assessments, along with reasonable inferences help to develop an understanding of the totality of the circumstances of the incident and of the threat.

- (a) Assessing Risks and Benefits – After an officer has gathered sufficient information to ascertain anticipated threats at the scene, they shall consider whether de-escalation is appropriate. Factors that should be considered are:
  - 1. Whether the officer believes the search, arrest or transportation must be undertaken immediately;
  - 2. What risks and benefits may be associated with delaying immediate action;
  - 3. What contingencies may arise;
  - 4. Whether the situation requires a supervisor's response;
  - 5. Whether other officers may be needed on the scene, including those with special training, such as Mental Health Peace Officers;
  - 6. Whether other resources (e.g. control devices, special equipment, or other emergency professionals, interpreters or other persons) are needed; and
  - 7. Other factor(s) relevant to assessing risks, benefits and contingencies.

Having completed the above outlined assessment, the officers shall, if reasonable, identify and employ appropriate de-escalation techniques.

- (a) Use of De-escalation Techniques – Employing de-escalation techniques may involve securing additional resources, tactical repositioning (e.g. obtaining distance and cover), and employing verbal persuasion.
  - 1. Securing Additional Resources -- Officers may utilize additional resources which are reasonably calculated to lessen or possibly eliminate the need to use force in a situation. To the extent possible and reasonable, in light of the totality of the circumstances, officers should avoid physical confrontation until such time as additional resources have arrived to assist. Additional resources may include:
    - (a) Control devices;

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- (b) Additional officers;
  - (c) Officers with special training, such as Mental Health Peace Officers; or
  - (d) Any other persons whose presence may help de-escalate the situation (e.g., emergency medical professionals, interpreters, or supportive family members).
2. Tactical Repositioning -- To delay or avoid physical confrontation, officers may wish to employ any one or more of the following tactical repositioning measures, to the extent possible and reasonable in light of the totality of circumstances:
- (a) Maintain safe physical distance from the subject;
  - (b) Maintain cover behind existing or assembled physical barriers; or
  - (c) Communicate from a location that is concealed from the subject.
3. Verbal Persuasion -- To the extent possible and reasonable under the totality of the circumstances officers may use one or more of the following verbal techniques to try to calm an agitated subject and promote rational decisions:
- (a) Listen to the subject's side of the story and permit them to express frustration;
  - (b) Explain what the officer is doing, what the subject can do, and what needs to happen;
  - (c) Explain why the officer is taking a specific action, again permitting the subject to respond and acknowledging their perspective;
  - (d) Treat the subject with dignity, the way the officer would wish to be treated if they stood in the subject's shoes;
  - (e) If possible, provide the subject with alternatives, even though those alternatives may be limited;
  - (f) Advise the subject of the consequences for noncompliance;
  - (g) Offer advice if it is reasonably expected to help; or
  - (h) Provide the subject with reasonably sufficient time within which to respond to directives.

#### **300.4 RESPONSE TO RESISTANCE**

Officers shall use only that amount of force in response to resistance that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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### *Response to Resistance*

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Given that no general order can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in response to resistance in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this order requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

Officers shall not use lethal force where the only basis for using the lethal force is that the individual posed a threat of committing, or committed, a serious, violent crime prior to the encounter with police. Officers are only authorized to use lethal force against a person who currently and actively poses an imminent threat of death or serious bodily injury to other persons and/or the law enforcement officer, and after all other reasonable means have been exhausted.

#### 300.4.1 RESPONSE TO EFFECT AN ARREST

Officers may use reasonable force to effect an arrest, search, prevent escape or overcome resistance. If it is not reasonably apparent to the person to be arrested, or it is not reasonably impracticable to do so, officers should make clear their intent to arrest or search, and identify themselves as peace officers, before using force (Tex. Penal Code § 9.51).

#### 300.4.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force in response to resistance, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others;
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time;
- (c) Seriousness of the suspected offense or reason for contact with the individual;
- (d) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects);
- (e) The effects of drugs or alcohol;
- (f) Individual's mental state or capacity;
- (g) Proximity of weapons or dangerous improvised devices;
- (h) The degree to which the individual has been effectively restrained and their ability to resist despite being restrained;

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- (i) The availability of other options and their possible effectiveness;
- (j) Training and experience of the officer;
- (k) Potential for injury to officers, suspects and others;
- (l) Whether the individual appears to be resisting, attempting to evade arrest by flight or is attacking the officer;
- (m) The risk and reasonably foreseeable consequences of escape;300
- (n) The apparent need for immediate control of the individual or a prompt resolution of the situation;
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others;
- (p) Prior contacts with the individual or awareness of any propensity for violence; or
- (q) Any other exigent circumstances.

#### 300.4.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance;
- (b) Whether the individual can comply with the direction or orders of the officer;
- (c) Whether the individual has been given sufficient opportunity to comply;
- (d) The potential for injury to the officers or others if the technique is not used;
- (e) The potential for serious bodily injury to the individual being controlled.;
- (f) Whether the pain compliance technique is effective in achieving an appropriate level of control;
- (g) The nature of the offense involved;
- (h) The level of resistance of the individual(s) involved;
- (i) The need for prompt resolution of the situation; and
- (j) If time permits (e.g., passive demonstrators), other reasonable alternatives.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

#### 300.4.4 NECK RESTRAINTS

There are multiple names and types of neck restraints referred to by law enforcement when they are applying pressure to the neck of a criminal suspect, such as Lateral Vascular Neck Restraints, Carotid Restraints and chest compressions. Any type of external pressure applied to the neck

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impedes the passage of air and/or the blood flow of the individual it is applied to. Such external pressure can collapse the airway, cause internal damage to the neck, block venous return or arterial flow, or lead to related health consequences. Pressure to the neck of an individual is explicitly prohibited, with the exception of lethal force situations.

#### **300.4.5 USE OF FORCE TO SEIZE EVIDENCE**

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. The use of any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted, such as the LVNR is explicitly prohibited. Officers are only authorized to use techniques and methods taught by the Denton Police Department for this specific purpose.

- (a) Pressure point techniques are the maximum amount of force authorized to seize evidence (e.g., narcotics) when there is probable cause to believe it is being held or hidden in the mouth of a subject.

#### **300.5 LETHAL FORCE APPLICATIONS**

Use of lethal force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use lethal force to protect themselves or others from what they reasonably believe would be an imminent threat of death or serious bodily injury.
- (b) An officer may use lethal force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of lethal force, where feasible.
- (c) Lethal force is prohibited against individuals who pose a danger only to themselves and not to other members of the public or to officers. Available less lethal options shall be considered in these situations. Officers should be prepared to exercise considerable discretion to take as much time as necessary to resolve a situation peacefully.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so. Officers shall issue a verbal warning prior to discharging their firearm, unless doing so would not be reasonable.

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#### 300.5.1 SHOOTING AT OR FROM MOVING VEHICLES

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of lethal force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a lethal weapon. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. Officers should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if lethal force other than the vehicle is directed at the officer or others.

#### **300.6 REPORTING THE RESPONSE TO RESISTANCE**

Any response to resistance by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why they believed the response to resistance was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department general orders, procedure or law.

#### 300.6.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following any force incident or allegation of force, including but not limited to the following circumstances:

- (a) The application caused a visible injury;
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort;
- (c) The individual subjected to the force complained of injury or continuing pain;
- (d) The individual indicates intent to pursue litigation;
- (e) Any application of the Electronic Control Weapon or control device;
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains;
- (g) The individual subjected to the force was rendered unconscious;
- (h) An individual was struck or kicked; or
- (i) An individual alleges any of the above has occurred.

Except in the case of mitigating circumstances, supervisors are required to immediately respond to an incident scene where an officer has used any less-lethal force and initiate an investigation. Additionally, supervisors are required to immediately respond to any scene where:

- (a) A weapon (including firearm, edged weapon, rocks, or other improvised weapons) is reported;
- (b) A person experiencing a mental health crisis is reported; or

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- (c) A dispatcher or other member of the department believes there is potential for significant use of force.

Any response to resistance by a member of this department (including a hand or leg technique, control device, lethal weapon, weapon of opportunity, or any instance where injury is observed or alleged by a subject that is the result of an officer's response to resistance) shall be documented promptly, completely and accurately in an appropriate report as prescribed by the Response to Resistance Review Boards General Order.

#### **300.7 MEDICAL CONSIDERATIONS**

Officers shall promptly request medical assistance as soon as it is safe and practical to do so following a force incident. Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Officers shall monitor the individual's airway and assist, as necessary, in moving the individual on the ground into a seated position. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until they can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any response to resistance is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away (see the Medical Aid and Response General Order).

#### **300.8 ASSISTING MEDICAL PROFESSIONALS**

An officer who restrains a patient to assist medical personnel under a doctor's order, with an amount of force which does not rise above the level of holding the patient down (e.g. arms, legs, foot, torso) is not required to report a response to resistance or notify their supervisor.

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- (a) Medical personnel are:
  - 1. Medical staff at a medical facility; or
  - 2. Licensed emergency medical technicians (EMT), phlebotomist, or other medical professional in performance of their official medical duties.
- (b) If an officer uses a level of force greater than merely holding a limb or applying bodily weight on the patient, the officer will:
  - 1. Notify their supervisor, and
  - 2. Complete an incident report including the appropriate title code and the response to resistance form.

### **300.9 SUPERVISOR RESPONSIBILITIES**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived their *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **300.9.1 LIEUTENANT RESPONSIBILITY**

The Lieutenant shall review each response to resistance by any personnel within their command to ensure compliance with this order and to address any training issues.

#### **300.10 TRAINING**

Officers will receive periodic training on this order and demonstrate their knowledge and understanding.

Supervisors will receive training on how to conduct response to resistance investigations.

#### **300.11 RESPONSE TO RESISTANCE ANALYSIS**

At least bi-annually, the Assistant Chief of Police should prepare an analysis report on response to resistance incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the response to resistance by members;
- (b) Training needs recommendations;
- (c) Equipment needs recommendations; and
- (d) General order revision recommendations.

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## Response to Resistance Review Boards

### 301.1 PURPOSE AND SCOPE

This order establishes a process for the Denton Police Department to review the response to resistance by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the response to resistance.

### 301.2 POLICY

The Denton Police Department will objectively evaluate the response to resistance by its members to ensure that their authority is used appropriately and consistent with training and general orders.

### 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member's actions or response to resistance in an official capacity, or while using department equipment, results in death or serious bodily injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place a member in an administrative assignment.

### 301.4 REVIEW BOARD

The Response to Resistance Review Board will be convened when the response to resistance by a member results in serious bodily injury or death to another person.

The Response to Resistance Review Board will also review the circumstances surrounding every discharge of a firearm, whether the member was on- or off-duty, excluding training or recreational use.

The Chief of Police or authorized designee may request the Response to Resistance Review Board to review the circumstances surrounding any response to resistance incident.

The Support Operations Bureau Chief will convene the Response to Resistance Review Board as necessary. It will be the responsibility of the Bureau Chief or supervisor of the involved member to notify the Support Operations Bureau Chief of any incidents requiring board review. The involved member's Bureau Chief or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### 301.4.1 COMPOSITION OF THE BOARD

The Support Operations Bureau Chief should staff the Response to Resistance Review Board with six individuals from the following:

- A patrol Lieutenant
- A patrol Sergeant

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- Training Supervisor
- A peer officer/department member
- Department defensive tactics instructor
- Accreditation and Compliance Specialist

The Support Operations Bureau Chief will serve as chairperson.

#### 301.4.2 RESPONSIBILITIES OF THE BOARD

The Response to Resistance Review Board is empowered to conduct an administrative review into the circumstances of an incident.

The board members may request further investigation and request reports be submitted for the board's review.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the response to resistance.

The board shall make one of the following recommended findings:

- (a) The member's actions were within department policy and procedure.
- (b) The member's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and general order reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the member's actions were within general orders and procedure, and determine whether any additional training for the involved officer, additional actions, investigations or reviews are appropriate. Those findings will be forwarded to the involved member's Bureau Chief for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

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## Handcuffing and Restraints

### 302.1 PURPOSE AND SCOPE

This order provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

### 302.2 POLICY

The Denton Police Department authorizes the use of restraint devices in accordance with this order, the Response to Resistance General Order and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

### 302.3 USE OF RESTRAINTS

Only members who have successfully completed Denton Police Department-approved training on the use of restraint devices described in this order are authorized to use these devices.

When deciding to use any restraint device, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest;
- The demeanor and behavior of the arrested person;
- The age and health of the person;
- Whether the person is known to be pregnant;
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes; and,
- Whether the person has any other apparent disability.

#### 302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

#### 302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others (Tex. Local Gov't. Code § 361.082).

#### **302.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless they are suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure themselves, injure the officer or damage property.

#### **302.3.4 NOTIFICATIONS**

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

#### **302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint.

In most situations, handcuffs should be applied with the hands behind the person's back. When applied, handcuffs should be properly adjusted and double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

#### **302.5 APPLICATION OF SPIT HOODS**

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide

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assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated with clean water to cleanse the affected areas, including hair, head and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

#### **302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

#### **302.7 APPLICATION OF LEG RESTRAINT DEVICES**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person;
- Whether it is reasonably necessary to protect the person from their own actions (e.g., hitting their head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers); or
- Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

##### **302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints, the following guidelines should be followed:

- If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

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- Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.
- The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on their stomach.
- The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

#### **302.8 APPLICATION OF FULL BODY RESTRAINTS**

##### **302.8.1 GUIDELINES FOR USE OF WRAP DEVICE**

The WRAP device is designed/intended as a temporary restraining device that should increase officer safety and reduce the risk of injuries to officers and subjects in custody. Officers will be trained on the use of the WRAP device prior to its use. The WRAP should be considered for use in the following situations:

- To immobilize a violent/combatative subject;
- To limit a violent/combatative subject's ability to cause injury to themselves or others;
- To prevent a violent/combatative subject from causing property damage by kicking;
- To safely transport an arrested, non-compliant person to a police vehicle and/or the jail; and/or
- When conventional methods of restraint are not effective.

To carry the subject, it is recommended that between two to four personnel be used depending on the size and weight of the subject. Lift the subject by the arms and the ankles. A "log lift" carrying technique may be used when moving the subject. Proper lifting techniques should be followed to prevent unnecessary injury. As an option to lifting, the subject may be moved by means of a shuffle. If the subject has calmed down and is cooperative, the lower WRAP leg band can be loosened to allow some leg movement below the knees without compromising security or safety concerns. By loosening the tether to the shoulder harness, the subject can be brought to a standing position with the help of officers and then allowed to shuffle to or from a vehicle or holding cell. If this method is used, appropriate support must be given to the subject to prevent possible injury.

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Prior to vehicle transportation, re-check all belts to ensure that they are securely fastened. The use of a seat belt is required to limit movement and reduce the risk of injury to the subject.

The WRAP device will not be used:

- On a subject as a means of punishment;
- On a subject who only displays passive resistance, other than to facilitate safe transportation to a police vehicle and/or the jail;
- In a manner other than designed/intended by the manufacturer;
- In a manner that is inconsistent with department training; or
- By personnel that have not been trained in its use.

The subject should never be left unattended. They should be placed in an upright sitting position or on their side as soon as possible to allow for respiratory recovery. Subjects should not be left in the WRAP any longer than is necessary for transport to the jail and transition to a cell or to a restraint chair. The shoulder harness should never be tightened to the point that it interferes with the subject's ability to breathe. The leg bands and shoulder harness must be checked frequently for tightness and re-tightened or loosened as necessary until the WRAP is removed. If the restrained subject complains of or show signs of breathing distress (shortness of breath, sudden calmness, a change in facial color, etc.), medical attention should be provided immediately.

#### 302.8.2 GUIDELINES FOR USE OF RESTRAINT CHAIR

Jail staff may place a detainee in the restraint chair to:

- Protect jail personnel or other detainees from assault;
- To gain control of a violent or resisting prisoner; and/or
- To protect an inmate from violent, assaultive, destructive or self-injurious behavior including suicide attempts.

The detainee's property should be removed prior to being placed in the restraint chair when practical.

When applying the restraint chair, the following guidelines should be followed:

- A detainee will remain confined in the restraint chair only until they have calmed down, are willing to cooperate, and do not pose a threat to self or others.
- A detainee will normally remain in the restraint chair for a time not to exceed two hours unless extenuating circumstances exist that would constitute a danger to the inmate or jail staff.
- The restraint chair will be placed in an area where jail staff can closely monitor the detainee's condition.
- If a detainee frees themselves from an arm or leg restraint, handcuffs or leg shackles should be applied. Handcuffs and shoulder restraints should be applied with their hands behind their back. If leg shackles are applied, the chain should be placed on the chain holder hook.

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- When a detainee is released from the chair, the releasing jail staff will check them for any injuries sustained while in custody, provide any needed medical attention, and document the injuries.

Jail staff may not use the restraint chair:

- As punishment; or
- In reprisal for verbal abuse, insults or spitting.

#### **302.9 REQUIRED DOCUMENTATION**

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- The factors that led to the decision to use restraints;
- Supervisor notification and approval of restraint use;
- The types of restraint used;
- The amount of time the person was restrained;
- How the person was transported and the position of the person during transport;
- Observations of the person's behavior and any signs of physiological problems; and
- Any known or suspected drug use or other medical problems.

#### **302.10 TRAINING**

Subject to available resources, the Training Supervisor should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- Proper placement and fit of handcuffs and other restraint devices approved for use by the Department;
- Response to complaints of pain by restrained persons;
- Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body;
- Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained; and
- The use of full body restraints and leg restraints, including but not limited to the hobble device.

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## Control Devices

### 303.1 PURPOSE AND SCOPE

This order provides guidelines for the use and maintenance of control devices that are described in this order.

### 303.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Denton Police Department authorizes officers to use control devices in accordance with the guidelines in this order and the Response to Resistance General Order. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

#### 303.2.1 PHILOSOPHY

The use of control devices upon a subject by an officer shall only occur when the officer, while in the performance of their lawful duties, reasonably believes it necessary to gain control of the subject. The Department recognizes and respects the value of all human life without prejudice to anyone. It is also understood that vesting officers with the authority to use lawful and objectively reasonable force and protect the public welfare requires a careful balancing of all human interests.

#### 303.2.2 DEFINITIONS

**Bodily Injury** - Physical pain, illness or any impairment of physical condition (Tex. Penal Code § 1.07(a)(8)).

**Serious Bodily Injury** - Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ (Tex. Penal Code § 1.07(a)(46)).

**De-escalation** - Using techniques, after consideration of the proportion of the threat, to stabilize the situation and reduce the immediacy of the threat, so that more options and resources are available to bring about a successful resolution to an encounter with a non-compliant subject. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, thereby eliminating the need to use force in response to resistance.

**De-escalation Techniques** - Communicative or other actions used by officers, when safe, and without compromising law-enforcement priorities, that are designed to increase the likelihood of gaining voluntary compliance from a non-compliant subject, and reduce the likelihood of using force in response to resistance. The techniques used must be proportional to the threat encountered.

**Lethal Force** - Force that is intended or known by the officer to cause, or in the manner of its use or intended use is capable of causing death or serious bodily injury (Tex. Penal Code § 9.01(3)).

**Force** - Any physical contact with a subject by an officer using the body or any object, device, or weapon, not including unresisted escorting or handcuffing a subject.

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**Less-lethal Force** - Any application of force other than lethal force.

**Objectively Reasonable** - An objective standard in determining the necessity for force and the appropriate level of force viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight, and within the limitations of the totality of the circumstances presented at the time of the incident, including, but not limited to, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

**Active Aggression** – A physical act threatening assault or a verbal statement threatening assault, coupled with the immediate ability to carry out the threat or assault that would cause a reasonable person to believe bodily injury is imminent to any person.

**Defensive Resistance** – Physical actions that attempt to prevent the officer's control, but make no directed attempt to harm the officer. At this level of resistance, the subject tenses their muscles or attempts to push or pull away in a manner that does not allow the officer to establish control.

**Passive Resistance** – A person's refusal to comply with a lawful order that does not include any physical act, verbal statement, or pre-fight behavioral indicators that would cause an officer to believe that there is an imminent risk of bodily injury to any person.

### **303.3 CONTROL DEVICES AND TECHNIQUES OVERVIEW**

#### 303.3.1 WHEN DEVICES MAY BE USED

De-escalation is the preferred, tactically sound approach to many critical situations, and officers should use de-escalation tactics when it is safe and time permits. When de-escalation techniques are not sufficient or reasonable and a decision has been made to control, restrain or arrest a violent, threatening or escaping subject, an approved control device may only be used when its use appears objectively reasonable under the circumstances to the threat posed. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When assessing whether a response is reasonable to the threat faced, officers should consider:

- (a) Whether the level of force is necessary to mitigate the threat and safely achieve a lawful objective;
- (b) Whether there is another, less injurious option available that will allow the officer to achieve the same objective as effectively and safely; and
- (c) Whether the officer's actions will be viewed as appropriate given the severity of the threat and the totality of the circumstances.

#### 303.3.2 APPROVED CONTROL DEVICES

Only department issued or approved control devices and munitions shall be carried. Only department approved modifications may be made to any control device.

- (a) The control devices approved by the department are:
  - 1. Baton and/or impact weapons (long, short, or expandable);

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2. Chemical agents ;
  3. Kinetic energy projectiles and their delivery systems;
  4. Restraint devices (Refer to Handcuffing and Restraints General Order); and
  5. Electronic Control Weapons (Refer to Electronic Control Weapons General Order).
- (b) Every control device shall be periodically inspected by the employee's supervisor or the designated instructor for a particular control device.

#### **303.4 ISSUING, CARRYING AND USING CONTROL DEVICES**

Control devices described in this order may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only those members who have successfully completed department-approved training on this order and the use of any control device are authorized to carry and use the device.

All uniformed patrol officers shall carry, at a minimum, two control devices.

Control devices may be used when a decision has been made to control, restrain or arrest a person who is violent and the use of the device appears reasonable under the circumstances.

#### **303.5 RESPONSIBILITIES**

##### **303.5.1 LIEUTENANT RESPONSIBILITIES**

The Lieutenant may authorize the use of a control device by selected department members who may not currently be issued or carrying the control device or those in specialized assignments who have successfully completed the required training.

##### **303.5.2 SUPPORT SERVICES LIEUTENANT RESPONSIBILITIES**

The Support Services Lieutenant or their designee shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the designated instructor for a particular control device. The inspection shall be documented.

##### **303.5.3 USER RESPONSIBILITIES**

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Support Services Lieutenant or their designee for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

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#### **303.6 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious bodily injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

#### **303.7 CHEMICAL AGENT GUIDELINES**

Chemical agents are devices used to minimize the potential for injury to Department members, offenders, or other subjects. They should be used only in situations where such force reasonably appears necessary. Employees must be able to articulate their use of the chemical agent.

- (a) Authorized employees may use chemical agents when the application of the chemical agent is objectively reasonable to:
  - 1. Subdue or control a violent or physically resisting subject;
  - 2. Subdue or control a subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm employees, themselves, or others.;
  - 3. Employees should give a verbal warning followed by a reasonable opportunity to voluntarily comply when practicable;
  - 4. Apprehend a subject fleeing lawful arrest or detention;
  - 5. Address situations where there is a reasonable expectation that it will be unsafe for employees to approach within contact range of the subject;
  - 6. Repel physical attacks from humans or animals;
  - 7. Compel subjects to leave an enclosure; and/or
  - 8. Disperse violent crowds or riots.
- (b) Specialized units (Tactical Team), may utilize other approved devices in which they are trained.

#### **303.8 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, OC spray may be considered for use to bring under control an individual or group of individuals who are engaging in, or are about to engage in, violent behavior. OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of department members or the public.

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#### **303.8.1 OC SPRAY**

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes, non-field members, and non-sworn members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

#### **303.8.2 TREATMENT FOR OC EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

#### **303.8.3 PROHIBITED USES**

The following are prohibited uses of chemical agents:

- (a) To torture, psychologically torment, elicit statements or inflict undue pain on any individual;
- (b) Horseplay or practical jokes;
- (c) Demonstrations without the permission of a supervisor;
- (d) When a subject exhibits only verbal and/or passive resistance to arrest or authority; or
- (e) When a subject is under physical restraint unless the subject is still aggressively resisting and lesser means of controlling the subject have failed.

#### **303.8.4 TRANSPORTING OF PRISONERS SUBJECTED TO CHEMICAL AGENT EXPOSURE**

When transporting prisoners who have been subjected to chemical agents, officers shall ensure that the prisoner stays upright with a clear airway and is not placed in a prone position to avoid possible positional asphyxia. Officers must be especially careful when tightly restraining combative subjects following the use of chemical agents. Before booking, officers shall advise jail personnel when a prisoner has been subjected to chemical agents.

#### **303.9 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

#### **303.10 KINETIC ENERGY PROJECTILE GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious bodily injury and can be used in an attempt to de-escalate a potentially lethal situation.

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#### 303.10.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease their actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of individuals engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions;
- (b) The suspect has made credible threats to harm themselves or others;
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at officers, other department members and/or other people; and
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

#### 303.10.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) The subject's capability to pose an imminent threat to the safety of officers or others;
- (b) Whether the subject is actively resisting arrest or attempting to evade arrest by flight;
- (c) The credibility of the subject's threat as evaluated by the officers present, and the subject's physical capacity/capability to carry out the threat;
- (d) The availability of other force options and their possible effectiveness;
- (e) Distance and angle to target;
- (f) Type of munitions employed;
- (g) Type and thickness of subject's clothing;
- (h) The subject's proximity to others;
- (i) The location of the subject; and
- (j) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to

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manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious bodily injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

The use of kinetic energy projectiles should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, and the officer reasonably believes that the need to control the individual outweighs the risk of using the kinetic energy projectile.

- (a) As a breaching tool for windows in vehicles, especially when the vehicle is occupied; or
- (b) As a breaching tool for windows of a structure, especially if it places occupants at risk of injury.
  - 1. An officer who is currently assigned to the Tactical Team who has been trained in the use of kinetic energy projectiles as a breaching tool may use that technique in a way that is consistent with their training.

#### **303.10.3 SAFETY PROCEDURES**

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect shotguns and projectiles at the beginning of each shift to ensure that the shotguns are in proper working order and the projectiles are of the approved type and appear to be free from defects.

When they are not deployed, shotguns will be kept with a full magazine, empty chamber, with the safety engaged and properly and securely stored in police department vehicles.

#### **303.11 DUTY TO GIVE AID AND MEDICAL CARE**

Officers shall promptly request medical assistance as soon as it is safe, practical, and necessary to do so following a force incident. Prior to booking or release, medical assistance shall be obtained for any subject who has sustained visible injury, expressed a complaint of injury (even if injuries are not visible), or continuing pain or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, and hospital staff or occur at the jail.

A subject who exhibits extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and are impervious to pain, or who requires a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and shall be examined by qualified medical personnel as soon practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

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#### **303.12 TRAINING FOR CONTROL DEVICES**

The Training Supervisor shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the member's training file.
- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Response to Resistance General Order will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Response to Resistance General Order after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.
- (d) Officers shall re-certify annually for all control devices they have been previously approved to carry.

