

ORDINANCE NO. 263-89

AN ORDINANCE PROMULGATING RULES AND REGULATIONS FOR TOWN MARSHAL OR POLICE DEPARTMENT; PROVIDING FOR EMPLOYMENT AT-WILL STATUS FOR EMPLOYEES; PROVIDING FOR DISCIPLINE OF DEPARTMENT MEMBERS; PROVIDING FOR THE CONDUCT OF MEMBERS OF THE. DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS

I.

The following rules and regulations are applicable to all members of the Willow Park Marshal of Department and to the Willow Park Police Department if and when such a department is ever established. Such rules and regulations shall be applicable to all elected members regular employees paid full-time as members of the department, part-time employees if the department and all reserve or volunteer members of the department. Such persons shall be referred to throughout these rules as "members."

II.

All employees, full or part-time, are employees at-will of the Town of Willow Park, Texas and can be terminated from their employment with or without cause by the Mayor or by a majority vote of the City Council

III.

1. DISCIPLINE - For purposes of discipline, members shall always be on duty and subject to disciplinary action from the department for any violation of rules and regulations, orders, special orders, or directives of the department. The degree of disciplinary action that may be taken by the City is as follows:
 - a. Oral reprimand.
 - b. Written reprimand.
 - c. Suspension without pay.
 - d. Demotion.
 - e. Indefinite suspension without pay

Action taken will depend on the degree of the offense, the record of the offender, and the seriousness of the consequences of the violation.

No member of the department shall wear his uniform or carry a pistol while under suspension, and any such member shall immediately surrender his

badge and police identification to his superior officer at the time of his suspension.

2. KNOWLEDGE OF RULES - Members of the department shall acquire a working knowledge of these rules and regulations, the city ordinances, the code of criminal procedure, the penal code, and applicable Federal Statutes, and shall acquaint themselves with the fundamental rules of evidence.

All members shall comply with the rules, regulations, directives, and procedures of the department and with the orders and instructions of supervising members. Ignorance of any rule, regulation, order, or directive shall not serve as an excuse or defense for the violation thereof.

3. CONDUCT - Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming a member and/or prejudicial to good order shall include that which tends to impair the operation of the department or the member. Members should avoid even the appearance of impropriety.
4. COMPETENCY - A member shall maintain sufficient competency to properly perform his duty and to assume the responsibilities of his position. He shall perform his duty in such a manner as will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the department. The fact that a member was deemed as competent at the time of employment shall not preclude a judgment of incompetency as the result of his performance of duty which would indicate a wanting in adequate strength, qualification, or capacity to fulfill the requirements of his assigned tasks. Such incompetency may be demonstrated by a lack of knowledge of application of laws required to be enforced; apparent unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; absence without leave, or unnecessary absence from the district during a tour of duty.

Apart from or in addition to other methods of proof of incompetency, a written record of repeated disciplinary actions for minor infractions of the rules, regulations, manuals, or directives, which said infractions fall within the dictates of the applicable State law, shall serve as evidence of incompetency.

5. CRITICISM - Members are entitled to exercise their right to free speech. However, the exercise of such right cannot be such so as to be insubordinate, neither may it be with reckless disregard for the truth or falsity of the content of the utterance.
6. CONFLICTING ORDERS - A member who is given a proper order that is in conflict with a previous order or regulation shall respectfully call attention to

such conflict. If the superior officer giving the order does not alter or retract the conflicting order, then his order shall stand and, under these circumstances, the responsibility shall be his. In such situations, the member obeying the conflicting order shall not be held responsible for disobedience of any order theretofore issued. When an order contrary to the provision of any previous lawful order, regulation, directive or manual is given to a member, the member shall comply with the order unless it is a violation of the law, and shall thereafter submit a report in writing stating the facts to the Town Marshal/Chief of Police.

7. INSUBORDINATION - A member shall promptly obey any lawful orders of a superior officer. This will include orders relayed from a superior officer by a member of the same or lesser rank. A "lawful order" is any order in keeping with the performance of any duty, issued either verbally or in writing by the Town Marshal/Chief of Police or any other superior officer; prescribed by the various rules and regulations of the department; or necessary for the preservation of good order, efficiency, or proper discipline of the department and its members. The willful disobedience of any order lawfully issued by a superior officer shall be insubordination. "Superior officer" includes any officer having authority to exercise command in a given situation.
8. DEPARTMENTAL REPORTS - A member shall submit all necessary reports on time and in accordance with existing regulations. Reports submitted by members shall be truthful and no member shall knowingly enter or cause to be entered any false, or improper information, or materially misrepresent the facts in any departmental records, reports, or investigations. A member shall report to his supervisor all information that comes to his attention concerning violations of any of the laws of this State.
9. INTERFERENCE WITH CASES – A member shall not interfere with cases assigned to other members or agencies for investigation or prosecution without consent of that member or agency, except by order of a supervisor; nor shall he interfere with the operation of any Bureau, Division, Section, or Unit. A member shall not undertake any investigation or other police action not part of his regular police duties without obtaining permission from his supervisor or unless the exigencies of the situation require immediate police action.
10. DISSEMINATION OF INFORMATION - A member shall treat the official business of EEi@ department as confidential. information regarding official business shall be disseminated only to those for whom it is intended in accordance with established departmental procedures. A member may remove or copy official records or reports from a policy installation only in accordance with the established departmental procedures. No member shall disclose, either directly or indirectly, any official police information or document to any outside person or agency whereby the information may be

used for conspiracy against the department, for criminal and/or subversive activities, or to the detriment of the department.

