

# HOOKS, TEXAS POLICE DEPARTMENT GENERAL ORDERS MANUAL

<i>Effective Date</i> January 1, 2021	<i>Amended Date</i>	<i>Directive</i> 6.01	
<i>Subject</i> 24 Hour Law Enforcement Response to Emergency Situations			
<i>Distribution</i> All Personnel Mayor City Attorney		<i>Review Date</i> January 1, 2022	<i>Pages</i> 1

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

## SECTION 1 PURPOSE

The purpose of this policy is to state the Department's commitment to 24-hour uninterrupted police service.

## SECTION 2 POLICY

It is the policy of the Department that we will provide police service to all people of Hooks, Texas 24 hours a day.

## SECTION 3 PROCEDURES

- A. The Hooks, Texas Police Department will provide 24-hour police service each day to all people of Hooks, Texas.
- B. Police patrols will be staffed 24 hours each day.
- C. RESPONSIBILITY
  1. All members of the Department shall know and comply with all aspects of this directive.
  2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021		<i>Amended Date</i>		<i>Directive</i> 6.02	
<i>Subject</i> Patrol Shift Rotation					
<i>Distribution</i> All Personnel Mayor City Attorney				<i>Review Date</i> January 1, 2022	
				<i>Pages</i> 1	

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## **SECTION 1    PURPOSE**

The purpose of this policy is to state the Department’s commitment to community service by maintaining Well Diverse, Knowledgeable and Healthy Officers. Officers assigned to different shifts throughout the year are likely to develop relationships with a larger part of the community, establishing trust and rapport. Officers also tend to respond, and deal with calls for service that are of a different nature and that are of greater likelihood of being reported at certain times of the day expanding the officer’s knowledge and skill. Officers conducting a Shift Rotation are generally able to maintain a healthier balance of life, both physically and mentally.

## **SECTION 2    POLICY**

It is the policy of the Department that Patrol Officers will conduct a shift rotation twice within a calendar year. Each Officer spending a total of six (6) months on Daytime Shift and Nighttime Shift.

## **SECTION 3    PROCEDURES**

A. The Hooks, Texas Police Department will conduct a Shift Rotation for Patrol Operations during the first pay period during the months of April and October of each calendar year.

### **B. RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021		<i>Amended Date</i>		<i>Directive</i> 6.03	
<i>Subject</i> Arrests with a Warrant					
<i>Distribution</i> All Personnel Mayor City Attorney				<i>Review Date</i> January 1, 2022	<i>Pages</i> 7

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### SECTION 1 PURPOSE

The purpose of this policy is to regulate the arrest of offenders via an arrest warrant.

### SECTION 2 POLICY

The administration of criminal justice consists of the identification, arrest, and prosecution of law violators. Once a crime has been committed, it is the duty of the department to initiate the criminal justice process by identifying and arresting the perpetrator, obtaining evidence, and cooperating in the prosecution of the case. It is the policy of this department to diligently strive to investigate and solve all reported crimes and to arrest offenders in accordance with all applicable laws.

### SECTION 3 PROCEDURES

#### A. GENERAL PROCEDURES FOR ARRESTS WITH A WARRANT

Arrests with a warrant will be made pursuant to Chapter 15 of the Texas Code of Criminal Procedure.

1. Except as authorized by the Texas Code of Criminal Procedure, Chapter 14, or Section 18.16, an officer shall not arrest anyone without an arrest warrant.
2. An officer shall not alter any of the pertinent information on an arrest warrant in any manner after a magistrate has issued it
3. An officer shall presume that any arrest warrant, which appears in proper form, is valid. To be in proper form and valid on its face, an arrest warrant shall:
  - a. Issue in the name of "The State of Texas".
  - b. Specify the name of the person whose arrest is ordered or provide a reasonable description if the name is not known.
  - c. State that the person is accused of a named offense, and
  - d. Be signed by a magistrate whose office must be named.

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### B. CONFIRMING ARREST WARRANTS

1. An officer need not have actual physical possession of an arrest warrant in order to execute it. However, before executing a warrant not in his possession, the officer shall verify the existence, location, and validity of the warrant.
2. If an officer has any question about the validity and the existence of an arrest warrant or the identity of the person to be arrested, he must verify the information before making an arrest under authority of that warrant. The arresting officer must ensure that the dispatcher has the warrant in hand or that the dispatcher has a written confirmation from the agency that holds the warrant.
3. The person to be arrested must be identified with a high degree of certainty and their identity must match that of the person named in the warrant. In all cases, it is the arresting officer's responsibility to confirm that the person being arrested is the same person named in the warrant. The arresting officer must verify this by at least the name, gender, race, and date of birth. When there is some uncertainty then the arresting officer must enhance the certainty of a lawful arrest by matching the social security number, address, body markings, driver's license number, or other information that collectively ensures that the right person is being arrested.
4. The officer shall announce to the person being arrested that the arrest is made pursuant to an arrest warrant, and he shall advise the arrestee of the charge, bond and originating agency who issued the warrant. If the officer has the warrant in his possession, he shall show it to the arrestee.
5. If the arrest warrant lacks proper form or the identity of the person cannot be matched to the person named in the warrant with certainty, then the officer **SHALL NOT** execute the warrant. If the warrant is not in the proper form as required by the Code of Criminal Procedure, then the officer shall return the warrant to the magistrate who issued it.
6. Regional or statewide messages concerning warrants originating in this agency should not be sent out without the approval of the supervisor.

### C. ASSIGNING NEW CASE NUMBERS OR USING ORIGINAL CASE NUMBERS

1. When an officer arrests a person with warrants that have a CCN, the person shall be booked using the original CCN on the warrant.
2. When an officer arrests a person for warrants with no original CCN, the person shall be booked using a new CCN.
3. When an officer arrests someone with warrants and new "on-site" charges, the person shall be booked using a new CCN.
4. If an officer arrests a person for both misdemeanor and felony warrants, then the person shall be booked using the newest felony CCN.
5. If an officer arrests a person for misdemeanor warrants with different CCNs, then the person shall be booked using the newest CCN.

### D. JUVENILE WARRANTS

1. If an officer encounters a person who has a juvenile warrant issued by the Hooks Texas Municipal Court and the person is now 17 years of age or older, the person is given a Personal Recognizance (PR) bond and cited back to Hooks, Texas Municipal Court for the following Wednesday. Juvenile warrants issued out of Municipal Court will always have **JUVENILE** warrant number.

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2. Any promise given as an adult (Promise to Appear in court or a court appearance when the defendant gives a Promise to Pay) will result in an adult warrant if the defendant fails to appear or pay as promised. The resulting FTA warrant or Capias Pro Fine is an adult warrant/capias. Such warrants or capiases will be served, and the person will be booked into Bi-State Jail.
3. Adults, who are 17 years of age and found to have HPD juvenile warrants for a Class B and above shall not be arrested for such warrants. The warrant should be forwarded to a Supervisor for review.

### **E. PROTECTIVE ORDERS AND ASSAULT WARRANTS**

1. When an officer serves a warrant for some type of assault charge, it is the arresting officer's responsibility to check all pages attached to the warrant to determine if there is a Protective Order attached.
2. The arresting officer shall attach the Protective Order to the Magistrate's Warning Form to ensure that the Protective Order is served. The Magistrate's Warning Form, Protective Order, and related paperwork shall be placed with the judge's paperwork box located at the Bowie County Sheriff's Office.
3. See also 6.03 for warrantless arrest and Protective Orders.

### **F. DIRECT BOOKING AND CUSTODY OF PRISONERS**

1. Defendants who face only charges originating from Hooks, Texas Municipal Court will be booked into Hooks, Texas Police Department custody.
2. Generally, defendants who are arrested on-site for felony offenses will be booked into the custody of HPD to allow for HPD investigator to interview the defendant and further the investigation. Felony on-site arrests which do not require the defendant to be interviewed by a HPD investigator (DWI, Felon in Possession of a Firearm, etc.) may be direct booked into the custody of the Bowie County Sheriff's Department. If a defendant is booked into HPD custody for any charge and they need to be interviewed by a HPD investigator, the investigator shall be immediately notified that the person is in custody and needs to be interviewed.
3. Generally, all defendants who are arrested for on-site charges or warrants which are Class A or B misdemeanors and have no charges in Hooks, Texas Municipal Court will be booked directly into the custody of the Bowie County Sheriff's Department.
4. A Magistrate's Warning Form is required for ALL arrests except those charges which are filed in Hooks, Texas Municipal Court. Each charge must be listed on the Magistrate's Warning Form. Up to four charges may be included on a single Magistrate's Warning Form.

### **G. WARRANTS FROM OTHER TEXAS JURISDICTIONS**

1. If an officer has knowledge that another Texas law enforcement agency holds a valid arrest warrant for a particular person, the officer may arrest that person.
2. If an officer makes an arrest on a warrant from another Texas law enforcement agency, the officer shall:
  - a. Arrest the defendant and book the defendant directly into the custody of the Bowie County Sheriff's Department (BCSO) unless there is some compelling reason that the defendant needs to be interviewed by a Hooks, Texas Police Department investigator.

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- b. Enter the phrase, "Hold for Other Agency" on the Arrest Report during the CJIS entry process and note the agency, warrant number, and the charge.
  - c. Notify the agency via Dispatch holding the warrant that this department executed the warrant and give the location of the arrestee.
  - d. Make certain that the Investigator is notified if the defendant is booked in HPD custody so that the defendant can appear before a magistrate within 24 hours of the arrest.
  - e. The Department shall hold the arrestee as the magistrate prescribes, until releasing the arrestee to the custody of the department holding the warrant or until transferring the person to the custody of the Bowie County Sheriff's Department.
3. An officer shall also execute an arrest warrant telegraphed under the authority of a Texas magistrate.

### **H. WARRANTS FROM OTHER STATES / FUGITIVE FROM JUSTICE**

1. Whenever any officer has probable cause to believe that a person stands charged of a felony in another state, the officer shall:
  - a. Arrest the person only after the warrant has been confirmed using accepted methods of warrant confirmation. This arrest is made under the authority granted to Peace Officers in the Texas Code of Criminal Procedure, Chapter 51, Fugitives from Justice.
  - b. Book the arrested person directly into the custody of the Bowie County Sheriff's Department unless the arrested person is to be interviewed by Hooks, Texas Police Department investigator.
  - c. The arrested person must be brought before a magistrate of the county where he was arrested with all practical speed.
  - d. If the arrested person is not direct booked into the custody of the Bowie County Sheriff's Department, then they should be turned to the custody of the Bowie County Sheriff's Department as soon as practical.
2. The existence of a warrant from another state does not provide officers the authority to enter a third person's residence to make the arrest. Officers may only enter a third person's residence in the following circumstances:
  - a. With consent to search from the resident or person having control of the property, or
  - b. With a search warrant for that residence in order to enter and make the arrest, or
  - c. While in fresh pursuit of the wanted person.

### **I. CHANCE ENCOUNTERS**

1. Whenever an officer lawfully stops or otherwise detains and identifies a person, he may concurrently initiate a records check to determine whether any arrest warrant is outstanding against that person.
2. To conduct a records check, an officer may detain a person who he has lawfully stopped for a reasonable period of time. For a routine records check by radio, telephone, teletype, or computer

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terminal, the detention should not exceed a reasonable amount of time. However, detention may be extended, but no longer than necessary, if the officer has a reasonable suspicion that a warrant is outstanding.

3. An officer may prevent a person detained for a warrant check from leaving the officer's presence.
  - a. The person may be required to wait in the officer's vehicle, in his own vehicle, or in some other convenient place.
  - b. The person may be frisked if the officer reasonably suspects that he may be armed.

### J. PLANNED EXECUTIONS OF ARREST WARRANTS

1. Prior to executing an arrest warrant, the officer shall notify his chain of command.
2. The time of day for executing the arrest warrant shall be based on the following rules:
  - a. Execute during daylight, unless circumstances make this dangerous or impractical.
  - b. Execute when the person named in the warrant is most likely to be present.
  - c. Execute when resistance is least expected and best controlled.
  - d. Minimize the inconvenience to other persons who may be on the premises, unless other circumstances make this impractical.
  - e. Balance officer safety, effectiveness, and convenience.
3. An officer may serve the warrant at any place, public or private, where the individual named is reasonably believed to be located.
4. Officers need not execute the warrant at the first possible opportunity to do so, but may choose the time and place in accordance with these rules. However, an officer shall not select the time and place of arrest solely to embarrass, oppress, or inconvenience the arrestee.
5. An officer shall not use force to enter private premises to execute a misdemeanor arrest warrant.
6. In general, when seeking to enter a private premise for the purpose of serving a misdemeanor warrant, an officer shall ring the doorbell or knock on the door, announce his intentions and purpose, and request that the defendant exit the residence. If the defendant will not exit the residence, an officer must obtain a **WRITTEN** permission to search the residence before entering. This permission must be given / signed by an adult who has care, custody, and control of the household.
7. Generally, when executing a felony arrest warrant an officer should announce his intention and purpose before entering a private premises unless doing so would compromise the safety of the officers.
8. If an officer must make a forcible entry, the officer shall enter the premises by the least forceful means possible under the circumstances. Although entry may necessarily include breaking a door or window, an officer must strive to inflict as little damage as possible to the premises.
9. Whenever an officer must forcibly enter private premises to execute a felony arrest warrant, the officer shall have enough officers present, and take other appropriate measures to protect the

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safety and security of all persons present. To identify the group as officers, at least one fully uniformed officer should lead the entry into the premises.