#### **303.13 REPORTING USE OF CONTROL DEVICES**

Any application of a control device shall be documented in the related incident report and reported pursuant to the Response to Resistance General Order.

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## Electronic Control Weapon

### 304.1 PURPOSE AND SCOPE

This order provides guidelines for the issuance and use of the Electronic Control Weapon.

### 304.2 POLICY

The Electronic Control Weapon is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

### 304.3 ISSUANCE AND CARRYING ELECTRONIC CONTROL WEAPONS

Only members who have successfully completed department-approved training may be issued and may carry the Electronic Control Weapon.

Electronic Control Weapons are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the Electronic Control Weapon and cartridges that have been issued by the Department. Officers who have been issued the Electronic Control Weapon shall wear the device in an approved holster.

Officers shall carry two control devices, that may include the Electronic Control Weapon, when in uniform and working in an enforcement position. Members who carry the Electronic Control Weapon while in uniform shall carry it in a weak-side holster on the side opposite the duty weapon.

- (a) All Electronic Control Weapons should be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers shall be responsible for ensuring that the issued Electronic Control Weapon is properly maintained and in good working order.
- (c) Officers should not hold a firearm and the Electronic Control Weapon at the same time.

#### 304.3.1 FUNCTIONALITY CHECK

Members carrying the ECW should perform a spark test prior to every shift. Officers shall be responsible for ensuring that their issued ECW is properly maintained and in good working order.

- (a) The supervisor or designee will perform quarterly functionality checks.
- (b) The results of the check will be documented and will include all officers whose ECWs were checked, whether or not the internal clock was "reset" and if an ECW was found defective. If defective, the supervisor shall notate corrective action.

### 304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the Electronic Control Weapon should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.

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- (b) Provide other officers and individuals with a warning that the Electronic Control Weapon may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc ("warning arc") or the laser in a further attempt to gain compliance prior to the application of the Electronic Control Weapon. The aiming laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the Electronic Control Weapon in the related report.

#### **304.5 USE OF THE ELECTRONIC CONTROL WEAPON**

The Electronic Control Weapon has limitations and restrictions requiring consideration before its use. The Electronic Control Weapon should only be used when its operator can safely approach the subject within the operational range of the device. Although the Electronic Control Weapon is effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options. Generally, an assisting officer should be present with lethal cover in the event the ECW is ineffective or defective and the subject initiates a potentially life threatening confrontation.

##### **304.5.1 APPLICATION OF THE ELECTRONIC CONTROL WEAPON**

The Electronic Control Weapon may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the Electronic Control Weapon to apprehend an individual.

The Electronic Control Weapon shall not be used in any of the following situations:

- (a) Against passively resisting subjects.
- (b) To psychologically torment, to elicit statements, or to punish any individual.
- (c) Horseplay or practical jokes.
- (d) Demonstrations, without the permission of a supervisor.

##### **304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the Electronic Control Weapon on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective

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or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).
- (g) Individuals with obvious physical disabilities (e.g. in a wheelchair) or other debilitating illnesses or medical conditions (e.g. heart problems, biomedical devices) that are known to the officer.

ECWs can function as a pain compliance weapon in drive stun mode. Officers may choose to deliver a drive stun in lieu of hard strikes on a subject displaying defensive resistance.

#### 304.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the Electronic Control Weapon probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

#### 304.5.4 MULTIPLE APPLICATIONS OF THE ELECTRONIC CONTROL WEAPON

Officers should apply the Electronic Control Weapon for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one Electronic Control Weapon at a time against a single individual. Only one officer should deploy their ECW on an individual, unless it is obvious the deployment was not effective.

Officers should consider that exposure to ECW for longer than 15 seconds, whether due to multiple applications or continuous cycling, may increase the risk of serious injury or death. This does not preclude an officer from multiple, reasonable applications of the ECW on an individual. However, any subsequent application should be independently justifiable, and the risk should be weighed against other force options. If the first application of the Electronic Control Weapon appears to be ineffective in gaining control of an individual, and if circumstances allow, the officer should evaluate the situation and consider certain factors before additional applications of the Electronic Control Weapon, including:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

If two people are engaged simultaneously, it can create a scenario in which one subject is compliant after an ECW exposure while the second subject is still combative. The functionality of the ECW requires that the ECW be fully energized to deliver a follow-up cycle to the combative subject. Thus, the compliant subject will also receive a second cycle. In this extreme circumstance, the use of force against the compliant subject will not be considered a violation of policy since the officer is attempting to bring a combative subject under control in a dynamic situation.

#### 304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the Electronic Control Weapon. As soon as practicable, officers shall notify a supervisor any time the Electronic Control Weapon has been discharged. Anti-Felon Identification (AFID) tags and the expended cartridge along with both probes will not be collected for evidence unless found to be critical to an investigation. If the expended cartridge is collected, the cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

#### 304.5.6 DANGEROUS ANIMALS

The Electronic Control Weapon may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

#### 304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department Electronic Control Weapons while off-duty. This does not include an officer working an authorized off-duty assignment.

Officers shall ensure that Electronic Control Weapons are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

### **304.6 DOCUMENTATION**

Officers shall document all Electronic Control Weapon discharges in the related arrest/crime reports and the Electronic Control Weapon required report forms. Notification shall also be made to a supervisor in compliance with the Response to Resistance General Order. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be documented on the report form.

#### 304.6.1 REPORTS

The officer should include the following in the ECW required report forms and/or arrest/crime report:

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- (a) Articulate reasons for the use of the ECW.
- (b) Information on the type of individual who was subject to the ECW (e.g., age, sex, health conditions).
- (c) Whether the ECW application was successful.
- (d) Any special circumstances surrounding the use of the ECW (e.g., handcuffed prisoner).
- (e) How many cartridges were used.
- (f) Identification of all personnel firing Electronic Control Weapons.
- (g) Identification of all witnesses.
- (h) Medical care provided to the subject.
- (i) Observations of the subject's physical and physiological actions.
- (j) Any known or suspected drug use, intoxication or other medical problems.

#### **304.7 MEDICAL TREATMENT**

Officers will remove ECW darts as trained once the subject is in custody. Used Electronic Control Weapon probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by Electronic Control Weapon probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The Electronic Control Weapon probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If a recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

Individuals suspected of being under the influence of drugs/alcohol or exhibiting extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their

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physical characteristics, and impervious to pain or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and shall be examined by qualified medical personnel. Officers shall call EMS to diagnose and treat any individual exhibiting these signs as soon as the signs are recognized. Any such individual shall be medically cleared prior to booking.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the Electronic Control Weapon (see the Medical Aid and Response General Order).

#### **304.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors shall respond to calls when they reasonably believe there is a likelihood the Electronic Control Weapon may be used. A supervisor shall respond to all incidents where the Electronic Control Weapon was activated.

A supervisor shall review each incident where a person has been exposed to an activation of the Electronic Control Weapon. The device's onboard memory shall be downloaded through the data port by a supervisor or instructor and saved with the related arrest/crime report. Photographs of probe sites shall be taken and witnesses interviewed.

Supervisors shall also complete a download of the ECW when an officer requests a replacement cartridge.

#### **304.9 TRAINING**

Personnel who are authorized to carry the Electronic Control Weapon shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the Electronic Control Weapon as a part of their assignments for a period of six months or more shall be recertified by a qualified Electronic Control Weapon instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued Electronic Control Weapons shall occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Supervisor. All training and proficiency for Electronic Control Weapons shall be documented in the officer's training files.

Command staff, supervisors and investigators shall receive Electronic Control Weapon training as appropriate for the investigations they conduct and review.

#### Electronic Control Weapon officers

The Training Supervisor is responsible for ensuring that all members who carry Electronic Control Weapons have received initial and annual proficiency training. Periodic audits shall be used for verification.

Application of Electronic Control Weapons during training could result in injuries and should not be mandatory for certification.

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The Training Supervisor shall ensure that all training includes:

- (a) A review of this general order.
- (b) A review of the Response to Resistance General Order.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the Electronic Control Weapon and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the Electronic Control Weapon.

#### **304.10 DEPLOYMENT RECORD RETENTION**

All ECW deployment information shall be maintained by the department for a minimum of three years.

# Officer-Involved Shootings and In-Custody Deaths

## 305.1 PURPOSE AND SCOPE

The purpose of this order is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting, dies as a result of another action of an officer, or while in police custody.

In other incidents not covered by this order, the Chief of Police may decide that the investigation will follow the process provided in this order.

## 305.2 POLICY

The policy of the Denton Police Department is to ensure that officer-involved shootings and in-custody deaths are investigated in a thorough, fair and impartial manner.

## 305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and in-custody deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions;
- A criminal investigation of the involved officer's actions;
- An administrative investigation as to general order compliance by involved officers.; or
- A civil investigation to determine potential liability.

## 305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and in-custody deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or in-custody death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and in-custody deaths.

### 305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Denton Police Department would control the investigation if the suspect's crime occurred in Denton.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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#### 305.4.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this order.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

#### 305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

### **305.5 INVESTIGATION PROCESS**

The following procedures are guidelines used in the investigation of an officer-involved shooting or in-custody death.

#### 305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or in-custody death, the first uninvolved DPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved;
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals;
- (c) Request additional resources from the Department or other agencies;
- (d) Coordinate a perimeter or pursuit of suspects;
- (e) Check for injured persons and evacuate as needed; and
- (f) Brief the supervisor upon arrival.

#### 305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved DPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  - (a) In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief overview from one involved officer.
- (b) The supervisor shall administratively order any DPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  - (a) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

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- (b) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Lieutenant and Public Safety Communications. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional DPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported separately to a suitable location for further direction.
  - (a) Each involved DPD officer shall be given an administrative order not to discuss the incident with other involved officers or DPD members pending further direction from a supervisor.
  - (b) When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that they are provided with a comparable replacement weapon or transported by other officers.

#### 305.5.3 LIEUTENANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or in-custody death, the Lieutenant shall be responsible for coordinating all aspects of the incident until they are relieved by the Chief of Police or a Bureau Chief.

All outside inquiries about the incident shall be directed to the PIO.

#### 305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Assistant Chief of Police
- Field Operations Bureau Chief
- Support Operations Bureau Chief
- Officer-Involved Shooting rollout team
- Outside agency investigators (if appropriate)
- Internal Affairs Division
- Peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

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#### **305.5.5 INVOLVED OFFICERS**

The following shall be considered for the involved officer:

- (a) Any request for legal or association representation will be accommodated.
  - 1. Involved DPD officers shall not be permitted to meet collectively or in a group prior to providing a formal interview or report.
  - 2. Requests from involved non-DPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with employee groups/agency representatives will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved DPD officer. A licensed psychotherapist may also be provided to any other affected DPD members, upon request.
  - 1. Interviews with a licensed psychotherapist will be considered privileged.
  - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty General Order).
- (e) The Department will honor the confidentiality of communications with emergency response team members consistent with Tex. Health & Safety Code § 784.003.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved DPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Lieutenant to make schedule adjustments to accommodate such leave.

#### **305.6 CRIMINAL INVESTIGATION**

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews.

The following shall be considered for the involved officer:

- (a) DPD supervisors and Internal Affairs Division personnel should not participate directly in any voluntary interview of DPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of their choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's

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statement, they shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation including administrative investigations. However, no administratively compelled statement will be provided to any criminal investigators unless the officer consents.

#### 305.6.1 REPORTS BY INVOLVED DPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved DPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved DPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved DPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

#### 305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or in-custody death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose

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of identification, attempts to identify the witness prior to their departure should be made whenever feasible.

- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

#### **305.6.3 INVESTIGATIVE PERSONNEL**

Once notified of an officer-involved shooting or in-custody death, it shall be the responsibility of the designated Criminal Investigations Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with a Ranger from the Department of Public Safety and may be assigned to separately handle the investigation of any related crimes not being investigated by the Department of Public Safety.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Criminal Investigations Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Bureau Chief.

#### **305.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or in-custody death, this department will conduct an internal administrative investigation of involved DPD officers to determine conformance with department general orders. This investigation will be conducted under the supervision of the Internal Affairs Division and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department general orders and applicable laws.

- (a) Any officer involved in a shooting or in-custody death will be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved

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officer shall be provided with a copy of their prior statement before proceeding with any subsequent interviews.

- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
  3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
  4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, they should be given their *Garrity rights* and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  5. The Internal Affairs Division shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  6. Regardless of whether the response to resistance is an issue in the case, the completed administrative investigation shall be submitted to the Response to Resistance Review Board, which will restrict its findings to whether there was compliance with the Response to Resistance General Order.
  7. Any other indications of potential general order violations shall be determined in accordance with standard disciplinary procedures.

#### **305.8 CIVIL LIABILITY RESPONSE**

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

#### **305.9 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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Any MAV, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

#### **305.10 DEBRIEFING**

Following an officer-involved shooting or in-custody death, the Denton Police Department should conduct both a critical incident stress debriefing and a tactical debriefing.

##### **305.10.1 CRITICAL INCIDENT STRESS DEBRIEFING**

A critical incident stress debriefing should occur as soon as practicable. The Support Operations Bureau Chief is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order (Tex. Health & Safety Code § 784.003).

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., communications dispatchers, non-sworn personnel). Family or other support personnel may attend subsequent debriefings. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Division personnel (Tex. Health & Safety Code § 784.002).

##### **305.10.2 TACTICAL DEBRIEFING**

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to the criminal and/or administrative investigators.

#### **305.11 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and the department representative responsible for each phase of the investigation. Releases will be available to the Lieutenant, Support Operations Bureau Chief and Public Information Officer in the event of inquiries from the media.

No involved DPD officer shall make any comment to the media unless they are authorized by the Chief of Police.

Department members receiving inquiries regarding officer-involved shootings or in-custody deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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#### **305.12 REPORTING**

If the death of an individual occurs in the Denton Police Department jurisdiction and qualifies to be reported to the state as an in-custody death, or when an officer discharges a firearm causing injury or death to another person, the Field Operations Bureau Chief will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements of Tex. Code of Crim. Pro. art. 49.18 and Tex. Code of Crim. Pro. art. 2.139, as applicable.

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## Vehicle Pursuits

### 307.1 PURPOSE AND SCOPE

This order provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

#### 307.1.1 DEFINITIONS

Definitions related to this general order include:

**Blocking or vehicle intercept** - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

**Boxing-in** - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

**Ramming** - The deliberate act of contacting a suspect's vehicle with a law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

**Roadblocks** - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

**Terminate** - To discontinue a pursuit or stop chasing fleeing vehicles.

**Tire deflation device** - A device designed to puncture the tires of the pursued vehicle.

**Trail** - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

**Vehicle pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, or turning suddenly while willfully failing to yield to an officer's emergency signal to stop. Violators who follow all traffic regulations after an officer initiates a traffic stop and are merely failing to yield to the authorized emergency vehicle are not considered to be fleeing.

### 307.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

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#### **307.3 OFFICER RESPONSIBILITIES**

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law unless exempt under Tex. Transp. Code § 546.004 (Tex. Transp. Code § 546.003).

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (Tex. Transp. Code § 546.001; Tex. Transp. Code § 546.005):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation;
- (b) Exceed the speed limit; and
- (c) Disregard regulations governing direction of movement or turning in specified directions.

#### **307.3.1 WHEN TO INITIATE A PURSUIT**

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety;
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others;
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors;
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and communications dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit;
- (e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape;
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time;
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit;
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights,

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concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning;

- (i) Vehicle speeds;
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages);
- (k) The availability of other resources, such as air support assistance; and
- (l) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

#### 307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit. If any officer, other than a supervisor, determines the risks of the pursuit outweigh the safety of the involved officers and those in the community, the officer may direct the pursuit to be terminated.

The factors listed in this order on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards posed to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.

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- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit), except for Driving While Intoxicated, are generally discouraged. Officers and supervisors pursuing violators for non-violent misdemeanors must articulate justification for engaging in the pursuit.
- (i) Officers are prohibited from pursuing vehicles for traffic offenses alone.

#### **307.4 PURSUIT VEHICLES**

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles. However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

If a supervisor is initially involved in the pursuit, they shall relinquish their position once another officer arrives. The supervisor will continue to monitor the progress of the pursuit and give direction as needed.

##### **307.4.1 MOTORCYCLES**

When involved in a pursuit, police department motorcycles should be replaced by marked emergency vehicles as soon as practicable.

##### **307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

##### **307.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES**

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless they are unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to themselves or others.

The primary pursuing officer should notify the communications dispatcher, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

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- (a) The location, direction of travel and estimated speed of the suspect's vehicle;
- (b) The description of the suspect's vehicle including the license plate number, if known;
- (c) The reason for the pursuit;
- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards;
- (e) The number of occupants and identity or description;
- (f) The weather, road and traffic conditions;
- (g) The need for any additional resources or equipment; and
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

#### **307.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES**

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the communications dispatcher of their entry into the pursuit;
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit;
- (c) Broadcasting information that the primary pursuing officer is unable to provide;
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise;
- (e) Identifying the need for additional resources or equipment as appropriate; and
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

#### **307.5 PURSUIT DRIVING**

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.

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- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic; and
  - 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway. Officers will not pursue a vehicle driving the wrong way on a highway or freeway, a highway or freeway frontage/service roads, roads running parallel to a highway or freeway, or a roadway connected to a highway or freeway entry or exit ramp. In the event the pursued vehicle does so, the following tactics should be considered:
  - 1. Request assistance from available air support;
  - 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway; and
  - 3. Request other officers to observe exits available to the suspect.
- (d) Notification should be made to the Texas Department of Public Safety or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

Officers have an obligation to drive with a due regard for the safety of lives and property. Driving the wrong way on a roadway does not necessarily protect the officer from the consequences of a disregard for traffic and/or legal restrictions.

#### 307.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

#### 307.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit, so long as there is radio interoperability. Where there is not radio interoperability between the pursuing vehicles and air support, the pursuing vehicles shall maintain radio control. In either case, the primary and secondary ground pursuit vehicles will maintain operational control, but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the

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ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

#### **307.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT**

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing the rules of the road.

The authorized pursuit vehicles should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

#### **307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

- (a) Immediately notifying involved officers and the communications dispatcher that they are the control supervisor and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines;
- (b) Exercising management and control of the pursuit even if not engaged in it;
- (c) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this general order;
- (d) Directing that the pursuit be terminated if, in their judgment, it is not justified to continue the pursuit under the guidelines of this general order;
- (e) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate;
- (f) Ensuring that the proper radio channel is being used;
- (g) Ensuring that the Lieutenant is notified of the pursuit, as soon as practicable;
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department;
- (i) Controlling and managing Denton Police Department officers when a pursuit enters another jurisdiction; and

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- (j) Preparing a post-pursuit review and documentation of the pursuit as required.

#### **307.6.1 LIEUTENANT RESPONSIBILITIES**

Upon becoming aware that a pursuit has been initiated, the Lieutenant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Lieutenant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Lieutenant shall review all pertinent reports for content and forward them to the Bureau Chief.

#### **307.7 PUBLIC SAFETY COMMUNICATIONS**

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved officers should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

#### **307.7.1 RESPONSIBILITIES**

Upon notification or becoming aware that a pursuit has been initiated, the communications dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic;
- (b) Coordinating pursuit communications of the involved officers;
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary;
- (d) Ensuring that a field supervisor is notified of the pursuit;
- (e) Notifying and coordinating with other involved or affected agencies as practicable;
- (f) Notifying the Lieutenant as soon as practicable; and
- (g) Assigning an incident number and logging all pursuit activities.

#### **307.8 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

#### **307.9 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside

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jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

#### 307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Denton Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

#### 307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Denton Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction;
- (b) The safety of the pursuing officers;
- (c) Whether the circumstances are serious enough to continue the pursuit;
- (d) Whether there is adequate staffing to continue the pursuit; and
- (e) Whether the ability to maintain the pursuit exists.

As soon as practicable, a supervisor or the Lieutenant should review a request for assistance from another agency. The Lieutenant or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

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Assistance to a pursuing agency by officers of this department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

#### **307.10 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

##### **307.10.1 WHEN USE IS AUTHORIZED**

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision. Only officers trained in the use of a particular intervention technique or equipment, may use that technique or equipment. The use of blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock techniques are generally prohibited, absent extenuating circumstances, and supervisor approval where practicable.

##### **307.10.2 USE OF FIREARMS**

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of lethal force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a lethal weapon. Officers] should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officers should only discharge a firearm at a moving vehicle or its occupants when the officers reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if lethal force other than the vehicle is directed at the officer or others.

##### **307.10.3 INTERVENTION STANDARDS**

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including lethal force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

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- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:
  - 1. This tactic is generally prohibited absent extenuating circumstances and supervisor approval where practicable;
  - 2. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others;
  - 3. All other reasonable intervention tactics have failed or reasonably appear ineffective;
  - 4. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public;
  - 5. The suspect vehicle is stopped or traveling at a low speed; and
  - 6. Only law enforcement vehicles should be used in this tactic.
- (b) The PIT is limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle. Officers should give consideration to the following:
  - 1. This tactic is generally prohibited absent extenuating circumstances and supervisor approval where practicable.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. Officers should give consideration the the following:
  - 1. This tactic is generally prohibited absent extenuating circumstances and supervisor approval where practicable.
  - 2. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
    - (a) The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon; and
    - (b) The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended
- (d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as

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the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle. Officers should give consideration to the following:

1. This tactic is generally prohibited absent extenuating circumstances and supervisor approval where practicable.
- (e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:
1. Should reasonably only affect the pursued vehicle;
  2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle;
  3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle; and
  4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
- (f) Because roadblocks involve a potential for serious bodily injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public. Officers should give consideration to the following:
1. This tactic is generally prohibited absent extenuating circumstances and supervisor approval where practicable.

#### **307.11 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. 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 accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

#### **307.12 REPORTING REQUIREMENTS**

All appropriate reports shall be completed to comply with applicable laws and policies or procedures.

- (a) The primary pursuing officer shall complete appropriate crime/arrest reports.

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- (b) After first obtaining the available information, the on-duty field supervisor shall promptly complete a supervisor's interoffice memorandum addressed to the Chief of Police, briefly summarizing the pursuit . This memorandum should include, at a minimum:
1. Date and time of the pursuit;
  2. Initial reason and circumstances surrounding the pursuit;
  3. Length of pursuit in distance and time, including the starting and termination points;
  4. Involved vehicles and officers;
  5. Alleged offenses;
  6. Whether a suspect was apprehended, as well as the means and methods used;
    - (a) Any use of force shall be reported and documented in compliance with the Response to Resistance General Order.
  7. Arrestee information, if applicable;
  8. Any injuries and/or medical treatment;
  9. Any property or equipment damage;
  10. Name of supervisor at the scene or who handled the incident; and
  11. A preliminary determination that the pursuit appears to be in compliance with this general order or that additional review and/or follow-up is warranted.
- (c) After receiving copies of reports, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.
- (d) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits to minimally include general order suitability, general order compliance and training needs.

#### **307.13 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this order and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

#### **307.14 POLICY REVIEW**

Officers of this department shall certify in writing that they have received, read and understand this general order initially, upon any amendments and whenever training on the general order is provided.

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## Officer Response to Calls

### 309.1 PURPOSE AND SCOPE

This general order provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

### 309.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

Operation of emergency vehicles is classified in three levels:

- Code 3 (Emergency Operation);
- Code 2 (Limited Emergency Operation); and
- Code 1 (Routine Operation).

### 309.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

#### 309.3.2 CODE 3 (EMERGENCY CALLS)

Code 3 is used to describe the operation of a vehicle while the emergency lights and siren are activated. Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (Tex. Transp. Code § 546.003; Tex. Transp. Code § 546.004).

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to:

- (a) When in pursuit or apprehending a violator or suspected violator;
- (b) When responding to a reported emergency involving possible personal injury, death or significant property damage; or
- (c) When immediate assistance is requested by an officer or other law enforcement agency.

Officers may operate an authorized emergency vehicle for a law enforcement purpose without using the audible or visual signals if the officer is responding to an emergency call or pursuing a suspected violator of the law with probable cause to believe that:

- (a) Knowledge of the presence of the officer will cause the suspect to:
  1. Destroy or lose evidence of a suspected felony;

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2. End a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest; or
3. Evade apprehension or identification of the suspect or the suspect's vehicle; or
4. Because of traffic conditions on a multi-lane roadway, vehicles moving in response to the audible or visual signals may increase the potential for a crash.

If an officer believes an emergency response to any call is appropriate, the officer should immediately notify the communications dispatcher.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

#### **309.3.3 CODE 1 (ROUTINE OPERATION)**

Code 1 is used to describe the normal operation of a vehicle without the use of emergency lights or siren.

#### **309.3.3 CODE 2 (LIMITED EMERGENCY OPERATION)**

Code 2 is used to describe the operation of a vehicle while the emergency lights are activated, but without use of the siren.

- (a) When operating Code 2, officers shall obey all traffic laws and regulations.
- (b) Officers may temporarily operate Code 3 in order to pass through traffic control devices or heavy traffic congestion when normally authorized to operate Code 2, as necessary. Officers will revert back to operating Code 2 when Code 3 is no longer needed.
- (c) Officers may be allowed to drive Code 2 as a patrol technique with the approval of a lieutenant or higher (high visibility directed patrols).

#### **309.4 REQUESTING EMERGENCY ASSISTANCE**

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of themselves or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign;
- Location of the emergency situation;
- Suspect information, including weapons;
- Reason for the request and type of emergency;
- The number of officers or resources required, where practicable; and
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the communications dispatcher.

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#### **309.5 SAFETY CONSIDERATIONS**

Officers shall exercise sound judgment and care when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle. Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (Tex. Transp. Code § 546.001; Tex. Transp. Code § 546.005):

- Disregard regulations governing parking or standing;
- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- Exceed the speed limit; and
- Disregard regulations governing direction of movement or turning in specified directions.

##### **309.5.1 NUMBER OF OFFICERS ASSIGNED**

The number of officers assigned to respond to an emergency call or request for assistance should be limited to that which is reasonably necessary.

An emergency response involving more than one police vehicle should be coordinated by Public Safety Communications to avoid any unanticipated intersecting of response routes. The communications dispatcher shall notify the Lieutenant or field supervisor, who will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

##### **309.5.2 MOTORCYCLES**

An officer operating a police motorcycle should not routinely be assigned to an emergency response. However, when an officer is necessarily operating a police motorcycle in an emergency response, they should be replaced by an authorized emergency vehicle equipped with emergency lights and siren as soon as practicable.

#### **309.6 EMERGENCY EQUIPMENT**

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Lieutenant, field supervisor or the communications dispatcher of the equipment failure so that another officer may be assigned to the emergency response.

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#### **309.7 OFFICER RESPONSIBILITIES**

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the communications dispatcher. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which they are responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the communications dispatcher of their determination. Any subsequent change in the appropriate response level should be communicated to the communications dispatcher by the officer in charge of the scene unless a supervisor assumes this responsibility.