11. PROCESSING EVIDENCE - Property which has been received as evidence in connection with investigations will be processed as evidence in accordance with established departmental procedures. A member shall not convert to his own use, manufacture, destroy, or remove, except in accordance with established departmental procedures, any evidence or other material found in connection with the investigation of an incident. Whenever any property is alleged to be missing, the case shall be referred to the Town Marshal/Chief of Police immediately.
12. REPORTING FOR DUTY - A member shall report for duty at the time and place specified by his supervisor and at that time be physically and mentally fit to perform his duty. He is to be properly equipped so that he may immediately assume his duties. Being properly equipped for duty will include being cognizant of information required for the proper performance of that duty. Members not appearing for duty, scheduled hearings, court appearances, or other designated assignments on time, shall be in violation of this section.
13. NEGLECT OF DUTY - A member shall remain awake and alert during the time he is on duty. If unable to do so, he shall so report to his supervisor, who shall determine the proper course of action. A member shall not read, play games, watch television or movies, or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. He shall not engage in any activity or personal business which would cause him to neglect or be inattentive to duty.
14. TESTIMONY - Upon the order of the Town Marshal/Chief of Police, a member shall answer all questions specifically related to the operations and efficiency of the department which may be put to him by an authorized person.
15. USE OF ALCOHOL - A member shall not drink intoxicating beverages while on duty unless it is necessary in the performance of his duty or to gain evidence. A member shall not appear for duty or be on duty while under the influence of intoxicants or drugs. No member shall not have an odor of intoxicants on his breath when he reports for his regularly scheduled tour of duty. A member shall not bring into or store alcoholic beverages in any police facility or vehicle except those which may be held as evidence or necessary to the performance of his duties.
16. USE OF DRUGS - A member shall not use controlled substances, dangerous drugs, narcotics or hallucinogens except when prescribed in the treatment of a member by a physician or dentist. When controlled substances, dangerous drugs, narcotics or hallucinogens are prescribed, the member shall notify his supervisor.

17. GAMBLING - A member shall not engage or participate in gambling in any form while on duty or in uniform or while in any department facility. He shall not engage in any form of illegal gambling at any time, except in the performance of his duty and while acting under proper and specific orders from a supervisor.
18. CONDUCT IN COURTS - All members shall attend court when duly notified, and shall be punctual in court appearances, and remain in attendance until properly dismissed. They shall be neat and clean during such appearance, attired either in full uniform or business suit and tie, or the equivalent, as required by the decorum of the court.

When giving testimony in court, all members shall do so without bias and shall not make critical statements against the court or jury.

It is prohibited for any member of the department to be actively involved in the defense of any person charged with the violation of an ordinance of the city or a criminal law of the State (except to give evidence in behalf of a person so charged with violation of any such ordinance or criminal law). Any action by any member to secure the reduction, dropping, or dismissal of any charges must first meet the approval of the member's commanding officer.

19. ASSOCIATIONS - A member shall avoid regular or continuous associations or dealings with persons whom he knows, or should know, are racketeers, gamblers, persons who have been convicted of a felony, persons who are under criminal investigation or indictment, or persons who may have a reputation in the community for felonious criminal or immoral behavior, except as directed by a supervisor or when such associations or dealings are in the line of duty.

The purpose of this rule is to maintain the integrity of the members and to avoid actions which will tend to impair the operation of the department. In each case, the supervisor will be mindful of the need for rehabilitation of such persons, of the fact that such persons may already have been rehabilitated at the time that the association occurs, and of the necessity of some such associations because of the kinship of the member to such persons.

20. GIFTS AND GRATUITIES - A member shall not solicit, seek, or accept any gift or gratuity for himself or others from any individual, business establishment, or merchant, when it can be construed to involve his position as a law enforcement officer. A member shall not receive under any pretense, or seek, or ask, or share in any fee, reward, or other reimbursement or gratuity for the performance of his official duties or for the failure to perform his official duties, except as directed by the Town Marshal/Chief of Police. A member shall immediately report any offer or attempt to offer any gift or

gratuity which may be made in an effort to affect his official conduct.

No member having knowledge that an offense has been committed shall agree with the offender not to prosecute or inform on him in consideration of money, sexual favors, or other valuable thing.

No member shall accept a bribe or agree to accept a bribe. By a "bribe" is meant any gift, emolument, sexual favors, money, or thing of value, testimonial, privilege, appointment, or personal advantage, or the promise of either, bestowed or promised for the purpose of personal gain.