10. After forcibly entering private premises to execute a felony arrest warrant, officers shall immediately secure the premises by locating and controlling the movement of all persons who reasonably appear to present a threat to the safety of the officers. Officers shall also control any object that may be used as a weapon. An officer may frisk any person who the officer reasonably suspects may have a weapon concealed upon his person.
11. Any detention, warrantless arrest, frisk, search, seizure, or use of force conducted in conjunction with the execution of an arrest warrant shall conform to the rules governing such activities.
12. An officer shall leave the premises at least as secure as when he entered by leaving it in the hands of a responsible person or by locking all doors and windows.

### **K. EXECUTION OF LOCAL WARRANTS BY OTHER DEPARTMENTS**

1. Whenever another law enforcement agency within Texas holds a prisoner on a warrant from this department, this department shall either arrange pick up the prisoner within twenty-four (24) hours or notify the holding agency to release him.
2. Whenever an out-of-state department notifies this department that the out-of-state department has executed a felony arrest warrant held by this department, and is holding the person arrested, this department shall immediately pursue extradition proceedings.
3. Generally, it is the responsibility of the Bowie County Sheriff's Office to transport and/or handle extradition proceedings.

### **L. NO BOOK WARRANT SERVICE PROCEDURES**

1. An officer may allow a violator to pay their fines in full rather than booking the violator into the Bi-State Jail for Class C warrants issued out of the City of Hooks, Texas Municipal Court when the defendant has the funds immediately available and only during normal business hours.
2. Officers who wish to serve Class C municipal warrants without booking the defendant into Bi-State Jail should follow these procedures:
  - a. Confirm that the warrant matches the identity of the person detained as described in Section B above.
  - b. Confirm that the defendant has a sufficient amount of funds to pay the full amount of the fine(s) or he/she can obtain the funds quickly. Payment in the form of a Credit/Debit Card charge can be accepted at the Municipal Court during business hours.
  - c. If the defendant has a Credit/Debit card that they desire to use, the funds necessary or can obtain the funds quickly, the officer should follow the defendant to the Municipal Court.
  - d. If the defendant has no transportation and has to be handcuffed and transported to the Police Department or Municipal Court, an arrest report is necessary even if the defendant is not booked into jail.
  - e. If the defendant is paying during business hours, they should be escorted to the Municipal Court, and the Municipal Court will take the cash or credit card payment, retrieve the warrant, and handle all other aspects of the process.

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- f. If defendant is unable to pay the fine after a reasonable time has elapsed as determined by the officer or the officer's supervisor, the defendant should be booked into the Bi-State Jail and the standard warrant service procedure will be followed.
- g. The officer should turn in the Arrest Report and the original warrant to the supervisor. Supervisors will forward the warrant to the municipal court for a final disposition and removal from the local warrant database.

### **M. OUT OF COUNTY ARREST REQUIREMENTS**

1. All officers serving warrants in counties other than Bowie are required by Article 15.16 of the Code of Criminal Procedure to have the arrestee arraigned in the county of arrest prior to returning to Bowie County. However, Article 15.17 allows for the arraignment in a "county bordering the county of arrest" to expedite the magistrate's warning.
2. In arrests in those counties bordering Bowie County, the arresting officer may have the arrestee sign a Waiver of Magistrate's Hearing for the county of arrest and proceed immediately to Bowie County. However, it will be imperative that the arrestee be arraigned before a magistrate in Bowie County.

### **N. ARRESTING UNDOCUMENTED CITIZENS / ILLEGAL ALIENS**

1. When an officer legally takes a person into custody, and the officer suspects that the arrested person may be in this country illegally, the officer will contact the United States Immigration and Customs Enforcement (ICE). The Dallas Duty Agent for ICE can be reached 24-hours a day through the ICE dispatch office at 1-800-973-2867. Officers are encouraged to contact ICE any time questions arise concerning an arrest of any person who is suspected of being an illegal alien.
2. When a person who is a citizen of another country is arrested, then it is the responsibility of the arresting officer to check the list of countries to determine the proper procedure for Consular notification. Some countries have mandatory notification and some countries require that you ask the arrestee if he/she wishes to have their Consular notified. The Consular Notification and Access list is prominently posted on the board in the Sergeants Office.
3. The jail registration card will indicate that the suspect is to be held for the Immigration and Customs Enforcement. The form must have the authorizing agent's name entered as the detaining authority.
4. It is the policy of this Department to hold persons suspected of being undocumented aliens for a period not to exceed 48 hours. If, after this period of time, all other charges have been disposed of and the Immigration and Customs Enforcement has not taken custody of these persons, they will be released. However, if it can be satisfactorily shown that the Immigration and Customs Enforcement will take custody of these persons in a reasonable length of time, they may be detained an additional 24 hours with approval of the Chief of Police. Under no circumstances will these persons be detained longer than 72 hours from the time they are booked into jail.

### **O. RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021		<i>Amended Date</i>		<i>Directive</i> 6.04	
<i>Subject</i> Arrests without a Warrant					
<i>Distribution</i> All Personnel Mayor City Attorney				<i>Review Date</i> January 1, 2022	<i>Pages</i> 6

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### SECTION 1 PURPOSE

The purpose of this policy is to regulate arrests made without a warrant.

### SECTION 2 POLICY

The administration of criminal justice consists of the identification, arrest, and prosecution of law violators. Once a crime has been committed, it is the duty of the department to initiate the criminal justice process by identifying and arresting the perpetrator, obtaining evidence, and cooperating in the prosecution of the case. Therefore, it is the policy of this department to diligently strive to investigate and solve all reported crimes and to bring the perpetrators to justice.

### SECTION 3 PROCEDURES

#### A. ARRESTS WITHOUT WARRANT

1. Arrests without a Warrant will be made pursuant to Chapter 14 of the Texas Code of Criminal Procedure.
2. An officer who has reasonable time and opportunity to obtain an arrest warrant shall do so. An officer shall not make a warrantless arrest except as provided further in these rules or otherwise expressly authorized by statute.

#### B. PROBABLE CAUSE FOR WARRANTLESS ARRESTS

1. No officer shall make an arrest without first establishing probable cause. Officers must rely on special training, skills and experience in determining whether probable cause exists.
2. An officer may make an arrest without a warrant when requested to do so by another officer, provided the arresting officer has no reason to doubt the requesting officer has established probable cause to make that arrest.

#### C. OFFENSES COMMITTED IN THE OFFICER'S PRESENCE

An officer acting within his jurisdiction may, without a warrant, arrest an offender for any offense committed in the presence of that officer with the exception of the open container statute and speeding in which cases the officer must afford the violator the opportunity to sign a citation. While outside his

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jurisdiction but within the State of Texas, an officer may arrest a person without a warrant for a felony or a breach of the peace which is committed in the presence of that officer.

**D. FRESH PURSUIT AND WARRANTLESS ARREST**

The procedures set forth below address "fresh pursuit" as a concept and must be applied in accordance with Departmental Policy that governs vehicle pursuits.

1. A Peace Officer may, in accordance with Texas Code of Criminal Procedure, pursue an offender and make an arrest without a warrant even:
  - a. If the officer is outside his normal jurisdiction and/or
  - b. After the offense has occurred.
2. An officer may, without a warrant, pursue an offender who is escaping from the officer's presence only under the following circumstances:
  - a. When the officer has probable cause to believe that the offender has committed a felony, or
  - b. When the offender has, in the presence of an officer, committed a felony or misdemeanor that involves a breach of the peace, and a recurrence or continuation of the offense is likely.
3. An officer may use fresh pursuit in order to arrest an offender anywhere within the State of Texas.
4. Officers will, however, temper their pursuits to ensure compliance with Directive 6.13 Vehicle Pursuits.

**E. OFFENSES OUT OF THE OFFICER'S PRESENCE**

1. An officer shall obtain an arrest warrant whenever he/she has reasonable time and opportunity to obtain one.
2. An officer is authorized to make a warrantless arrest when:
  - a. Verbally ordered by a magistrate,
  - b. The officer finds a person in a suspicious place and under circumstances that give the officer probable cause to believe that such person:
    - 1) Has committed a felony.
    - 2) Has committed an offense which is a breach of the peace and which will likely continue.
    - 3) Threatens or is about to commit some offense against the law.
    - 4) Has committed an assault resulting in the bodily injury to another person and believes there is danger of further bodily injury to that person.
    - 5) Has committed a violation of a court order (P.C. 25.07) not in the officers' presence. The Code of Criminal Procedure 14.03 mandates an arrest when the offense occurs within the officers' presence.
    - 6) Persons who an officer has probable cause to believe have committed an offense involving family violence.

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- 7) Persons who an officer has probable cause to believe have prevented or interfered with an individual's ability to place a telephone call in an emergency, as defined by Section 42.062(d), Penal Code, if the offense is not committed in the presence of a peace officer.
- c. The officer is informed by a credible person that a particular person has committed a felony and:
  - 1) The offender is about to escape, and
  - 2) There is insufficient time to obtain a warrant.

**F. SELECTIVE ENFORCEMENT**

1. Except as to felonies and family violence, an officer does not have to make an arrest every time he/she has probable cause to do so. In some circumstances, and consistent with the public interest, he may decline to arrest.
2. When an officer declines to make an arrest, despite probable cause, he/she should inform the suspect:
  - a. That his conduct has come to official attention.
  - b. He will be arrested if he continues or repeats such conduct, and
  - c. That a warrant may be filed for the previous conduct if probable cause exists.
3. An officer shall be able to articulate the reason(s) for his decision not to arrest, despite the presence of probable cause.
4. In determining whether to arrest, the officer shall not consider the race, creed, religion, or any other arbitrary classification of the suspect or victim.

**G. DELAY IN MAKING AN ARREST**

1. An officer shall obtain an arrest warrant in order to arrest someone who committed a misdemeanor in the presence of that officer, if that officer did not immediately make the arrest:
  - a. At the time the misdemeanor occurred, or
  - b. While there was a continuing danger of a renewal of the misdemeanor, if it was a breach of the peace.
2. An officer shall obtain an arrest warrant if a felony is committed in his presence and he fails to arrest the offender at that time, under the circumstances, after the offense occurred. A delay in making the arrest is reasonable when:
  - a. Necessary to overcome resistance by the offender,
  - b. Necessary for the safety of the officer or others, or
  - c. The officer is in fresh pursuit of the offender.

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H. MIRANDA WARNINGS

When an officer makes an arrest, with or without a warrant, the officer interrogating the arrested person will ensure that the arrested person is read his "**Miranda Warning**" prior to any custodial interrogation and so note the warning and time in the offense report.

I. MAGISTRATE'S WARNING

As soon as is practical after the arrest, and without unnecessary delay, the arresting officer will arrange to have the arrested person brought before a magistrate for proper warnings in accordance with the Texas Code of Criminal Procedure.

J. DUTY TO INFORM ARRESTEE

1. The officer making the arrest will ensure that the person arrested knows that he is being placed under arrest and the reason for the arrest, if circumstances permit.
2. The officer may place an unconscious, mentally ill, or injured person under arrest even though such person is incapable of understanding that he is under arrest.

K. DUTY TO IDENTIFY

When not in uniform, an officer making an arrest shall display his badge or police identification and state that he is a police officer.

L. DUTY TO SEARCH

1. Upon the arrest of any person, the arresting officer shall thoroughly search the person(s) arrested and remove all contraband, evidence, and weapons or potential weapons.
2. When a person operating a motor vehicle has been arrested, it may be necessary to search the vehicle for contraband, firearms, narcotics, or other evidence. Whenever it is possible to obtain a search warrant, then the officer shall obtain a search warrant if the vehicle is no longer mobile and the exception to the warrant requirement no longer exists.

M. USE OF PHYSICAL RESTRAINTS

All persons arrested for any offense shall be properly handcuffed.

N. TRANSPORTATION OF ARRESTEE

1. Prior to transporting an arrestee, the arresting officer shall:
  - a. Search the compartment of the vehicle designated for the transportation of prisoners for contraband.
  - b. Secure the arrestee in the rear seat of the transport vehicle. Seat belts should be used on the arrestee unless impractical due to arrestee's combativeness.
  - c. Advise the dispatcher they are transporting a prisoner to the jail.
  - d. Advise the dispatcher upon arrival at the jail.
  - e. If the transport vehicle does not have functioning video equipment, the beginning and ending mileage shall be provided to the dispatcher.

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- f. Search the compartment of the vehicle where prisoner was located for contraband.
2. Unless circumstances dictate otherwise, all such transports should be undertaken in a marked patrol unit.
  - a. Investigators occasionally transport non-violent arrestees from one location to another. In those instances, the arrestee may be transported in an unmarked unit provided the individual is, at a minimum, handcuffed and secured with the seatbelt. If the person has indicated by word or actions an intent to use violence against the transporting officer(s), the officer should consider transporting the arrestee in either a marked unit with a cage or a jail transport vehicle.