#### **309.8 PUBLIC SAFETY COMMUNICATIONS**

When information reasonably indicates that the public is threatened with serious bodily injury or death, or an officer requests emergency assistance and immediate law enforcement response is needed, the communications dispatcher shall assign officers to respond and ensure acknowledgement and response of handling and assisting officers.

##### **309.8.1 RESPONSIBILITIES**

Upon notification of an emergency response, the communications dispatcher is responsible for:

- (a) Confirming the location from which the officer is responding or requesting assistance;
- (b) Attempting to assign the closest available assisting officers to the location of the emergency call;
- (c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated;
- (d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services);
- (e) Notifying the Lieutenant as soon as practicable; and
- (f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the Lieutenant or field supervisor.

##### **309.8.2 CALL DISPATCH PRIORITY**

There are 4 priority levels assigned to a Call for Service.

- (a) Priority 1 Calls
  1. Priority 1 calls are incidents:
    - (a) Involving physical harm or injury to a person or property; and

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- (b) That is in progress and/or all involved parties are still on scene.
- 2. Officers responding to Priority 1 calls shall operate Code 3.
- (b) Priority 2 Calls
  - 1. Priority 2 calls are incidents:
    - (a) Involving physical harm or a perceived threat to any person or property; and
    - (b) That just occurred and/or suspects may still be in the area; and
    - (c) Where a rapid response might aid in apprehension.
  - 2. Officers responding to Priority 2 calls may operate Code 2.
- (c) Priority 3 Calls
  - 1. Priority 3 calls are incidents:
    - (a) That pose either a minimal or no immediate threat; and
    - (b) That are not in progress or just occurred; and
    - (c) Do not warrant a rapid police response.
  - 2. Officers responding to Priority 3 calls shall operate Code 1.
- (d) Priority 4 Calls
  - 1. Priority 4 calls are incidents:
    - (a) Where protection of life or property is not at risk; and
    - (b) An immediate police response will not likely prevent further injury, loss of property, or adversely impact an investigation.

### **309.9 SUPERVISOR RESPONSIBILITIES**

Upon being notified that an emergency response has been initiated or requested, the Lieutenant or the field supervisor shall verify that:

- (a) The proper response has been initiated;
- (b) No more than those officers reasonably necessary under the circumstances are involved in the response; and
- (c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in their judgment, is inappropriate due to the circumstances.

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When making the decision to authorize an emergency response, the Lieutenant or the field supervisor should consider:

- The type of call or crime involved;
- The type and circumstances of the request;
- The necessity of a timely response;
- Weather, traffic and road conditions; and
- The location of the responding officers and the location of the incident.

## Canines

### 310.1 PURPOSE AND SCOPE

This order establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

### 310.2 POLICY

It is the policy of the Denton Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

### 310.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Field Operations Bureau to function primarily in assist or cover assignments. However, they may be assigned by the canine coordinator to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the canine coordinator.

### 310.4 CANINE COORDINATOR

The canine coordinator, or designated canine handler, shall be appointed by and directly responsible to the Support Operations Bureau Chief or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with general orders and to identify training issues and other needs of the program;
- (b) Maintaining a liaison with the vendor kennel;
- (c) Maintaining a liaison with command staff and functional supervisors;
- (d) Maintaining a liaison with other agency canine coordinators;
- (e) Maintaining accurate records to document canine activities;
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines;
- (g) Scheduling all canine-related activities; and
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

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#### **310.5 REQUESTS FOR CANINE TEAMS**

Field Operations Bureau members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Support Operations Bureau shall be reviewed by the canine coordinator or designated canine handler.

##### **310.5.1 OUTSIDE AGENCY REQUEST**

All requests for canine assistance from outside agencies must be approved by the canine coordinator or designated canine handler and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this order.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that they deem unsuitable.
- (c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

##### **310.5.2 PUBLIC DEMONSTRATION**

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator or designated canine handler prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

#### **310.6 APPREHENSION GUIDELINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler;
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance;
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public;
- (d) Against any person who has evaded lawful detention or arrest for any crime and the person is known to be armed or violent; and/or
- (e) To disarm a subject that poses a threat to themselves, officers, or the community.

A police canine can be presented to a subject lawfully detained in an attempt to persuade the subject to be taken into full custody without a struggle. Such circumstances include but are not limited to:

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- (a) A non-compliant subject that is demonstrating behavior escalating in aggression;
- (b) A subject that constitutes a flight risk, and the subject's flight would justify apprehension by the canine; or
- (c) A situation where the canine handler would normally be justified in deploying the canine, but first attempts to display force in an attempt to gain voluntary compliance and avoid a canine use of force.

It is recognized that situations may arise that do not fall within the provisions set forth in this order. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Lieutenant. Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

#### 310.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

- (a) The nature and seriousness of the suspected offense;
- (b) The suspect's known propensity for violence or weapons (e.g., criminal history);
- (c) Whether violence or weapons were used or are anticipated;
- (d) The degree of resistance or threatened resistance, if any, the suspect has shown;
- (e) The suspect's known or perceived age;
- (f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized;
- (g) Any potential danger to the public and/or other officers at the scene if the canine is released; and
- (h) The potential for the suspect to escape or flee if the canine is not utilized.

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As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever they deem deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

#### 310.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of their decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

#### 310.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from quarantine, impoundment, and reporting requirements (Tex. Health & Safety Code § 822.046; Tex. Health & Safety Code § 826.048).

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#### **310.7 NON-APPREHENSION GUIDELINES**

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make themselves known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

##### **310.7.1 ARTICLE DETECTION**

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

##### **310.7.2 NARCOTICS DETECTION**

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles;
- (b) Assisting in the search for narcotics during a search warrant service; or
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

#### **310.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who has two years of service with the Department.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).
- (c) Living within 45 minutes travel time from the Denton City limits.
- (d) Agreeing to be assigned to the position for a minimum of three years.

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#### **310.9 HANDLER RESPONSIBILITIES**

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under their control in a clean and serviceable condition.
- (c) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles, to verify that conditions and equipment conform to this order.
- (d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (e) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (g) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Lieutenant.
- (h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Lieutenant.
- (i) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

#### **310.9.1 CANINE IN PUBLIC AREAS**

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

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#### **310.10 HANDLER COMPENSATION**

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the memorandum of understanding (29 USC § 207).

#### **310.11 CANINE INJURY AND MEDICAL CARE**

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Lieutenant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

#### **310.12 TRAINING**

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Lieutenant.

##### **310.12.1 CONTINUED TRAINING**

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (b) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

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#### 310.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

#### 310.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

#### 310.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Denton Police Department may work with outside trainers with the applicable licenses or permits.

#### 310.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f); Tex. Health & Safety Code § 481.062).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Denton Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

#### 310.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

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- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

## Search and Seizure

### 312.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This order provides general guidelines for Denton Police Department personnel to consider when dealing with search and seizure issues.

### 312.2 POLICY

It is the policy of the Denton Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

### 312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to:

- Valid consent;
- Incident to a lawful arrest;
- Legitimate community caretaking interests;
- Vehicle searches under certain circumstances; or
- Exigent circumstances.

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and their familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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### *Search and Seizure*

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#### **312.4 SEARCH PROTOCOL**

Although conditions will vary, and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) The person's consent shall be recorded on body worn cameras or on MAV and shall be documented on the appropriate consent-to-search form.
- (e) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (f) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (g) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
  1. Another officer or a supervisor should witness the search.
  2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

#### **312.5 DOCUMENTATION**

Officers are responsible for documenting any search and ensuring that any required reports are sufficient including, at minimum, documentation of:

- Reason for the search;
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys);
- What, if any, injuries or damage occurred;
- All steps taken to secure property;
- The results of the search including a description of any property or contraband seized; and
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer.

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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## Missing Persons

### 315.1 PURPOSE AND SCOPE

This order provides guidance for handling missing person investigations.

#### 315.1.1 DEFINITIONS

Definitions related to this order include:

**High-risk missing** - Includes persons who are (Tex. Code of Crim. Pro. art. 63.051):

- (a) Missing as a result of an abduction by a stranger.
- (b) Missing under suspicious or unknown circumstances, such as when the person:
  - 1. Is 13 years of age or younger.
  - 2. Regardless of age, is believed or determined to be experiencing one or more of the following circumstances:
    - (a) Out of the zone of safety for their chronological age and development stage.
    - (b) Mentally or behaviorally disabled.
    - (c) Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
    - (d) Absent from home for more than 24 hours before being reported to law enforcement as missing.
    - (e) In a life-threatening situation.
    - (f) In the company of others who could jeopardize their welfare.
    - (g) Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
    - (h) Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
- (c) Missing more than 30 days, or less than 30 days at the discretion of the Department, if there is reason to believe that the person is in danger or deceased.
- (d) Reported missing on four or more occasions in a 24-month period (Tex. Code of Crim. Pro. art. 63.0091).
- (e) In foster care or in the conservatorship of the Department of Family and Protective Services (DFPS) and reported missing on two or more occasions in a 24-month period (Tex. Code of Crim. Pro. art. 63.0091).
- (f) At a high risk of human trafficking, sexual assault, exploitation, abuse or neglectful supervision.

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**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown. This includes a person 18 years of age or older whose disappearance is possibly not voluntary (Tex. Code of Crim. Pro. art. 63.001).

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Texas Crime Information Center (TCIC) and the Texas Department of Public Safety's (DPS) Missing Children and Missing Persons Information Clearinghouse.

#### **315.2 POLICY**

The Denton Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

#### **315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Criminal Investigations Division Lieutenant shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

#### **315.4 ACCEPTANCE OF REPORTS**

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

#### **315.5 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable;

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- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be considered high-risk missing;
- (c) Notify a supervisor immediately if there is evidence that a missing person is either high-risk missing or may qualify for a public alert, or both (see the Public Alerts General Order);
- (d) Broadcast "Be on the Look-Out (BOLO) bulletin", if the person is under 16 years of age or there is evidence that the missing person is considered high-risk missing. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be high-risk missing;
- (e) Ensure that entries are made into the appropriate missing person networks:
  - (a) Immediately, when the missing person is a high-risk missing person;
  - (b) In cases involving attempted child abductions, immediately but not later than eight hours after receiving the report as provided in Tex. Code of Crim. Pro. art. 63.0041;
  - (c) In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308); and
  - (d) Consistent with any rules and procedures adopted by the Texas DPS and to include what qualifies the person as a high-risk missing person when applicable (Tex. Code of Crim. Pro. art. 63.0092).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts;
- (g) Collect and/or review:
  - (a) A photograph and fingerprint card of the missing person, if available;
  - (b) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush);
  - (c) Any documents that may assist in the investigation, such as court orders regarding custody; and
  - (d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) Complete a dental and medical record release form (Tex. Code of Crim. Pro. art. 63.006; Tex. Code of Crim. Pro. art. 63.007);
- (i) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier;
- (j) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to a

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high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person; and

- (k) If a member receives a report that a child was taken or retained without the permission of the child's custodian for a period of 48 hours or more, they shall immediately make a reasonable effort to locate the child and determine the child's well-being (Tex. Code of Crim. Pro. art. 63.001; Tex. Code of Crim. Pro. art. 63.009).

### **315.6 REPORT PROCEDURES AND ROUTING**

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### **315.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt;
  - 1. The reports should be promptly sent to the Criminal Investigations Division.
- (b) Ensuring resources are deployed as appropriate;
- (c) Initiating a command post as needed;
- (d) Ensuring applicable notifications and public alerts are made and documented;
- (e) Ensuring that records have been entered into the appropriate missing person networks; and
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

#### **315.6.2 COMMUNICATIONS' RESPONSIBILITIES**

The responsibilities of the Public Safety Communications Division receiving member shall include, but are not limited to:

- (a) Coordinating with the National Crime Information Center (NCIC) Terminal Contractor for Texas to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

### **315.7 CRIMINAL INVESTIGATIONS DIVISION FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified immediately if the missing person is a juvenile under the age of 11 (Tex. Code of Crim. Pro. art. 63.020);
  - 1. The notice shall be in writing and should also include a photograph.

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2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.
  3. The investigator shall notify the DPS Missing Children and Missing Persons Information Clearinghouse that school notification has been made.
- (b) Shall ensure that the bureau of vital statistics is notified if the missing person is a child under the age of 11 who was born in Texas (Tex. Code of Crim. Pro. art. 63.020);
  - (c) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available;
  - (d) Should consider contacting other agencies involved in the case to determine if any additional information is available;
  - (e) Shall verify and update the DPS Missing Children and Missing Persons Information Clearinghouse, the TCIC, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308);
  - (f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days;
  - (g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308);
  - (h) Should make appropriate inquiry with the Medical Examiner;
  - (i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable;
1. If the missing person is considered high risk, the investigator shall inform the reporting person, within 30 days of the report being filed, that a biological sample or a personal article can be submitted for analysis if not previously obtained during the investigation (Tex. Code of Crim. Pro. art. 63.057).
    - (a) Upon verification that the person is still a high-risk missing person, the investigator shall submit the biological sample, as soon as practicable, to the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database (Tex. Code of Crim. Pro. art. 63.060).
  - (j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the DPS Missing Children and Missing Persons Information Clearinghouse and enter the photograph into applicable missing person networks (34 USC § 41308);
  - (k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs);

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- (l) Shall forward any medical or dental records received to the DPS Missing Children and Missing Persons Information Clearinghouse (Tex. Code of Crim. Pro. art. 63.006; Tex. Code of Crim. Pro. art. 63.007);
- (m) Shall verify that the missing person does not meet the requirements of Tex. Code of Crim. Pro. art. 63.0091(a) (missing four or more times within 24 months or, if in foster care/conservatorship of DFPS, missing two or more times within 24 months). If it is determined that the missing person meets either of these definitions, the investigator shall ensure prompt entry into the NCIC database;
- (n) In the case of a high-risk missing person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566);
- (o) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction;
- (p) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen;
- (q) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known; and
- (r) Processing all written requests (e.g. from a parent, foster parent, managing or possessory conservator, or guardian) that the Department receives and searching the DPS Missing Children and Missing Persons Information Clearinghouse for information regarding a child whose whereabouts are unknown. Results of the inquiry shall be reported to the requestor within 14 days (Tex. Code of Crim. Pro. art. 63.011; Tex. Code of Crim. Pro. art. 63.012).

#### **315.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Public Safety Communications Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Immediate notification is made to NCIC, TCIC and the DPS Missing Children and Missing Persons Information Clearinghouse (Tex. Code of Crim. Pro. art. 63.009);
- (b) The missing child's school is notified;
- (c) Entries are made in the applicable missing person networks;
- (d) When a person is considered high-risk missing, the fact that the person has been found should be reported within 24 hours to the DPS Missing Children and Missing Persons Information Clearinghouse; and
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

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#### **315.8.1 UNIDENTIFIED PERSONS**

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the DPS Missing Children and Missing Persons Information Clearinghouse (Tex. Code of Crim. Pro. art. 63.009).
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### **315.8.2 SCHOOL REQUESTS**

If a child enrolled in school fails to provide valid documentation, the school will contact law enforcement. On receipt of notification, Public Safety Communications shall immediately check the DPS Missing Children and Missing Persons Information Clearinghouse to determine if the child has been reported missing. If reported missing, Public Safety Communications shall immediately notify appropriate law enforcement agencies that the missing child has been located (Tex. Code of Crim. Pro. art. 63.019).

#### **315.9 CASE CLOSURE**

The Criminal Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Denton or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

#### **315.10 TRAINING**

Subject to available resources, the Training Supervisor should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
  1. Assessments and interviews;

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2. Use of current resources, such as Mobile Audio/Video (MAV);
  3. Confirming missing status and custody status of minors;
  4. Evaluating the need for a heightened response; and
  5. Identifying the zone of safety based on chronological age and developmental stage.
- (b) Briefing of department members at the scene;
  - (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe);
  - (d) Verifying the accuracy of all descriptive information;
  - (e) Initiating a neighborhood investigation;
  - (f) Investigating any relevant recent family dynamics;
  - (g) Addressing conflicting information;
  - (h) Key investigative and coordination steps;
  - (i) Managing a missing person case;
  - (j) Additional resources and specialized services;
  - (k) Update procedures for case information and descriptions;
  - (l) Preserving scenes;
  - (m) Internet and technology issues (e.g., Internet use, cell phone use); and
  - (n) Media relations.

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## Public Alerts

### 316.1 PURPOSE AND SCOPE

The purpose of this order is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 316.3 RESPONSIBILITIES

#### 316.3.1 MEMBER RESPONSIBILITIES

Members of the Denton Police Department should notify their supervisors, Lieutenant or Criminal Investigations Division supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Bureau Chief and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for:

- (a) Updating alerts.
- (b) Canceling alerts.
- (c) Ensuring all appropriate reports are completed.
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Bureau Chief.

### 316.4 AMBER ALERTS™

AMBER Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding abducted children (37 Tex. Admin. Code § 9.21).

#### 316.4.1 CRITERIA

An AMBER Alert can only be activated by the state network if all of the following criteria are met (Tex. Gov't Code § 411.355; Tex. Gov't Code § 411.356):

- (a) There is reason to believe that a child 17 years of age or younger has been abducted. For purposes of this section, abduction includes a child who is younger than 14 years

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of age; who departed willingly with someone more than three years older than the child; who departed without a parent or legal guardian's permission; and the person with whom the child departed is not an immediate relative of the child, as defined by Subchapter B, Chapter 573, Tex. Gov't. Code.

- (b) It is believed that the abducted child is in immediate danger of serious bodily injury or death or of becoming the victim of a sexual assault.
- (c) A preliminary investigation has taken place that verifies the abduction and eliminates alternative explanations for the child's disappearance.
- (d) There is sufficient information available to disseminate to the public that could assist in locating the child, the person suspected of abducting the child or a vehicle that may have been used in the abduction.

#### **316.4.2 PROCEDURE**

The CID Lieutenant and/or Major Crime Unit Sergeant are responsible for initiating an Amber Alert. The following is the procedure for initiating an AMBER Alert:

- (a) Submit the completed AMBER Alert Request Form to the State Operations Center (SOC). The supervisor may only submit the form after it has been verified that all statutory criteria for activation are clearly established by the specific facts of the case (37 Tex. Admin. Code § 9.22).
- (b) Email photographs of the missing child and suspect, if available, to the SOC.
- (c) Confirm that the form and any sent emails were received by the SOC.
- (d) Ensure that appropriate entries are made in the Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC) databases.
- (e) Inform the SOC of any updates, including when the child or suspect is located.
- (f) Consider contracting the regional AMBER Alert program, if available.

The activating official should be notified of all relevant updates that may require modification or termination of the AMBER Alert.

#### **316.5 BLUE ALERTS**

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state, or federal law enforcement officer (37 Tex. Admin. Code § 9.81).

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#### 316.5.1 CRITERIA

The following criteria are utilized to determine if a Blue Alert should be issued (Tex. Gov't Code § 411.446; 37 Tex. Admin. Code § 9.82):

- (a) A law enforcement officer has been killed or seriously injured by an offender.
- (b) The offender poses a serious risk or threat to the public or other law enforcement personnel.
- (c) A detailed description of the offender's vehicle, vehicle tag, or partial tag is available for broadcast to the public.

#### 316.5.2 PROCEDURE

The following is the procedure for initiating a Blue Alert (Tex. Gov't Code § 411.446; Tex. Gov't Code § 411.449; 37 Tex. Admin. Code § 9.82):

- (a) Submit the completed Blue Alert Request Form to the SOC.
- (b) Email photographs of the suspect and the suspect's vehicle, if available, to the SOC.
- (c) Confirm that the form and any sent emails were received by the SOC.
- (d) Ensure that appropriate entries are made in the TCIC and NCIC databases.
- (e) Inform the SOC of any updates, including when the vehicle or suspect is located.
- (f) Consider contacting the regional Blue Alert program, if available.
- (g) Inform the SOC if there is reason to believe the suspect poses a threat to other law enforcement officers and to the public.

The activating official should be notified of all relevant updates that may require modification or termination of the Blue Alert.

### **316.6 SILVER ALERTS**

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who is a senior citizen and has an impaired mental condition, including an individual who has been diagnosed with Alzheimer's disease (37 Tex. Admin. Code § 9.31).

#### 316.6.1 CRITERIA

The following criteria are utilized to determine if a Silver Alert should be issued (Tex. Gov't Code § 411.386; 37 Tex. Admin. Code § 9.32):

- (a) The person reported missing is 65 years of age or older or has Alzheimer's disease.
- (b) The person's location is unknown.
- (c) The person has an impaired mental condition, including Alzheimer's disease, and the family or legal guardian provides documentation of the condition.
- (d) It is determined that the person's disappearance poses a credible threat to their health and safety.
- (e) The Silver Alert request is made within 72 hours of the person's disappearance.

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- (f) There is sufficient information available to disseminate to the public that could assist in locating the person.

#### 316.6.2 PROCEDURE

The following is the procedure for initiating a Silver Alert:

- (a) Submit the completed Silver Alert Request Form to the SOC. The supervisor may only submit the form after it has been verified that all statutory criteria for activation are clearly established by the specific facts of the case (37 Tex. Admin. Code § 9.32).
- (b) Include documentation of the person's age and condition of the person with the request for activation (37 Tex. Admin. Code § 9.32; Tex. Gov't Code § 411.386).
- (c) Email photographs of the missing senior citizen, if available, to the SOC.
- (d) Confirm that the form and any sent emails were received by the SOC.
- (e) Ensure that appropriate entries are made in the TCIC and NCIC databases.
- (f) Inform the SOC of any updates, including when the missing senior citizen is located.
- (g) Consider contacting the regional Silver Alert program, if available.

The activating official should be notified of all relevant updates that may require modification or termination of the Silver Alert.

#### **316.7 ENDANGERED MISSING PERSONS ALERTS**

Endangered Missing Persons Alerts are used to provide a statewide system for the rapid dissemination of information regarding those with intellectual disabilities.

##### 316.7.1 CRITERIA

The following criteria are utilized to determine if an Endangered Missing Persons Alert should be issued (Tex. Gov't Code § 411.355; Tex. Gov't Code § 411.356):

- (a) There is reason to believe that a person with an intellectual disability is missing and the person's location is unknown. For purposes of this section, a person is considered to have an intellectual disability if they have been evaluated by a physician or psychologist licensed in this state, as required by Tex. Health and Safety Code § 593.005, and the medical professional has determined that the person suffers from an intellectual disability.
- (b) The activating official shall obtain a written diagnosis documenting the missing person's intellectual disability from the treating licensed physician or psychologist.
- (c) The Endangered Missing Persons Alert request is made within 72 hours of the person's disappearance.
- (d) It is believed that the person's disappearance poses a credible threat to their health and safety.
- (e) There is sufficient information available to disseminate to the public that could assist in locating the person.

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#### 316.7.2 PROCEDURE

The following is the procedure for initiating an Endangered Missing Persons Alert (37 Tex. Admin. Code § 9.42):

- (a) Submit the Endangered Missing Persons Alert Request Form to the SOC, including documentation of a diagnosed intellectual disability for the missing person.
- (b) E-mail photographs of the missing person, if available, to the SOC.
- (c) Confirm that the form and any sent emails were received by the SOC.
- (d) Ensure that appropriate entries are made in the TCIC and NCIC databases.
- (e) Inform the SOC of any updates, including when the missing person is located.

The activating official should be notified of all relevant updates that may require modification or termination of the Missing Persons Alert.

#### **316.8 MISSING ADULT ALERTS**

Missing Adult Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing adult who is younger than age 65.

##### 316.8.1 CRITERIA

The following criteria are utilized to determine if a Missing Adult Alert should be issued (Tex. Gov't Code § 411.466):

- (a) The person has been reported missing to the Department and a member has verified:
  1. The person is between 18 and 64 years of age.
  2. The person's location is unknown.
  3. The person has been missing for less than 72 hours.
- (b) There is reason to believe that the person is in imminent danger of bodily injury or death or that the person's disappearance is not voluntary.
- (c) There is sufficient information available to disseminate to the public that could assist in locating the person or a vehicle suspected of being related to the disappearance of the person.

##### 316.8.2 PROCEDURE

The following is the procedure for initiating a Missing Adult Alert:

- (a) Submit the completed Missing Adult Alert Request Form to the SOC.
- (b) Email photographs of the missing person, if available, to the SOC.
- (c) Confirm that the form and any sent emails were received by the SOC.
- (d) Ensure that appropriate entries are made in the TCIC and NCIC databases.
- (e) Inform the SOC of any updates, including when the missing person is located.

The activating official should be notified of all relevant updates that may require modification or termination of the Missing Adult Alert.

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#### **316.9 CAMO ALERTS**

Camo Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing military member who has elected to participate in the system and who suffers from a mental illness or a traumatic brain injury.

##### **316.9.1 CRITERIA**

The following criteria are utilized to determine if a Camo Alert should be issued (Tex. Gov't Code § 411.466):

- (a) The person has been reported missing to the Department and a member has verified:
  - 1. The person is a current or former military member and is a participant in the Camo Alert System.
  - 2. The person's location is unknown.
  - 3. The person suffers from a mental illness, including post-traumatic stress disorder (PTSD), or a traumatic brain injury. When practicable, the member receiving the report should request documentation regarding the person's illness or injury.
- (b) There is reason to believe that the person's disappearance poses a credible threat to the person's health and safety, or to the health and safety of another.

##### **316.9.2 PROCEDURE**

The following is the procedure for initiating a Camo Alert:

- (a) Submit the completed Camo Alert Request Form to the SOC.
- (b) Email photographs of the missing person, if available, to the SOC.
- (c) Confirm that the form and any sent emails were received by the SOC.
- (d) Ensure that appropriate entries are made in the TCIC and NCIC databases.
- (e) Inform the SOC of any updates, including when the missing person is located.

The activating official should be notified of all relevant updates that may require modification or termination of the Camo Alert.

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## Victim and Witness Assistance

### 317.1 PURPOSE AND SCOPE

The purpose of this order is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates. This is aided by the Victim Services Unit which will provide crisis intervention, counseling, advocacy, education, information, and referral for victims of crime and trauma, individuals with mental illness, witnesses, families of crime and trauma victims, first responders, investigative units, and on a larger scale, the neighborhoods and communities in which they live. The VSU will also provide assistance to criminal justice personnel, the community and others in non- crime situations. The overall mission is to positively impact the quality of life for Denton residents by assisting victims/survivors, and families/neighborhoods who have experienced crime and/or trauma.

### 317.2 POLICY

The Denton Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Denton Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this order.