21. ABUSE OF PROCESS/WITHHOLDING EVIDENCE - A member shall not, at any time, intentionally manufacture, falsify, destroy, or withhold evidence or information nor make any false accusation or criminal charge.
22. DERELICTION OF DUTY - No member shall fail to report any known defect in sidewalks, streets, building, signs, or any other hazards that could cause or contribute to injury or damage.

No member shall fail to devote his entire duty time and attention to assigned police work and duties.

No member shall lounge while on duty nor shall he conduct himself in a lazy manner while on duty.

A member having knowledge of any other member who violates any rule, regulation, order, directive, or procedure, or whose conduct causes discredit to the department shall report this knowledge in writing to his Town Marshal/Chief of Police via the Chain of Command.

All members shall discharge their duties with coolness and firmness, and at all times will act together and assist and protect one another in the maintaining of peace and order

Any member of the department who fails to immediately transmit or who alters, withholds, or changes any report or written statements intended for any other member of this department in an investigation of any kind shall be subject to disciplinary action.

23. TELEPHONE - A member shall have a telephone in his residence and shall report any change of telephone number or address to police personnel in writing immediately as they shall be subject to recall to duty at all times.
24. EMPLOYMENT OUTSIDE OF DEPARTMENT - A member may be employed in any capacity in any other business, trade, occupation, or profession while employed by the department, so long as such employment does not tend to bring the department into disrepute, reflect discredit upon the

member as a member of the department, or conflict with his employment or performance as a public officer. Before accepting any other employment the member must obtain permission from the Town Marshal/Chief of Police, and the permission will be denied only on the basis that the employment would tend to bring the department into disrepute, would reflect discredit upon the member as a member of the department, or conflict with his employment or performance as a law enforcement officer. When so employed, the member shall notify the Town Marshal/Chief of Police in writing of the place of employment and hours of work.

25. FICTITIOUS ILLNESS OR INJURY REPORTS - A member shall not feign illness or injury; falsely report himself ill or injured, or otherwise deceive or attempt to deceive any official of the department as to the condition of his health.
26. PERSONAL APPEARANCE - A member shall maintain a neat, well-groomed appearance and shall style his hair and wear his uniform in accordance with established departmental procedures.
27. PAYMENT OF DEBTS - The department is not a collection agency. Accordingly, when it is alleged that a member is indebted, such allegation will be grounds for action on the department's part only when the creditor has obtained a judgment from a court of proper jurisdiction against the member which is based on the indebtedness which is the subject of the allegation or, in the alternative, if there is evidence of criminal wrongdoing on the member's part.
28. RESIDENCE REQUIREMENTS - There is no set residence requirement for members but all members shall live sufficiently close to the city so as to be able to return to the city in a limited amount of time should the necessity arise.
29. CARRYING OF FIREARMS - Because members of the department are directed to consider themselves on duty for the purpose of meeting emergency situations and suppressing crime, they are required, when otherwise authorized, to carry an approved firearm while within the territorial jurisdiction of the department. When a member is outside the jurisdiction of the department, he is authorized, if he is otherwise authorized, to carry an approved firearm if he deems it necessary in the performance of his duty and to be in compliance with these rules. When wearing civilian clothing, the member is to conceal the firearm from public view. When the member is on vacation or traveling outside the state, he need not carry a firearm.
30. GRIEVANCES - A member with a grievance shall not violate the chain of command, but shall take the grievance through proper channels.
31. IMPROPER INFLUENCE - No member shall, directly or indirectly, attempt to influence the Mayor, City Council, or any other persons outside of the

police department for the purpose of obtaining any transfer, assignment, promotion, benefit, or favor.

32. JURISDICTION/SUBJECT MATTER - The department shall have jurisdiction only in criminal cases, and no member shall give aid or assistance in civil matters except to prevent a breach of the peace or to quell a disturbance.
33. JURISDICTION/TERRITORIAL - The department shall have jurisdiction only within the confines of the corporate city limits unless in hot pursuit of a criminal or association with departments having territorial and subject matter jurisdiction.
34. ABSENCE DUE TO INJURY OR ILLNESS - Whenever unable to perform his duty by reason of injury, sickness, or otherwise, an employee shall report or cause to be reported his condition to his supervisor one hour before duty time, or as otherwise required.
35. USE OF DEPARTMENT EQUIPMENT - A member shall utilize department equipment in accordance with established departmental procedures and shall not abuse, damage or lose department equipment.

All members shall be held accountable and personally responsible for the proper handling and use of all equipment, tools, or other property issued to them by the department. No member shall willfully waste or convert to his own use any city-owned supplies, equipment or services.

Members shall report to their supervisor any accident or damage occurring to any vehicles operated by them or under their control.

Accidents in which motor equipment of the city is involved regardless of the extent of personal injury or property damage, must be reported immediately in full details through proper channels by the driver of the equipment or his associate or by his supervisor in case of serious injury to any occupants of the motor vehicle.