**O. ARRESTING UNDOCUMENTED CITIZENS / ILLEGAL ALIENS**

1. In the arrest of undocumented aliens, officers may not arrest an alien without a warrant, solely upon suspicion that he/she has entered the country illegally. An arrest without a warrant can be effected only when a state or local misdemeanor offense occurs within the officer's presence, or if the requirements of Articles 14.03 and 14.04 of the Code of Criminal Procedure with regard to felony violations, are satisfied.
2. When an officer legally takes a person into custody, and the officer suspects that the arrested person may be in this country illegally, the officer will contact the United States Immigration and Customs Enforcement (ICE). The Dallas Duty Agent for ICE can be reached 24-hours a day through the ICE dispatch office at 1-800-973-2867. Officers are encouraged to contact ICE any time questions arise concerning an arrest of any person who is suspected of being an illegal alien.
3. When a person who is a citizen of another country is arrested, then it is the responsibility of the arresting officer to check the list of countries to determine the proper procedure for Consular notification. Some countries have mandatory notification and some countries require that you ask the arrestee if he/she wishes to have their Consular notified. The Consular Notification and Access list is prominently posted on the board in the patrol room.
4. The jail registration card will indicate that the suspect is to be held for the Immigration and Customs Enforcement. The form must have the authorizing agent's name entered as the detaining authority.
5. It is the policy of this Department to hold persons suspected of being undocumented aliens for a period not to exceed 48 hours. If, after this period of time, all other charges have been disposed of and the Immigration and Customs Enforcement has not taken custody of these persons, they will be released. However, if it can be satisfactorily shown that the Immigration and Customs Enforcement will take custody of these persons in a reasonable length of time, they may be detained an additional 24 hours with approval of the Chief of Police. Under no circumstances will these persons be detained longer than 72 hours from the time they are booked into jail.

**P. DISPOSITION OF INJURED/ILL ARRESTEE**

1. In accordance with Directive 5.07 officers must summon medical aid for any arrestee who is ill or who sustains injury prior to, during or after arrest. If, after examination by EMS personnel, transportation to the hospital is necessary, the prisoner will be taken either by ambulance or patrol car. Prisoners who refuse to be taken to the hospital will be instructed by EMS personnel to sign a refusal statement. The attending officer should obtain a copy of pertinent EMS records pertaining to the prisoner. A written medical release, signed by the attending physician, must be obtained by the officer or any prisoner taken to a medical facility for treatment. This release must be obtained before the prisoner can be placed in the Bi-State jail. If, in the attending physician's opinion, the arrestee must remain in the hospital, the arresting officer will notify his supervisor immediately.

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2. A supervisor may determine, after review of the charge and fact situation that continued detention is not in the best interest of the prisoner and the department. If this is the case, the supervisor shall cause the prisoner to be released and ensure that proper release documentation is made. Warrant(s) on the released prisoner may be obtained at a later date. The supervisor shall document the release by supplemental report or memo to the Chief of Police.
3. Upon the supervisor making the decision to release a prisoner for medical reasons, who has been arrested under the direction of a magistrate (warrant), it shall be the responsibility of that supervisor to ensure that the issuing magistrate has been contacted and permits the release of the prisoner.

**Q. PROBABLE CAUSE AFFIDAVITS**

A Probable Cause Affidavit must be completed by the officer for all custody arrests made without a warrant. These affidavits must have the CCN number written at the top of the affidavit.

**R. RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021	<i>Amended Date</i>	<i>Directive</i> 6.05	
<i>Subject</i> Miranda Warning			
<i>Distribution</i> All Personnel Mayor City Attorney		<i>Review Date</i> January 1, 2022	<i>Pages</i> 1

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

## SECTION 1 PURPOSE

The purpose of this policy is to require that all defendants be given a Miranda warning prior to any custodial interrogation.

## SECTION 2 POLICY

It is the policy of the Department that all arrested persons be given a Miranda warning prior to any custodial interrogation in accordance with the law and U.S. Supreme Court rulings.

## SECTION 3 PROCEDURES

- A. When an officer makes an arrest, with or without a warrant, the officer interrogating the arrested person will ensure that the arrested person is read his "**Miranda Warning**" prior to any custodial interrogation.
- B. The Miranda warning and the time of the Miranda warning shall be noted in the officer's report.
- C. RESPONSIBILITY
  - 1. All members of the Department shall know and comply with all aspects of this directive.
  - 2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.06</b>	
<i>Subject</i> <b>Interrogation</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>1</b>

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## **SECTION 1 PURPOSE**

The purpose of this policy is to require that appropriate department personnel be specially trained to conduct interrogations.

## **SECTION 2 POLICY**

It is the policy of the Department that appropriate department personnel be specially trained to conduct interrogations.

## **SECTION 3 PROCEDURES**

- A. All officers will receive some level of training in the field training program regarding interrogations and the legal issues surrounding custodial interrogations such as Miranda warnings, due process, and right to counsel.
- B. Personnel assigned to more specialized duties such as criminal investigations will receive more specific training regarding interrogation techniques.
- C. **RESPONSIBILITY**
  - 1. All members of the Department shall know and comply with all aspects of this directive.
  - 2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.07</b>	
<i>Subject</i> <b>Search and Seizure Warrants</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>5</b>

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

## **SECTION 1    PURPOSE**

The purpose of this policy is to provide guidance to all department personnel on when and how to obtain a search warrant, how to execute a search warrant, and how to return a search warrant.

## **SECTION 2    POLICY**

The law governing search and seizure is based upon guarantees embodied in the United States Constitution and Texas Constitution. Article 1.06 of the Texas Code of Criminal Procedure states, "The people shall be secure in their persons, houses, papers, and possessions from all unreasonable seizures or searches. No warrant to search any place or to seize any person or thing shall issue without describing them as near as may be, nor without probable cause supported by oath or affirmation." It is the responsibility of every officer of this Department to be familiar with and abide by the law when conducting a search or making a seizure in the performance of official duties. It is the policy of the Department to encourage the use of search warrants even under circumstances that do not legally require a warrant, if circumstances permit the acquisition of a warrant without risking loss or destruction of sizeable property.

## **SECTION 3    DEFINITIONS**

**Mobile Tracking Device** – An electronic or mechanical device that permits tracking the movement of a person, vehicle, container, item, or object.

**Probable cause** - The facts and circumstances within an officer's knowledge and of which he has reasonably trustworthy information that are sufficient in themselves to warrant a person of reasonable caution in the belief that sizeable property can be found in a particular place or on a particular person.

**Reasonable Suspicion** - Reasonable suspicion is a legal standard of proof in United States law that is less than probable cause, the legal standard for arrests and warrants, but more than an "inchoate and unparticularized suspicion or 'hunch'"; it must be based on "specific and articulable facts", "taken together with rational inferences from those facts", and the suspicion must be associated with the specific individual.

**Search Warrant** - A written order, issued by a magistrate and directed to a peace officer, commanding him to search for any property or thing and to seize the same and bring it before such magistrate.

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### SECTION 4 SEARCH WARRANT PROCEDURES

#### A. OBTAINING A SEARCH WARRANT

1. In order to obtain a search warrant, an officer must be able to show probable cause to believe that specific evidence, contraband or fruits of a crime may be found at a particular location.
2. Specific facts establishing probable cause shall be set forth with clarity and specificity. Officers shall not rely solely upon opinion or unauthenticated third-party information or hearsay. Supporting facts may be based on:
  - a) personal observation/knowledge of the officer; or
  - b) information from a reliable source.
3. When informants are used, particularly confidential informants, the reliability of the informant shall be established. Whenever possible, officers shall corroborate informant information.

#### B. AFFIDAVIT REQUIREMENTS

1. An affidavit supporting application for a search warrant shall be prepared in an approved format.
2. The offense should be described by referencing the Penal Code Statute section number when possible.
3. The place or thing to be searched shall be described as near as possible with specificity and the affidavit should include specific references as to where officers intend to search. References should include:
  - a) the street number and apartment number if appropriate.
  - b) a physical description of the premises.
  - c) a legal description of the premises.
  - d) the name of owner or occupant.
  - e) the geographical location of the property, and
  - f) photographs, maps or diagrams that help to specify the location in question (if necessary).
4. The affidavit shall specify the scope of the search requested and officers shall ensure the warrant includes the following:
  - a) all areas the officers desire to search shall be named or described and in cases where officers wish to conduct a complete search of a home and its surroundings, the affidavit should specify a "premises" search and its "curtilage" and should identify any outbuildings such as garages, tool sheds or barns, where appropriate.
  - b) motor vehicles known to be on the premises that may be searched should be specified.
  - c) searches (other than frisks for weapons) of specific persons on the premises shall be referenced in the affidavit by name if possible.

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- d) the specific items to be searched for shall be detailed and where the item may be dismantled (e.g. firearms) the warrant should authorize search for parts, pieces or components of that item.
- C. The officer should have the affidavit reviewed by a supervisor whenever possible before presenting it to a magistrate for issuance of the search warrant. The affidavit for the warrant is to be presented to the magistrate of a court of competent jurisdiction for review, approval and issuance of a warrant. Officers should contact Central Records and Communications for a magistrate's contact information and get supervisor's approval before contacting a magistrate after hours in the event that a warrant is needed.
- D. Officers conducting a search where any party has a reasonable expectation of privacy in the thing or place being searched, shall have a valid search warrant authorizing the search or be able to justify the search as an exception to the search warrant requirement.
- E. The officer who obtains a search warrant shall be responsible for executing the warrant within three days from the time of its issuance, exclusive of the day of its issuance and of the day of its execution.
- F. Execution of search warrants shall be coordinated by a supervisor. A sufficient number of officers shall be present to ensure the safety of the officers and other persons and to prevent the destruction or removal of evidence.
- G. In accordance with the United States Supreme Court's decision in *Wilson V. Layne*, third parties are strictly forbidden to participate in the execution of a search warrant. The U.S. Supreme Court has stated that participation in any search by a third party such as a media representative or a civilian ride-along violates the Fourth Amendment. This ruling applies to both searches with a warrant and consensual searches.
- H. Upon conducting a warrant authorized search, a copy of the warrant will be presented to the owner or person in possession of the place or thing to be searched, if he/she is present. If the owner or other person in possession is not present, a copy of the warrant will be left in a conspicuous location at the place searched.
- I. The officer in charge of the search should ensure that photographs or video are taken of all areas to be searched before and after the execution of the search warrant. (This does not include tactical/dynamic entries.)
- J. During the execution of a search warrant, property shall not be unnecessarily damaged or destroyed. Any property damaged or destroyed during a search shall be reported to the Chief of Police by the supervisor.
- K. If any property is seized during the execution of the search warrant, the supervisor of the search shall ensure that a written inventory of the seized property is made. A copy of the inventory will be given to the owner or person in possession of the property. If the owner or other person is not present, a copy of the inventory will be left at the place in a conspicuous location along with a copy of the search warrant.
- L. The officer who obtains a search warrant is responsible for ensuring the proper return of the warrant. The warrant shall be accompanied by a copy of the inventory of property seized pursuant to the warrant.

### SECTION 5 ELECTRONIC SURVEILLANCE PROCEDURES

- A. Authorization Procedures for Electronic Surveillance

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1. In those instances where an individual has granted consent for a tracking device to be installed on their person or property, that legally valid consent shall be properly documented.
2. When informants are used, particularly confidential informants, their reliability shall be established. Whenever possible, officers shall corroborate informant information by other means.

### B. AFFIDAVIT REQUIREMENTS

1. An affidavit supporting the application for a tracking order shall be prepared in an approved format.
2. The offense should be described by referencing the applicable statute when possible.
3. The person or thing to be tracked shall be specifically described as near as possible, and the affidavit should include these references:
  - a) Name, department, agency of the affiant;
  - b) Identification of the vehicle, container, or item to which, in which, or on which the mobile tracking device is to be attached, placed, or otherwise installed;
  - c) Name of the owner or possessor of the vehicle, container, or item described;
  - d) Judicial jurisdictional area in which the vehicle, container, or item described is expected to be found; and
  - e) The facts and circumstances that provide the affiant with probable cause that criminal activity has been, is being, or will be committed; and that the installation and use of a mobile tracking device will likely produce information that is material to an ongoing investigation that is targeting that criminal activity.
4. The application must be signed and affirmed before the district judge who has jurisdictional authority as provided in 18B Subchapter "E", CCP.
  - a) The district judge may issue an order for the installation and use of a mobile tracking device within the judge's judicial district and only upon the request of an authorized peace officer. The order may authorize the use of a mobile tracking device outside the judge's judicial district but within the state if the device is installed within the district.
  - b) Within 72 hours after the mobile device is activated on or within the targeted vehicle, container, or item, the affiant shall notify the judge who issued the original order that the mobile tracking device has been installed.

### C. Authorization Procedures for Electronic Surveillance

1. The judge's order expires not later than the 90<sup>th</sup> day after the date that the mobile tracking device was activated on or within the targeted vehicle, container, or item. The judge may grant an extension for an additional 90-day period if good cause can be shown.
2. Once the authorization period has expired, the affiant shall remove or cause to be removed the mobile tracking device as soon as practicable. If removal is not practicable, monitoring of the device shall cease upon expiration of the authorization order.

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### D. NOTE:

1. These procedures do not apply to a global positioning or similar device that has been installed in or on an item of property by the item's owner or with the consent of the owner of the property. Such devices may be monitored by a private entity in an emergency. (Article 18B.207, CCP)

### SECTION 6 RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021		<i>Amended Date</i>		<i>Directive</i> 6.08	
<i>Subject</i> Searches Without a Warrant					
<i>Distribution</i> All Personnel Mayor City Attorney				<i>Review Date</i> January 1, 2022	<i>Pages</i> 5

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

## SECTION 1 PURPOSE

The purpose of this policy is to regulate the scope and authority for searches without a warrant.