### 317.3 VICTIM SERVICES COUNSELOR

The victim services counselor will be the point of contact for individuals requiring further assistance or information from the Denton Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

#### 317.3.1 VICTIM SERVICES COUNSELOR DUTIES

The victim services counselor shall:

- (a) Be responsible for consulting with the victim assistance coordinator in the office of the attorney representing the state to determine the most effective manner in which the victim services counselor can perform their duties (Tex. Code of Crim. Pro. art. 56.04).
- (b) Ensure department members afford victims and witnesses the rights described in Tex. Code of Crim. Pro. art. 56.02.
- (c) Facilitate the return of property to victims (Tex. Code of Crim. Pro. art. 56.02).
- (d) Upon receipt of a victim's pseudonym form, ensure the following: (Tex. Code of Crim. Pro. art. 57.02; Tex. Code of Crim. Pro. art. 57A.02; Tex. Code of Crim. Pro. art. 57B.02; Tex. Code of Crim. Pro. art. 57D.02):
  - (a) The victim's name is removed and substituted with the pseudonym on all reports, files and records in the department's possession.
  - (b) The attorney for the state is notified of the victim's election to use a pseudonym.

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- (c) The victim receives a copy of the completed pseudonym form showing that the form was returned to this department.
- (d) Maintenance of the pseudonym form in a manner that protects the confidentiality of the information on the form.

When VSU personnel are dispatched or respond to an incident and the scene is deemed safe, counselors shall:

- (a) Immediately notify the officer in charge that they are present.
- (b) Stand by for an officer to complete their contact and release the subject(s) to the counselor.
- (c) Complete a supplement documenting their observations and actions.

#### 317.3.2 VICTIM SERVICE UNIT PERSONNEL RESPONSE

VSU personnel shall respond immediately to any request for assistance during a critical incident. Officers on the scene of any incident may request VSU personnel when they determine assistance may be required. VSU personnel may respond to an incident without being requested, but only when a scene is determined to be safe.

- (a) VSU personnel shall automatically be dispatched on the following incidents:
  1. Partial or Citywide disasters (e.g., aviation, criminal, natural or man-made).
  2. Any death of a DPD officer or an officer's family member.
  3. Unexpected death of any City employee or an employee's family member.
- (b) VSU personnel shall be notified of the following call types if needed:
  1. Homicides, suicides, child deaths, and fatality collisions.
  2. Robberies & aggravated robberies (e.g., banks, restaurants, motels).
  3. Aggravated assaults (child, family or adult).
  4. Family violence, when practicable.
  5. Child/elderly abuse or neglect, when practicable.
  6. Hostage/barricade incident and SWAT/hostage negotiator call outs.
  7. Adult and child sexual assaults.
  8. Attempted suicides.

#### 317.3.3 SUPPORT SERVICES PROVIDED

- (a) VSU personnel provide trauma-counseling, crisis intervention, follow-up services and referrals to victims, witnesses, survivors, and community members.
- (b) VSU personnel provide death notification services.
- (c) VSU personnel are responsible for notifying victims/survivors of violent crimes of their:

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1. Potential eligibility for compensation under State law and the assistance available in filing a claim; and
  2. State constitutional rights.
- (d) VSU personnel are also responsible for facilitating procedures concerning U-Visa Nonimmigrant Status Certifications.

#### **317.4 CRIME VICTIMS**

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct them to the proper written department material or available victim resources.

Officers should take any subjects to a safe location (e.g., a Department facility, shelter, friend's/ family's residence).

#### **317.5 VICTIM INFORMATION**

The Victim Services Unit shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime (Tex. Code of Crim. Pro. art. 56.31 et seq.).
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number, and any applicable case or incident number.

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- (j) A place for the contact information of the department Crime Victim Liaison and the Crime Victim Assistance Coordinator of the Office of the Attorney General (OAG) (Tex. Code of Crim. Pro. art. 56.07).
- (k) The Notice to Adult Victims of Family Violence required by Tex. Code Crim. Pro. art. 5.04.
- (l) Information that a victim of family violence, sexual assault, stalking, or human trafficking may be eligible to use a pseudonym to designate themselves in all public files and records concerning the offense (Tex. Code of Crim. Pro. art. 57.02; Tex. Code of Crim. Pro. art. 57A.02; Tex. Code of Crim. Pro. art. 57B.02; Tex. Code of Crim. Pro. art. 57D.02).
- (m) Information that a victim of family violence or sexual assault may be eligible to participate in the Texas Address Confidentiality Program (ACP) administered by the OAG (Tex. Code of Crim. Pro. art. 56.82).
- (n) A clear explanation of relevant court orders and how they can be obtained (Tex. Fam. Code § 82.002; Tex. Code of Crim. Pro. art. 7A.01).
- (o) Reassurance that any property seized as evidence by the Department will be promptly returned when it is no longer needed for evidentiary purposes (Tex. Code of Crim. Pro. art. 56.02).
- (p) An explanation of the rights available to a victim of sexual assault, abuse, indecent assault, stalking, or trafficking or to the victim's guardian or relative as applicable (Tex. Code of Crim. Pro. art. 56.021).
- (q) The following statement, "You may call the Denton Police Department for the status of the case and information about victims' rights" (Tex. Code of Crim. Pro. art. 56.07).

#### **317.6 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that their identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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## Hate Crimes and Hate Incidents

### 318.1 PURPOSE AND SCOPE

The purpose of this order is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or bias.

#### 318.1.1 DEFINITIONS

Definitions related to this order include:

**Hate crime** - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, age, gender identity or expression, or disability of the victim. This includes status as a peace officer or judge (Tex. Code of Crim. Pro. art. 42.014).

**Hate incident** - Any incident that is perceived as being motivated by prejudice or hate that may or may not constitute a criminal offense.

### 318.2 POLICY

The Denton Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law. The Denton Police Department understands a hate incident is a hate or bias-filled act that may not rise to a level of criminality, but we recognize that those hate incidents cause as much or equal harm to the community we serve. Therefore, it is important for us to track those incidents the same as we would hate crimes. Hate crimes are intended to intimidate and convey a message to victims that they are not safe. Victims often have an increased fear of re-victimization and fear that the larger community does not support them. The Denton Police Department takes all reports of hate crimes seriously and will provide victims of hate crimes the full protection of the law.

### 318.3 PREVENTION AND PREPARATION

This department is committed to taking a proactive approach to preventing and preparing for hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response;
- (b) Providing victim assistance and community follow-up or identifying available resources to do so; and
- (c) Educating community and civic groups about hate crime laws.

#### 318.3.1 IDENTIFYING HATE CRIME

Because motivation is subjective, it is difficult to know with certainty if a crime was the result of the offender's bias. While no single fact may be conclusive, facts such as the following, particularly when combined, are supportive of a finding of bias and may help define motivation. The facts to be considered include, but are not limited to:

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- (a) Bias-related spoken comments and phrases;
- (b) Publications, flyers, and business cards handed out that indicate bias or hate;
- (c) Display of certain emblems (e.g., Nazi swastika); or
- (d) The incident occurred on the anniversary of prior incidents or public events related to a particular racial, color, ethnic, age, or sexually oriented group or on a religious holiday.

#### **318.4 INVESTIGATIONS**

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor shall be notified of the circumstances as soon as practicable. The affected supervisor shall notify the Chief of Police via the Chain of Command.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.
- (f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance General Order.
- (h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports shall be clearly marked "Hate Crime" or "Hate Incident".
- (i) The assigned officers and supervisor should provide information to the victim regarding legal aid through the courts or City Attorney.

##### **318.4.1 CRIMINAL INVESTIGATIONS DIVISION RESPONSIBILITIES**

If a hate crime case is assigned to the Criminal Investigations Division, the assigned investigator will be responsible for:

- (a) Coordinating further investigation with the District Attorney's Office, the United States Attorney's Office, and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.

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#### **318.4.2 HATE CRIME REPORTING**

This department shall maintain statistical data and tracking of suspected hate crimes and hate incidents, as indicated or required by law.

This department shall report hate crimes in the form and manner and at regular intervals as prescribed by rules adopted by the Texas Department of Public Safety (DPS). This shall be conducted by the Records Supervisor or assigned to the Criminal Investigations Division (Tex. Gov't. Code § 411.046).

The Department may request hate crime-related information or statistics from the Texas DPS to carry out investigations or other lawful business (Tex. Gov't. Code § 411.046).

The Crime Analysis Unit shall track and analyze hate crime trends and hate incidents and provide quarterly reports to the Chief of Police. The Crime Analysis Unit shall send an email with the case number, location, and description of the offense to the Anti-Defamation League Dallas Office for all hate crimes and hate incidents.

#### **318.5 TRAINING**

All members of this department will receive ongoing training on hate crime recognition and investigation.

## Information Technology Use

### 319.1 PURPOSE AND SCOPE

The purpose of this order is to provide guidelines for the proper use of department information technology resources including computers, electronic devices, hardware, software and systems.

#### 319.1.1 DEFINITIONS

Definitions related to this order include:

**Computer system** - All computers (on-site and portable), electronic devices (including cellular devices), hardware, software, and resources owned, leased, rented or licensed by the Denton Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

### 319.2 POLICY

It is the policy of the Denton Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this order.

### 319.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all key strokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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#### **319.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Lieutenants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **319.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **319.4.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this order must be approved by a supervisor.

##### **319.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain

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exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the Internet shall be limited to messages, mail and data files.

#### **319.4.4 OFF-DUTY USE**

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices General Order for guidelines regarding off-duty use of personally owned technology.

#### **319.5 PROTECTION OF SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

#### **319.6 INSPECTION AND REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of their supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department general order, a request for disclosure of data, or a need to perform or provide a service.

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The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

## Media Relations

### 322.1 PURPOSE AND SCOPE

This order provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 322.2 POLICY

It is the policy of the Denton Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

### 322.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Bureau Chiefs, Lieutenants and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this order and applicable laws regarding confidentiality.

### 322.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

### 322.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from the Chief of Police.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

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- (c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

#### **322.6 ACCESS**

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.
  - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.
- (d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

#### **322.6.1 CRITICAL OPERATIONS**

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

#### **322.6.2 TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the on-duty Lieutenant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

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#### **322.7 CONFIDENTIAL OR RESTRICTED INFORMATION**

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records general orders). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

##### **322.7.1 EMPLOYEE INFORMATION**

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this order), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the on-duty Lieutenant or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release General Order and public records laws (e.g., Texas Public Information Act).

#### **322.8 RELEASE OF INFORMATION**

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

##### **322.8.1 INFORMATION LOG**

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this order or applicable law. Upon request, the log entries shall be made available to media representatives through the on-duty Lieutenant.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

## Major Incident Notification

### 327.1 PURPOSE AND SCOPE

The purpose of this order is to provide guidance to members of the Denton Police Department in determining when, how and to whom notification of major incidents should be made.

### 327.2 POLICY

The Denton Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 327.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, the affected Bureau Chief and the City. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and In-Custody Deaths General Order for special notification);
- Homicides, suspicious deaths or deaths related to law enforcement activity;
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults;
- High-risk missing persons;
- In-custody deaths;
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death;
- Traffic accidents with fatalities or severe injuries;
- Death of a prominent Denton official;
- Significant injury or death to a member of the Department, whether on- or off-duty;
- Arrest of a member of the Department or any city employee;
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services;
- Student Resource Officers will notify their chain-of-command of any arrest involving students, faculty members, or others in connection with an incident originating on and/or related to a school campus; and
- Any other incident that has attracted or is likely to attract significant media attention.

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#### **327.4 LIEUTENANT RESPONSIBILITIES**

The on-duty patrol Lieutenant is responsible for making the appropriate notifications. The Lieutenant shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in Public Safety Communications.

##### **327.4.1 COMMAND STAFF NOTIFICATION**

In the event an incident occurs as identified in the Criteria for Notification section above, the Chief of Police shall be notified along with the Assistant Chief of Police and the affected Bureau Chief.

##### **327.4.2 INVESTIGATOR NOTIFICATION**

If the incident requires that an investigator respond from home, the immediate supervisor of the appropriate detail shall be notified, who will then contact the appropriate investigator.

##### **327.4.3 TRAFFIC SECTION NOTIFICATION**

In the event of a major injury or traffic fatality, the Traffic Section supervisor shall be notified, who will then contact the appropriate investigator. The Traffic Section supervisor will notify their Lieutenant.

##### **327.4.4 PUBLIC INFORMATION OFFICER**

After members of the command staff have been notified, the Public Information Officer shall be called if it appears the media may have a significant interest in the incident.

##### **327.4.5 VICTIM SERVICES UNIT NOTIFICATION**

If the incident requires victim support, the Victim Services Counselors shall be notified to provide appropriate assistance to those involved in the major incident.

##### **327.4.6 PEER SUPPORT TEAM NOTIFICATION**

When an employee is involved in a critical incident or traumatic life event, the Peer Support Team Coordinator or Mental Health Consultant shall be notified to provide assistance to the employee. Critical incidents or traumatic life events can include, but are not limited to, incidents which involve the following:

- (a) Enforcement situations in which a discharge of firearm occurs;
- (b) Response to resistance situations that result in death or serious bodily injury to any person;
- (c) Vehicle pursuits that result in death or serious bodily injury to any person;
- (d) Situations that result in serious bodily injury or threat of death to an employee;
- (e) Accidental discharge of a firearm resulting in injury to any person;
- (f) Death of an employee on- or off-duty;
- (g) Any line-of-duty death;

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- (h) Serious injury of an employee;
- (i) First fatality investigation;
- (j) Collisions involving Department-owned vehicles that results in death or serious bodily injury of any person;
- (k) Incidents involving:
  1. Unusually large numbers of victims;
  2. Victims who are familiar to or have a special relationship with involved employees;
  3. Prolonged, stressful involvement of employees;
  4. Special or unusual media attention; or
  5. Natural disasters.

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## Limited English Proficiency Services

### 331.1 PURPOSE AND SCOPE

This order provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 331.1.1 DEFINITIONS

Definitions related to this order include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficiency (LEP) individual** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still exhibit LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Denton Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 331.2 POLICY

It is the policy of the Denton Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

### 331.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP coordinator. The coordinator shall be appointed by, and directly responsible to, the Field Operations Bureau Chief or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the Denton Police Department's LEP services to LEP individuals;
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members;
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Lieutenant and Communications Supervisor. The list should include information regarding:
  - 1. Languages spoken;
  - 2. Contact information; and
  - 3. Availability.
- (d) Ensuring signage stating that interpreters who translate languages representative of the community being served are available free of charge to LEP individuals. These signs should be posted in appropriate areas and in the most commonly spoken languages;
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated;
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from community-based organizations, to determine if there are additional documents or languages that are appropriate for translation;
- (g) Identifying standards and assessments to be used by this department to qualify individuals as qualified bilingual members or authorized interpreters;
- (h) Periodically reviewing efforts of this department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures or recommending modifications to this order;
- (i) Receiving and responding to complaints regarding department LEP services; and
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **331.4 FOUR-FACTOR ANALYSIS**

Because there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of this department or a particular geographic area;
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services;
- (c) The nature and importance of the contact, program, information or service provided; and
- (d) The cost of providing LEP assistance and the resources available.

#### **331.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Denton Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this order.

#### **331.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **331.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **331.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other City departments who have been identified by the Department as having the requisite skills and competence may be requested.

#### **331.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language;
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual;
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser; and
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **331.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments;
- Individuals employed exclusively to perform interpretation services;
- Contracted in-person interpreters, such as state or federal court interpreters, among others; and
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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#### **331.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **331.10 CONTACT AND REPORTING**

Although all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **331.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Denton Police Department will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

##### **331.11.1 EMERGENCY CALLS TO 9-1-1**

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Public Safety Communications, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

Although 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this order.

#### **331.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this order to provide such assistance.

Although not every situation can be addressed in this order, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

#### **331.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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#### **331.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

To ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations shall be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution General Order.

#### **331.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

#### **331.16 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints General Order. Authorized interpreters used for any interview with an LEP individual during a complaint investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints General Order should be translated or otherwise communicated in a language-accessible manner.

#### **331.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **331.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this order and related procedures, including

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how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Supervisor shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Supervisor shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

#### 331.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Supervisor shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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## Communications with Persons with Disabilities

### 332.1 PURPOSE AND SCOPE

This general order provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

#### 332.1.1 DEFINITIONS

Definitions related to this general order include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** – A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person with a disability uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should hold a current certification issued by the Board for Evaluation of Interpreters or another current certificate approved by the Department of Assistance and Rehabilitative Services (Tex. Hum. Res. Code § 82.001).

### 332.2 POLICY

It is the policy of the Denton Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees, have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

### 332.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107). The coordinator shall be appointed by and directly responsible to the Field Operations Bureau Chief or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Working with the City ADA coordinator regarding the Denton Police Department's efforts to ensure equal access to services, programs and activities;

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- (b) Developing reports or new procedures or recommending modifications to this order;
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities;
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Lieutenant and Communications Supervisor. The list should include information regarding:
  - 1. Contact information; and
  - 2. Availability.
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members;
- (f) Ensuring signage is posted in appropriate areas indicating that auxiliary aids are available free of charge to individuals with disabilities; and
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **332.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure persons with disabilities have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean they completely understand the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

#### **332.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual;
- (b) The nature, length and complexity of the communication involved; and
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, is hard of hearing or has impaired speech must be handcuffed while in the custody of the Denton Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

#### **332.6 TYPES OF ASSISTANCE AVAILABLE**

Denton Police Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall it require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of services.

A person with a disability may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this general order.

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#### **332.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

#### **332.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee) if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested;
- (b) Experienced in providing interpretation services related to law enforcement matters;
- (c) Familiar with the use of VRS and/or video remote interpreting services;
- (d) Certified in either American Sign Language (ASL) or Signed English (SE);
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser; and
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who has a disability shall be required to provide their own interpreter (28 CFR 35.160).

#### **332.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, are hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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#### **332.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

#### **332.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available; and
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

#### **332.12 REPORTING**

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

#### **332.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and court orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this order, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

#### **332.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing or has impaired speech;
- (b) Exchange of written notes or communications;
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly;
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes; and/or
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this order depending on the circumstances.

#### **332.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, are hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that they understand the process and desire to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution General Order.

#### **332.15 ARRESTS AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that they prefer a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, are hard of hearing, have impaired speech or vision, are blind or have other disabilities. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

#### **332.16 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints General Order. Qualified interpreters used during the investigation of a complaint should not be members of this department.

#### **332.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **332.18 TRAINING**

To ensure that all members who may have contact with persons with disabilities are properly trained, the Department will provide periodic training that should include:

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- (a) Awareness and understanding of this general order and related procedures, related forms and available resources;
- (b) Procedures for accessing qualified interpreters and other available resources; and
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Supervisor shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Supervisor shall maintain records of all training provided and will retain a copy in each member's training file in accordance with the established records retention schedule.

#### 332.18.1 TEXAS COMMISSION ON LAW ENFORCEMENT TRAINING

The Training Supervisor shall ensure that the Texas Commission on Law Enforcement (TCOLE) training related to deaf or hard of hearing drivers is provided to officers (Tex. Occ. Code § 1701.253).

#### 332.18.2 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, are hard of hearing or have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls and using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Public Safety Communications members who may have contact with individuals from the public who are deaf, are hard of hearing or have impaired speech. Refresher training should occur every six months.

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## Responsibility to the Community

### 342.1 PURPOSE AND SCOPE

All persons deserve protection by fair and impartial law enforcement and should be able to expect similar police response to their behavior wherever it occurs. Employees will serve the public through direction, counseling, assistance, and protection of life and property. Employees will be held accountable for the manner in which they exercise the authority of their office or position. Employees will respect the constitutional and legal rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment.

### 342.2 IMPARTIAL ATTITUDE AND COURTESY

Employees are expected to act professionally, treat all persons fairly and equally as established by law, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

- (a) Employees will not express or otherwise manifest any prejudice concerning race, religion, national origin, age, political affiliation, sex, or other personal characteristics in the performance of their duties.
  - 1. Employees will respect the constitutional and legal rights of individuals and will not engage in discrimination, oppression, or favoritism whether by language, act, or omission.
  - 2. The use of racial or ethnic remarks, slurs, epithets, words or gestures, which are derogatory or inflammatory in nature to or about any person or group of persons is strictly prohibited.
- (b) Employees will be tactful in the performance of their duties, control their tempers, exercise patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation.
- (c) Employees will make every effort to be courteous and respectful toward all persons.

### 342.3 CUSTOMER SERVICE AND COMMUNITY RELATIONS

The department constantly works to establish direct contacts with the community we serve. Without grassroots community support, successful enforcement of many laws may be difficult, if not impossible. Community involvement can be an effective means of eliciting public support, can serve to identify problems in the making, and may foster cooperative efforts in resolving community issues. Input from the community can also help ensure that department general orders accurately reflect the needs of the community.

- (a) The conduct of each employee reflects on the department as a whole and the burden of achieving the department's community relations objectives is shared. A unified, coordinated effort requires the participation, enthusiasm, and skills of all department personnel.

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- (b) Employees will extend reasonable assistance to the public when called upon. Employees must not neglect community services in the belief that the police function is restricted to crime control.

#### 342.3.1 COMMUNITY INVOLVEMENT AND RECRUITMENT PROGRAMS

- (a) Police-community cooperation can be obtained through open channels of communications, thus allowing for the discussion of concerns and problem areas within the community. All avenues must be utilized in promoting the respect and cooperation of the public with the police including, but not limited to:
  1. Establishing liaisons with existing community organizations or establishing community groups where they are needed.
  2. Assisting in the development of community involvement general orders for the department.
  3. Publicizing department objectives, community problems, and successes.
  4. Conveying information transmitted from citizens' organizations to the department.
  5. Improving department practices bearing on police community interaction.
  6. Developing problem oriented or community policing strategies.
- (b) Employees should actively conduct or participate in the department's recruitment program. Employees should encourage all qualified individuals to seek a career with the department and direct them to contact the Recruiting Unit.

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## Peer Support Team

### 343.1 PURPOSE AND SCOPE

The purpose of this order is to establish direction for a comprehensive Peer Support Team (PST) that provides employees the opportunity to receive emotional and tangible support through times of personal and professional crisis.

#### 343.1.1 DEFINITIONS

Definitions related to this order include:

**Privacy** - the expectation of an individual that disclosure of personal information is confined to or intended only for the PST.

**Confidentiality** - a professional or ethical duty for the PST to refrain from disclosing information from or about a recipient of peer support services, barring any exceptions recommended to be disclosed at the outset.

**Privilege** - the legal protection from being compelled to disclose communications in certain protected relationships.

### 343.2 POLICY

The Denton Police Department values the well-being and mental health of all employees and recognizes the value of providing resources to employees and their family for support during crises. The Peer Support Team is designed to assist in the identification and resolutions of concerns or problems which may adversely affect an employee's personal or professional well-being and/or job performance.

### 343.3 FUNCTION

The Peer Support Team is intended to be a resource in the event of a critical incident or crisis situation. The Peer Support Team will be available to, but are not limited to:

- (a) Respond to any employee's request for peer support or assistance regardless of cause or topic;
- (b) Facilitate or assist in diffusing critical incidents;
- (c) Conduct Critical Incident Stress Management (CISM) debriefings;
- (d) Provide information or referrals to other available resources (e.g., Employee Assistance Program, counselor);
- (e) Listen to employees during times of stress and crisis;
- (f) Be available to employees for additional follow-up support; and
- (g) Provide Peer Support orientations to new employees.

The Peer Support Team will not supplant the responsibility of supervisors to assure the well-being of employees.

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No PST member will provide advice or recommendations that might be considered or are represented to be the appropriate domain of professional medical, psychological, legal or administrative personnel.

#### **343.4 CHIEF OF POLICE DISCRETION**

The Peer Support Team shall be available to support and provide assistance on any incident outside of the Department at the discretion of the Chief of Police or designee. Nothing shall prevent the Chief of Police from seeking outside resources to assist or supplement the Peer Support Team during critical incidents.

#### **343.5 TEAM ORGANIZATION**

##### **343.5.1 PEER SUPPORT TEAM COORDINATOR**

The Peer Support Team Coordinator should be of the rank of Sergeant or higher and shall be selected by the Chief of Police. The Peer Support Team Coordinator shall be responsible for the Peer Support Team program and coordinating the training needs of team members. The coordinator will ensure that the team members act in accordance with the program goals and objectives.

Duties of the Peer Support Team Coordinator include, but are not limited to:

- (a) Supervise the program daily;
- (b) Recruit and coordinate the screening of team applicants;
- (c) Coordinate and organize team responses and training;
- (d) Develop resources to assist individuals when problem areas are identified;
- (e) Conduct team meetings;
- (f) Maintain statistical data of reported contacts by team members; and
- (g) Offer guidance to team members when problems arise.

##### **343.5.2 PEER SUPPORT TEAM MENTAL HEALTH CONSULTANT**

A licensed mental health professional, selected by the Chief of Police, will serve as the Peer Support Team Mental Health Consultant.

Duties of the Peer Support Team Mental Health Consultant include, but are not limited to:

- (a) Assist in the selection process of team members;
- (b) Guide and assist team members in their roles;
- (c) Assist Peer Support Team Coordinator in the development of training.

##### **343.5.3 TEAM SELECTION**

It is the goal of the PST program to develop a well-rounded team comprised of both sworn and non-sworn personnel. The program is a voluntary assignment.

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Employees interested in joining the Peer Support Team must meet the following requirements:

- (a) Have a minimum of three years of law enforcement or public service experience;
- (b) Prior involvement in a critical incident or experience as a Peer Support Team member;
- (c) Resolved traumatic experiences;
- (d) Demonstrate the ability to work effectively within a team;
- (e) Ability to maintain confidentiality;
- (f) Have excellent interpersonal and communication skills;
- (g) Have personal qualities such as maturity, empathy, and credibility;
- (h) Available to be on an on-call status; and
- (i) Have a written recommendation from their immediate supervisor.

Employees interested in joining the Peer Support Team must complete a PST application and submit it to the PST Coordinator. All applications will be reviewed by the PST Mental Health Consultant and Coordinator. Personnel meeting the selection criteria will be selected based on the needs of the PST.

#### **343.6 CONFIDENTIALITY**

The acceptance and success of the Peer Support Team will be determined, in part, by the observance of strict confidentiality. It is imperative that each member maintain strict confidentiality of all information obtained about any individual within the guidelines of this program. The Department will respect the confidentiality of conversations between team members and employees. Information from debriefings, defusing, Post Critical Incident Seminars (PCIS) and one-on-one counseling sessions gained by members of the Peer Support Team will be held confidential, except as outlined in the Peer Support Team SOP (Tex. Health and Safety Code, Title 9, Chp. 784).

Peer Support Team members are required to have a well-informed, working knowledge of the three overlapping principles of privilege, confidentiality, and privacy that have an impact on boundaries surrounding their communications with Department members. No notes or recordings or other records of information exposed during PST programs will be made or maintained.

To promote an ethical practice, the Peer Support Team Program requires team members to adhere to a Code of Ethics (see Appendix A) and sign a confidentiality agreement. Violation of these standards of conduct or codes of ethics shall be the basis for an investigation and possible discipline, up to and including indefinite suspension.

#### **343.7 INTERNAL AFFAIRS INVESTIGATIONS**

It may occur that a team member is assisting an employee who is, or becomes, the subject of a disciplinary investigation. The PST member is guided by confidentiality and should not volunteer any information received in confidence. The Peer Support Team program's role in disciplinary situations is one of support and assistance to the employee during the stress faced in the discipline

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process. Team members shall consult with the PST Coordinator for guidance if they have any questions or concerns.