No member of the department shall operate any city vehicle or other vehicle under his control in a hazardous or reckless manner. All vehicles shall be operated in the manner prescribed and in accordance with city ordinances, state laws, and approved procedures of the department.

All members operating a city vehicle can be responsible for any damage incurred to said vehicle if said member's negligence is the cause thereof, and they may be subject to disciplinary action.

Each member of the department shall return any vehicle assigned to him to its proper place or return said vehicle to his assigned relief before he shall

consider his tour of duty completed.

Members shall immediately report any malfunction or the need of repairs of any city-owned property used by the member or under his control. No member of the department shall be required to cooperate, utilize, or employ any piece of city-owned property or equipment which by its condition at the time of such utilization it is manifest that such property or equipment is in such condition so as to render its utilization unduly hazardous to the member. It is the responsibility of all members to bring these matters to the attention of their supervisor and such supervisor is charged with the responsibility of obtaining alternate equipment when necessary in order to provide the member with safe and properly operating equipment with which to perform his job function.

Members of the department shall not make, alter, or deface any city equipment.

Each officer shall at all times carry on his person his badge, commission card, and current driver's license.

Whenever any member of the Department loses his badge or other insignia of his office or any other property of the city, he shall immediately make a report of such loss

36. **ABUSE OF POSITION** - A member is prohibited from using his official position, official identification card or badge for personal or financial gain, for obtaining privileges not otherwise available to him except in the performance of duty, or for avoiding consequences or illegal acts. A member may not lend his identification card or badge to another person, or permit it to be photographed or reproduced without approval.

A member shall not permit or authorize the use of his name, photograph, or official title which identifies him as a member of the department in connection with testimonials or advertisements of any commodity or commercial enterprise, or for any personal reasons.

A member shall not address a public gathering, appear on radios or television, prepare for publication any article, act as a correspondent to a newspaper or a periodical, release or divulge investigation information, or other information regarding departmental matters or members of the department without official sanction or proper authority. A member shall never hold himself out as acting in an official capacity and thereby release information in that capacity when he has not been duly designated to serve in that capacity.

No member of the department shall make a public address or write for publication as an individual concerning the affairs of the department without the consent of the Town Marshal/Chief of Police.

37. IDENTIFICATION - A member shall always carry his badge and identification card on his person, shall furnish his name and badge number to any person requesting that information except when authorized not to do so by proper authority and when necessary in the performance of departmental work.

38. SUGGESTIONS PERTAINING TO SERVICES - A member shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service towing service, bondsman, mortician, etc.). In the case of ambulance or towing service, when such a service is necessary and the person needing the service is unable or unwilling to procure same, the member shall proceed in accordance with established departmental procedures.

39. COURTESY - A member shall be tactful in the performance of his duties, controlling his temper and exercising patience and discretion, and should not engage in argumentative discussions even in the face of extreme provocation.

No member shall conduct himself in an immoral, obscene indecent, or lewd manner.

No member shall gossip about the abilities, habits, or character of the members of the department to the detriment of such members.

40. REQUESTS FOR ASSISTANCE - When the public applies for assistance or advice, makes complaints or reports, either by telephone or in person, all pertinent information shall be obtained in an official and courteous manner, and will be properly and judiciously acted upon consistent with established departmental procedures.

41. TREATMENT OF PERSONS IN CUSTODY - A member shall not mistreat persons who are in his custody. A member shall handle such persons in accordance with established departmental procedures.

42. POLITICAL ACTIVITY - Members of the department shall not be permitted to take an active part in any political campaign of another for an elective position of the city if they are in uniform or on active duty. The term active part means making political speeches, passing out cards, or other political literature, writing letters, signing petitions, actively and openly soliciting votes and making public derogatory remarks about candidates for such elective positions.

Members coming under the provisions of this Act are not required to contribute to any political fund or render any political service to any person or party whatsoever; and no persons shall be removed, reduced in classification or salary, or otherwise prejudiced by refusing to do so; and any official of the

city coming under the provisions of this Act who attempts the same shall be guilty of violating the provisions of this Act.

A member who is elected to office shall resign from the department immediately if the office to which he is elected is incompatible with his position in the department.

A member, when off duty, may:

- a. register and vote in any election; a member shall be authorized to exercise his franchise either on or off duty;
- b. express opinions as an individual privately and publicly on political issues and candidates, except as to candidates for city offices;
- c. attend political conventions, rallies, and similar political gatherings;
- d. actively engage in any non-partisan political functions, except as to candidates for city office; sign political petitions as individuals, except as to candidates for city office;
- e. make financial contributions to political organizations, except as to candidates for city office;
- f. serve as an election judge or clerk in performance of non-partisan duties as prescribed by state or local law, except as to Candidates for city office; hold membership in a political party and participate in its function to the extent consistent with the law, and these rules; and participate fully in public affairs to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.