## SECTION 2 POLICY

The law governing search and seizure is based upon guarantees embodied in the United States Constitution and Texas Constitution. Article 1.06 of the Texas Code of Criminal Procedure states, "The people shall be secure in their persons, houses, papers, and possessions from all unreasonable seizures or searches. No warrant to search any place or to seize any person or thing shall issue without describing them as near as may be, nor without probable cause supported by oath or affirmation." It is the responsibility of every officer of this Department to be familiar with and abide by the law when conducting a search without a warrant. It is the policy of the department to encourage the use of search warrants even under circumstances that do not legally require a warrant, if circumstances permit the acquisition of a warrant without risking loss or destruction of sizable property.

## SECTION 3 PROCEDURES

### A. Searches Incident to an Arrest

1. A search warrant is not required to search a person who has been legally arrested.
2. Arresting officers shall conduct a search of all arrested persons to the extent necessary to protect the officer, the arrestee, and any other person.
3. The parameters of a search incident to a lawful arrest are:
  - a. Officers may conduct a full search of the arrested person regardless of the reason for arrest; however, strip searches and body cavity searches are not permitted except in circumstances outlined in this directive.
  - b. Officers may also search the area within the immediate control of the arrestee for weapons and evidence which may be destroyed.

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4. The officer conducting a search incident to a lawful arrest shall seize the following types of property:
  - a. Weapons or other items which could be used to injure the officer or affect an escape.
  - b. Evidence of the crime for which the arrest is made.
  - c. Instrumentalities used to commit the crime.
  - d. Contraband, the possession of which constitutes an offense.
  - e. Evidence of a crime.
5. Strip Searches
  - a. Strip searches will be conducted only when there is a reasonable and articulable cause to believe that a weapon or contraband is secreted on the arrestee's body and exigent circumstances require the search. The cause shall be articulated in the arrest report and/or case supplemental report.
  - b. A strip search will not be conducted in place of or prior to an exterior pat down search.
  - c. Strip searches will be conducted by officers of the same sex.
  - d. Strip searches shall be conducted as privately as possible and out of view of persons of the opposite sex.
  - e. A supervisor must be present during any strip search, but the person being searched must be out of view of the supervisor when the person to be searched is of the opposite gender.
  - f. Officers conducting a strip search shall not touch the arrestee except for purposes of safety and control.
6. Body cavity searches may only be conducted only on authority of a search warrant and shall be performed by medical personnel in a sanitary environment. A supervisor must approve of the search, and the incident must be thoroughly documented.
7. Only sworn police officers will conduct searches on arrested persons or suspects.
8. Officers will not choke, grab and/or squeeze a person's throat area or place their hands or fingers into the mouth of a person in order to recover possible drugs or contraband.
9. See Section C of this directive for information regarding vehicle searches incident to an arrest.

### **B. Consent Searches**

1. Officers may conduct a search of premises or property after obtaining the voluntary consent of the person who has authority to consent to a search of the premise or property.
2. Officers shall not use coercion, duress, or deceit to obtain consent to search.
3. Officers shall not falsely claim to possess a search warrant in order to obtain consent to search.
4. When requesting consent to search, officers shall notify the owner or person in control of the premise or property to be searched of the following:

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- a. The right to refuse to consent to the search.
  - b. The right to limit the scope of the search.
5. Officers conducting a consent search shall limit the search to those areas within the scope of the consent and shall immediately terminate the search if consent is revoked.
  6. Officers shall obtain written consent prior to conducting a consent search of a residence or a building. Officers should use the Consent to Search form. Vehicle searches do not require written consent, but the officer shall use their audio/video to record the person giving consent when audio/video equipment is available.
  7. The person granting consent must remain in a position where they can revoke consent if they so choose.
- C. Vehicle Searches
1. An officer may conduct a warrantless search of a motor vehicle if:
    - a. the officer has probable cause to believe that the vehicle contains items subject to seizure, or
    - b. the officer has reasonable suspicion that the vehicle contains weapons which might be used to assault the officer and the suspect is unsecured and near enough to the vehicle to retrieve a weapon.
    - c. upon verbal or written consent of the owner or the person operating the vehicle.
  2. Officers may search a vehicle without written consent, but officers shall use their audio/video to record the person giving consent when audio/video equipment is available.
  3. The scope of the warrantless search of a vehicle is limited by the object of the search and the places within the vehicle for which there is probable cause to believe that contraband may be found.
  4. When a vehicle has been impounded and there is reason to believe the vehicle contains items subject to seizure, officers shall obtain a search warrant prior to searching the vehicle.
  5. The contents of an impounded vehicle shall be inventoried by the impounding officer for the purpose of protecting any valuables contained in the vehicle and to protect the officer from a false claim. A routine inventory of an impounded vehicle is not considered a search; therefore, any seizable item that is inadvertently discovered during the inventory may be seized without a warrant based on the plain view doctrine. Containers or compartments within the vehicle that are locked shall not be forced open in order to inventory the contents. Containers or compartments shall be inventoried only if they are unlocked or accessible by key.
  6. In accordance with the U.S. Supreme Court decision in *Arizona v. Gant*, officers must have a warrant to search the vehicle of someone they have arrested if the person is locked up in a patrol vehicle and poses no safety threat to officers. Warrantless searches still may be conducted if a vehicle's passenger compartment is within reach of an unsecured suspect who has been removed from the vehicle or when there is reason to believe evidence will be found of the crime that led to the arrest. As described in the *Carroll v. U.S.* case, vehicles may also be searched without a warrant upon probable cause to believe a crime has been or is being committed and evidence of the crime may be located in the vehicle.

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### **D. Frisks**

1. Stop and Frisk refers to the police practice involving the temporary detention, questioning, and limited frisk or pat down of a person suspected of criminal activity.
2. Stop and Frisk is initiated on a reasonable suspicion of crime amounting to less than probable cause for the purposes of crime prevention, criminal investigation, and protection of the officer.
3. When an officer observes unusual activity which leads to a reasonable conclusion that criminal activity may be occurring or about to occur, and that person with whom the officer is dealing may be armed and presently dangerous, the officer may conduct a limited frisk or pat down of the outer clothing of such person in an attempt to discover any weapons which might be used to assault the officer.

### **E. Plain View Searches**

1. An object is in plain view if an officer has the right to occupy the place from where the observation is made.
2. Officers may, as a result of a prior valid intrusion into a constitutionally protected area, seize certain items of evidence without a warrant which are observed "in plain view" under the following criteria:
  - a. The officer must be in a position in which he has a legal right to be.
  - b. The officer must not unreasonably intrude on any person's reasonable expectation of privacy.
  - c. The officer must actually observe the item of evidence.
  - d. It must be immediately apparent to the officer that the item observed is evidence subject to seizure, and
  - e. The discovery of the item by the officer must be inadvertent.

### **F. Abandoned Property Seizures**

1. Officers may, without probable cause, warrant, or other legal justification, retrieve items of evidence that have been abandoned by their owners.
2. Property is considered to have been abandoned when the owner has voluntarily relinquished all title, possession, or claim to it.

### **G. Limited search under exigent circumstances**

1. Exigent circumstance exists in an emergency or unforeseen occurrence or combination of circumstances, which require an officer to act immediately. Examples of exigent circumstance might include, but are not limited to:
  - a. Bodily injury or death may occur.
  - b. A dangerous wanted suspect may escape.
  - c. Imminent destruction of evidence.
2. Officers may not intentionally create a situation which causes exigent circumstance to apply.

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3. Officers must document the exigent circumstances existing in reporting the incident.
4. In an emergency, an officer may enter a premise or vehicle without a search warrant if the officer has probable cause to believe immediate entry must be made to aid person(s) in immediate danger of death or bodily injury, or to prevent the imminent destruction of evidence or property.
5. Prior to involuntary or forced entry, and within limits allowed by the particular emergency, the officer should reasonably attempt to obtain voluntary admittance to the premises or vehicle. Following entry, the officer may search the premises or vehicle only to the extent necessary to carry out the purposes of the entry and protection of officers.

### **H. Crime Scene Searches**

1. Private Property - Assuming an officer has a right to take control of private premises; initial searches conducted at a crime scene on private property should be limited to obtaining control of the scene. Two situations common for an officer to be able to legally search a private premise without a warrant are exigent circumstances and protective sweeps. Once a crime scene on private property is secured, officers should obtain a warrant or consent before continuing a search. In cases where consent may be challenged, officers should obtain a search warrant. Any items immediately identifiable as evidence found in plain view during the initial search may be seized.
2. Public Places - Officers may conduct searches and seize evidence found in public places without a search warrant. This includes privately owned open fields, parking lots and other common areas of private property that are accessible to the public. If the owner (or his representative) of the private property requests a search be stopped, officers should secure the location and obtain a warrant before continuing with the search.

### **I. Responsibility**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021	<i>Amended Date</i>	<i>Directive</i> 6.09	
<i>Subject</i> Preliminary Investigations			
<i>Distribution</i> All Personnel Mayor City Attorney		<i>Review Date</i> January 1, 2022	<i>Pages</i> 5

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### SECTION 1 PURPOSE

The purpose of this policy is to provide guidance to all personnel regarding preliminary investigations.

### SECTION 2 POLICY

The administration of criminal justice consists of the identification, arrest, prosecution, and punishment of law violators. This process relies heavily on the actions of first responders who conduct preliminary investigations. It is the policy of the department to vigorously seek the ends of justice by conducting thorough preliminary investigations, identifying and arresting perpetrators, lawfully obtaining all evidence, and cooperating in the prosecution of offenders.

### SECTION 3 PROCEDURES

- A. All members of the department are responsible for the preliminary investigation of calls-for-service and the prevention and detection of criminal offenses when assigned.
- B. The steps to be followed in conducting a preliminary investigation will include:
  1. Observing all conditions, events, and remarks.
  2. Locating, identifying, and separating witnesses and victims.
  3. Maintaining the crime scene and protecting all evidence.
  4. Interviewing the witnesses, complainant, and/or victim.
  5. Interrogating the suspect when applicable.
  6. Effecting the arrest when applicable, and
  7. Reporting the incident fully and accurately.

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C. The scope of preliminary investigation by an officer may be very restricted or it may constitute the entire investigation of the crime. In a particular crime, the scope of the preliminary investigation may be limited by an officer's assignment and the need for him/her to return to other duties. Consistent with his other responsibilities, an officer should continue a preliminary investigation to the point where the department investigator can benefit from all of the information which was immediately available in the minutes immediately following a crime.

### D. CRIME SCENE LOG

1. A crime scene log will be completed at the scene of any major crime such as homicides, suicides, suspicious deaths, deaths of children under the age of six and aggravated assaults with life threatening injuries. At the discretion of any supervisor, it may be utilized at aggravated robberies, kidnappings, sexual assaults, major burglaries or any other crime in which the use of the crime scene log may enhance the investigation.
2. The first officer on the scene shall make every effort to ensure the preservation of life by providing aid to the injured and eliminating any threat to their personal safety, safety of other emergency responders, and the safety of other persons immediately at the scene or those who may enter the scene.
3. As soon as practical, the first responding officer shall establish a perimeter around the crime scene to include areas of entrance and exit to the crime scene. The officer shall surround the crime scene with barrier tape, evacuate non-involved individuals and prohibit the entry of unauthorized persons into the protected area.
4. A point of entry into the crime scene will be established. An officer will be stationed to regulate the entrance into the crime scene and to maintain a crime scene log.
5. The crime scene log will list the name, phone number and address of everyone who enters the crime scene. Absolutely no undocumented personnel shall be allowed in the crime scene area. All department administration and public safety personnel, justices of the peace, funeral home employees and any other persons permitted to enter the scene must be logged onto the crime scene log.
6. Persons entering the scene are subject to being subpoenaed for testimony in court or to provide hair, blood, shoeprints, fingerprints, or other personal specimens for elimination purposes. The log will also include any alterations made to the scene by each person listed. This would include anything the person touched or moved within the scene and the door or path they used to enter the scene. For example, if one of the initial responding officers removed a gun from the scene for safety reasons, the removal of the gun would be listed as an alteration to the crime scene and would be noted under the officer's information on the crime scene log.
7. The officer maintaining the log shall continue to do so until the scene is declared "cleared" by the department investigator. If the officer maintaining the log is relieved by another officer under the order of a supervisor before the scene is cleared, the relieving officer's name and the time of transfer should be noted on the log.

### E. MINOR CRIMES AGAINST PROPERTY

The responding officer will conduct a preliminary investigation in all property crimes in which the apparent or estimated value of property stolen or damaged is less than \$2,500. If apparent evidence exists that the officer cannot collect. The department investigator will be consulted and will determine if a response is necessary.

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### **F. MAJOR CRIMES AGAINST PROPERTY**

In all property crimes in which the apparent or estimated value of property stolen or damaged exceeds \$2,500 or evidence exists which will assist in investigating the case:

1. The first responding officer will:
  - a. Secure the crime scene if necessary.
  - b. Call the department investigator, and
  - c. Conduct a preliminary investigation.
2. The investigator will:
  - a. Determine the need for additional assistance and make appropriate assignments.
  - b. Report to and take control of the crime scene,
  - c. Search for and collect evidence. If further evidence is discovered or believed to be present. The department investigator may request evidence be collected by Texarkana Crime Scene (with the approval of the Chief of Police) and take statements, if necessary.

### **G. MINOR CRIMES AGAINST PERSONS**

In all misdemeanor crimes against persons where no apparent serious bodily injury has been inflicted, including but not limited to assaults, threats, and family violence, the first responding officer will conduct a preliminary investigation. In these cases, the department investigator may or may not be contacted.