The activities of the team will not be considered part of any investigation or operational critique, nor will any team members interfere with administrative or criminal investigations.

#### **343.8 NOTIFICATIONS AND REFERRALS**

It shall be mandatory that an employee's supervisor notify the PST Coordinator or Mental Health Consultant when an employee is involved in a critical incident or traumatic life event. Critical incidents or traumatic life events can include, but are not limited to, incidents which involve the following:

- (a) Enforcement situations in which a discharge of firearm occurs;
- (b) Response to resistance situations that result in death or serious bodily injury to any person;
- (c) Vehicle pursuits that result in death or serious bodily injury to any person;
- (d) Situations that result in serious bodily injury or threat of death to an employee;
- (e) Accidental discharge of a firearm resulting in injury to any person;
- (f) Death of an employee on- or off-duty;
- (g) Any line-of-duty death;
- (h) Serious injury of an employee;
- (i) First fatality investigation;
- (j) Collisions involving Department-owned vehicles that results in death or serious bodily injury of any person;
- (k) Incidents involving:
  - 1. unusually large numbers of victims;
  - 2. victims who are familiar to or have a special relationship with involved employees;
  - 3. prolonged, stressful involvement of employees;
  - 4. special or unusual media attention; or
  - 5. natural disasters.

Upon the occurrence of a critical incident involving Department employees or family members of employees, the responsible supervisor will contact the PST Coordinator or Mental Health Consultant and provide information on the nature of the incident, the employees involved, the location of the incident, and the current status of the incident. Supervisors should also contact the PST Coordinator or Mental Health Consultant when an employee is being affected by circumstances which may adversely affect their personal or professional well-being or job performance.

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Unless critical or extenuating circumstances exist, supervisors should release on-duty Peer Support Team members to respond to PST functions of a critical nature.

PST personnel responding will travel in Department vehicles and wear the appropriate approved attire and will be considered on-duty and on special assignment.

#### **343.9 CRITICAL INCIDENT STRESS MANAGEMENT PARTICIPATION**

All employees involved in a critical incident, regardless of rank, shall attend any scheduled CISM activities, to include defusings or debriefings. Supervisors will coordinate with the Peer Support Team Coordinator to ensure all involved employees attend.

#### **343.10 TRAINING**

All Peer Support Team members are required to receive Critical Incident Stress Management training and to attend annual training as directed by the Peer Support Team Coordinator or Chief of Police.

## Critical Incident Information Release

### 345.1 PURPOSE AND SCOPE

It is the intent of the Denton Police Department, through the adoption of this general order, to increase transparency with respect to the operations of the Department, and in doing so, foster greater public trust. The people of Denton have an undeniable interest in being informed, in a timely fashion and based on the most accurate information available, about how their police department conducts its business, especially where officers use lethal force or where the use of force by the police result in the death or serious injury of a civilian. This order sets the standards and criteria for the public release of video recordings that capture critical incidents involving Denton police officers. This order is intended to balance two important interests: the public's interest in transparency and police accountability, and the privacy interests of the individuals depicted in such videos. The public has a strong interest in obtaining timely access to information, including video footage, regarding incidents where officers use lethal force and/or where a person has died or suffered a serious injury as a result of a police encounter or while in police custody. At the same time, the individuals who appear in these videos have a privacy interest which must be considered. These individuals include not only the involved individuals and the police officers, but also witnesses, bystanders, and the subject upon whom force is used. There are considerations, such as preserving the integrity of related investigations, that may justify a delay or deviation from the standard procedure, and these considerations are also detailed in this order. In recognizing that a video may not tell the whole story, the Denton Police Department will also provide the necessary context when releasing video so the public has the most accurate picture of what occurred based on the information known at the time of release.

General records release and protected information are separately covered in Records Maintenance and Release and Protected Information general orders.

### 345.2 POLICY

It is the policy of the Denton Police Department that video evidence in the Department's possession of critical incidents involving Denton police officers be released to the public within 45 days of the incident. The Chief of Police may determine that earlier release is in the public interest. This release shall consist of relevant video imagery that depicts the actions and events leading up to and including the critical incident. Relevant video imagery is video and accompanying audio footage that is typically considered by the Chief of Police, Texas Rangers, and criminal prosecutors to determine the propriety of an officer's conduct during such critical incident. The release of video shall be accompanied by additional information to provide context based on the evidence available at the time of release. This general order applies only to incidents occurring after the effective date set forth below.

#### 345.2.1 CRITICAL INCIDENTS

Critical incident information release applies to video imagery concerning the following types of incidents:

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- (a) Officer-involved shootings, regardless of whether a person was hit by gunfire;
- (b) A use of force resulting in death or serious bodily injury requiring hospitalization;
- (c) All deaths while an arrestee/detainee is in the custodial care of the Department unless there is no preliminary evidence of any of the following:
  - 1. misconduct,
  - 2. a use of force, or
  - 3. an act committed by an arrestee/detainee that appears intended to cause injury or death; or
- (d) Any other police encounter where the Chief of Police determines release of video is in the public interest.

#### **345.3 VIDEO SOURCES**

The sources of video that may be released pursuant to this order includes, but are not limited to:

- (a) body-worn camera video,
- (b) digital in-car video,
- (c) police facility surveillance video, and
- (d) video captured by third parties that is in the Department's possession.

#### **345.3.1 PRIVACY PROTECTIONS**

Video will not be released where prohibited by law or court order. Further, consistent with the protections afforded juveniles and the victims of certain crimes, video imagery shall be redacted or edited to the extent necessary to ensure that the identity of said individual(s) is protected. Where the video cannot be sufficiently redacted or edited to protect the person's identity, it will be withheld. In addition, video may also be redacted or edited to protect the privacy interests of other individuals who appear in the video. In each instance, such redaction may include removing sound or blurring of faces and other images that would specifically identify involved individuals, sensitive locations, or reveal legally protected information. Further, where possible, such redaction or editing shall not compromise the depiction of what occurred during the incident.

#### **345.4 DELAYED RELEASE**

There may be circumstances under which the release of such video must be delayed to protect one or more of the following:

- (a) Safety of the involved individuals, including officers, witnesses, bystanders, or other third parties;
- (b) Integrity of an active investigation (including criminal or administrative);
- (c) Confidential sources or investigative techniques; and
- (d) Constitutional rights of an accused.

These reasons may not be general; they must have a factual basis and be specific to the individual case. For example, investigators have identified but not yet been able to interview a key witness

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to the incident. The delay of the release of video, in accordance with this order, shall be made pursuant only to the decision of the Chief of Police. In the absence of a decision supporting a delay, the video imagery will be released. Any decision to permit a delay shall be re-assessed every fourteen days thereafter, with any continued justification for delay, as well as anticipated time frame for release presented to the City Council at their next regularly scheduled public meeting. The video imagery in question shall be released as soon as the reason for delay has been resolved.

#### **345.4.1 NOTIFICATIONS**

Absent exigent circumstances, reasonable attempts shall be made to notify the following individuals or entities 48 hours prior to the release of video imagery:

- (a) Officers depicted in the video and/or significantly involved in the use of force;
- (b) Subject upon whom force was used;
  - 1. If the subject is deceased, the next of kin will be notified.
  - 2. If the subject is a juvenile, the subject's parents or legal guardian will be notified.
  - 3. If the subject is represented by legal counsel, that representative will be notified.
- (c) District Attorney's Office and City Attorney's Office;
- (d) Denton Police Officer's Association; and
- (e) Other individuals or entities connected to the incident as deemed appropriate.

#### **345.5 RELEASE - LIMITED WAIVER**

The release of any specific video imagery does not waive the Department's right to withhold other video imagery or investigative materials in the same case or any other case, as permitted by law. This order is not intended to displace or supersede any legal right or remedy available to any person or entity, and it is also not intended to prevent or hinder compliance by the Department with respect to any legal disclosure requirements, including but not limited to, any court order or disclosure provisions of the State of Texas Public Records Act.

#### **345.6 TRAINING**

All members authorized to manage, release or facilitate public access to department records shall complete a training program approved or provided by the Attorney General that includes, but is not limited to, the department requirements and obligations under the Texas Public Information Act (Tex. Gov't Code § 552.012).

## **Chapter 4 - Patrol Operations**

## Patrol

### 400.1 PURPOSE AND SCOPE

The purpose of this order is to define the patrol function and address intra organizational cooperation and information sharing.

### 400.2 POLICY

The Denton Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

### 400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Denton. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service;
- (b) Apprehending criminal offenders;
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities;
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions;
- (e) Responding to reports of both criminal and non-criminal acts;
- (f) Responding to routine calls for service, such as public assistance or public safety;
- (g) Directing and controlling traffic;
- (h) Carrying out crime prevention activities, such as residential inspections, business inspections and community presentations; and
- (i) Carrying out community-oriented policing and problem-solving activities, including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

### 400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all bureaus and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other bureaus or specialized units.

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Additionally, information should be shared with outside agencies and the public in conformance with department general orders and applicable laws. Members are encouraged to share information with other units and bureaus.

#### **400.4.1 CRIME ANALYSIS UNIT**

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted for distribution to all areas within the department through daily and special bulletins.

#### **400.4.2 INCIDENT REPORTS**

An incident report shall be completed by any patrol officer who receives information pertaining to a criminal offense requiring a report. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

#### **400.4.3 PATROL BRIEFINGS**

Patrol supervisors, detective sergeants and special unit sergeants shall share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

#### **400.4.4 BULLETIN BOARDS**

A bulletin board will be kept in the briefing room and the Criminal Investigations Division for display of suspect information, intelligence reports and photographs. New special orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the special order will be placed on the briefing room clipboard.

#### **400.5 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, public displays, parades, sporting events and civic, social and business events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

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Officers should consider enforcement of applicable state and local laws, such as Tex. Penal Code § 42.03 (Obstructing Highway or Other Passageway), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

## **Bias-Based Policing**

### **401.1 PURPOSE AND SCOPE**

This order provides guidance to department members that affirms the Denton Police Department's commitment to policing that is fair and objective.

Nothing in this order prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

#### **401.1.1 DEFINITIONS**

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Tex. Code of Crim. Pro. art. 3.05).

### **401.2 POLICY**

The Denton Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### **401.3 BIAS-BASED POLICING PROHIBITED**

Bias-based policing is strictly prohibited.

However, nothing in this order is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### **401.4 MEMBER RESPONSIBILITIES**

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members shall, when reasonable to do so, intervene to prevent any bias-based actions by another member.

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

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#### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this order shall require any officer to document a contact that would not otherwise require reporting.

#### 401.4.2 REPORTING TRAFFIC STOPS

The Assistant Chief of Police should ensure that the Department has appropriate systems in place to collect information required by state racial profiling laws (Tex. Code of Crim. Pro. art. 2.132 (Tier One); Tex. Code of Crim. Pro. art. 2.133 (Tier Two)).

Each time an officer makes a traffic stop, the officer shall gather the required information using the system in place for racial profiling reporting.

### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors shall monitor those individuals under their command for compliance with this order and shall handle any alleged or observed violations in accordance with the Administrative Investigations General Order.

- (a) Supervisors shall discuss any issues with the involved officer and their supervisor in a timely manner.
  - (a) Supervisors shall document these discussions, in the prescribed manner.
- (b) Supervisors shall periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this order.
  - (a) Supervisors shall document these periodic reviews.
  - (b) Recordings or data that capture a potential instance of bias-based policing shall be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this order.
- (d) Supervisors shall take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

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### *Bias-Based Policing*

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#### **401.6 STATE REPORTING**

The Chief of Police shall annually submit a report of the information required in Tex. Code of Crim. Pro. art. 2.132 to the Texas Commission on Law Enforcement (TCOLE) and to each governing body served by the Department.

The Chief of Police shall also provide to TCOLE and each governing body served by the Department a report containing an analysis of the information required by Tex. Code of Crim. Pro. art. 2.133. The report must be submitted by March 1 of each year (Tex. Code of Crim. Pro. art. 2.134).

The reports may not include identifying information about any officer who made the traffic stop or about any individual who was stopped or arrested (Tex. Code of Crim. Pro. art. 2.132; Tex. Code of Crim. Pro. art. 2.134).

#### **401.7 ADMINISTRATION**

The Assistant Chief of Police should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service (Tex. Code of Crim. Pro. art. 2.132).

Supervisors should review the report submitted to TCOLE and the governing body and the annual report and discuss the results with those they are assigned to supervise.

#### **401.8 COMPLIMENTS AND COMPLAINTS**

The Chief of Police is responsible for educating the public on the Department's compliment and complaint process (see the Administrative Investigations General Order). This education may be achieved by information provided through the Department website, on citations, and warnings as prescribed by law. This information shall include the telephone number, mailing address and e-mail address to make a compliment or complaint regarding a ticket, citation or warning issued by an officer.

In the event that an investigation is initiated against an officer for a violation of this order, the Assistant Chief of Police should ensure that a copy of any related recording is provided as soon as practicable to the officer upon written request (Tex. Code of Crim. Pro. art. 2.132).

#### **401.9 TRAINING**

Training on fair and impartial policing and review of this order should be conducted as directed by the Training Supervisor.

## Response to Bomb Calls

### 408.1 PURPOSE AND SCOPE

The purpose of this general order is to provide guidelines to assist members of the Denton Police Department in their initial response to incidents involving explosives or explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

### 408.2 POLICY

It is the policy of the Denton Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### 408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should advise Public Safety Communications as soon as practicable. Public Safety Communications should ensure that the on-duty patrol Lieutenant is immediately advised and informed of the details. This will enable the Lieutenant to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

### 408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

#### 408.4.1 DENTON POLICE DEPARTMENT FACILITY

If the bomb threat is against the Denton Police Department facility, the on-duty patrol Lieutenant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as they deem appropriate.

#### 408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Denton Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the on-duty patrol Lieutenant deems appropriate.

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#### 408.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

#### 408.5 PRIVATE FACILITY OR PROPERTY

When Public Safety Communications receives notification of a bomb threat at a location in the City of Denton, the communications dispatcher receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility;
- (b) The nature of the threat;
- (c) Whether the type and detonation time of the device is known;
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene;
- (e) Whether the individual is requesting police assistance at the facility; and
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  - 1. No evacuation of personnel and no search for a device;
  - 2. Search for a device without evacuation of personnel;
  - 3. Evacuation of personnel without a search for a device; or
  - 4. Evacuation of personnel and a search for a device.

The communications dispatcher receiving the bomb threat information should ensure that the on-duty patrol Lieutenant is immediately notified so that they can communicate with the person in charge of the threatened facility.

#### 408.5.1 ASSISTANCE

The on-duty patrol Lieutenant should be notified when police assistance is requested. The Lieutenant will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Lieutenant determine that the Department will assist or control such an incident, they will determine:

- (a) The appropriate level of assistance;

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- (b) The plan for assistance;
- (c) Assist in searching the facility; and
  1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  2. The safety of all participants is the paramount concern.
- (d) The need for additional resources, including:
  1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

#### **408.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes:
  1. Two-way radios;
  2. Cell phones; and
  3. Other personal communication devices.
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the on-duty patrol Lieutenant and responding fire department command including:
  1. The time of discovery;
  2. The exact location of the device;

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3. A full description of the device (e.g., size, shape, markings, construction);
4. The anticipated danger zone and perimeter; and
5. The areas to be evacuated or cleared.

#### **408.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or any additional damage from fires or unstable structures.

##### **408.7.1 CONSIDERATIONS**

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries;
- (b) Request additional personnel and resources, as appropriate;
- (c) Assist with first aid;
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, blood borne pathogens and hazardous materials;
- (e) Assist with the safe evacuation of victims, if possible;
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices;
- (g) Preserve evidence;
- (h) Establish an outer perimeter and evacuate if necessary; and
- (i) Identify witnesses.

##### **408.7.2 NOTIFICATIONS**

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Fire marshal
- Bomb squad
- Additional department personnel
- Field supervisor
- Lieutenant
- Deputy Chief
- Assistant Chief of Police
- Chief of Police

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- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

#### **408.8 CROWD CONTROL**

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

##### **408.8.1 PRESERVATION OF EVIDENCE**

As in any other crime scene, steps should immediately be taken to preserve the scene. The on-duty patrol Lieutenant should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be embedded in nearby structures or hanging in trees and bushes.

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## Portable Audio/Video Recorders

### 424.1 PURPOSE AND SCOPE

This order provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand-held or integrated into portable equipment.

This order does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Denton Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

Additional related provisions are in the Records Maintenance and Release and Protected Information general orders.

### 424.2 POLICY

The Denton Police Department will provide members with access to portable recorders, including body worn cameras, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

Members shall not surreptitiously record another Denton Police Department member without a court order, unless lawfully authorized by the Chief of Police or the authorized designee.

Members will not release any recordings without prior authorization by the Chief of Police or authorized designee. Any release without authorization will be a violation of this order and will result in disciplinary action, up to and including indefinite suspension.

### 424.3 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for:

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging or marking events.
- (e) Preparing the annual report required by Tex. Occ. Code § 1701.653.
- (f) Ensuring that Texas Commission on Law Enforcement (TCOLE) training is provided to members who are assigned to wear body-worn recording devices and any other personnel who may come into contact with data obtained from the devices (Tex. Occ. Code § 1701.656).
- (g) Establishing procedures for making backup copies of recordings (Tex. Occ. Code § 1701.655).

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#### **424.4 MEMBER PRIVACY EXPECTATION**

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

#### **424.5 MEMBER RESPONSIBILITIES**

Prior to going into service, each uniformed member working patrol and/or in an enforcement capacity will be responsible for making sure that they are equipped with a portable recorder (body worn camera (BWC)), issued by the Department, and that the recorder is in good working order. Employees who discover an operational defect with the BWC system will attempt to correct the system following the received training on the device (i.e., reseating cables, cycling the power, etc.). If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members shall wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a recorder, the assigned member shall record their name, DPD identification number and the current date and time at the beginning of the shift or other period of use, regardless of whether any activity was recorded. Employees will review the recording to verify the BWC microphone is operational, and the date and time is accurate. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording. Unless otherwise authorized by the Chief of Police or their designee, BWC's will be worn consistent with the training and manufacturer's recommendations, in regards to fields of view and officer safety.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation. In addition, members should document instances where the member did not activate the device at all and the reason for such decision (Tex. Occ. Code § 1701.657).

Officers that are issued a BWC will be required to utilize the BWC when engaging in off-duty overtime.

Employees shall not:

- (a) Bypass or attempt to override the equipment.

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- (b) Erase, alter, or delete any recording produced by the BWC.

#### **424.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER**

This order is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members shall activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder shall be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview situations;
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops;
- (c) Self-initiated activity in which an officer would normally notify Public Safety Communications;
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording;
- (e) Whenever a person is sitting in or being transported in a police vehicle for any purpose, such as:
  - 1. Being arrested;
  - 2. Assisting a stranded motorist (ie. taking a motorist to get gas) or courtesy rides;
  - 3. Waiting in the vehicle, for any reason; or
  - 4. Conducting an interview.
- (f) When dispatched and enroute to a call for service.

#### **424.6.1 VICTIM AND WITNESS STATEMENTS**

When conducting an investigation, the officer shall attempt to record the crime victim or witness' statement with the body worn camera. The recording may be valuable evidence that contributes to or compliments an investigation. While evidence collection is important, the department also recognizes it is important for officers to maintain credibility with people wanting to share information with law enforcement. On occasion, an officer may encounter a reluctant crime victim or witness who does not wish to make a statement on camera. In these situations, the officer should continue to develop rapport with the individual while balancing the need for evidence collection with the individual's request for privacy. Should the officer use discretion and not record the crime victim or witness statement with the body worn camera, the officer should document the reason for not fully recording the statement with the body worn camera. In these instances, officers may still record with an audio recorder. Officers should work with the department victim services unit when possible in determining what type of statement will be taken.

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- (a) If a citizen, other than a victim or witness as described in this section requests that an officer turn off the BWC, the officer will explain that DPD General Orders requires the camera to be activated and recording until the conclusion of the incident or until there is no further law enforcement action necessary.

At no time is a member expected to jeopardize their safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

#### 424.6.2 CESSATION OF RECORDING

Once activated, the portable recorder shall remain on continuously until the member reasonably believes that their direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

- (a) For purposes of this section, conclusion of an incident has occurred when:
  - 1. All arrests have been made and arrestees have been transported; and
  - 2. No further law enforcement action is likely to occur.

#### 424.6.3 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Texas law permits an individual to surreptitiously record any conversation in which one party to the conversation has given their permission (Tex. Penal Code § 16.02).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

#### 424.6.4 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

#### 424.6.5 WHEN BWC SYSTEM USE IS NOT REQUIRED

Activation of the BWC system is not required:

- (a) During break and lunch periods;
- (b) When not in service and not on a call; or
- (c) When in service, but not on a call.
- (d) Employees will not utilize the body worn camera in the following circumstances:
  - 1. A potential witness who requests to speak to an officer confidentially or desires anonymity;

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2. A victim or witness who requests that they not be recorded as a condition of cooperation and the interests of justice require such cooperation;
  3. During tactical briefings, or the discussion of safety and security procedures;
  4. Public or private locker rooms, changing rooms, restrooms, unless taking police action;
  5. Doctor's or lawyer's offices, unless taking police action;
  6. Medical or hospital facilities, unless taking police action;
  7. At a school, where minor children are present, unless taking police action;
  8. While in any magistrate's or judge's office or in any courtroom, except under exigent circumstances; i.e. police action being taken;
  9. During departmental or supervisory meetings; or
  10. For administrative reasons.
- (e) For purposes of this section, an "administrative reason" refers to:
1. Personal conversations unrelated to the incident being recorded;
  2. Officer to officer training (e.g., when a Field Training Officer or Supervisor wishes to speak to an officer enrolled in the Field Training Program about a training issue);
  3. The conclusion of an incident; or
  4. Any reason authorized by a supervisor. The identity of the supervisor granting the authorization shall also be stated prior to the deactivation.
- (f) Officers cannot be compelled to record their entire work shift.

#### **424.7 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Lieutenant, and then only if allowed under Tex. Occ. Code § 1701.658. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

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#### **424.8 RETENTION OF RECORDINGS**

Videos shall be retained for a longer period of time consistent with the City of Denton's Records Control Schedules and/or the State Local Government Retention Schedules. At a minimum all BWC recordings shall be retained for 241 days.

##### **424.8.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

Copies of a BWC media recording will be used for official DPD business only. This may include public information requests after the recording has been reviewed by the department legal advisor and approved for release by the department. Copies of BWC system recordings will not normally be made unless the person requesting the copy is authorized to view the recording and does not otherwise have access to view the recording using the BWC system. When a copy is made, it is the responsibility of the person receiving the copy to comply with records retention as outlined in the Records Maintenance and Release General Order.

#### **424.9 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

Officers will download the media contained on their BWC utilizing the approved download procedures (wireless, docking station, etc.). To assist with identifying and preserving data and recordings, members shall download, tag or mark these in accordance with procedures and document the existence of the recording in any related case report. Officers shall ensure that the download process has started prior to the completion of their scheduled tour of duty.

A member shall transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters;
- (b) A complainant, victim or witness has requested non-disclosure;
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person;
- (d) Disclosure may be an unreasonable violation of someone's privacy;
- (e) Medical or mental health information is contained;
- (f) Disclosure may compromise an undercover officer or confidential informant; or
- (g) The recording or portions of the recording may be protected under Tex. Occ. Code § 1701.660 et seq. or the Texas Public Information Act.

A member need not transfer, tag, or mark recordings when the member reasonably believes the recording in its totality is a non-event.

- (a) For purposes of this section, a "non-event" video generally refers to a recording that meets all of the following criteria:
  - 1. Video where no investigatory stop is made;
  - 2. Video that does not include any call for service;

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3. Video where no person has been detained or arrested; and
4. Video where no enforcement action is documented.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Unless involved in a response to resistance incident, an arrest, or directed by a supervisor, employees utilizing a BWC during overtime are permitted to download their recordings during their next regularly scheduled work day.

BWC media will be stored utilizing a secure storage server and backed up for redundancy purposes. All media will be stored utilizing approved security methods in compliance with Criminal Justice Information Standards (CJIS) standards. A maintenance agreement for the BWC program shall be in place to ensure the security of all BWC data.

#### **424.10 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths General Order for guidance in those cases.) However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release General Order.
- (e) By a supervisor during periodic reviews for compliance with racial profiling laws (Tex. Code of Crim. Pro. art. 2.132).
- (f) Recordings may be shown for the purpose of training. If an involved employee objects to showing a recording, their objection will be submitted to their Bureau Chief to determine if the training value outweighs the employee's objection.
- (g) Recordings containing images of juveniles, victims of crime, or any instance where the video would not be subject to release shall not be used unless authorized by the Chief of Police.

# Denton Police Department

## General Orders

### *Portable Audio/Video Recorders*

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- (h) Employees shall not obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information obtained by a BWC system.
- (i) Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., You-Tube, Facebook).
- (j) Employees shall not duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or their designee. Failure to obtain authorization could result in potential criminal sanctions.

All recordings should be reviewed by the designated member prior to public release (See the Records Maintenance and Release General Order). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court. Members will not release any recordings without prior authorization by the Chief of Police or authorized designee. Any release without authorization will be a violation of this order and result in disciplinary action, up to and including indefinite suspension.

Sergeants will conduct quarterly inspections of their employees' BWC recordings to ensure they are complying with this general order. These inspections will be electronically documented and sent to the Lieutenant within their chain-of-command.

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## Public Recording of Law Enforcement Activity

### 425.1 PURPOSE AND SCOPE

This order provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this order provides guidelines for situations where the recordings may be evidence.

### 425.2 POLICY

The Denton Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 425.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect;
  - 2. Inciting others to violate the law;
  - 3. Being so close to the activity as to present a clear safety hazard to the officers; or
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officer, themselves or others.

### 425.4 OFFICER RESPONSE

Officers shall activate their BWC in accordance with the Portable Audio/Video Recorders general order. Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

# Denton Police Department

## General Orders

### *Public Recording of Law Enforcement Activity*

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Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that they may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **425.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment;
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded;
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior;
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law; and
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

#### **425.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - (a) To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

# Denton Police Department

## General Orders

### *Public Recording of Law Enforcement Activity*

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- (b) If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Section General Order.

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## Medical Aid and Response

### 430.1 PURPOSE AND SCOPE

This order recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

#### 430.1.1 DEFINITIONS

**Opioid** – A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity of the central nervous system; these will reduce pain, induce sleep, and in an overdose can cause people to stop breathing. First responders often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone and hydrocodone.

**Naloxone** – A prescription medication that can be used to reverse the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous and respiratory systems. It is marketed under various trademarks including Narcan®

### 430.2 POLICY

It is the policy of the Denton Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 430.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Public Safety Communications and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases General Order. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Public Safety Communications with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  1. Signs and symptoms as observed by the member.
  2. Changes in apparent condition.