43. USE OF TESTS - Medical examinations and/or tests. Upon the order of the Town Marshal/Chief of Police, a member shall submit to any medical, chemical, drug, alcohol, ballistics, other test, or photograph, which said examination or test will be closely and carefully related to his continued fitness for duty.

All examinations carried out under the foregoing paragraph shall be specifically related to activities concerning the scope of employment or departmental affairs.

44. PHYSICAL EXAMINATIONS -All members must undergo as required a health and physical examination by an approved physician to determine general condition and fitness for duty. Any member determined to be physically or mentally incompetent to perform duties may be removed from duty by the Town Marshal/Chief of Police.
45. TRANSMISSION OF MEMORANDUMS REGARDING VIOLATIONS - In all instances in which a member observes a violation of these rules or in those instances in which he is otherwise directed by these rules, said member shall prepare a written memorandum regarding the facts and circumstances

surrounding the incident in question and submit same via the Chain of Command to the Town Marshal/Chief of Police. Each member into those hands comes a memorandum such as is contemplated herein shall forthwith acknowledge the receipt thereof on the memorandum and after brief review not to exceed twenty-four hours, which said twenty-four hours shall include the said member's next regularly scheduled tour of duty, he shall forward the said memorandum to the next member within the original Chain of Command who, after brief review not to exceed twenty-four hours, which said twenty-four hours shall include the said member's next regularly scheduled tour of duty, shall forward said memorandum to the Town Marshal/Chief of Police. Any member who fails to abide by the provision of this paragraph shall be in violation of these rules and such violation shall be separate and apart from any other violation of these rules. The Town Marshall/Chief of Police may make such disposition of the memorandum that he deems appropriate. Under no circumstances will any member hinder, thwart, or curtail the preparation and submission of a memorandum as contemplated herein through any action, formal or informal, directed at any person.

46. NEWSMEDIA RELATIONS:

General policy - The department is a tax supported organization. As such, it must merit and retain public support. It is essential to inform the public honestly and completely of our activities, supply facts to the news media within the confines of court orders, and seek no special favor in return. But it is also the legal duty of the department not to disclose certain information when disclosure would be harmful to the private interests of an individual and would serve no legitimate public interest.

News releases - All news releases shall be formulated in writing and will be issued by the Town Marshal/Chief of Police from information furnished by the primary investigating officer or his supervisor. If the Town Marshal/ Chief of Police is not available, the mayor will formulate and issue the written news releases. This procedure does not prohibit an investigating officer or his supervisor from discussing a case with a member of the news media, since it may at times aid in the investigation to have a personal interview with members of the news media; however in all discussions with the news media, these guidelines will be strictly observed. Any officer who has any doubts about the release of information on a particular case is to withhold the information and direct the news media to the Town Marshal/Chief of Police or his immediate supervisor.

News media personnel at crime scene - News media personnel will not be denied access to a crime scene, except when:

- (a) The crime scene is on private property and the owner, his agent, or the victim requests that news media personnel stay away.

- (b) The presence of news media personnel would adversely affect the preservation of the crime scene, the collection of evidence, or the interviewing of the victim or witnesses, or violate the guidelines contained in this general order regarding the release of information.
- (c) The presence of news media personnel at the crime scene would expose them to an unreasonable risk of harm.

Crime information available for publication - Following the commission of a crime, the information listed below may be made available for publication through the Town Marshal/Chief of Police:

- (a) In crimes which do not in any manner involve a sexual assault, the following information may be released after deleting any information which contains highly embarrassing or intimate facts about a victim or witness, which, if disclosed, would be objectionable to a person of ordinary sensibilities, and after deleting information which would interfere with an investigation of the offense or damage an informer- police relationship:

- (1) The nature of the offense;
- (2) Time of occurrence;
- (3) Location of offense and premises involved;
- (4) Name of victim or complainant unless release of information would be injurious or embarrassing to victim, or the victim or complainant requests that it not be released;
- (5) Description of damages to property, or injuries sustained, if any;
- (6) Whether or not there are suspects;
- (7) Vehicle involved;
- (8) Description of weather;
- (9) Description of offense; and/or
- (10) Names of investigating officers.

- (b) In any offense involving or related in any manner to a sexual assault, only the following information shall be released:

- (1) The offense committed;
- (2) Time of occurrence;
- (3) Name of investigating officers; and/or
- (4) Description of weather.

Crime information withheld - Any of the above information which, if made public, would interfere with the investigation or apprehension of suspects shall be withheld until cleared with a supervisor in charge of the investigation.