### **H. MAJOR CRIMES AGAINST PERSONS**

In all felony crimes against persons, including but not limited to aggravated assaults and family violence, robberies, sexual assaults, and homicides:

1. The first responding officer will:
  - a. Upon arrival, note the scene situation and determine seriousness of offense.
  - b. Secure scene by removing all parties to another area. EMS personnel should only be allowed in if the situation calls for it.
  - c. Call the department investigator.
  - d. Conduct a preliminary investigation.
2. The investigator will:
  - a. Determine the need for additional assistance and make appropriate assignments.

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- b. Report to and take control of the crime scene and will notify the Chief of Police.
  - c. Search for and collect evidence. If further evidence is discovered or believed to be present, detectives may request evidence be collected by Texarkana Crime Scene (with the approval of the Chief of Police) and take statements, if necessary.
- I. SEXUAL ASSAULT CALLS AND PSEUDONYM PROCEDURES
- 1. When an officer takes an Offense Report for the crimes of sexual assault or aggravated sexual assault, he shall assign a pseudonym at the same time the original report is prepared, complete the Pseudonym for Sexual Assault Survivors form and place the chosen pseudonym in the proper space on the Offense Report in place of the victim's name.
  - 2. The original Pseudonym form shall be submitted directly to department investigator and the copy given to the victim. The department investigator will file and maintain security on all original Pseudonym forms.
  - 3. The reporting officer will advise the victim of the legal requirements for release of information to the defendant or the defendant's attorney, if a case is filed.
  - 4. On the original Offense Report, list the victim's address and place of employment as 603 E Ave A. DO NOT list either the residential or business phone numbers.
  - 5. Use the victim's actual sex, race and date of birth on the Offense Report.
  - 6. Fill in the actual location of offense only if it is different from the victim's address. If it is the same, use 603 E Ave A as the location of the offense. The actual location will be listed on the Pseudonym form.
  - 7. If the victim is a child, and the parents are the reporting party, their names must be listed on the Offense Report, along with their phone numbers and addresses.
  - 8. The assigned pseudonym shall be used on all reports, including written statements taken from witnesses and the victim. Officers shall make certain the victim signs the statement using the pseudonym.
  - 9. Officers are advised this procedure applies only to the offenses of sexual assault and aggravated sexual assault. All other sex-related offenses, such as indecency with a child, require proper identification of the victim.
  - 10. Additionally, if the suspect desires to give a statement and the suspect has knowledge of the victim's name, the suspect has the right to use the true name in his statement.
- J. DEATH INVESTIGATIONS
- 1. The investigator who investigates any incident resulting in a death, including the investigation of traffic collisions, shall attempt to determine if the death was the result of negligence or the result of criminal conduct. If it can be determined that the death was the result of either negligence or criminal conduct then every effort will be made to prosecute the offender. All reported deaths will be thoroughly investigated. Some deaths that appear to be self inflicted, accidental, or natural, turn

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out to be a homicide. Therefore, due diligence is required. If the death is clearly natural or accidental, the responding officer will:

- a. Notify the department investigator.
  - b. Have the Justice of the Peace verbally notified immediately.
  - c. Complete an Offense/Incident Report information report with detailed information as to the deceased person's attending physician, medical condition(s), information gathered from family members, etc.
  - d. Provide a copy of the death investigation report to the Justice of the Peace.
  - e. Assist the survivors as needed.
2. If the death is suspicious, the responding officer will:
- a. If appropriate, detain or arrest the suspect (s).
  - b. Protect the crime scene that might contain evidence and remove all parties to another area while showing respect to survivors.
  - c. Immediately request the department investigator.
  - d. Have the Justice of the Peace verbally notified immediately.
  - e. Gather suspect information for broadcast, if appropriate.
  - f. Note any "excited utterances" or other notable events and their time for later documentation in the appropriate report(s).
3. The department investigator will be in charge of the scene upon their arrival.

### **K. RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021		<i>Amended Date</i>		<i>Directive</i> 6.10	
<i>Subject</i> Follow up Investigations					
<i>Distribution</i> All Personnel Mayor City Attorney				<i>Review Date</i> January 1, 2022	
				<i>Pages</i> 2	

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

## **SECTION 1    PURPOSE**

The purpose of this policy is to provide guidance to all personnel regarding follow-up investigations.

## **SECTION 2    POLICY**

The administration of criminal justice consists of the identification, arrest, prosecution, and punishment of law violators. This process relies heavily on the efforts of investigators who conduct criminal investigations and compile the necessary evidence for a successful prosecution of the case. It is the policy of the Department to vigorously seek the ends of justice by conducting thorough investigations, identifying perpetrators, arresting perpetrators, lawfully obtaining all evidence, and cooperating in the prosecution of offenders.

## **SECTION 3    PROCEDURES**

- A. All caseloads and assignments shall be logged and monitored through documentation on the departments records management system. At least one update entry will be written every fifteen (15) days from the assignment date by the assigned investigator or officer on all open cases. This does not include "Inactive" cases.
  
- B. A system of case screening will be used to determine whether or not follow-up investigations will be conducted on a specific case. The following procedure will be used:
  1. The department supervisor should consider the solvability factors associated with the case. The following should be considered when determining solvability:
    - a. witnesses.
    - b. suspect known, described or named.
    - c. suspect identified.
    - d. suspect previously identified.
    - e. vehicle observed, described, or located.

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- f. traceable property stolen or recovered.
  - g. method of operation.
  - h. opportunity.
  - i. significant evidence.
  - j. time lapse.
- E. The officer assigned a case for follow up investigation will keep the victim advised of the status of the case. The victim will be periodically updated.
- F. Cases may only be closed by one of the four methods below. With the exception of "Inactive", these are standard Uniform Crime Reporting categories.
- 1. UNFOUNDED - This disposition is used when the investigating officer and his supervisor have determined that the complaint and/or crime never occurred, is not substantiated, or the crime occurred in another jurisdiction and the complainant is referred to that other jurisdiction.
  - 2. SUSPENDED - This disposition is used when the investigating officer and his supervisor have determined that all leads have been exhausted after a thorough investigation. The case remains open but inactive.
  - 3. EXCEPTIONAL CLEARANCE - This disposition is used when an investigation identifies the offender, establishes enough evidence to support arrest, and establishes the location of the offender, but for some reason outside the control of the Department, no formal charges will be filed. These reasons include:
    - a. The complainant refuses to prosecute and the case cannot continue on its own merit.
    - b. Death of offender.
    - c. Prosecution of charges is handled by another law enforcement agency, or
    - d. Extradition is denied.
  - 4. CLEARED BY ARREST - This disposition is used when a physical arrest and/or formal charges are filed.
- I. Responsibility
- 1. All members of the Department shall know and comply with all aspects of this directive.
  - 2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.11</b>	
<i>Subject</i> <b>Sexual Assault Medical Examination Reimbursement</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>2</b>

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

**SECTION 1    PURPOSE**

The purpose of this policy is to establish a Department guideline for requesting reimbursement from the Texas Attorney General for reasonable costs associated with examinations of sexual assault victims.

**SECTION 2    POLICY**

It is the policy of the Department to request reimbursement from the Texas Attorney General for all reasonable costs associated with medical examinations of sexual assault victims, when said examination is to be used in the investigation or prosecution of said offense. The examination shall have been performed by a physician, a sexual assault examiner, or a sexual assault nurse examiner, as defined by Section 420.003, Government Code.

**SECTION 3    PROCEDURES**

- A. A Sexual Assault Examiner is a person who uses a service-approved evidence collection kit and protocol to collect and preserve evidence of a sexual assault or other sex offense.
- B. Sexual Assault Nurse Examiner is a Registered Nurse who has completed a service-approved examiner training course.
- C. **SEXUAL ASSAULT MEDICAL EXAMINATION REIMBURSEMENT PROCEDURE**
  - 1. Examination of sexual assault victims shall be performed by a duly licensed physician, a sexual assault examiner, or a sexual assault nurse examiner (SANE). This examination should be authorized by a supervisor or the responding investigator.
  - 2. Upon completion of the examination, the physician or sexual assault examiner will be required to submit an itemized statement of charges. Physicians should submit charges on standardized health insurance claim forms, while sexual assault examiners or sexual assault nurse examiners may submit charges on a standard billing form with a descriptive itemized statement attached.

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3. Charges associated with the examination must be paid by the Department and then reimbursement will be sought from the Attorney General pursuant to Article 56.06(a), Texas Code of Criminal Procedure.
4. Upon receipt of charges from the medical facility or sexual assault examiner, these charges will be forwarded to department investigator assigned to the case. The Investigator will verify that the charges are documented on the appropriate forms as prescribed by Article 56.06 of the Texas Code of Criminal Procedure.
5. If further examinations are warranted, the Investigator will maintain custody of all bills until such time as all examinations have been completed and charges received. After all examinations are completed and charges received, these charges will be submitted to the City Secretary.
6. Upon payment by the City Secretary, appropriate documentation will be received by the investigator. The documentation will then prepare the application for submission to the Attorney General's Office.
7. Upon completion of the application, it will be signed by the Chief of Police and then submitted with the approved medical forms and a copy of all charges to the Attorney General's Office.
8. A complete copy of all applications will be kept by the Investigator. When reimbursement is received, it will be forwarded to the City Secretary.
9. Requests for reimbursements will be submitted on a case by case basis.

**D. RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.12</b>	
<i>Subject</i> <b>Non Emergency and Emergency Response</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>2</b>

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**SECTION 1 PURPOSE**

The purpose of this directive is to establish policy, procedures and guidelines governing police responses and provide some guidance for emergency vehicle operations.

**SECTION 2 POLICY**

It is the policy of the Department to respond to calls for police service in the most expeditious manner possible taking into consideration such factors as actual and potential threats to human safety, the need to arrive as quickly as possible, the possibility of alerting a criminal to our pending arrival, and the general safety of the public at large. It is also the policy of the Department that officers will respond to calls for service in accordance with the provisions set forth in this directive.

**SECTION 3 PROCEDURES**

**A. EMERGENCY VEHICLE OPERATIONS**

1. All Emergency Vehicle operations will comply with the Texas Transportation Code Sections 546.001, 546.002, 546.003, 546.004, 546.005 and any and all other sections related to the operation of emergency vehicles.
2. An officer must drive with due regard for the safety of all persons and must never operate any vehicle in reckless disregard for the safety of life and/or property. At all times, the officer must balance the need for his actions versus the risks involved. Officers should bear in mind that their actions while driving may be reviewed by ordinary citizens under controlled circumstances.
3. In all police vehicle operations especially emergency driving in Code 3 (lights, sirens, and audio/video equipment), the officer must take into consideration the following:
  - a. Time of day.
  - b. Weather conditions.

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- c. Type of neighborhood.
  - d. Type of road and surface condition.
  - e. Vehicle and pedestrian traffic.
  - f. Police vehicle condition.
  - g. The necessity of the emergency response.
- 4. Unless otherwise directed by a supervisor, officers are authorized to respond Code 3 when the officer can articulate facts and circumstances that would lead a reasonable person to believe an immediate emergency response was necessary.
  - 5. Officers will not violate traffic laws unless ALL emergency equipment, i.e. lights, siren, audio/video equipment are activated.

**B. RESPONSIBILITY**

- 1. All members of the Department shall know and comply with all aspects of this directive.
- 2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.13</b>	
<i>Subject</i> <b>Vehicle Pursuits</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>6</b>

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

## **SECTION 1    PURPOSE**

The purpose of this directive is to establish guidelines for vehicle pursuits.

## **SECTION 2    POLICY**

The proper use of emergency equipment in a pursuit situation is essential to the safety of the officer and other motorists when special conditions exist. Principally, the emergency equipment is used to call attention to an unusual act or condition which presents a hazard to the safe operation and flow of vehicular and pedestrian traffic. Employees of this Department will adhere to established Departmental policies, procedures, and state law to ensure safety of police officers and other motorists at all times and will maintain open communications with other agencies during an intercity police pursuit.

Pursuit of a suspect may be engaged whenever a reasonably prudent officer, under the same or similar circumstances, could believe, in the exercise of discretion, that the need to immediately apprehend the suspect outweighs a clear risk of harm to the public in initiating and in continuing the pursuit.

It is the policy of this agency that its officers may only initiate a pursuit of a violator in a motor vehicle when a law violator has clearly demonstrated the intention of avoiding arrest and there is an immediate need for apprehension of the violator. The pursuit, however, must not create unreasonable danger to the police or the public. A pursuit should be initiated only when no reasonable alternative exists. A vehicular pursuit is unwarranted when the suspect presents no obvious threat to the community, and there is no violation of a statute other than the Fleeing or Evading Arrest or Detention and the identity of the violator is known, or the pursuit creates a greater danger to the lives of the public, officers, or suspect than the suspects previous actions created.

## **SECTION 3    DEFINITIONS**

**Fixed Roadblock** – A restriction, obstruction or device used for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of a suspect.

**Marked Vehicles** - for purposes of this policy, marked vehicles are those clearly distinguishable as police vehicles by means of equipment, markings and color, and include designated vehicles that may not be equipped with overhead lights.

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**Neighboring Jurisdiction** – A law enforcement agency in an adjoining city or other unit of local government within the county or adjoining county or state.

**Primary Officer/unit** - The first officer to initiate the pursuit.

**Rolling Roadblock** - One or more police units assuming a position in front of or beside the pursued vehicle to bring it to a standstill or off the roadway.