# Denton Police Department

## General Orders

### *Medical Aid and Response*

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3. Number of patients, sex and age, if known.
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

#### **430.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers shall search any person who is in custody before releasing that person to EMS for transport.

An officer shall accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **430.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergency detention in accordance with the Emergency Detentions General Order.

If an officer believes that a person who is in custody requires EMS care and the person refuses, they should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility so that the refusal is documented by a medical professional. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

# Denton Police Department

## General Orders

### *Medical Aid and Response*

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#### **430.6 MEDICAL ATTENTION RELATED TO RESPONSE TO RESISTANCE**

Specific guidelines for medical attention for injuries sustained from a response to resistance may be found in the Response to Resistance, Handcuffing and Restraints, Control Devices and Electronic Control Weapon general orders.

#### **430.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested and coordinating the response. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Denton Fire Department develops guidelines for air ambulance landings or entering into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, they identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members shall follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during the landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

# Denton Police Department

## General Orders

### *Medical Aid and Response*

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#### **430.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member should use an AED only after they have received the required training as provided in 25 Tex. Admin. Code § 157.41.

##### 430.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Supervisor who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Public Safety Communications as soon as possible and request response by EMS (Tex. Health & Safety Code § 779.004).

##### 430.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

##### 430.8.3 AED TRAINING AND MAINTENANCE

The Training Supervisor shall ensure appropriate training approved by the Department of State Health Services is provided to members authorized to use an AED (Tex. Health & Safety Code § 779.002). The training should include a course in CPR and AED operation in accordance with the guidelines established by the device's manufacturer. All training courses shall be approved by the Fire Department's Medical Control Physician.

The Denton Fire Department is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's guidelines, and will retain records of all maintenance and testing in accordance with the established records retention schedule (Tex. Health & Safety Code § 779.003; 25 Tex. Admin. Code § 157.41).

#### **430.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Members may administer opioid overdose medication in accordance with protocol specified by the physician who prescribed the overdose medication for use by the member (Tex. Health & Safety Code § 483.106).

The Texas Health and Safety Code 483.106 provides that:

- (a) A person who, acting in good faith and with reasonable care, administers or does not administer an opioid antagonist to another person whom the person believes is suffering an opioid-related drug overdose is not subject to criminal prosecution, sanction under any professional licensing statute, or civil liability, for an act or omission resulting from the administration of or failure to administer an opioid antagonist.
- (b) Emergency services personnel are authorized to administer an opioid antagonist to a person who appears to be suffering an opioid-related drug overdose, as clinically indicated.

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## General Orders

### *Medical Aid and Response*

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Employees of the Denton Police Department are authorized to carry and administer intranasal naloxone to an individual undergoing or believed to be undergoing an opioid-related drug overdose.

Prior to carry and administering intranasal naloxone, personnel must undergo specific training on the use and administration of this medication. The training requirements will be established by the Denton Fire Department and conducted by their personnel.

#### **430.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the designated naloxone coordinator.

Any member who administers an opioid overdose medication should contact Public Safety Communications as soon as possible and request response by EMS. Individuals administered an opioid medication should be transported to a medical facility for evaluation.

#### **430.9.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

The naloxone coordinator will maintain a complete log of all intranasal naloxone kits in the possession of the Department, including a record of those administered, damaged, in stock, or disposed of for other reasons. The coordinator will also maintain copies of all reports from the use of intranasal naloxone kits for use in subsequent statistical and tracking reports.

#### **430.9.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Training Supervisor should ensure training is provided to members authorized to administer opioid overdose medication.

#### **430.10 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, they shall be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue shall be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

# Denton Police Department

## General Orders

### *Medical Aid and Response*

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Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### **430.11 ADMINISTRATION OF EPINEPHRINE**

Members who have received training approved by TCOLE may administer epinephrine in accordance with the standing order issued by the physician, or other individual with prescriptive authority, who prescribed the medication for use by the member (Tex. Occ. Code § 1701.702; Tex. Occ. Code § 1701.703).

##### **430.11.1 EPINEPHRINE USER RESPONSIBILITIES**

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Supervisor.

Any member who administers epinephrine should contact Public Safety Communications as soon as possible and request response by EMS.

##### **430.11.2 EPINEPHRINE REPORTING**

Any member administering epinephrine should detail its use in an appropriate report.

The Training Supervisor will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements including the required reporting to the physician or person who prescribed the epinephrine as required by Tex. Occ. Code § 1701.705.

##### **430.11.3 EPINEPHRINE TRAINING**

The Training Supervisor should ensure that training is provided to members authorized to administer epinephrine.

#### **430.12 FIRST AID TRAINING**

Subject to available resources, the Training Supervisor should ensure officers receive periodic first aid training appropriate for their position.

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## First Amendment Assemblies

### 431.1 PURPOSE AND SCOPE

This order provides guidance for responding to public assemblies or demonstrations.

### 431.2 POLICY

The Denton Police Department respects the rights of people to peaceably assemble and will protect their right to do so. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

### 431.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting, loitering and funeral service disruptions. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech;
- Civil disobedience (typically involving minor criminal acts); and/or
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and to prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants;
- (b) Harass, confront or intimidate participants; or
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

# Denton Police Department

## General Orders

### *First Amendment Assemblies*

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#### 431.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION

Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions, assistance in evaluating department performance, serving as training material, recording the use of dispersal orders and facilitating a response to allegations of improper law enforcement conduct.

Photographs, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

#### 431.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to:

- Location;
- Number of participants;
- Apparent purpose of the event;
- Leadership (whether it is apparent and/or whether it is effective);
- Any initial indicators of unlawful or disruptive activity;
- Indicators that lawful use of public facilities, streets or walkways will be impacted; and
- Ability and/or need to continue monitoring the incident.

Initial assessment information should be promptly communicated to Public Safety Communications, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

#### 431.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### 431.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

# Denton Police Department

## General Orders

### *First Amendment Assemblies*

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 431.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities;
- (b) Staffing and resource allocation;
- (c) Management of criminal investigations;
- (d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.);
- (e) Deployment of specialized resources;
- (f) Event communications and interoperability in a multi-jurisdictional event;
- (g) An established liaison with demonstration leaders and external agencies;
- (h) An established liaison with City government and legal staff;
- (i) Media relations;
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation;
- (k) Traffic management plans;
- (l) First aid and emergency medical service provider availability;
- (m) Prisoner transport and detention;
- (n) Review of general orders regarding public assemblies and response to resistance in crowd control;
- (o) Parameters for declaring an unlawful assembly;
- (p) Arrest protocol, including management of mass arrests;
- (q) Protocol for recording information flow and decisions;
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the response to resistance;

# Denton Police Department

## General Orders

### *First Amendment Assemblies*

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- (s) Protocol for handling complaints during the event; and
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

#### 431.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance General Order).

#### **431.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, they or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

#### **431.7 RESPONSE TO RESISTANCE**

Response to resistance is governed by current department general orders and applicable law (see the Response to Resistance, Handcuffing and Restraints, Control Devices and Electronic Control Weapons general orders).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Electronic Control Weapons should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Electronic Control Weapons general orders).

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### *First Amendment Assemblies*

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Force or control devices, including oleoresin capsicum (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd. The use of less lethal munitions shall be directed only towards individuals who have exhibited violent actions against officers. They will not be directed at crowds, those peacefully protesting, or those who pose no immediate or imminent threat of violence towards officers. The actual use of less lethal munitions requires the approval of an on-scene supervisor and their use will cease upon the cessation of violence, dispersal of people, or when the person(s) have been taken into custody. Officers should take extreme caution when deploying less lethal munitions from elevated positions.

Any response to resistance by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

#### **431.8 ARRESTS**

The Denton Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees;
- (b) Dedicated arrest, booking and report writing teams;
- (c) Timely access to medical care;
- (d) Timely access to legal resources;
- (e) Timely processing of arrestees;
- (f) Full accountability for arrestees and evidence; and
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases General Order).

#### **431.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations General Order).

# Denton Police Department

## General Orders

### *First Amendment Assemblies*

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#### **431.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including response to resistance reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

#### **431.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include:

- (a) Operational plan;
- (b) Any incident logs;
- (c) Any assignment logs;
- (d) Vehicle, fuel, equipment and supply records;
- (e) Incident, arrest, response to resistance, injury and property damage reports;
- (f) Photographs, audio/video recordings, Public Safety Communications records/tapes; and
- (g) Media accounts (print and broadcast media).

##### **431.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used, to include:

- (a) Date, time and description of the event;
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs);
- (c) Problems identified;
- (d) Significant events; and
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

#### **431.12 TRAINING**

Department members should receive periodic training regarding this general order, as well as the dynamics of crowd control/Mobile Field Force and incident management. The Department should, when practicable, train with its external and mutual aid partners.

## **Chapter 10 - Personnel**

## Standards of Conduct

### 1000.1 PURPOSE AND SCOPE

This order establishes standards of conduct that are consistent with the values and mission of the Denton Police Department and are expected of all department members. The standards contained in this general order are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this general order, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

### 1000.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### 1000.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### 1000.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department general order. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department general order or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

#### 1000.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all general orders and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to their immediate supervisor or to document such misconduct appropriately or as required by order.
- (c) Directing a subordinate to violate a general order or directive, acquiescing to such a violation or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

#### **1000.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Texas constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific general order or rule violation be cited to sustain discipline. This general order is not intended to cover every possible type of misconduct.

#### **1000.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

##### 1000.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any general order, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

# Denton Police Department

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#### 1000.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Denton Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted), unless authorized by the [City of Denton Ethics Policy](#).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 1000.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 1000.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Supervisors should not engage in any sexual conduct with a subordinate officer or non-sworn employee within the supervisor's chain of command. However, should a

# Denton Police Department

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personal relationship form between a supervisor and subordinate, the supervisor shall give notice to their immediate supervisor. Once notice is given, either the supervisor or the subordinate shall be transferred based on the needs of the organization.

#### 1000.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

#### 1000.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Denton Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

#### 1000.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact telephone numbers.
- (f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

# Denton Police Department

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- (g) In addition to other indicators of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.

#### 1000.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting, or omitting material facts, or making any false or misleading statement, on any application, examination form, or other official document, report or form, affidavit, or during the course of any work -related investigation.
- (b) Altering the contents of another employee's work product without their consent, or by means of intimidation.
- (c) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (d) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (e) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (f) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (g) Unlawful gambling or unlawful betting at any time or any place. Legal gambling, including the purchase of lottery tickets, or betting under any of the following conditions:
  - (a) While on department premises.
  - (b) At any work site, while on-duty or while in uniform, or while using any department equipment or system.
  - (c) Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (h) Improper political activity including:
  - (a) Unauthorized attendance while on-duty at official legislative or political sessions.
  - (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on--duty or on department property except as expressly authorized by City policy, memorandum of understanding or contract, or the Chief of Police.

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- (i) Engaging in political activities during assigned working hours except as expressly authorized by City policy, memorandum of understanding or contract, or the Chief of Police.
- (j) Any act on- or off-duty that brings discredit to this department.

#### 1000.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on their part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this general order.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any meet-and-confer agreement, memorandum of understanding or contract, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming of a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.
- (n) Any violation of the PRIDE General Order.

# Denton Police Department

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#### 1000.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

#### 1000.5.11 INTOXICANTS

- (a) Reporting for work or being at work when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

## **PRIDE**

### **1001.1 PURPOSE AND SCOPE**

The purpose of this order is to establish workplace interaction guidelines that promote the department's core values of Professionalism, Respect, Integrity, Dedication, and Excellence (PRIDE). This order specifically governs interactions among co-workers.

#### **1001.1.1 DEFINITIONS**

**Professionalism** – conducting ourselves in a competent, reliable, and confident manner.

**Respect** - of our community, our Department, and most importantly, our self.

**Integrity** - the cornerstone of police work; without it, public trust is lost.

**Dedication** - being committed to providing the best service to our community.

**Excellence** - being outstanding, while going above and beyond in the service of others.

The following terms appear in this order and are intended to help define the types of negative interactions that are in conflict with PRIDE.

**Abusive and Profane Language** - Using vulgar, or coarse words, slurs or statements meant to defame a co-worker who is not present.

**Gossip** - Expressing or insinuating unsubstantiated, negative or derogatory comments about a co-worker to someone lacking official authority to handle personnel matters or deal with the problem. Gossip is destructive to everyone involved in this organization. It complicates situations and relationships rather than resolving problems.

**Harassment** - Generally defined as a course of conduct which annoys, threatens, intimidates, alarms, or puts a person in fear of their safety. Harassment is unwanted, unwelcome, and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. Harassing behavior may include, but is not limited to, epithets, derogatory comments or slurs and lewd propositions, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons.

**Libel** - Writing and sharing a false written statement that damages a co-worker's reputation.

**Slander** - Making a false spoken statement that damages a co-worker's reputation.

### **1001.2 POLICY**

It is the policy of the Department that employee interactions within the workplace must be consistent with PRIDE. The Department recognizes that job satisfaction and personal development are highly influenced by the work environment. Maintaining a workplace that is free of interpersonal conflict and divisiveness is essential to our mission.

# Denton Police Department

## General Orders

### *PRIDE*

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#### **1001.3 PROHIBITION**

Denton Police Department employees are prohibited from engaging in workplace interpersonal conduct that interferes with PRIDE. Examples of prohibited workplace conduct are using abusive and profane language to defame co-workers who are not present, gossiping, harassment, libel, and slander.

It is the responsibility of every employee to behave in a manner that promotes PRIDE in the workplace. Department employees who witness PRIDE violations shall report the violation to a supervisor.

#### **1001.4 SUPERVISORY RESPONSIBILITIES**

Supervisors play an essential role in promoting PRIDE in the workplace. Upon receiving a complaint, supervisors shall conduct an initial investigation and determine the nature of the complaint and whether or not a potential PRIDE violation has occurred. If it is determined that the conduct might potentially violate PRIDE then the supervisor shall complete an administrative investigation form in BlueTeam™, and forward the complaint up the chain of command to the Chief of Police. Disciplinary action will be taken against employees who violate the principles of PRIDE.

#### **1001.5 DISCIPLINARY CONSEQUENCES**

Actions prohibited by this order shall be cause for disciplinary action up to and including indefinite suspension. Unlike many conduct violations, PRIDE violations are considered to be actions that employees engage in by choice. Everyone has the option and the ability to opt out of this type of conduct. Therefore, in addition to disciplinary action, employees who receive sustained PRIDE complaints may be removed from special assignments and they will not be eligible for transfers to special assignments or promotional opportunities for a period to be specified by the Chief of Police.

#### **1001.6 PROTECTED CONDUCT NOT PROHIBITED BY THIS ORDER**

The prohibitions in this order are not meant to interfere with an employee's exercise of their right to talk about work-related issues including the following:

- (a) Complaints about work-related issues rather than offensive, injurious, or personal comments against co-workers;
- (b) Discussion of wages, benefits, or other terms and conditions of employment;
- (c) Comments meant to poll employees about work conditions; and
- (d) Mutually engaged in social banter between employees.

## Policy of Equality

### 1005.1 PURPOSE AND SCOPE

The purpose of this order is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this order is intended to create a legal or employment right or duty that is not created by law.

### 1005.2 POLICY

The Denton Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this order or the rights and privileges it is designed to protect. Furthermore, all complaints of discrimination or harassment will be taken seriously, and will be promptly and appropriately investigated.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this order may not violate state or federal law but still could subject a member to discipline.

### 1005.3 DEFINITIONS

Definitions related to this order include:

#### 1005.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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Examples of discriminatory harassment include, but are not limited to:

- (a) Intimidation through violence or threats of force or violence against an individual because of their race, color, religion, sex, national origin, age (40 or older), disability, genetic information, or sexual orientation.
- (b) Unfavorable treatment of an individual or group because of their race, color, religion, sex, national origin, age (40 or older), disability, genetic information, or sexual orientation.
- (c) Ridiculing or mocking a person because of their race, color, religion, sex, national origin, age (40 or older), disability, genetic information, or sexual orientation.
- (d) Making comments to an individual, or in an individual's hearing, that reflect stereotypes about that individual's race, color, religion, sex, national origin, age (40 or older), disability, genetic information, or sexual orientation.
- (e) Sending unwelcome mail, voicemail, or email containing derogatory jokes or comments about an individual or group because of race, color, religion, sex, national origin, age (40 or older), disability, genetic information, or sexual orientation.

#### 1005.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

#### 1005.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include, but are not limited to:

- (a) Letters, telephone calls, magazines, pictures, and objects of a sexual nature or content;
- (b) The deliberate touching, brushing, cornering, or pinching of or leaning over a person;
- (c) Suggestive looks, comments, gestures, or whistles; or
- (d) Sexual jokes, teasing, remarks, and questions.

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#### 1005.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Texas Workforce Commission, Civil Rights Division guidelines.
- (b) Bona fide requests or demands by a supervisor that a member improve their work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### 1005.4 RESPONSIBILITIES

This order applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this order to their immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Resources or the City Manager.

Any member who believes, in good faith, that they have been discriminated against, harassed or subjected to retaliation is encouraged to promptly report such conduct in accordance with the procedures set forth in this order. Any member who has observed harassment, discrimination or retaliation, shall promptly report such conduct in accordance with the procedures set forth in this order.

Supervisors and managers receiving information regarding alleged violations of this order shall report the alleged violation to the Chief of Police via the chain of command, and shall proceed with the responsibilities as stated below.

##### 1005.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact the Chief of Police, the Director of Human Resources or the City Manager for further information, direction or clarification.

##### 1005.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include, but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and mitigate the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this order.

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- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

#### 1005.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline in a manner that is consistent with established procedures.

#### **1005.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

##### 1005.5.1 INFORMING THE INDIVIDUAL

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing their concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

##### 1005.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through informing the individual, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

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Formal investigation of the complaint will be confidential to the extent possible and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Director of Human Resources or the City Manager.

#### **1005.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this order shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this order does not in any way affect those filing requirements.

#### **1005.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the City Manager or the Director of Human Resources, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

#### **1005.6.1 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

#### **1005.7 TRAINING**

All new members shall be provided with a copy of this order as part of their orientation. The order shall be reviewed with each new member. The member shall certify by signing the prescribed form that they have been advised of this order, is aware of and understands its contents and agrees to abide by its provisions during their term with the Department.

All members shall receive annual training on the requirements of this order and shall certify by signing the prescribed form that they have reviewed the order, understand its contents and agree that they will continue to abide by its provisions.

## Anti-Retaliation

### 1007.1 PURPOSE AND SCOPE

This order prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This order does not prohibit actions taken for non-discriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this order shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance or memorandum of understanding.

### 1007.2 POLICY

The Denton Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1007.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this order; or for participating in any investigation related to a complaint under this or any other order.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because they have engaged in protected activity.

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## General Orders

### *Anti-Retaliation*

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#### **1007.4 COMPLAINTS OF RETALIATION**

Any member who feels they have been retaliated against in violation of this order should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

#### **1007.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this order and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Administrative Investigations General Order.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this order.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this order.

# Denton Police Department

## General Orders

### *Anti-Retaliation*

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#### **1007.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

#### **1007.7 WHISTLE-BLOWING**

Texas law protects employees who make a good-faith report of a violation of law by the Department or another employee to the appropriate law enforcement authority (Tex. Gov't Code § 554.002). Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Division for investigation pursuant to the Administrative Investigations General Order.

#### **1007.8 RECORDS RETENTION AND RELEASE**

The Internal Affairs Lieutenant shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

#### **1007.9 TRAINING**

This order should be reviewed with each new member.

All members should receive annual training on the requirements of this order.

# Reporting of Arrests, Convictions and Court Orders

## 1008.1 PURPOSE AND SCOPE

The purpose of this general order is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Denton Police Department. This order will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

## 1008.2 POLICY

The Denton Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

## 1008.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Texas law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Tex. Penal Code § 46.04).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy. Failure to do so will result in discipline up to and including indefinite suspension.

## 1008.4 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify a Lieutenant or the Chief of Police) in writing of any past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any. If immediate notification is not practicable, members are expected to report any police detention within four hours and any arrests and convictions within eight hours.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify a Lieutenant or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Texas Commission on Law Enforcement (TCOLE) license.

# Denton Police Department

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### *Reporting of Arrests, Convictions and Court Orders*

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Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or indefinite suspension. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on their own time and at their own expense.

Any employee failing to provide prompt written notice pursuant to this general order shall be subject to discipline, up to and including indefinite suspension.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms General Order).

#### 1008.4.1 DEPARTMENT NOTIFICATION REQUIREMENTS

The Chief of Police or designee must notify TCOLE within 30 days in the following circumstances (37 Tex. Admin. Code § 211.28; 37 Tex. Admin. Code § 211.29):

- (a) When a person who holds a license issued by TCOLE is arrested for or charged with a reportable offense by this department.
- (b) When any person who is under appointment with this department is arrested for, charged with or convicted of a reportable offense.

#### 1008.4.2 MEMBER NOTIFICATION REQUIREMENTS

Members licensed by TCOLE who are arrested for, charged with or indicted for a reportable offense must report it to TCOLE within 30 days (37 Tex. Admin. Code § 211.27).

## Drug- and Alcohol-Free Workplace

### 1009.1 PURPOSE AND SCOPE

The purpose of this general order is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace, which are in addition to the [City of Denton Anti-substance Abuse and Rehabilitation Policy 108.12](#).

### 1009.2 POLICY

It is the policy of the Denton Police Department to provide a drug- and alcohol-free workplace for all members.

### 1009.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103; Texas Labor Code § 21.120).

Members shall not report for duty when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal. Affected members shall notify their Lieutenant or appropriate supervisor as soon as the member is aware that they will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, they shall be immediately removed and released from work (see the Work Restrictions section in this order).

#### 1009.3.1 USE OF MEDICATIONS

Members shall avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to their immediate supervisor prior to commencing any on-duty status.

### 1009.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession, including for approved law enforcement purposes, or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance without prior approval from their bureau chief.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

# Denton Police Department

## General Orders

### *Drug- and Alcohol-Free Workplace*

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1009.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers, the Peer Support Team, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

Disciplinary Action may be taken against employees who voluntarily request assistance from the City of Denton Employee Assistance Program (see City of Denton Policy #107.10, Employee Assistance Program, for details) if the conduct violates existing criminal statutes.

#### **1009.6 WORK RESTRICTIONS**

If a member informs a supervisor that they have consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from their physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that they are safely transported away from the Department.

#### **1009.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing their ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of their duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a Department approved or authorized firearm while off-duty, resulting in injury, death or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of their duties and becomes involved in an incident that results in bodily injury, death or substantial damage to property.
- (e) The employee is a member of the Narcotics Unit and the screening is done pursuant to the Drug Screening Examination SOP.

# Denton Police Department

## General Orders

### *Drug- and Alcohol-Free Workplace*

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#### 1009.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

#### 1009.7.2 DISCIPLINE

An employee may be subject to disciplinary action if they:

- (a) Fail or refuse to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fail to provide proof, within 72 hours after being requested, that they took the controlled substance as directed, pursuant to a current and lawful prescription issued in their name.

#### **1009.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute indictment or conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **1009.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records General Order.

## Sick Leave

### 1010.1 PURPOSE AND SCOPE

This order provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City policy manual and applicable meet-and-confer agreement.

This order is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.).

### 1010.2 POLICY

It is the policy of the Denton Police Department to provide eligible employees with a sick-leave benefit. Any deviation from this general order will be at the discretion of the City Manager or the Chief of Police.

### 1010.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences to cover illnesses of employees and their covered dependents. The actual use of sick leave is expected to normally be less than the number of days which are provided per year. Sick leave accruals accumulate to provide the employee coverage for severe or catastrophic illnesses. Sick leave is accrued in accordance with the city policy.

Sick leave may be used in intervals of one half hour.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick-leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime General Order).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1010.3.1 NOTIFICATION

All members should notify their supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor. Employees are required to contact their supervisor daily if absent for more than one day, unless otherwise approved by their supervisor or an exception exists under the city policy. Failure to make the required notification may result in the employee's absence being considered unauthorized leave without pay.

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### *Sick Leave*

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When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and their time be charged to sick leave. A statement from a health care provider may be required in such instances.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

#### **1010.4 EXTENDED ABSENCE**

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

#### **1010.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this order;
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate;
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  1. Negatively affected the member's performance or ability to complete assigned duties; or
  2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave; and
- (e) Referring eligible members to an available employee assistance program when appropriate.

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## Communicable Diseases

### 1011.1 PURPOSE AND SCOPE

This order provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

#### 1011.1.1 DEFINITIONS

Definitions related to this order include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, the mouth, a mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Denton Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

### 1011.2 POLICY

The Denton Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

### 1011.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  1. Minimum standards for bloodborne pathogens as established by the Department of State Health Services (DSHS). These include (Tex. Health & Safety Code § 81.303 et seq.; 25 Tex. Admin. Code § 96.201 et seq.):

# Denton Police Department

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### *Communicable Diseases*

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- (a) Minimum standards contained in the model exposure control plan developed by the DSHS (Tex. Health & Safety Code § 81.304; 25 Tex. Admin. Code § 96.202).
  - (b) Needleless systems and sharps injury protection (Tex. Health & Safety Code § 81.305; 25 Tex. Admin. Code § 96.301; 25 Tex. Admin. Code § 96.302).
  - (c) Sharps injury log (Tex. Health & Safety Code § 81.306; 25 Tex. Admin. Code § 96.401).
2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
  3. Reporting diseases to the local health authority as mandated by Tex. Health & Safety Code § 81.042.

The ECO should periodically review and update the exposure control plan and review implementation of the plan at least annually (25 Tex. Admin Code § 96.203).

#### **1011.3.1 EXPOSURE CONTROL OFFICER TO SERVE AS INFECTION CONTROL OFFICER**

The ECO shall serve as the department's Infection Control Officer unless another member is selected for the role by the Chief of Police. The Chief of Police shall also designate a member to serve as the alternate Infection Control Officer. The Infection Control Officer shall (Tex. Health & Safety Code § 81.012):

- (a) Receive notification of a potential exposure to a reportable disease from a health care facility;
- (b) Notify the appropriate health care providers of a potential exposure to a reportable disease;
- (c) Act as a liaison between members who may have been exposed and the hospital that treated the person who is the source of the potential exposure;
- (d) Investigate and evaluate an exposure incident using current evidence-based information on the possible risks of communicable diseases presented by the exposure incident; and
- (e) Monitor all follow-up treatment provided to an exposed member, in accordance with applicable federal, state and local law.

The primary and alternate infection control officers must meet the qualifications and training established by the commissioner of state health services (Tex. Health & Safety Code § 81.012).

The ECO shall notify the local health authorities or local health care facilities of the members serving as primary and alternate infection control officers.

#### **1011.4 EXPOSURE PREVENTION AND MITIGATION**

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#### 1011.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable;
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated;
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE;
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease;
- (e) Using an appropriate barrier device when providing CPR;
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease;
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure;
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials should be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation;
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure; and
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 1011.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost. Members should be offered, at no cost, other appropriate immunization for any diseases to which the member may be exposed (Tex. Gov't Code § 607.004).