Information on adult suspects -

- (a) After a suspect is arrested, the following information may be made

available for publication without diminishing the individual's right to a fair trial or violating any privacy interests:

- (1) The accused's name, age, address, occupation, and marital status.
- (2) The substance or text of the charge, whether by complaint, indictment, or information, and where not otherwise prohibited by this general order, the identity of the victim.
- (3) The identity of the investigating and arresting agency or agencies, and the length of the investigation.
- (4) The circumstances immediately surrounding the arrest, including time and place of arrest, resistance, pursuit, and possession and use of weapons; however, information which contains highly embarrassing or intimate facts about a victim or a witness will not be disclosed, or if disclosure of the information would endanger a witness or be injurious to an informer-police officer relationship, the information will not be disclosed.
- (5) In the event the charge in any manner relates to a sexual assault, the information released shall be limited to (i) the accused's name, age, address; (ii) the type of offense charged; (iii) the time of the offense; (iv) name of the investigating officer's or agencies; (v) circumstances involving the time and place of arrest, resistance, possession and use of weapons; however, time, place and circumstances of the arrest will not be disclosed where such information might directly or indirectly disclose the identity or location of the victim.

(b) The release and publication of certain types of information may tend to create dangers or prejudice without serving a significant law enforcement or public interest function. All concerned should be aware of the dangers of prejudice in making pretrial disclosure of the following information, and the following information will not be disclosed:

- (1) statements as to the character or reputation of an accused person or prospective witness.
- (2) Admissions, confessions, statements, or alibis of an accused.
- (3) The performance or results of tests or the refusal of the accused to take a test.
- (4) Statements concerning the credibility or anticipated testimony of prospective witnesses.
- (5) The possibility of a plea of guilty to the charge, to a lesser charge, or other disposition.
- (6) Opinions concerning evidence or argument in the case(whether or not it is anticipated that such evidence or argument will be used at trial).
- (7) Prior criminal history, including convictions, arrests, disposition of other charges.

(c) Prior record or absence of a record, or the history of formal criminal

charges, convictions or other dispositions of any case other than the particular pending case at issue, will not be released under any circumstances except upon written instructions by the Town Marshal/Chief of Police.

- (d) Information received by means of NCIC, TCIC, or regional computer will not be released to anyone but another criminal justice agency which has the prior written approval from the Town Marshal/Chief of Police permitting disclosure to that agency.
- (e) Photographing of a suspect or defendant in public places will neither be encouraged or discouraged, but the accused will not be posed.

Information on juvenile suspects -

- (a) Records of juvenile offenders must be maintained separately from adult arrest records and may not be open for public inspection.
- (b) The department will not release a name, photograph, or fingerprint of an individual under the age of seventeen (17) years, unless the individual has been transferred under Section 54.02 of the Texas Family Code to a criminal court for prosecution (certified as an adult).

Information from department files -

- (a) Factual accident reports will be made available to the news media.
- (b) Offense reports will be made available after the report is screened to delete any information which is not to be disclosed pursuant to this general order.
- (c) Copies of departmental reports and documents will not be removed from the building by news media personnel.
- (d) Other files and documents and reports will not be made available to news media personnel unless authorized by the Town Marshal/Chief of Police.

Internal matters -

- (a) Internal investigations, internal controversies, disciplinary problems, and similar topics will not be discussed under any circumstances with non-department personnel. Inquiries of this nature will be directed to the Town Marshal/Chief of Police or Mayor.
- (b) Inquiries about personnel complaints and investigations will be referred to the Town Marshal/Chief of Police Or Mayor.

Inquiries regarding civil suits - All inquiries regarding past, present, or

potential civil suits that may involve the City of Willow Park will be referred to the office of Mayor. No employee shall comment on any pending, past, or potential civil suit to which he is a party or potentially a party.

Management or photography, television and tape recorders in public places -

- (a) Photographs, television and tape recorders shall not be restricted except:
 - (1) When danger to life or property exists.
 - (2) When it interferes with the lawful rights of others.
 - (3) when it significantly interferes with an official function, such as the disruption of a crime scene When it would involve the release of information which is prohibited from disclosure by those guidelines.

Management or photography, television and tape recorders in the city offices -

- (a) The news media will be restricted and shall not enter into the actual working police areas for any reason during an investigation.
- (b) The accused will not be posed or paraded inside the police building for the news media.
- (c) The accused shall not be permitted to hold interviews with the news media at any time or under any circumstances while the accused is in police custody or in restricted areas of the police building.
- (d) Entry to any part of the police building, other than the lobby, for news media personnel will be at the direction of a police officer.

Management or photography, television and tape recorders in a court of law -

- (a) Photographs, television, and tape recordings will be governed and controlled by the judge of the court.
- (b) Orders of the court judge will be enforced by law enforcement officers present.

47. USE or FORCE:

Display of weapons - Weapons may be drawn and readied for use in situations where it is reasonably anticipated they may be required. Such situations include, but are not limited to, the following:

- (a) When an officer, in the exercise of sound judgment, has reason to fear for his own personal safety and/or the safety of others (such as the search of a building for a burglar or a robbery in progress), and

- (b) When an alleged offender is suspected of having a deadly weapon in his possession.

When non-deadly force may be used - Non-deadly force may be used by a police officer in the performance of his duties to achieve a lawful objective as set forth in Chapter 9 of the Texas Penal Code.