**Secondary Officer/unit** – Any officer, who becomes involved as a backup to the primary unit and follows the primary officer at a safe distance.

**Termination of the Pursuit** - Termination of the pursuit shall be defined as the total abandonment of the pursuit. Officers, when told to terminate a pursuit, will turn off their emergency lights and siren, reduce speed to legal limits and return to normal duties

**Unmarked Vehicles** - For purposes of this directive, unmarked vehicles are those vehicles without distinctive markings or colors that identify them as police vehicles. Such vehicles include those not pursuit rated and those that are pursuit rated unmarked vehicles such as the Chief of Police vehicle.

**Vehicle Pursuit** - an active attempt by a law enforcement officer in an authorized emergency vehicle as defined by the Texas Transportation Code, Section 541.201 to apprehend one or more occupants of a moving motor vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by ignoring the law enforcement officer's attempt to stop him.

## SECTION 4 GENERAL PROCEDURES

- A. The responsibility for the decision to pursue, and the methods to be employed during pursuits, rests with the individual officer. In arriving at his decision, the officer must carefully consider all factors involved, including the seriousness of the offense, all possible consequences and, most importantly, the safety of citizens, whose protection is his major objective. Officers will not initiate or continue a pursuit when such safety factors outweigh the need for apprehension.
- B. The law permits officers who are engaged in pursuit to exceed the speed limit and to violate other traffic regulations as necessary in order to maintain pursuit for apprehending the violator, but only:
  1. If the emergency lights and siren are employed (designating an emergency vehicle)
  2. If the utmost safety is ensured for self and others.
- C. **Even though the officer is legally engaged in pursuit, and is complying with this directive, he/she is neither relieved of his duty to drive with "due regard" for the safety of all persons nor protected from the consequences of any reckless disregard for their safety.** He must exercise that degree of care which a reasonably prudent person in the discharge of similar duties and under like circumstances would use. It is understood that the officer's ability to supervise or control other motorists by the nature of existing circumstances is limited, but it is his duty to avoid contributing to the danger already created by the violating motorist. When a pursued vehicle goes through red lights, stop signs or intersections, the pursuing police vehicles are to slow down or stop before going through the intersections as may be necessary for safe operation.
- D. When attempting to stop a violator who has not yet begun to flee, the pursuing officer should keep personal safety in mind and attempt everything within his authority to apprehend the subject without resorting to a pursuit situation.

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- E. If a pursuit is initiated, the pursuing officer should remember that the sooner the subject is stopped or apprehended, the less the opportunity for an accident. Of the utmost importance, the officer should not endanger the public or himself as a result of his driving techniques.
- F. When an officer has activated his emergency lights in an attempt to make a traffic stop of a violator and the violator suddenly speeds up and/or begins to operate his vehicle in such a manner as to endanger the safety of others, the officer shall immediately activate the siren and shall continually use both the emergency lights and siren throughout the pursuit. One must bear in mind that it is not the officer who has initiated the pursuit, but the violator; it is the officer's decision to continue what the violator has begun. Officers must also remember that the effectiveness of the siren decreases as the speed of the pursuit vehicle increases.
- G. When a pursuit is begun, the following applies:
  - 1. Unmarked non-pursuit rated vehicles shall not become involved in any vehicular pursuit, except in aggravated offenses and then only to maintain visibility until a marked vehicle becomes involved. Once a marked patrol car has become involved, the unmarked non-pursuit rated vehicle should discontinue participation in the pursuit. Unmarked pursuit rated vehicles can be involved in vehicular pursuits until two marked units become involved in the pursuit, except in aggravated offenses where it will be the discretion of the supervisor to allow the unmarked pursuit rated vehicle to continue.
  - 2. Marked or unmarked police vehicles without operative emergency lights and sirens are prohibited from becoming involved in, or maintaining, any vehicular pursuit.
  - 3. Generally, no more than two (2) marked vehicles and one (1) supervisor will be involved in the immediate pursuit. Other police vehicles will be support units and will not become actively involved in the pursuit or operate in an emergency mode. Deviations from this standard are at the discretion of the supervisor who shall be accountable for articulating the facts and circumstances which compelled him to deviate from this directive.
  - 4. The first officer/unit to become involved in the pursuit will be the primary officer/unit. The second officer/unit will be his backup. The primary officer/unit should concentrate on the pursuit of the violator, while all radio communications should be handled by the backup officer/unit.
  - 5. In the event of an arrest at the conclusion of a pursuit, the prisoner can be transported by the primary or backup unit.
  - 6. Units transporting prisoners, witnesses, suspects, or complainants shall not become engaged in pursuit situations.
- H. The pursuing unit will immediately advise dispatch that they are involved in a pursuit, and will advise their location, speed, known charges and exact reason for the pursuit. When safe to do so, the pursuing officer shall maintain communication with the dispatcher, relaying information such as the identity of his unit, location, direction of travel, road and traffic conditions, and other details which would enable other officers in the area, as well as the dispatcher, to assist. Pursuing officers must remember to keep their voices as normal and coherent as possible and not shout. When a two-man police unit is involved, the passenger should handle all radio transmissions. Dispatchers will assume the responsibility to keep the radio channel clear and repeat transmissions as requested to ensure officer safety. All units that are involved in a pursuit will start their audio/video equipment as soon as they become involved in the pursuit and ensure their radar unit (If Equipped) is turned on when the officer can safely do so. All officers/units are required to provide adequate information to Supervisors when possible to assess if the pursuit should be continued or abandoned.

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- I. Units responding to assist should concentrate on covering the streets parallel to the pursuit to create a "boxing in" effect which should, if not capture, at least discourage the violator from continuing his flight. This technique is also advantageous in the event the violator is able to elude the immediate pursuit vehicles, or in case the violator abandons his vehicle and flees on foot. Before giving chase on foot the officer should notify dispatch of his location, remove the ignition keys from his unit, and quickly check the violator's vehicle for other occupants who may be hidden.
- J. To the fullest extent possible, detailed descriptions of the car, license number, and occupants should be obtained and broadcast. Even a partial license number is a valuable aid in quick identification.
- K. During pursuit a safe distance shall be maintained between the vehicles, enabling the pursuing officers to duplicate any sudden turn(s) and lessening the possibility of a collision in the event of a sudden stop. Deliberate physical contact between vehicles at any time is prohibited, except as necessitated at fixed roadblocks. A supervisor may authorize contact only as a last resort when the individual to be apprehended poses a substantial risk to the community and that risk outweighs the risk of setting up a fixed roadblock.
- L. Although officers engaged in a pursuit may generally disregard certain traffic regulations, at no time will officers pursue the wrong way on a freeway, divided roadway, or any one-way roadway, or with complete disregard for all traffic and/or legal restrictions.
- M. Because of the potential danger involved, pursuing officers shall not pull alongside a fleeing motorist in an attempt to force the vehicle into a ditch, curb, parked car, or any other obstacle. The danger of a sideswipe collision is great, and the opportunity for escape is enhanced through quick application of the brakes and a sudden turn by the violator.
- N. Fixed roadblocks will not be used unless directed by the Supervisor or Chief of Police. Fixed roadblocks will not be used in any event unless the roadblock is clearly visible for a distance allowing space to stop before reaching the fixed roadblock. Only in extreme circumstances will the fixed roadblock even be considered. The rolling roadblock will only be used in extreme circumstances as directed by the supervisor or the Chief of Police.
- O. To avoid being arrested, a violator may take hazardous chances. Regardless of extenuating circumstances, the pursuing officer/unit shall not duplicate these hazards. In a vehicle pursuit, the officer must always remain sensitive to the public's reaction to the pursuit situation. He must operate his vehicle in a manner that shows consideration for his own safety, the safety of the violator whom he seeks to apprehend, and, above all, the safety of others who may be using the roadway.
- P. If the pursued vehicle leaves the city limits and enters a neighboring jurisdiction, it will be within the discretion of the supervisor to continue the pursuit. If the supervisor is not readily available, such discretion will be that of the pursuing officer. If the pursuit extends beyond the city limits, the dispatcher will be notified immediately. The dispatcher will immediately notify the police agency having jurisdiction of the area of the pursuit in progress and its location.
- Q. In the event the pursued vehicle enters the State of Arkansas, the secondary officer/unit will discontinue the pursuit at the state line. The primary officer/unit and the supervisor will continue the pursuit into Arkansas until an Arkansas unit engages the pursued vehicle. At this point, the Hooks, Texas supervisor will discontinue the pursuit, leaving only the primary officer/unit and Arkansas units involved in the pursuit. If and when the pursued vehicle is stopped, the Hooks, Texas supervisor may proceed to the scene, if needed.
- R. Upon conclusion of the pursuit, the primary officer involved will complete all applicable Offense and Arrest Reports.

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## **SECTION 5 ABANDONING PURSUITS**

A. Pursuing officers must at all times use their best judgment in evaluating and re-evaluating the pursuit, making continuous appraisals in deciding whether the pursuit should continue. Officers should never allow the element of personal challenge to enter into his decision. The decision to abandon pursuit is, under certain circumstances, the most intelligent and most professional course of action.

B. Officers will not initiate or continue a pursuit when:

1. There is a clear and unreasonable danger to the officer, the fleeing violator, and/or any other person(s) due to excessive speed and/or reckless or erratic driving by the violator which exceeds the performance capabilities of the vehicle or the driver, and the danger created by the pursuit outweighs the necessity for immediate apprehension.
2. Environmental conditions (rain, fog, ice, snow, etc.) indicate the futility of continued pursuit.
3. The pursuing officers know, or are almost certain, that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or nonviolent felony, such as unauthorized use of a vehicle, and the safety factors involved are obviously greater than a juvenile can cope with. If the driver is operating the vehicle legally but ignoring the officer's attempt to stop them, the pursuit can be continued at the discretion of the supervisor.
4. The offense is a Class A, B or C misdemeanor, and it has continued outside the corporate limits of the City of Hooks for an unreasonable distance as determined by the supervisor.
5. The suspect presents no obvious threat to the community, and there is no violation of a statute other than the Fleeing or Evading Arrest or Detention and the identity of the violator is known.
6. A supervisor orders the pursuit terminated.
7. In the event another agency becomes involved in a Hooks Police Department initiated pursuit and a supervisor from that agency orders that agencies officers to terminate the pursuit. Hooks Officers in the ascendance of a Hooks PD supervisor shall also terminate the pursuit.

C. In the above described circumstances officers will complete an offense report for the offense of Fleeing or Evading Arrest or Detention as appropriate. The officer will also seek to obtain an arrest warrant for the violator for the offense as appropriate.

## **SECTION 6 SUPERVISOR'S RESPONSIBILITIES**

A. Immediately upon being notified of a pursuit in progress, the supervisor will:

1. Assume command of the pursuit and notify dispatch of his status and element number.
2. Not relinquish command of Hooks, Texas Police Department Officers regardless of the jurisdictions entered or personnel involved until the pursuit is concluded or cancelled, or until the supervisor is relieved by the Chief of Police.
3. Monitor the pursuit for adherence to Departmental procedures.
4. Evaluate the circumstances of the pursuit based on the previously listed criteria.
5. Decide whether the pursuit shall continue or be abandoned.

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- B. The supervisor may order the pursuit abandoned at any time:
  - 1. Changing circumstances during the pursuit affect the continuation of the pursuit. A pursuit shall be abandoned by the pursuing officer or supervisor if, in their best judgment, that the need to immediately apprehend the suspect DOES NOT outweigh a clear risk of harm to the public in initiating and in continuing the pursuit.
  - 2. There is doubt in his mind as to the degree of danger.
- C. The supervisor must be able to justify the continuance of any pursuit.
- D. In most instances, the supervisor will go to the scene of a concluded pursuit and take command. In all cases where the suspect is apprehended, or if injuries, death or property damage occurred as a result of, or in the course of, the pursuit, the supervisor will report to the scene and take command.
- E. The supervisor in command of the pursuit will prepare a written report that will document the reasons for the pursuit, personnel involved, results of the pursuit, injury, damages, or any other significant information as required by 6.14.

### **SECTION 7    RESPONSIBILITY**

- A. All members of the Department shall know and comply with all aspects of this directive.
- B. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021		<i>Amended Date</i>	<i>Directive</i> 6.14
<i>Subject</i> Pursuit Documentation			
<i>Distribution</i> All Personnel Mayor City Attorney		<i>Review Date</i> January 1, 2022	<i>Pages</i> 1

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

## SECTION 1 PURPOSE

The purpose of this policy is to insure the appropriate documentation and review of each vehicle pursuit.

## SECTION 2 POLICY

It is the policy of the Department that each pursuit will be documented in writing and such documentation will include the reasons for the pursuit, personnel involved, results of the pursuit, injury, damages, or any other significant information. The report will be submitted to the Chief of Police through the chain of command.

## SECTION 3 PROCEDURES

- A. Immediately upon the conclusion of a pursuit, the involved officer or a supervisor shall complete a written report. The report shall include the following information:
1. The reasons for the pursuit, additional personnel involved, results of the pursuit, injuries, damages, or any other significant information.
  2. If the pursuit was allowed to continue after the supervisor was notified, then the supervisor shall include the reason(s) the pursuit was allowed to continue.
  3. If the supervisor did not respond to the scene upon the conclusion of the pursuit, then the supervisor shall include the reason(s) for not going to the scene.
- B. The supervisor shall forward the report immediately to the Chief of Police.