#### 1011.5 POST EXPOSURE

##### 1011.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water);
- (b) Obtain medical attention as appropriate; and

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- (c) Notify a supervisor as soon as practical.

#### 1011.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

- (a) Name of the member exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease, Work-Related Injury and Death Reporting, and Illness and Injury Prevention general orders).

#### 1011.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation; and
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

#### 1011.5.4 COUNSELING

The Department shall provide the member, and their family if necessary, the opportunity for counseling and consultation regarding the exposure.

#### 1011.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate.

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Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual;
- (b) Requesting a health authority to order testing and seeking a subsequent court order when necessary (Tex. Health & Safety Code § 81.050; Tex. Health & Safety Code § 81.151; 25 Tex. Admin. Code § 97.12);
- (c) Receipt of a notice from a hospital indicating testing is warranted (Tex. Health & Safety Code § 81.048; Tex. Gov't Code § 607.102; 25 Tex. Admin. Code § 97.11);
- (d) Court order after an exposure from an arrestee (Tex. Code of Crim. Pro. art 18.22); or
- (e) Receipt of medical or epidemiological information released to the department's Infection Control Officer by a health care facility (Tex. Health & Safety Code § 81.046).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if they refuse.

#### **1011.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1011.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training;
- (b) Should be provided whenever the member is assigned new tasks or procedures affecting their potential exposure to communicable disease; and
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

## Smoking and Tobacco Use

### 1012.1 PURPOSE AND SCOPE

This general order establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Denton Police Department facilities or vehicles.

For the purpose of this order, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### 1012.2 POLICY

The Denton Police Department recognizes that tobacco use is a health risk and can be offensive to others. All forms of tobacco use also present an unprofessional image for the Department and its members. Therefore, all forms of tobacco use are prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this order.

### 1012.3 SMOKING AND TOBACCO USE

Employees, whether uniformed or not, may use tobacco products as long as:

- (a) They are not in a formation;
- (b) They do not have to leave their assignment or post for the sole purpose of doing so; and
- (c) They are not engaged in traffic direction and control or other functions involving the general public.

Employees may not use any tobacco products inside any police department facility, including marked and unmarked police vehicles. Additionally, employees must conform to [City of Denton Policy Use of Tobacco Products and Electronic Cigarettes #108.03](#) concerning city owned, rented, and leased property.

It shall be the responsibility of each member to ensure that no person under their supervision smokes or uses any tobacco product inside City facilities and vehicles.

## Discipline Matrix

### 1014.1 PURPOSE AND SCOPE

The purpose of this Discipline Matrix is to provide guidance and penalty ranges for general order violations. The discipline matrix delineates a penalty range from the lowest possible penalty to the maximum penalty for each level of offense. This matrix is not an all-encompassing document, but should provide some guidance for the vast majority of investigations involving discipline.

### 1014.2 PENALTY RANGE

Every offense level has a minimum penalty and a maximum penalty.

- **First offense** – The first sustained violation of any general order(s) in a member's disciplinary work history.
- **Second offense** – The second sustained violation of the same general order(s) within a 36-month period from the date of the occurrence of the first offense.
- **Third offense** – The third sustained violation of the same general order(s) within a 36-month period from the date of the occurrence of the first offense.

### 1014.3 DISCIPLINE MATRIX

	General Order	1	2	3
Violation	Reference	Offense	Offense	Offense
Required reporting of violations	1000 - Standards of Conduct	Fact Specific	4-15 Days	Indefinite Suspension
Requirements of duty	1000 - Standards of Conduct	Oral Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
Time and attention to duty	1000 - Standards of Conduct	Oral Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
Unprofessional or abusive behavior to coworkers	1000 - Standards of Conduct	Oral Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
Duty to Identify	1000 - Standards of Conduct	Oral Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
Improper use of city resources <u>not</u> involving personal gain	1000 - Standards of Conduct	Written Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
Improper use of city resources involving personal gain	1000 - Standards of Conduct	4-15 Days	Indefinite Suspension	
Confidentiality	1000 - Standards of Conduct	4-15 Days	Indefinite Suspension	

# Denton Police Department

## General Orders

### *Discipline Matrix*

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Criminal Violation while on duty or related to job duties	1000 - Standards of Conduct	Indefinite Suspension		
Driving While Intoxicated	1000 - Standards of Conduct	Indefinite Suspension		
Other criminal violations	1000 - Standards of Conduct	Fact Specific		
Dishonesty (false official statements)	1000 - Standards of Conduct	Indefinite Suspension		
Neglect of Duty (misleading statements)	1000 - Standards of Conduct	Fact Specific		
Duty to take action	1000 - Standards of Conduct	Fact Specific		
	300 - Response to Resistance			
Dereliction of Duty	1000 - Standards of Conduct	4-15 days to Demotion		Demotion to Indefinite Suspension
Neglect of Duty	1000 - Standards of Conduct	Fact Specific		
Association with those of ill repute	1000 - Standards of Conduct	Fact Specific		
Failure to properly investigate a complaint and/or forward an external complaint via Blue Team to Internal Affairs	1038 - Administrative Investigations & Discipline	15 Days up to Indefinite Suspension		Indefinite Suspension
Courtesy (rudeness complaints)	1000 - Standards of Conduct	Oral Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
	1001 - PRIDE			
Failure to keep an impartial attitude	1000-Standards of Conduct	Fact Specific		
	1005 - Policy of Equality			
Insubordination	1000 - Standards of Conduct	4-15 Days		Indefinite Suspension
Refusing to cooperate with Internal Affairs	1038 - Administrative Investigations & Discipline	Indefinite Suspension		

# Denton Police Department

## General Orders

### *Discipline Matrix*

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Quid pro quo sexual harassment	1000 - Standards of Conduct	Indefinite Suspension		
	1005 - Policy of Equality			
Failure of random drug test or test resulting from reasonable suspicion	1009-Drug and Alcohol-Free Workplace	Indefinite Suspension		
Missed court appearance	1000 - Standards of Conduct	Oral Counseling (Documented in Blue Team)	Documented Counseling	Written Reprimand to 1-3 Days
	1033 - Performance History Audits			
Secondary employment violations	1025 - Off Duty Employment and Outside Overtime	Written Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
Abuse of sick leave	1000-Standards of Conduct	Oral Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
	1010-Sick Leave			
Failure to properly investigate	1000-Standards of Conduct	Oral Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
Improper handling of evidence (not related to criminal conduct)	1000-Standards of Conduct	Oral Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
Improper destruction of evidence	1000-Standards of Conduct	Written Reprimand to 4-15 Days	Indefinite Suspension	
Biased based profiling/ Racial Profiling	401-Biased Based Policing	Fact Specific		
Electronic Recording (DMAV, MAV) Violation	422-Mobile Audio/Video Recording Operation	Written Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
	424-Portable Audio/Video Recorders			

# Denton Police Department

## General Orders

### *Discipline Matrix*

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Intentional Electronic Recording (DMAV, MAV) Violation	422-Mobile Audio/Video Recording Operation 424-Portable Audio/Video Recorders	4-15 Days	Indefinite Suspension	
Intentional Electronic Recording (DMAV, MAV) Violation at a criminal incident	422-Mobile Audio/Video Recording Operation 424-Portable Audio/Video Recorders	Indefinite Suspension		
Inappropriate Electronic Messages *	204-Electronic Mail 423-Mobile Data Computer Use	Written Reprimand	1-3 Days	4-15 Days
Internet/Computer violations	204-Electronic Mail 319-Information Technology Use	Written Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
Objectively unreasonable use of lethal force	300-Response to Resistance 1000-Standards of Conduct	Indefinite Suspension		
Objectively unreasonable use of force	300-Response to Resistance 1000-Standards of			
Duty to intercede	300-Response to Resistance	Fact Specific		
Preventable discharge involving serious bodily injury or death	300-Response to Resistance 1000-Standards of Conduct	Fact Specific		

# Denton Police Department

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### *Discipline Matrix*

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Unintentional discharge involving serious bodily injury or death	300-Response to Resistance 1000-Standards of Conduct	Fact Specific		
Violations of duty weapons policy	1000-Standards of Conduct	Written Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
Violations of pursuit policy	307-Vehicle Pursuit 309-Officer Response to Calls 405-Ride-Alongs	Written Reprimand to 1-3 Days	4-15 Days	Indefinite Suspension
Pursuit policy, Aggravated	307-Vehicle Pursuit	1-15 Days	4-15 Days	4-15 Days to Indefinite Suspension
Operation of police vehicle (non-collision)	307-Vehicle Pursuit 400-Patrol 1033-Performance History Audits	Oral Reprimand to 1-3 Days	4-15 Days	4-15 Days to Indefinite Suspension
At fault collision (not involving serious bodily injury or death)	307-Vehicle Pursuit 400-Patrol 1033-Performance History Audits	Oral Reprimand to 1-3 Days	4-15 Days	4-15 Days to Indefinite Suspension
Negligent/reckless conduct resulting in serious bodily injury or death	1000-Standards of Conduct	Indefinite Suspension		
Violation of tactics	Inclusive, but not limited to: 300-Response to Resistance 307-Vehicle Pursuit 1000-Standards of Conduct	Fact Specific		

\* If inappropriate electronic messages bring discredit to the Department, increase one level

## Lactation Breaks

### 1022.1 PURPOSE AND SCOPE

The purpose of this general order is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Tex. Gov't Code § 619.003). This order is in addition to the [City of Denton Lactation Breaks Policy #108.2A](#).

### 1022.2 POLICY

It is the policy of the Denton Police Department to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her infant nursing child (29 USC § 207; 25 Tex. Admin. Code § 31.1).

### 1022.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207; Tex. Gov't Code § 619.004). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the communications dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1022.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers, the public, and any recording device (29 USC § 207; Tex. Health & Safety Code § 165.003; Tex. Gov't Code § 619.004).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

# Denton Police Department

## General Orders

### *Lactation Breaks*

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Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

#### **1022.5 STORAGE OF EXPRESSED MILK**

An employee shall be provided with access to a hygienic storage area for her expressed milk. Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends (Tex. Health and Safety Code § 165.003).

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# Occupational Disease, Work-Related Injury and Death Reporting

## 1026.1 PURPOSE AND SCOPE

The purpose of this order is to provide guidance regarding timely reporting of occupational diseases, work-related injuries and deaths.

### 1026.1.1 DEFINITIONS

Definitions related to this order include:

**Occupational disease or work-related injury** - Any injury or disease that causes damage or harm to the physical structure of the body and that arises out of and in the course and scope of employment with the Denton Police Department. This includes damage or harm occurring as the result of repetitious, physically traumatic activities (Tex. Labor Code § 401.011).

## 1026.2 POLICY

The Denton Police Department will address occupational diseases, work-related injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (Tex. Labor Code § 409.005 et seq.).

## 1026.3 RESPONSIBILITIES

### 1026.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate.

### 1026.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational disease should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related City-wide injury- or disease-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention general orders apply and take additional action as required.

### 1026.3.3 BUREAU CHIEF RESPONSIBILITIES

The Bureau Chief who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Administrative Services Bureau Chief to ensure any required Texas Department of Insurance

# Denton Police Department

## General Orders

### *Occupational Disease, Work-Related Injury and Death Reporting*

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reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention General Order.

#### 1026.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

#### **1026.4 OTHER DISEASE OR INJURY**

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Bureau Chief through the chain of command and a copy sent to the Administrative Services Bureau Chief.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that they desired no medical attention at the time of the report. By signing, the member does not preclude their ability to later seek medical attention.

#### 1026.4.1 FIREARM INJURIES OR DEATHS

If a member is injured or killed by a firearm discharged by another person, the Bureau Chief shall ensure that reporting required by the Attorney General is submitted (Tex. Code of Crim. Pro. art. 2.1395).

#### **1026.5 SETTLEMENT OFFERS**

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, their agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to their supervisor as soon as possible.

#### 1026.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

#### **1026.6 FIRST RESPONDER LIAISON ACCESS**

Members shall have unrestricted access to contact a Human Resources Department representative at any time regarding their workers' compensation claim (Tex. Labor Code § 404.1525; Tex. Labor Code § 404.153).

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## Conflict of Interest

### 1030.1 PURPOSE AND SCOPE

The purpose of this general order is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Denton Police Department. This order is in addition to the [City of Denton Ethics Policy #10.00](#).

#### 1030.1.1 DEFINITIONS

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

### 1030.2 POLICY

Members of the Denton Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and department members.

### 1030.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members:

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.
  1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this order.
- (b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and the person is off probation.

# Denton Police Department

## General Orders

### *Conflict of Interest*

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- (d) Members who are married, in a dating relationship, or who share a child in common, are prohibited from working on the same shift, or riding in the same department vehicle (excluding breaks), absent expressed authorization from the Chief or their designee.

#### **1030.4 MEMBER RESPONSIBILITIES**

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require them to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify their uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the communications dispatcher to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

#### **1030.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this general order, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

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## Administrative Investigations and Discipline

### 1038.1 PURPOSE AND SCOPE

This general order provides guidelines for regulating, standardizing, reporting, investigation and disposition of complaints and internal investigations by providing direction regarding the reporting, receipt, classification, assignment, processing, investigation, and disposition of complaints regarding allegations of misconduct against employees. Investigations by Denton PD are conducted pursuant to DPD General Orders, Civil Service Rules, and the Meet and Confer Agreement Between The City of Denton and Denton Police Officers Association, the Texas Chief of Police's Association Best Practice Recognition Program, and recommendations of the Police Executive Research Forum's Organizational Review of the Denton Police Department.

Every allegation/complaint of employee misconduct shall be accepted and fully and impartially investigated. Findings will be supported by reliable evidence using a "preponderance of evidence" standard.

### 1038.2 POLICY

To ensure that the Department's standards of conduct are adhered to, and to maintain a high degree of professionalism in the discharge of their duties, the Department shall initiate investigations of all complaints received against its members to achieve the following objectives:

- **Protection of the Public** – The public has the right to receive fair, efficient and impartial law enforcement. The Department shall ensure this through the detection, investigation, and proper adjudication of employee misconduct.
- **Protection of the Department** – The Department is often evaluated and judged by the conduct of its individual employees. It is imperative that the organization, as a whole, be free from public censure based on the misconduct of a few. The community must be confident that the Department will fairly and honestly police its members. Additionally, the organization has an obligation to defend the city of Denton and its employees from civil litigation.
- **Protection of the Employee** – Employees must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process that ensures their rights are protected and all necessary, available evidence is appropriately collected.
- **Correction of Procedural Problems** – The Department is constantly seeking to improve its efficiency. Occasionally, administrative investigations disclose faulty procedures and identify policy improvement needs that would otherwise have gone undetected.
- **Removal of Unfit Personnel** – Personnel who engage in serious acts of misconduct, or who have demonstrated they are unfit for the law enforcement profession, must be removed for the protection of the public, the Department, and the Department's employees.

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## General Orders

### *Administrative Investigations and Discipline*

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#### 1038.2.1 DEFINITIONS

**Administrative investigation** – A fact-finding inquiry initiated as a result of internally identified misconduct or a complaint filed by a citizen or an employee regarding an employee's conduct, whether on-duty or off-duty, that may result in administrative charges and disciplinary action.

**Complainant** – Any person, including a community member, a nonresident, or a sworn or non-sworn member of DPD, claiming to be a victim or witness of misconduct by an employee, who makes a complaint against DPD or any employee.

**Complaint** – Any allegation of misconduct committed by any DPD employee that is reported by any person, including any DPD employee.

**Complaint action** – One of four actions taken based upon the classification by DPD:

- (a) The documentation of a minor violation/infraction resolved through non-disciplinary counseling or training;
- (b) The initiation of a Disciplinary Investigation on the basis of an internally generated complaint of employee misconduct;
- (c) The initiation of a Disciplinary Investigation on the basis of a public complaint of employee misconduct;
- (d) No violation is identified, therefore no action is taken.

**Credibility assessment** – Assessment of the credibility of a witness.

**Criminal investigation** – An investigation of alleged criminal misconduct by a DPD employee.

**Disciplinary suspension** – Removal of an employee from their position for a specific period of time without pay for the purpose of encouraging the employee to change their .

**Early intervention** – Leadership engagement with members for the purpose of impacting behavior that could potentially lead to problems for an employee and the department. Intervention may take the form(s) of retraining, counseling, assignment change, other supervised, monitored, and/or documented action plans.

**Educational-based discipline** – Alternative process, to traditional discipline suspensions, that focuses on changing behavior through education rather than punishment.

**Employee Performance Improvement Plan (EPIP)** - A written managerial plan designed to assist an employee with improving their performance. Defines unsatisfactory and/or below standard employee performance and/or behavior. The plan offers clear objectives and establishes a timeline for improvement.

**Evidence** – Any statements, reports, records, recordings, documents, computer data, text, graphics, videotape, photographs, or other tangible forms of information, including a complaint.

**Exonerated** – Investigation established that the act complained of did occur, but that it was justified, legal and proper.

**Indefinite Suspension** – Suspension equivalent to dismissal from the department.

# Denton Police Department

## General Orders

### *Administrative Investigations and Discipline*

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**Internal Affairs Case Management System (ICMS)** – The electronic system (IAPro/ Blue Team) used to enter and track all complaints received and by IA.

**Investigating supervisor** – Any supervisor assigned to investigate an administrative complaint, whether internal or external, but does not include Internal Affairs.

**Investigator** – For the purposes of this order, investigator is any person assigned to investigate an administrative complaint, whether internal or external.

**Mediation** – Form of alternative dispute resolution used as an alternative to the normal Internal Affairs process utilized in investigating complaints.

**Mentoring** – Efforts by a supervisor to personally engage, as an advisor, with a subordinate for the purpose of training, teaching or advising to positively influence at-risk behavior or improve job performance.

**Minor nature complaints** – Complaints originating internally or externally against employees that are best investigated by the employee's chain-of-command supervisors, including, but not limited to, substandard work performance, such as tardiness, uniform requirement, or cleanliness of vehicle.

**Minor violation/infraction** - A first violation of a Departmental general orders, procedure, order, or verbal/written instructions that a supervisor believes requires minimal intervention through retraining and/or counseling to correct the employee's behavior (e.g., tardiness, uniform requirement, and cleanliness of vehicle). The behavior must not be the subject of a public complaint and must be considered so minor that it is correctable by simple counseling and minimal intervention by the supervisor, with the goal of non-repetitive behavior. Repetition of a violation within a twelve-month period (based on the date of the observed violation) may require discipline.

**Misconduct** – Any action or inaction that violates any Departmental rule, general orders, procedure, order, verbal or written instruction, or criminal law.

**Negotiated settlement** – Agreement between the Department and an employee accused of misconduct on the disposition of the complaint.

**Non-disciplinary counseling or training** – Remedial and non-punitive instruction given by a supervisor to a subordinate employee or officer on an individual basis. The purpose of non-disciplinary counseling is to resolve the problem and correct the inappropriate behavior by providing guidance. The employee does not experience any loss of rights, remuneration, or benefits.

**Not sustained** – Investigation failed to produce sufficient evidence to clearly prove or disprove the allegation.

**Police personnel complaints** – Those complaints made in regards to the performance of duties or behavior of Departmental personnel which include, but are not limited to, violations of federal, state and local laws, applicable rules of the Texas Local Government Code, the rules

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## General Orders

### *Administrative Investigations and Discipline*

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and regulations of the City of Denton Civil Service Commission and established Departmental procedures, general orders and special orders.

**Police service complaints** – Those complaints made in regards to any service performed by the Department, not specifically directed at personnel, such as complaints regarding response time to calls or general orders such as unlocking vehicles or working accidents on private property.

**Policy issue** – The investigation reveals that the act did occur and may or may not comply with Department general orders. However, it is also determined that the allegation of misconduct could have been prevented had the general order been more clear or complete or in cases where general orders did not address the issue.

**Preponderance of evidence** – A standard of proof meaning the greater weight and degree of the credible evidence makes it more likely than not that a particular fact or allegation is true.

**Remedial training** – Training used to improve employee knowledge and skill deficiencies.

**Retaliation** – Any form of retaliation, including intimidation, coercion, or adverse action against any person who, in good faith, reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct. An employee who is found to have participated in the reported misconduct is subject to disciplinary action even if they make the report in good faith. Reporting others misconduct does not exonerate the employee's own misconduct.

**Serious nature complaints** – A complaint received from sources, either inside or outside the Department that, by its very nature, requires investigation separate from the accused employee's chain of command, including, but not limited to: allegations of criminal conduct; excessive use of force; violations of general orders that, if sustained, would normally result in substantial disciplinary action; discourtesy that includes statements regarding race, gender, ethnicity, or religion; and those that are of such a sensitive nature, they threaten the Department's relationship with the community and the organization's integrity.

**Statement** – Any oral, written, or video communication setting forth particulars or facts regarding alleged misconduct under investigation.

– Days off without pay for disciplinary reasons.

**Sustained** – Investigation established that the alleged misconduct did occur.

**Unfounded** – Investigation established that the act complained of did not occur.

### **1038.3 INTERNAL AFFAIRS RESPONSIBILITIES**

Internal Affairs has the primary responsibility for the intake, coordination, review, classification, and assignment of every allegation of employee misconduct. The Assistant Chief of Police is delegated the authority of the Chief of Police for the purpose of directing every disciplinary investigation and any matter involving employee integrity or the known or alleged misconduct of any Departmental employee. The Assistant Chief of Police shall report directly to the Chief of Police on all disciplinary matters.

# Denton Police Department

## General Orders

### *Administrative Investigations and Discipline*

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Internal Affairs' responsibilities also include:

- Review of every complaint;
- Review of all available video evidence pertaining to every complaint;
- Categorization of every complaint as an external complaint; an internally generated complaint; a service complaint; or a minor infraction resolved through counseling or training;
- Assignment of due dates for all investigations;
- Investigation of all complaints retained by IA;
- Review and approval of every completed complaint action, investigation, report, or document, whether completed by IA or another bureau;
- Providing a final report of all complaint actions, whether investigated by IA or action taken by a bureau supervisor;
- Transmittal of notification letter to every complainant indicating the result of the investigation after final approval of the formal disciplinary investigative disposition; and
- Conducting a use of force investigation when directed by the Assistant Chief or Chief of Police.

#### **1038.3.1 AUTHORITY TO CLASSIFY COMPLAINTS**

IA has the authority to formally classify an allegation of employee misconduct. IA shall have authority to initiate an appropriate complaint action.

#### **1038.4 RESPONSIBILITY TO REPORT MISCONDUCT**

Any Department member who observes or becomes aware of any act of possible misconduct by another employee shall report the incident in accordance with this order. Failure to report or document an act of misconduct or criminal behavior shall be grounds for discipline.

If a member observes or becomes aware of any act of possible misconduct by another employee of equal or lesser rank, they shall report the incident to any supervisor or directly to IA prior to the end of their shift the same day. This conduct may be reported verbally or in writing. If the complaint is reported verbally, the receiving supervisor or IA personnel shall audio-record the reporting employee's statement, and the audio-recording shall be made a part of the complaint record as an attachment. Any written document shall be made a part of the complaint record as an attachment.

As set forth in this order, when a supervisor elects to address and resolve a minor violation/infraction through non-disciplinary counseling or training, the supervisor must complete a complaint record via Blue Team and document the specific minor violation/infraction observed, as well as the counseling or training imposed. The record will be forwarded to the employee's Lieutenant or manager before being sent to Internal Affairs within five workdays of the supervisor becoming aware of the minor violation/infraction.

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### *Administrative Investigations and Discipline*

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If a Departmental member observes or becomes aware of any act of possible misconduct by another employee of greater rank, they shall report this incident to that employee's supervisor or directly to IA prior to the end of their shift, by email, in person at IA during its regular hours, or by contacting the on-call IA investigator after regular working hours.

Any supervisor consulted by any other member about an allegation of misconduct by any member shall accept the complaint as outlined in this order. If the allegation is of a serious nature (e.g. possible criminal violation), they shall contact IA immediately and advise IA of the identity of the complainant and the nature of the complaint.

#### **1038.5 COMPLAINT INTAKE AND INVESTIGATION**

The Chief of Police shall be notified of all misconduct complaints via the Assistant Chief of Police or their designee. The Department has 240 days from the date of the act (not related to criminal activity) to discover the act. The Department shall have 180 days from the date of discovery to investigate and take disciplinary action for the act (not related to criminal activity).

Complaints requiring an investigation include, but are not limited to, citizen complaints, internal complaints, criminal allegations, use of excessive force, alleged civil rights violations and serious violations of department general orders and procedures (ie. discrimination, sexual harassment, retaliation, etc.).

All complaints will be classified as either:

- Minor nature - appropriate action taken at the supervisor level; or
- Serious nature - requiring further investigation and action.

Any person, whether a member of the public, non-sworn, or sworn personnel can file a complaint. Anonymous sources or any known third-party source can file a .

Complaints can be filed anytime (24 hours/day, seven days a week) by the following methods:

- At the complainant's location (residence or business in the City of Denton) at the complainant's request;
- At the police station, including the lobby kiosk or internal complaint box;
- Directly to Internal Affairs (in person during regular business hours, or by telephone);
- To any DPD member (non-supervisors must notify a supervisor);
- Complaints may be made in writing to DPD's website, the Office of the Chief of Police, or by email, fax, or USPS mail.
  - If the complainant refuses to put the complaint in writing, the supervisor shall record the information and enter the complaint into Blue Team.
  - Complaint forms shall be created in different languages, as appropriate, in compliance with the Limited English Proficiency Services General Order.

The Department will accept and investigate any allegation of misconduct. Complaints will be assigned as follows:

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- Police service complaints will be assigned to the appropriate Bureau Chief;
- Police personnel complaints will be assigned to Internal Affairs;
- Complaints filed by employees will be assigned to Internal Affairs; and
- Use of force complaints will be assigned to Internal Affairs

#### **1038.6 CONFIDENTIALITY**

All information related to an employee's suspected criminal act or general order violation is confidential. Internal Affairs investigators will not disclose or discuss information about any such investigation with anyone except other investigators assigned to assist with the investigation, the investigator's chain-of-command, officers of the court, witnesses, the employee's attorney or Association board representative, or other persons specifically designated by the Chief of . Employees will not disclose or discuss such information with anyone except investigators assigned to the case, the employee's attorney, Association board representative, a Peer Support Team member, chain-of-command or other person specifically designated by the Chief of nless they are a witness, a possible witness, or complainant.

#### **1038.7 COMPLAINT DOCUMENTATION**

The supervisor receiving a complaint from any source shall answer any question the complainant may have about the information requested in the complaint record and shall review the information written by the complainant to ensure the complaint is defined clearly. The supervisor shall ensure the complainant understands the importance of answering, if possible, all relevant questions, which include:

- The complainant's personal and contact information, preferred method of contact, and best time to attempt contact;
- A possible need for language assistance;
- The name, badge number, and assignment of the accused officer;
- A detailed description of the accused employee and any other Departmental employee on the scene of the event;
- Their clothing/uniform;
- The type of vehicle driven, including any identifying markings;
- The date, time, and location of the event;
- The facts of the alleged violation, including specific actions taken and/or words spoken by the employee; and
- Name and contact information of any witness.