When deadly force may be used - A police officer may use deadly force, as that term is defined in Texas Penal Code Section 9.01(3), in the performance of his official duties only when and to the extent he has probable cause to believe that his use of deadly force is immediately necessary to protect himself or another from a third party's unlawful use of deadly force.

All members shall be prohibited from doing the following acts:

- (a) Discharging firearms into buildings or other places where an offender is suspected of hiding, unless the police officer is reasonably certain of the offender's location and that deadly force or intended deadly force is being directed from that location at the officer or others;
- (b) Firing at a fleeing or stolen vehicle, unless an occupant of the vehicle is using or attempting to use deadly force against the officer or another;
- (c) Firing warning shots; and
- (d) Shooting animals, fowl, or other objects unless officers or other persons are in immediate danger of death or serious bodily injury.

48. PROCEDURE IN MAJOR INCIDENTS - In situations where an officer uses deadly force and such use results in death or serious bodily injury to another, he will immediately notify his supervisor. Thereafter, the supervisor will notify the Town Marshal/Chief of Police. The Town Marshal/ Chief of Police will notify the Mayor, City Attorney, and any other appropriate individuals. The officer's supervisor shall take steps necessary to preserve the situation until the assigned investigator and crime scene investigator arrives to conduct the investigation. The scene of the major incident will be maintained at all times. The on-duty supervisor shall have control over the scene until scientific investigators are summoned and have completed their efforts. No personnel other than those authorized by the Town Marshal/ Chief of Police or duty supervisor will be allowed on the scene.

49. THE INVESTIGATION TEAM - The investigation team shall be charged with the responsibility of investigating situations where the use of deadly force results in death or serious bodily injury and will be composed of the Criminal Investigation Unit investigators assigned, and any or all investigators or officers necessary for the completion of the investigation.

The City Attorney will be contacted on every occasion in which the force investigation team is called out. The City Attorney will remain on the site and be available for consultation by the force investigation team.

Internal affairs will become involved in an investigation for departmental purposes.

50. CRIME SCENE - The location of the major incident referred to in Paragraph 48 shall be treated in the same manner and with the same care as any other crime scene. Absolutely no police personnel other than those authorized by the Town Marshal/Chief of Police or his designee will be allowed to enter the crime scene. The fullest possible crime scene investigation shall be conducted. It is the responsibility of the supervisor in charge of the crime scene to preserve the scene for the crime scene investigation. The supervisor and any other officer at the scene shall assist the crime scene investigator, at his request, while they are examining the scene and while the crime scene investigation is taking place.
51. PRESERVING THE SITUATION - When an officer is involved in the use of deadly force which results in death or serious bodily injury to another, as soon as is practicable after the incident, the officer will be relieved of his duties at the scene and will report to the city hall. He will be accompanied by an officer assigned by the supervisor in charge at the scene. The person assigned by the supervisor will accompany the officer until otherwise relieved. Upon arrival at the city hall, the officer will be provided the opportunity for him to contact whatever family member that he may wish. The supervisor will allow the involved officer an opportunity to contact an attorney if he/she desires. The supervisor will provide the involved officer a private place to prepare any necessary reports for the investigator, Town Marshal/Chief of Police, or internal affairs. If the involved officer's weapon is taken by the crime scene search team as evidence, it will be replaced by another weapon if at all possible. The officer will be advised that he is not required to discuss the incident with the news media or anyone else and that any such discussion could be detrimental to the investigation. It shall be the responsibility of the Town Marshal/Chief of Police or his designee, to arrange counseling with a department appointed psychologist prior to the officer resuming normal duty. It will be mandatory that the involved officer be placed on a minimum of one-day special assignment unless normally scheduled to be off the next shift. Press releases will be kept to a minimum until the conclusion of the investigation. If, in the opinion of the Town Marshal/Chief of Police, additional special assignment is necessary, he may grant it. The involved officer is responsible to be available to respond to additional inquiries from the investigation team during any special assignment. The investigation team shall be charged with the responsibility of making a thorough and complete investigation of the circumstances surrounding the incident and shall prepare a report with regard thereto for the Town Marshal/Chief of Police. The investigation team shall have the responsibility to file any charges arising

from the incident.