### C. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021		<i>Amended Date</i>		<i>Directive</i> 6.15	
<i>Subject</i> Roadblocks					
<i>Distribution</i> All Personnel City Manager City Attorney				<i>Review Date</i> January 1, 2022	<i>Pages</i> 1

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## SECTION 1 PURPOSE

The purpose of this policy is to restrict the use of roadblocks by department personnel.

## SECTION 2 POLICY

It is the policy of the Department that roadblocks are not to be used to apprehend fleeing suspects.

## SECTION 3 PROCEDURES

- A. Employees are prohibited from using roadblocks to stop/apprehend fleeing suspects.
- B. A rolling roadblock will only be used in extreme circumstances, such as a fleeing felon, and then only as directed by the department supervisor or the Chief of Police. Rolling roadblocks are defined as one or more police units assuming a position in front of or beside the pursued vehicle to bring it to a standstill or off the roadway.
- C. RESPONSIBILITY
  - 1. All members of the Department shall know and comply with all aspects of this directive.
  - 2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>May 1, 2020</b>		<i>Amended Date</i>	<i>Directive</i> <b>6.16</b>
<i>Subject</i> <b>Sex Offender Registration</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2021</b>	<i>Pages</i> <b>5</b>

**This Operations Directive is for internal use only and does not enhance an officer’s civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

## **SECTION 1    PURPOSE**

The purpose of this directive is to establish the procedures for the sex offender registration process.

## **SECTION 2    POLICY**

It is the policy of the Department that the Chief of Police will designate the department personnel that will manage the sex offender registration process in accordance with all relevant statutes and the Texas Sex Offender Registration Manual, CR-31.

## **SECTION 3    PROCEDURES**

### **A. Reporting Required**

1. The officer assigned to register sex offenders must first determine if the offender has a duty to register according to the criteria outlined in this section.
2. Any person with a reportable conviction occurring on or after September 1, 1970 shall have a duty to register for either post 10 or lifetime. This includes offenders who have been convicted or adjudicated for a Texas offense that requires registration or a conviction of a non-Texas offense (includes Laws of another State, Federal Law, the Laws of a Foreign Country, the Uniform Code of Military Justice, or Tribal Laws) that contains elements that are substantially similar to an offense that requires registration in Texas. A deferred adjudication from other States, Countries, Federal law, Uniform Code of Military Justice or Tribal law will not require registration. However, if the offender’s supervision is transferred to a Texas authority for a sex offense and registration is required as a condition of that supervision, the offender will register in Texas.
3. DPS shall have the responsibility for determining whether a non-Texas offense contains elements that are substantially similar to the elements of a Texas offense.
4. Nonresident offenders with a reportable conviction or adjudication must register in Texas if the offender is employed, carries on a vocation, or is a student in this state.

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### B. Reportable Conviction or Adjudication Defined

1. Reportable conviction or adjudication is defined as a conviction or adjudication, including an adjudication of delinquent conduct or deferred adjudication that, regardless of the pendency of an appeal, is a conviction or an adjudication based on:
  - a. Violation of Section 21.11 (Indecency with a child), 22.011 (Sexual Assault), 22.021 (Aggravated Sexual Assault), 25.02 (Prohibited Sexual Conduct), or 21.02 (Continuous Sexual Abuse of Young Child or Children), Penal Code.
  - b. Violation of Section 43.05 (Compelling Prostitution), 43.25 (Sexual Performance by a Child), or 43.26 (Possession or Promotion of Child Pornography), Penal Code.
  - c. Violation of Section 20.04 (a) (4) (Aggravated Kidnapping), Penal Code, if the actor committed the offense with intent to violate or abuse the victim sexually.
  - d. Violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under Subsection (d) of that section and the actor committed the offense or engaged in the conduct with intent to commit a felony listed in paragraph (A) or (C).
  - e. Violation of Section 20.02 (Unlawful Restraint), 20.03 (Kidnapping), or 20.04 (Aggravated Kidnapping), Penal Code, if the judgment in the case contains an affirmative finding under Article 42.015; or the order in the hearing or the papers in this case contain an affirmative finding that the victim or intended victim was younger than 17 years of age.
  - f. Second violation of Section 21.08 (Indecent Exposure), Penal Code, but not if the second violation results in a Deferred Adjudication.
  - g. Attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in paragraph (A), (B), (C), (D), or (E) of Texas CCP Article 62.01, but not if the violation results in a deferred adjudication.
  - h. Violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (C), (D), (E), (G), OR (J) of Texas CCP Article 62.01, but not if the violation results in a deferred adjudication.
  - i. Second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication.
  - j. Violation of Section 33.021 (Online Solicitation of a Minor) Penal Code.

### C. Length of Duty to Register

1. Adult sex offenders register for life or ten years following discharge from supervision (i.e., incarceration, parole, or community supervision).
2. Lifetime registration is required for the following Sexually Violent Offenses:
  - a. Continuous Sexual Abuse of Young Child or Children (Section 21.02, Penal Code)
  - b. Indecency with a Child by Contact (Section 21.11(a) (1), Penal Code)

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- c. Sexual Assault & Aggravated Sexual Assault (Section 22.011, 22.021, Penal Code)
  - d. Sexual Performance by a Child (Section 43.25, Penal Code)
  - e. Aggravated Kidnapping, if committed with the intent to violate or abuse the victim sexually (Section 20.04(a)(4), Penal Code)
  - f. Burglary (Section 30.02, Penal Code) if the premises burglarized was a habitation and the offense was committed with the intent to commit Indecency with a Child, Sexual Assault or Aggravated Sexual Assault, Prohibited Sexual Conduct, or Aggravated Kidnapping with sexual intent; and a non-Texas offense containing elements that are substantially similar to the elements of a Texas offense.
  - g. Prohibited Sexual Conduct (Incest) (Section 25.02, Penal Code)
  - h. Compelling Prostitution of a Minor (Section 43.05(a) (2), Penal Code)
  - i. Possession or Promotion of Child Pornography (Section 43.26, Penal Code)
  - j. Indecency with a Child by Exposure (Section 21.11 (a) (2), Penal Code), if before or after being convicted or adjudicated for this offense, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration.
  - k. Unlawful Restraint (Section 20.02, Penal Code), Kidnapping (Section 20.03, Penal Code), or Aggravated Kidnapping (Section 20.04, Penal Code) if the judgment contains an affirmative finding that the victim or intended victim was younger than 17 years of age; and the person has a prior or subsequent reportable conviction or adjudication other than an adjudication of delinquent conduct.
  - l. an offense under the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice if the offense contains elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (C), or (D) of Texas CCP Article 62.01.
3. Adult sex offenders will register for 10 years following discharge from supervision for any offense that does not require lifetime registration (i.e. Attempted Sexual Assault and Second Indecent Exposure).
  4. Juvenile sex offenders, those who register on the basis of an adjudication of delinquent conduct, register until the 10th anniversary of the date on which the disposition in their case was made or the juvenile completes the terms of the disposition, whichever date is later. Juvenile sex offenders tried and convicted as adults will register for post 10 years also.
  5. Board/Court Ordered Registrants, i.e. offenders required to register on the basis of a condition of probation or parole and not for a reportable sex offense will have a duty to register for the duration of their state supervision. This includes offenders whose supervision is transferred to a Texas authority for a sex offense and registration is required as a condition of supervision.
- D. Registration Procedure
1. Subjects arriving at the Department who are required to register as a Sex Offender in accordance with Article 62 (Code of Criminal Procedure) shall be directed to meet with the Sex Offender Registration Officer.

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2. Officers assigned the duty of completing sex offender registration shall determine if the offender is required to register and for what duration. Officers will also determine if the offender is a new registrant, needs to update his/her current registration, or needs to perform a change of address, employment, add or remove a vehicle, or change or remove other contact information.
3. Officers will complete all state issued forms needed to accomplish the registration process to include the following:
  - a. CR-32 (Pre-Release Notification Form). This is completed to ensure that the offender is aware of his/her duty to register or notify this agency of any changes to status.
  - b. CR-35 (Sex Offender Registration/Verification Form).
  - c. CR-35 OS (Sex Offender Registration/Verification Offense Supplemental Form), if needed.
  - d. CR-35 IS (Sex Offender Registration/Verification Information Supplemental Form), if needed.
  - e. CR-35 IHE (Institution of Higher Education Sex Offender Notification Form). This is completed for those offenders attending an Institution of Higher Education. Detectives will notify that Institution of the offender's duty to register.
  - f. CR-39 (Sex Offender Update Form). This is completed at each registration, update, or change of status.
  - g. CR-36 (Sex Offender Registration/Verification Print Card). Offender shall be printed upon registering with this agency. Two print cards shall be obtained, and the offender will be printed by a member of the crime scene unit.
4. In addition to completing the above listed forms, the officer must ensure that the offender is photographed.
5. Once all the above forms, fingerprints, and photos are completed and compiled, then the officer shall copy each of the same. The officer shall mail the original forms (except CR-35 IHE), one fingerprint card, and one photo to Texas Department of Public Safety-Crime Records Service P.O. Box 4143 Austin, Texas 78765. Copies of the forms, second set of fingerprints, and the second photograph will be placed into a file to be stored in the Department's Sex Offender Registration Records.

### E. Additional Responsibilities

1. Officers assigned to the department's Sex Offender Registration shall have the following additional duties:
  - a. Ensuring that the department's active and inactive offender records are maintained and kept up to date.
  - b. Send notification of the sex offender to the appropriate superintendent of public schools or the administrator of private primary and secondary schools.
  - c. Investigate and charge offenders not in compliance with the Texas Code of Criminal Procedure, Article 62, Sex Offender Registration Program.
  - d. Access and update offender's information using the Department of Public Safety secure website (<https://secure.txdps.state.tx.us>).

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- e. Conduct monthly validations of sex offender registration records as requested by the Texas DPS by comparing the Department's in-house records against the DPS secure website, the TCIC on-line response, and the NCIC on-line response. If any discrepancies are noted between department records and other databases, the detective shall make necessary modifications to the sex offender registry whenever possible via the DPS Secure website or submit by submitting a CR-39 (Sex Offender Update Form) to DPS.

### F. Additional Resources

1. Sex offender registration guidelines to include the proper completion of DPS issued forms can be found by referring to DPS CR-31 (Sex Offender Registration Manual).
2. Additional questions or concerns maybe addressed by the DPS Sex Offender Registration Crime Records Service Field Representative. Communication with the field representative is encouraged if additional information is needed. The DPS Sex Offender Registration Crime Records Service Field Representative can be contacted at P.O. Box 4143 Austin, Texas 78765-4143 or by phone at (512) 424-7365.

### G. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.17</b>	
<i>Subject</i> <b>Criminal Trespass Warnings</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>2</b>

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**SECTION 1    PURPOSE**

The purpose of this policy is to establish guidelines and procedures regarding the issuance of Criminal Trespass Warnings by Hooks Police Officers.

**SECTION 2    POLICY**

It is the policy of the Department to judiciously apply the trespass statutes to guarantee the tranquility of a person’s property or business located in the City of Hooks.

**SECTION 3    DEFINITIONS**

A. **Criminal Trespass** as outlined by the Texas Penal Code 30.05 as it pertains to persons being disruptive or being unlawfully on the premises of another.

1. A person commits the offense of Criminal Trespass when he/she knowingly and without authority.
  - a. Enters or remains on property or in the building of another without effective consent
  - b. Had notice that the entry was forbidden; or
  - c. Received notice to depart but failed to do so.

B. **Entry** - The intrusion of the entire body.

C. **Notice** - Oral or written communication by the owner or someone with apparent authority to act for the owner; fencing or other enclosure obviously designed to exclude intruders or to contain livestock, or a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

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## SECTION 4 PROCEDURES

### A. Criminal Trespass Warnings

1. Officers will complete the appropriate Criminal Trespass Warning Notice Report when documenting the request of a property owner notifying a person to depart their premises. A case complaint number should be obtained and recorded on the warning notice.
2. The officer will be specific with the suspect's name, address, date of birth, and other identifiers. The officer will also include the reporting person's information and specific location of the offense. The reporting person's signature shall be obtained in the appropriate space provided.
3. The officer will obtain the signature of the suspect on the trespass warning at the time of issuance. Should the suspect refuse, the officer should note "refused to sign" on signature line.
4. Officers shall upload the completed Criminal Trespass Warning to the departments record management system in correlation with the case complaint incident generated by the officer. Officers shall submit the completed Criminal Trespass Warning Notice to the officer's supervisor at the end of the officers tour of duty.
5. Criminal Trespass Warning Notices shall expire twelve months from the date of issuance unless in the last month prior to the expiration of the notice the property owner or their designate renews the warning by signing the renewal request at the police department. Each renewal is good for an additional twelve months.
6. A Criminal Trespass Warning Notice is valid for only one person at one specific address or location. "Blanket" trespass notices for multiple addresses or duplicate or shared business locations cannot be accepted.

### B. Custody Arrests Subsequent to Issuance of Criminal Trespass Warning Notices

1. Officers who respond to trespass calls for service shall determine prior to making an arrest that the suspect is properly identified and that an active Criminal Trespass Warning Notice is on file by checking with department records.
2. Officers will not arrest a suspected offender if an active warning notice is not on file. In these circumstances, an offense report can be made for Criminal Trespass and the reporting person (if present) advised on warrant procedures. Officers are to inform the reporting person concerning the Criminal Trespass Warning procedures and complete the form if necessary. In any event, officers may arrest a person who fails to comply with the owner's request to depart the property in the officer's presence.
3. If an arrest is made based on an active and valid warning notice, the officer shall attach a copy of the warning notice to their arrest report. A copy of the warning notice will be available via the records management system.