Every Department supervisor who has been issued a recording device (body-worn camera and/or digital audio-recorder) shall record the statement of a complainant(s) and any witness or person with first-hand knowledge of the incident. A refusal by a person to be recorded shall not be grounds

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for refusal to accept a complaint. The complainant's actual refusal to allow their complaint to be recorded should be audio/video-recorded if possible, and the supervisor should make the recording a part of the written complaint action.

Whether handwritten or dictated, the complaint statement should be signed by the complainant. Should the complainant refuse to sign the complaint statement, the supervisor shall write "REFUSED TO SIGN" on the signature line to indicate their refusal. A complainant's refusal to sign shall not invalidate acceptance of the complaint. If the complainant cannot sign their own statement, the supervisor should document the reason on the form. The supervisor shall retain the original statement and, if possible, at the time of the complaint, provide the complainant with a photocopy of their complaint statement. The supervisor should attach any document the complainant provides (e.g., citation, notes, photograph, correspondence, text or email message documentation, medical record, booking document-preferably in photocopied form) to the Blue Team incident.

In addition to completion of the Blue Team incident, the supervisor shall also collect and list any available physical evidence, such as a photograph of a claimed injury or the absence thereof; any audio or video recordings; any ECW recordings; any documentation of medical treatment; or a photocopy of the traffic citation, affidavit, summons, or booking paperwork. The supervisor shall gather all relevant information, including the names of all DPD officers and employees involved in or witnessing the alleged misconduct. The supervisor shall take photographs of apparent injuries, or the absence thereof, unless the complainant/subject objects or declines.

#### 1038.7.1 INTERNAL AFFAIRS COMPLAINT MANAGEMENT SYSTEM

A supervisor receiving a public complaint shall deliver, prior to the end of their shift, a Blue Team incident and all supporting materials to IA or chain-of-command via the Internal Affairs Complaint Management System (IAPro/Blue Team) database. When a supervisor receives a complaint, they become responsible for completing a Blue Team incident in its entirety, including all relevant documentation of the alleged or known/observed employee misconduct and submitting this documentation to IA or their chain-of-command by the end of their shift.

A supervisor receiving a complaint from another DPD employee, or initiating a complaint against another employee, shall transmit, prior to the end of their shift, a Blue Team incident and all supporting materials to IA via the Internal Affairs Complaint Management System (IAPro/Blue Team) database.

#### 1038.7.2 REQUEST FOR WITHDRAWAL OF COMPLAINT

Should a citizen wish to withdraw their complaint, an investigator shall document it in writing or a recording and submit it into the Blue Team incident. The Assistant Chief over Internal Affairs will decide whether the citizen complaint will be administratively closed or an investigation will be conducted.

A supervisor, who is the complainant, who wishes to withdraw or change that complaint action to another form of corrective action, must submit an inter-office memo through their chain-of-

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command to the Assistant Chief of Police. The memo must contain the reason(s) the supervisor is requesting to cancel the complaint or to utilize a different form of corrective action.

The original memo must be delivered with the chain-of-command approvals and/or disapprovals to the Assistant Chief of Police within five (5) workdays of becoming aware of the alleged violation. If any person in the requesting supervisor's chain-of-command disapproves the request, the initial complaint shall proceed as written and submitted. The memo requesting the change will continue through the approval process and will be made a part of the investigative file on the complaint. The person disapproving the request must document their reasons in a cover memo which will become a part of the request and follow through the chain-of-command.

The Chief of Police has the final judgment in any request to cancel a complaint or change the complaint action type. If the request is not approved, the original complaint action shall continue uninterrupted in its original classification. If another form of complaint action is approved, the investigation shall continue to be governed by the original complaint action due dates.

#### **1038.8 CRIMINAL INVESTIGATIONS OF EMPLOYEES**

Employees have an obligation and responsibility to report all facts or credible information regarding criminal activity by other employees or any breach of DPD written directives.

The Chief of Police shall be notified as soon as practical when apparent criminal conduct exists. In the event of an allegation of a criminal violation, the Chief of Police may request an outside law enforcement or prosecutorial agency to conduct the criminal investigation parallel to the administrative investigation conducted by DPD.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to an individual under the State and Federal constitutions.

The subject employee shall not be compelled to provide a statement to investigators conducting an administrative investigation when there is a potential criminal investigation until the remainder of the criminal investigation has been concluded, unless such compulsion is deemed appropriate by the Chief of .

If there are both criminal and administrative investigations, those investigations shall be bifurcated and conducted concurrently unless otherwise directed by the Assistant Chief of Police. In the event the subject officer provides a compelled statement, IA shall ensure that any criminal investigation shall not subsequently have access to that statement or the administrative investigation during the pendency of the criminal investigation, unless required to by order of a court.

#### **1038.9 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

##### **1038.9.1 REPORTING PROCEDURES**

Administrative investigations should be thorough and completed as soon as possible, but within sixty (60) days of assignment. If it becomes evident that the investigation will take longer than sixty (60) days, the investigator shall notify the Chief of Police or their designee in writing, specifying the

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cause of such delay. The Chief of Police or their designee will then forward the written notification as an attachment to the complaint record to IA. IA will contact the complainant and provide an update on the status of the investigation.

- The investigating supervisor may submit a Blue Team entry if the complaint is of a minor nature and:
  - The complainant does not want to provide a written statement.
  - The complaint could be resolved at the time the complaint is filed, but the officer involved is not available; or
  - The complaint is resolved at the time the complaint is filed;
- If the complaint is not resolved at the time it is filed, the investigating supervisor shall forward the Blue Team record through the appropriate chain-of-command to the Assistant Chief explaining why the investigation is not complete and when it is expected to be complete.

The investigating officer will not provide a disposition for any complaints. The final disposition of any allegation is ultimately determined by the Chief of Police or their designee.

#### 1038.9.2 ALTERNATIVE ASSIGNMENTS DURING INVESTIGATIONS

If, upon receipt of a serious nature complaint or during the investigation of a complaint, if it is determined that the continued service of the employee in their current assignment endangers the integrity of the Department or could result in further exposure to civil litigation, the Chief of Police or, in their absence, the Assistant Chief of Police, will decide if the employee should be reassigned or placed on administrative leave.

The employee should clearly understand that reassignment or administrative leave is not a form of punishment or an assumption of guilt by the Department, but is, at times, in the best interests of the employee, the Department, the city, or the community. The employee's pay and benefits shall continue to accrue during that period.

If the investigator deems an incident to be of such serious nature as to warrant immediate action and the Chief of Police or their designee is unavailable, they may immediately place the employee on administrative leave and notify the Chief of Police or their designee as soon as possible.

While on administrative leave, the employee shall maintain availability with IA between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, and be prepared to respond if needed. They shall, immediately upon notification of being placed on administrative leave, be provided an Order of Administrative Leave signed by the Chief of Police or their designee or, in cases of emergency, the supervisor or IA investigator placing the employee on administrative leave.

Police officers placed on administrative leave shall refrain from participating in law enforcement activities. In extreme cases, the Chief of Police or their designee may require an employee to surrender their badge and identification card.

Investigations that require an employee be placed on administrative leave will become priority cases and shall be completed as soon as possible so that decisive and timely action may be taken.

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#### 1038.9.3 EMPLOYEE RESIGNATIONS DURING INVESTIGATIONS

In the event an employee resigns during an investigation, the investigator shall immediately notify the Chief of Police or their designee. The investigator shall then accept the employee's resignation letter and forward it up the chain-of-command for approval, confiscate any Department issued property in the employee's possession, including their locker, drawer, or take-home car, and their badge and Department identification card. Department keys in their possession shall be confiscated and they will be given a date and time to appear with the remainder of their equipment.

If the investigator has reason to believe that the employee will damage or destroy Department equipment, they may accompany the officer to their residence and collect the remainder of the equipment and uniforms. This will be done in only the most extreme cases.

Should an employee fail to return all Department issued property (whether intentionally refusing to return the property or claim the property is lost), or when any of the returned property is damaged beyond what would be expected from normal wear and tear, the Quartermaster shall prepare a memorandum to the Chief of Police regarding the disposition/condition of the property. The Chief of Police may confer with the City of Denton Human Resources Department and/or City Attorney's Office to determine the appropriate course of action to address the missing/lost/damaged property.

The investigator will direct the employee to the City of Denton Human Resources Department for an exit interview.

The investigator will contact the Chief of Police for instructions regarding the continuation of the investigation. In every case, the investigator will prepare a final report.

#### 1038.9.4 EMPLOYEE INTERVIEWS AND STATEMENTS

During the formal investigation, the investigator shall obtain a digitally recorded statement from the accused employee in every case, using the statement format. The audio file shall be labeled with the date the statement is taken, the IA case number and the name of the person(s) whose statement(s) is recorded. The file(s) shall be labeled as an exhibit and made a part of the investigative report. Digitally recorded statements shall be preserved.

No employee shall refuse to respond to IA investigators or an investigating supervisor when being questioned regarding an ongoing administrative investigation. Any member who willfully fails to cooperate, is untruthful, or acts to hinder or delay an investigation shall be subject to additional charges of insubordination that could result in discipline, up to and including indefinite suspension. If, when ordered, an employee refuses to make an administrative statement as an accused employee or witness, the investigator shall digitally record the refusal unless extenuating circumstances prevent the recording, in which case the extenuating circumstances shall be documented in an Interoffice Memo. The investigator shall immediately notify the accused employee's Deputy Chief and the Assistant Chief of Police, and complete a Blue Team entry.

Employee interviews should always be conducted in a Department facility unless the employee is physically unable to appear (i.e. emergency military service, hospitalization, pandemic, etc.).

Employees shall never be interviewed in their attorney's or representative's office.

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The employee shall be interviewed during their regular-duty hours whenever possible. If the investigation is of such a nature as to require immediate action or the employee's schedule will cause undue delay, the investigating supervisor will be responsible for ensuring that the employee is compensated for any off-duty time required.

The investigating supervisor shall serve the employee who is the subject of the investigation with written notification of the investigation and, if applicable, a copy of the complaint at least 48 hours prior to requesting a response. However, the employee may waive the 48-hour requirement. The 48-hour notice and copy of the complaint, if applicable, is not required for an on-scene investigation, in which case the notice and complaint shall be provided as soon as practical. Supervisors in the employee's chain-of-command shall also receive a copy of the notification of the investigation unless the investigation warrants extreme confidentiality. If the employee is an FTO, the FTO Coordinator shall be notified of the investigation.

When an administrative investigation is initiated internally or without a statement from a complainant, the investigating supervisor shall inform the employee who is the subject of the investigation of the specific allegations, in writing, prior to requesting a response. The subject employee shall be given sufficient information to adequately respond to the allegations.

Nothing in this section is intended to excuse an employee from immediately responding to a supervisor's request for a written report regarding an employee's activities when that report is requested for general information or in compliance with other general orders.

No employee, whether the accused, a witness, or the investigator shall discuss any aspect of the investigation with anyone except their immediate supervisor, legal counsel, or other persons authorized by this order.

Except as provided for on-scene investigations, prior to taking a statement from any employee the investigator shall provide the employee with a copy of the Administrative Investigation Warning (Garrity Rights.) The employee shall then sign the warning indicating that they have read and understand their rights. The signed warning shall be attached to the employee's statement.

An employee has the right to record any , but must inform the investigator prior to the start of the interview they intend to do so. All employee, witness and complainant interviews shall be digitally recorded, when possible, and forwarded to IA for storage.

An employee has the right to a copy of any statement they make during the course of an , but that statement remains confidential and may not be shared with anyone except for the employee's attorney, chain-of-command, Peer Support Team member, or Association representative. If the employee's statement is shared with any of these individuals, it remains confidential in the hands of that individual and may not be shared with anyone else.

If an act of possible misconduct is discovered during the investigation which was not a part of the original complaint, the involved employee will be notified and given an opportunity to respond completely to the allegations.

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Any Department issued locker, desk, office, vehicle, or personal electronic device is subject to search, seizure, and inspection without notice to the employee. The investigating supervisor shall first notify the Chief of Police or, in their absence, the appropriate Bureau Commander.

Supervisors shall always be accompanied by a witness during any .

IA investigators or an investigating supervisor are authorized to employ any appropriate investigative technique to resolve discrepancies identified during the investigation. Photo line-ups or physical line-ups may be used for identification purposes in cases where all other methods of identification have failed and shall be administered according to those accepted guidelines which guarantee a fair and impartial identification process. Polygraph examinations, medical examinations, psychological evaluations, and financial disclosure shall be administered in accordance with Departmental rules and regulations and state and federal law.

Evidence related to administrative investigations shall be stored by IA.

In either an administrative or criminal investigation, an employee acting as a representative for an accused and/or observing the interview of an individual in connection with an investigation conducted by IA into the alleged misconduct of DPD personnel, shall be required to sign a Confidentiality prior to the commencement of the interview. The form shall be supplied by the investigator and shall be signed by the employee indicating receipt of the original form. A copy of the signed notification shall be labeled as an exhibit and made a part of the investigative report.

If the employee is suspended or on any other leave status, the employee may be ordered to appear at any given time at a designated location to give a statement.

In an interview lasting more than two hours, the investigator shall provide breaks for rest, personal needs and meals. No interview shall last more than eight (8) hours in any 24 hour period, unless authorized in writing by the Assistant Chief of Police.

#### 1038.9.5 CREDIBILITY ASSESSMENTS

Investigators shall not give automatic preference to a member 's statement over a complainant's statement or vice-versa.

In all investigations, investigators shall make credibility assessments when reviewing the statements/allegations of complainants, accused employees, and witnesses in accordance with the nature of the statements/allegations and the issues of the case. Investigators shall use a preponderance of the evidence standard when making credibility determinations.

Factors to consider when making a credibility assessment include, but are not limited to:

- (a) Demeanor;
- (b) Capacity to perceive, recollect or communicate;
- (c) Opportunity to perceive;
- (d) Character and reputation for honesty;
- (e) Existence or nonexistence of a bias, interest, or other motive;

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- (f) Prior inconsistent statements;
- (g) Attitude toward the action in which they testify or toward the giving of testimony;
- (h) Admission of untruthfulness;
- (i) Prior bad acts committed by the witness that are probative of untruthfulness;
- (j) Certain criminal convictions;
- (k) The inherent plausibility of the account;
- (l) Consistency of the statements with the physical evidence;
- (m) Extent to which statements are corroborated or contradicted by other witnesses;

Investigators must recognize that statements may contain some inconsistencies and contradictions. When inconsistencies occur, investigators should not automatically disbelieve the person who made the statement. The investigator should consider whether the inconsistencies relate to significant or insignificant matters and whether the inconsistency is reasonable in light of the circumstances.

Internal Affairs shall review past case reports and specific allegations and dispositions to determine whether there is commonality or a pattern similar to the allegations in the case at hand, considering the time between complaints and their similarity to the subject case. When a member's disciplinary history includes Unfounded, Exonerated, or Not Sustained cases, these cases should not be used in a credibility determination unless there is a clear pattern or relevancy to the subject .

Internal Affairs may contact the accused person's supervisor and ask that supervisor to provide their observations and assessment of the accused employee's credibility.

#### 1038.9.6 USE OF FORCE COMPLAINTS

Use of force citizen complaints shall be investigated by . When it is appropriate to ensure the fact and appearance of impartiality for investigations of serious uses of force or force indicating apparent serious or criminal misconduct by an officer, these investigations may be referred to an independent and highly competent entity outside of DPD. IA's complaint classification protocol shall ensure that IA or an authorized outside agency investigates allegations of serious or criminal misconduct.

#### 1038.9.7 SERIOUS MISCONDUCT COMPLAINTS

Complaints involving allegations of serious misconduct will be investigated by IA including but not limited to:

- Commission of a crime;
- False arrest;
- Civil rights violation(s);
- Discriminatory policing;
- Use of force;

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- “Planting” evidence;
- Untruthfulness/false statements;
- Unlawful search or seizure;
- Retaliation;
- Sexual misconduct;
- Domestic violence; and
- Any allegation determined by the Chief of Police or their designee.

An investigation that requires the assistance of a specialized or support unit shall be coordinated with that unit’s commander.

#### **1038.9.8 OTHER ALLEGATIONS**

Complaints of misconduct of a less serious nature may be assigned to the accused member’s unit of assignment for investigation. These include, but are not limited to:

- Discourtesy;
- Neglect of duty;
- Service complaints;
- Vehicle operations;
- Missed court; and
- Lack of professionalism.

#### **1038.10 NEGOTIATED SETTLEMENT**

In certain limited circumstances, upon classifying a complaint, IA through the Chief of Police may elect to address and resolve a violation through a negotiated settlement agreement between the department and the officer.

#### **1038.11 COMMUNITY-POLICE MEDIATION**

In certain limited circumstances, upon classifying a complaint, IA through the Chief of Police may elect to address and resolve an allegation of misconduct brought by a civilian or DPD employee through an outside-led mediation program. The Community-Police mediation process is designed to help resolve conflict and allow the parties involved to come to a mutually acceptable resolution.

It is anticipated that participation in a mediation process will increase the level of trust between the Department and the community at large. Mediation provides Denton PD members and citizens with a method to resolve complaints outside of the investigation process.

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If a complaint is referred to mediation, the IA investigation will be closed as long as the officer participates in the mediation in good faith.

#### **1038.12 DISPOSITIONS**

Conclusions shall be determined by the Chief of Police in consultation with the chain-of-command and be classified as one of the following dispositions:

- **Exonerated**
- **Unfounded**
- **Not Sustained**
- **Sustained**
- **Mediated**
- **Policy Issue**

When a conclusion of a Policy Issue is identified, the Chief of Police shall refer the issue to the Executive Staff and the Accreditation and Compliance Unit for recommendations on policy/procedure additions, corrections, clarification, or amendment, or to the Training Section for revision of Department training materials or for implementation of needed training.

The Chief of Police shall have the final authority regarding the conclusions of investigations and may re-assign the investigation or order further investigation.

##### **1038.12.1 EXCEPTIONS**

Administrative investigations may be conducted or assigned by the Chief of Police regarding any employee conduct whether reported externally or internally or by any other means. Mitigating circumstances, as determined by the Chief of Police, do not have to go through procedure as set out in this order. The Chief of Police shall have absolute and final authority in determining the assignment and disposition of any investigation and any disciplinary action.

No employee shall conduct an investigation of any kind concerning another employee of this Department without the knowledge and authorization of the Chief of Police. As noted herein, if an employee has reason to believe that another employee's conduct warrants an investigation, they shall report that belief through the designated process.

#### **1038.13 ASSISTANT CHIEF OF POLICE RESPONSIBILITIES**

The Assistant Chief of Police is responsible for the following:

- (a) Review of every completed investigative report;
- (b) Return any investigative report that has a factual or investigative deficiency, error, or omission, which will require further investigation;
- (c) Review of all response to resistance investigations completed by field supervisors to ensure they are complete, and that the supervisor's determination that the force is justified and supported by the evidence; and

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- (d) Provide regular updates to the Chief of Police about the status of investigations.

#### **1038.14 ACTIONS REGARDING SUSTAINED COMPLAINTS**

In cases of sustained complaints, the Assistant Chief of Police shall provide notice of a sustained complaint to the employee. The notice shall include the date, time, and location for the Disciplinary Review Hearing and the recommended discipline. The investigative report will be sent to all supervisors in the employee's chain of command for review. A Disciplinary Review Hearing will be conducted, if applicable.

The following describes the Disciplinary Review Hearing process:

- During the Disciplinary Review Hearing, the Chief of Police will discuss the allegations and issues with the employee and the employee's chain-of-command.
- During the Disciplinary Review Hearing, the accused employee will be allowed to speak and present any mitigating circumstances. The employee is allowed to attend the hearing with their attorney and association representative.
- The chain-of-command may ask questions of the employee.
- When considering disciplinary recommendations, supervisors and Bureau Commanders should consider non-traditional methods when appropriate, including consultation with the Training Section for available training programs.
- The Chief of Police will make the disciplinary decision in consultation with the employee's chain of command.

Formal counseling sessions resulting from an administrative investigation or substandard performance shall be documented by submitting a Documented Counseling Report through the appropriate chain of command to IA.

In instances of substandard performance, the supervisor shall create an EPIP in consultation with the chain-of-command, which outlines the problem, addresses what the employee must do to bring their performance up to an acceptable level, establishes a period in which the improvement must occur, and states what action will be taken if the employee fails to correct the problem. The counseling supervisor and the employee must sign the form. The employee and supervisor shall retain a copy of the form and the original shall be forwarded to IA. At the end of the prescribed period, the supervisor shall submit a follow-up report to IA stating whether the problem has been corrected. If the problem is not corrected within the allotted time frame, the supervisor shall submit the follow-up report and list recommendations for further corrective action.

After reviewing all related paperwork and reports, the Chief of Police or their designee will prepare any appropriate disciplinary documents. Such disciplinary actions shall be conducted in accordance with Chapter 143 of the Texas Local Government Code and the Denton Civil Service Commission and applicable Meet and Confer Agreement.

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#### **1038.15 NOTIFICATION OF CONCLUSION OF INVESTIGATION**

Upon approval of the conclusion of the investigation, the IA investigator shall notify the complainant in writing of the disposition of the complaint. The notification may be made via email.

If no disciplinary or corrective action is taken as a result of an administrative investigation, the IA investigator shall notify the employee in writing of the disposition of the investigation and send a copy of the employee's letter to each supervisor in the employee's chain of command. The notification may be made via email.

In cases where disciplinary or corrective action is taken as a result of an administrative investigation, the notice of disciplinary action, counseling report, or other documentation shall serve as the employee's notification of the disposition of the investigation.

#### **1038.16 DISCIPLINE CONSIDERATIONS**

The Department will utilize a discipline matrix that prescribes the minimum and maximum range of penalties for initial and subsequent employee policy violations (refer to the Discipline Matrix General Order).

Similar discipline should normally be issued for similar violations. However, several factors should be considered:

- The nature and seriousness of the violation and its relationship to the employee's duties and responsibilities.
- Was the motive intentional, a technical mistake, inadvertent, or personal gain?
- Did the actions or speech involve bias or discrimination?
- Is the employee in a supervisor or management role?
- The employee's past disciplinary record.
- Does the violation effect the Department's confidence in the employee's future job performance?
- Has the employee's conduct brought discredit to the Department?
- Has the employee accepted responsibility for their actions?
- Is the discipline consistent with those imposed upon other employees for a similar offense and within the discipline matrix?

Disciplinary Review Hearings will be conducted for temporary suspensions of one (1) to fifteen (15) days, agreed upon suspensions of sixteen (16) or more days, indefinite suspensions, and/or demotions.

#### **1038.17 USE OF ACCRUED TIME IN LIEU OF SUSPENSION**

Officers suspended up to a maximum of five (5) working days, at the Chief of Police's discretion, may forfeit either accumulated vacation or sick time equal to the suspension to serve the

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suspension with no loss of paid salary (Meet and Confer Agreement between the City of Denton and the Denton Police Officers Association 2019-2020).

#### **1038.18 EDUCATION BASED DISCIPLINE**

Educational based discipline (EBD) is an alternative to traditional discipline suspensions. EBD reduces management-employee conflict and offers behavior focused education and training, enhanced communication, character, competence, and trust which is beneficial to the employee and the department. Minor nature complaints shall be reviewed by the Assistant Chief to determine if the complaint falls into an eligible category for EBD. If the complaint falls within an eligible category, the Assistant Chief shall review the employee's complaint history to determine if there are any patterns of behavior or serious allegations which would eliminate them from eligibility.

- (a) An employee may be eligible for educational based discipline for a suspension of one (1) to five (5) days.
  1. The EBD must be offered by the Chief of Police, their designee, or the involved officer's chain of command; and
  2. The involved employee must voluntarily accept the EBD
    - (a) The EBD days are not a one for one replacement for the number of suspension days and may be more or less;
    - (b) All EBD training will be attended while on duty;
    - (c) The involved employee must waive their right to appeal;
  3. All training must be completed within one year of the employee's acceptance of the EBD.
    - (a) If the training is not completed within one year, the involved employee will receive the original number of recommended days off with no right to appeal;
    - (b) Educational Based Discipline cannot be utilized for written reprimand, suspensions above five (5) days, indefinite suspensions, demotions, or certain policy violations as determined by the Chief of Police.
    - (c) Educational Based Discipline may be offered:
      1. At the time the involved employee receives their notice of sustained allegations
      2. At the conclusion of the involved employee's Disciplinary Review Hearing
      3. The employee's IAD history will reflect a written reprimand and the number of days it was in lieu of the suspension.

#### **1038.19 APPEAL PROCEDURES FOR DISCIPLINARY ACTIONS**

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Per Chapter 143 of the Texas Local Government Code, officers may appeal a suspension to the municipal civil service commission within ten (10) calendar days after receiving the notice of the disciplinary . An officer who has been suspended may appeal the suspension to the commission in accordance with Tex. Local Gov't Code § 143.053 or to a third party hearing examiner in accordance with Tex. Local Gov't Code § 143.057.

#### **1038.19.1 DISCIPLINARY HEARINGS**

If an employee appeals a disciplinary action to the Commission, the Commission shall hold a hearing and render a decision in writing within thirty (30) days after the date it receives the notice of appeal. The employee and the Commission may agree to extend the thirty (30) day period and postpone the hearing or the deadline for the final ruling.

At any time after filing the original notice of appeal but before either party has incurred third party hearing examiner expenses, an employee may withdraw the original request for the independent third party hearing examiner and submit the appeal to a hearing before the Commission. The election must be made in writing and filed with the Director's office (Meet and Confer Agreement between the City of Denton and the Denton Police Officers Association 2019-2020).

At any time after filing of the notice of appeal, the parties may mutually agree to withdraw the appeal from an independent third-party hearing examiner and submit the appeal to a hearing before the Commission. The mutual agreement must be made in writing and filed with the Director's office (Meet and Confer Agreement between the City of Denton and the Denton Police Officers Association 2019-2020).

#### **1038.20 ANNUAL STATISTICAL REPORTS**

Internal Affairs will compile statistical information from computer records semi-annually. A copy of the summation of IA activity shall be distributed to each Department supervisor.

#### **1038.21 ADMINISTRATIVE INVESTIGATION FILES**

The administrative investigation files of IA are considered extremely confidential and unlimited access shall be restricted to the Chief of Police and IA.

Employees may have limited access to their own personnel files and employee discipline/ complaint records.

If an employee wishes to look at their administrative investigation file; or obtain a copy of documents contained in the file, they shall complete a request form and submit it to the Chief of Police. If the Chief grants the request, they will forward the form to IA with their approval. IA will then contact the requesting employee and allow the file to be reviewed or provide the requested copies. If the Chief denies the request, they will note the reason on the form and return it to the employee.

In the event an employee or the Department receives a request, subpoena, summons, or other judicial order for employment files or other official Department documents, they shall deliver it

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to the city of Denton Legal Department as soon as possible to ensure a timely response. The employee shall forward a copy of the request, subpoena, etc. to IA.

#### **1038.22 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records General Order.

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