52. PROCEDURE IN MINOR INCIDENTS - In situations where an officer uses deadly force that does not result in death or serious bodily injury to another, or non-deadly force, a written report of an investigation conducted by the officer's supervisor relating the incident and the facts and circumstances leading up to the utilization of force, stating in detail the nature and amount of force used and the result will be prepared. The officer's supervisor shall have the option of calling out the investigation team to conduct the investigation and make the written report. The supervisor should exercise his option to call out the investigation team in situations including, but not limited to, those in which it is more likely than not that death or serious bodily injury will result from the injury sustained; those situations in which the individual is hospitalized; and those situations in which the supervisor believes that it will be within the best interest of the department to call the investigation team. The report shall be directed to the Town Marshal/Chief of Police via chain of command.
53. PROCEDURE WHEN INCIDENT OCCURS OUTSIDE THE CITY LIMITS - In situations where an officer uses deadly force while in another jurisdiction, he will immediately contact the department dispatcher, who will notify the officer's supervisor and the Town Marshal/Chief of Police. If deadly force is used, an internal affairs investigation will be conducted into the incident.
54. PROCEDURE WHEN AN OFFICER SUFFERS DEATH OR SERIOUS BODILY INJURY - To the extent possible and practical in any situation in which an officer of this department suffers death or serious bodily injury in the line of duty; Paragraphs 49 through 53 shall be applicable.
55. RETENTION OF RECORDS - All investigative reports prepared pursuant to this order will be forwarded to the records section at the completion of the investigation for filing and retention as the official departmental record of the investigation.
56. OPERATION OF DEPARTMENT VEHICLES - The following classification system will be utilized by members of this department in assigning priorities to vehicle operation and calls answered by this department:
 - (a) Code 1 - Non-emergency calls: Normal response, obeying all traffic laws, and where the protection or preservation of life is not a consideration.
 - (b) Code 2 - None.
 - (c) Code 3 - Emergency calls: Response to a situation or incident utilizing vehicle's red/blue lights and siren where the protection or preservation of life is a consideration, and emergency response will, in a material way, help prevent or curtail the danger.

Authorized emergency vehicle -

- (a) Marked patrol vehicles equipped with red/blue lights and siren.
- (b) Unmarked police vehicles equipped with red/blue lights and siren.
- (c) Unmarked vehicles will use extreme care due to their limited visibility when responding to Code 3.

Non-emergency calls -

- (a) Response to calls will be prompt and direct by the most practical route.
- (b) Units will not stop traffic violators unless the violation is so hazardous that failure to take action would endanger citizens.
- (c) Code 1 calls may be increased to Code 3 response when the reporting officer's immediate knowledge of a situation justifies such change in classification.
- (d) supervisors may, based on their immediate knowledge of a situation, direct that a call be increased or decreased in code classification and/or number of units assigned to a call.

Emergency calls –

- (a) The following are emergency calls in which the responding squad may respond Code 3. Other situations such as disasters (explosions, plane crashes train derailments, tornadoes, etc.) may be classified as emergency calls when available information justifies:
 - (1) Reported in progress Code 3 calls: - murder, sexual assault, robbery, and/or aggravated assault.
 - (2) Code 3 calls: assist officer (not routine backup) and major accidents.
- (b) The authority to drive contrary to regulatory traffic does not relieve the operator of the responsibility to exercise due regard for others. Speed will be that which is reasonable and prudent giving careful consideration of such things as weather, traffic control devices, character of neighborhood, traffic volume, and road and vehicle conditions.
- (c) When an emergency or Code 3 call is dispatched, only the primary unit will respond Code 3. All other units will respond Code 1.
 - (1) Continuous use of emergency red/blue lights and siren is mandatory on all Code 3 runs.

- (2) A supervisor or officer may decrease the Code 3 to Code I response when immediate knowledge of situation or weather/road conditions justify such change, and/or number of units assigned to call.
- (3) All other members, including patrol officers and detectives, unless designated by a supervisor, have no authorization to respond to a Code 3 emergency call.
- (d) Police vehicles that have prisoners, witnesses, complainants or non-police personnel in their vehicle will respond Code I only.

Emergency escort for private vehicles -

- (a) Officers receiving request for emergency escort for illnesses/injuries will request an ambulance for assistance. If illnesses/injuries are such requiring immediate action, the subject will be transported to a hospital in a police vehicle.
 - (1) No private vehicles will be escorted by a police officer to the hospital Code 3.
 - (2) Subjects following ambulance or police vehicles to hospital will be advised to observe all traffic laws and not to attempt to follow the emergency vehicle.
- (b) Officers may show citizens with illnesses/injuries to a hospital instead of giving verbal directions. This will be Code 1.

Intersection approach -

- (a) When approaching an intersection while on a Code 3 assignment, members should be prepared to avoid colliding with another vehicle even though entering on a green light.
- (b) When entering an intersection on a red light, stop sign, or other control device, the police vehicle will come to a complete stop or yield to the oncoming traffic, and be prepared to stop if oncoming traffic fails to yield to the police vehicle, and so remain until it is safe to enter and cross through the intersection.
- (c) Any member responding Code 3 against a red light, stop sign, or any other traffic control device who is involved in an accident, may be held accountable for the accident. It is imperative that every precaution for the safety of officers/citizens on our streets be taken

Speed of police vehicles - Members operating police vehicles will maintain a REASONABLE AND PRUDENT SPEED, generally not to exceed 15 miles per hour over the posted speed limit unless human life is reasonably believed

to be in jeopardy. In all cases the speed of a police vehicle will not exceed that which is safety under the prevailing conditions.

IV.

This Ordinance shall become effective from and after its passage and approval as required by law.

PASSED AND APPROVED this the 21st day of November, A.D., 1989.

J. Mark Bumpas

MAYOR

ATTEST:

Aref Hassan

CITY SECRETARY