## SECTION 5 RESPONSIBILITY

- A. All members of the Department shall know and comply with all aspects of this directive.
- B. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>October 16, 2020</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.18</b>	
<i>Subject</i> <b>Body Worn Cameras</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>4</b>

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**SECTION 1     PURPOSE**

The purpose of this policy is to provide members of the Department with guidance on when and how to use body-worn cameras (BWC's) so that officers may reliably record their contacts with the public in accordance with the law.

**SECTION 2     POLICY**

Officers shall use the BWC to create video/audio files which serve to facilitate court prosecutions, refute baseless complaints against officers and the Department, demonstrate compliance with state law regarding racial profiling, and may serve as training aids for procedural, legal and safety-related issues.

Officers shall activate the BWC when such use is appropriate to the proper performance of their official duties, where the recordings are consistent with this General Order and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

**SECTION 3     PROCEDURES**

**A.   ADMINISTRATION**

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWC's allow for accurate documentation of police-public related contacts, arrests and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance the agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The BWC may also be useful in documenting crime and accident scenes of other events that include the confiscation and documentation of evidence or contraband.

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B. WHEN AND HOW TO USE THE BWC

1. Officers shall activate the BWC to record all dispatched calls, enforcement related citizen contacts, or any citizen contact where the citizen is antagonistic toward the officer. Public relations contacts and casual conversations need not be recorded.
2. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this General Order (see items D. 1-4).
3. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
4. Civilians shall not be allowed to review the recordings at the scene.

C. PROCEDURES FOR BWC USAGE

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only the BWC's issued by the Department. The BWC equipment and all data, images, video and metadata captured, recorded or otherwise produced by the equipment is the sole property of the department.
3. Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in the General Order or equipment.
4. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
5. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval from the Chief of Police or their designee.
7. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
8. If an officer is suspected of wrongdoing or involved in an officer involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.

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9. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police in accordance with state record retention laws. All requests and final decisions shall be kept on file.
10. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

**D. RESTRICTIONS ON USING THE BWC**

BWC's shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the Chief of Police;
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom.

**E. STORAGE**

1. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.
2. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC data (images, sounds, metadata) must be specifically authorized by the Chief of Police, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training, or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.
5. Electronic copies of video files may be created on a portable data storage device (such as a DVD) by officers only for evidentiary purposes. It should be placed into Property as evidence, and a copy of the Chain of Custody Report should be attached to the Property Record.

**F. SYSTEM ADMINISTRATION**

1. The Chief of Police shall designate a System Administrator, who will:
  - a. Ensure all video files initially maintained on the server are properly archived and server space is available for new video recording files.
  - b. Liaison with the hardware/software provider.
  - c. Administer user accounts, to include permissions and access.
  - d. Troubleshoot hardware and software problems, and
  - e. Ensure proper filing and storage of all archived DVDs in the Property Section.

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G. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.19</b>	
<i>Subject</i> <b>Courtroom Security</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>2</b>

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**SECTION 1 PURPOSE**

The purpose of this policy is to establish guidelines and procedures for the decorum and security of the municipal court.

**SECTION 2 POLICY**

Proper security and decorum in the municipal court are necessary for the administration of justice and for the protection of court personnel and the public. Regardless of the level of offense, court hearings can be emotionally charged, and decorum must be maintained. The department provides officers to serve as bailiffs for the municipal court to ensure the security of the court and the protection of court personnel and visitors. The municipal court has jurisdiction only over Class C misdemeanor offenses. The majority of business conducted relates to traffic offenses.

**SECTION 3 ORGANIZATION AND STAFFING**

- A. When the municipal court is in session, the police department is responsible for its security. The department is also responsible for emergency operation plans for incidents that might occur in the court.
- B. An officer is assigned as bailiff when the court is in session. The supervisor will ensure that the bailiff reports for court sessions as required. Only an officer who has been trained in bailiff operations and in this policy should serve as bailiff.

**SECTION 4 OPERATIONS**

- A. The assigned bailiff, who must attend all sessions of the court unless dismissed by the judge, has the following duties:
  - 1. To see that all defendants, witnesses, and observers are seated prior to the entrance of the officers of the court.
  - 2. To enforce the rules of the court (posted at the entrance of each courtroom) and preserve order and decorum while the court is in session.
  - 3. To maintain proper procedures during jury trials, maintain the security of the jury room, and see to the needs of jurors and witnesses.

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- C. During judiciary proceedings, the assigned bailiff may be directed by the presiding judge to place an individual under arrest. Whether or not to use physical restraints for such arrests is at the discretion and direction of the presiding judge.
- D. High-risk persons brought to the courtroom may be restrained as directed by the judge. The bailiff carries handcuffs during court sessions.

### **SECTION 5 COURT SECURITY PLAN**

#### **A. Facilities and equipment**

- 1. The bailiff is equipped with a portable police radio.
- 2. The bailiff has access to a flashlight in case of a power failure.

#### **B. Pre-session inspection. The bailiff arrives 5 minutes before the court convenes and determines that:**

- 1. The courtroom is free of weapons and contraband.
- 2. Restraining devices are present and concealed.
- 3. Emergency doors in the courtroom are free of obstructions.
- 4. All public entrances are open and free of obstructions; and
- 5. All communications equipment is in working order.

#### **C. Courtroom operations**

- 1. Judges enter and exit the courtroom through the entrance behind the bench.
  - 2. The public enters and exits the courtrooms only through the main doors leading into the gallery.
  - 3. Prisoners are brought into or taken out of the courtrooms only after all persons present are seated, or when the courtroom is empty.
  - 4. The bailiff remains in the courtroom at all times unless otherwise directed by the judge.
5. Bailiffs and peace officers are the only persons authorized to carry weapons in the courtroom. If the bailiff believes a person may be carrying a weapon, a hand-held metal detector may be used to conduct a search. A person who refuses a search in this manner must leave the courtroom. During particular trials, or during periods of security concerns, the judge may request that all persons entering the courtroom be scanned for weapons.

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6. Contraband taken into the courtroom for evidence purposes remains in the possession of the testifying officer unless otherwise directed by the judge.
7. At the discretion of the presiding judge, or at the discretion of the bailiff, briefcases and purses may be searched.

### **SECTION 6 RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.20</b>	
<i>Subject</i> <b>Accident Investigation</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>7</b>

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

**SECTION 1 PURPOSE**

The purpose of this policy is to establish guidelines and define individual responsibilities in the investigation of traffic accidents and processing of required accident reports.

**SECTION 2 POLICY**

It is the policy of the Department to respond to every traffic accident for which we receive a call for police service. It is also the policy of the Department to stabilize the scene, facilitate medical assistance when needed, restore safe and orderly flow of traffic as soon as possible, and complete all necessary reports as required by the provisions of this policy.

**SECTION 3 PROCEDURES**

**A. DISPATCH RESPONSIBILITIES**

The CRC Dispatcher has the following responsibilities:

1. Determine the exact location of the accident.
2. Determine if injuries exist.
3. Determine the description and number of vehicles involved.
4. Determine the existence of any road blockage.
5. Dispatch appropriate emergency response units.
6. Dispatch an additional patrol unit when road blockage is present.
7. Contact other agencies for mutual aid, if requested.
8. Dispatch wrecker when requested by field units.
9. Dispatch and coordinate with EMS as needed.
10. Notify wrecker when requested by field units.

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11. Notify a Justice of the Peace when requested by field units.
12. Notify on call supervisor and command personnel for fatality or fleet accidents.

### **B. ACCIDENT SCENE RESPONSE**

Officers will respond to all reported accidents when notified by dispatch.

### **C. ACCIDENT SCENE RESPONSIBILITIES**

1. Officers' responsibilities at an accident scene include:
  - a. informing Dispatch of the accident scene situation,
  - b. requesting any needed additional support units,
  - c. care of any injured, investigation of the accident, and
  - d. restoration of orderly flow of traffic.
2. An accident could also be a crime scene and should be treated as such when warranted.
3. Vehicles involved in accidents will be moved from the roadway as soon as practical as directed by the investigating officer.
4. Officers will attempt to notify the owner of any private property damaged in the accident.
5. In all cases whenever possible, officers shall issue courtesy forms to both parties.
6. Officer should refrain from making any statement concerning liability or fault in connection with the accident other than those related to traffic law violations.
7. When an accident report is made, officers will advise the respective parties that the report will normally be ready for distribution in three to five working days.

### **D. ACCIDENT BLUE FORMS**

1. Blue forms will be used for any accident that meets state reporting requirements and that is not initially reported to the police upon occurrence or discovery.
2. Officers may choose to issue blue forms in lieu of investigating an accident when ALL of the following circumstances are present:
  - a. There are no reported injuries requiring medical attention, and
  - b. No party in the accident requests a formal accident investigation, and
  - c. All drivers involved are licensed drivers and have required insurance, and
  - d. Both vehicles involved in the accident have less than \$1,000 in damage and can be safely driven away from the scene.
3. Drivers should be advised that state blue form reporting is not mandatory when the property damage to any one person's property is less than \$1000 and there is no injury to any party.

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### **E. ACCIDENT REPORTS**

Officers should investigate and complete the required state accident reports when an accident occurs on a public road. Accidents occurring on private property may not be investigated as motor vehicle accident, depending on the amount of damage or injury. If the persons involved insist upon an accident report, an Incident Report will be made. The accident report shall be submitted within the officer's tour of duty unless an exception is authorized by a supervisor.

### **F. PHOTOGRAPHS AND STATEMENTS**

Photographs will normally be taken only at accident scenes being investigated that involve serious bodily injury, fleet accidents, DWI, hit and run, and other situations the investigating officer deems necessary. Statements will be taken at the police station.

### **G. CITATIONS**

An officer investigating a traffic accident resulting in injury or death of a person or property damage to an apparent extent of at least \$1000 may investigate and, at the officer's discretion, file justifiable charges relating to the accident. An officer, or other party to the accident, may file applicable Class C charges with the municipal court for any violations.

### **H. NON-CONTACT UNITS**

Non-contact units are vehicles or pedestrians that contribute to an accident but strike nothing. The investigating officer will determine by independent means that the non-contact unit existed. This is done by either physical evidence at the scene or by an unbiased witness statement. If the noncontact unit cannot be proven, the officer will investigate the accident without listing the non-contact unit on the report other than in the summary.

### **I. HIT AND RUN ACCIDENTS**

Officers will complete an accident report for all reported hit and run accidents with follow up information. The investigating officer will follow up on any local leads during the preliminary investigation and gather any physical evidence unless Crime Scene follow up is warranted.

### **J. UNCONFIRMED HIT AND RUN ACCIDENTS**

In cases where it cannot be determined whether another vehicle caused the reported damage and such damage is found on an unoccupied parked vehicle, mailbox or other fixed object, the officer may complete an information offense report (incident report) in lieu of a hit and run accident report unless Crime Scene follow-up is warranted.

### **K. TOWING/IMPOUNDING ACCIDENT VEHICLES**

1. Vehicles involved in an accident that cannot be driven from the scene and which are on a public road may be towed at the owner's expense using a rotation wrecker or wrecker of their choice. The vehicle will be towed to a location of the owner or driver's choosing; otherwise the vehicle will be taken to the wrecker company's lot. Information concerning the tow will be documented on the officer's accident report.
2. Vehicles involved in an accident that cannot be removed from the scene and which are lawfully left on private property will not be towed without the owner's consent unless it is involuntarily impounded due to arrest procedures or as evidence or an instrumentality of a crime. The vehicle

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owner however may be civilly liable for any damage to the private property caused by the accident or by the removal of the vehicle after the accident.

3. A Vehicle Report shall be completed for vehicles that are impounded due to arrest or impounded for evidence related to a crime.

### **L. FATALITY ACCIDENTS**

1. If there is an accident resulting in a fatality or possible fatality, the department supervisor will be notified.
2. The Supervisor is responsible for the scene of all traffic accident fatalities. The Supervisor will authorize notification of Texas Department of Public Safety to request the assistance of an advanced accident investigator.
3. Pending the arrival of a fatality accident investigator, the responding officer(s) should secure the scene as follows:
  - a. Direct traffic around scene to avoid damaging evidence.
  - b. Leave vehicles and any other evidence relating to the accident in place (such as vehicle parts, fluids, etc). Do not call wreckers until requested by the fatality accident investigator.
  - c. Retain witnesses for fatality accident investigator. Releasing of witnesses should only be done when absolutely necessary. If they must be released, officers on scene will obtain a detailed witness statement and/or detailed identification information.
  - d. Contact the appropriate City department or TxDot for temporary traffic control devices when necessary to close a road or reroute traffic.

### **M. CHANGES TO ACCIDENT REPORTS**

A change in or modification of a written report of a motor vehicle accident prepared by a peace officer or the operator of a vehicle involved in an accident that alters a material fact in the report may be made only by the peace officer or person who prepared the report.

### **N. POLICE FLEET ACCIDENTS INITIAL RESPONSE**

1. It is the intent of this Department to establish policy and procedure for the investigation and documentation of fleet accidents. The Department recognizes that accidents are inevitable in the operation of such vehicles, and guidelines should be established for repair or replacement of damaged equipment.
2. Immediately following an accident in a police vehicle, three (3) actions shall be taken:
  - a. The vehicle shall stop and the involved officer shall remain at the scene, even when occurring in the pursuit of another vehicle.
  - b. The police dispatcher and department supervisor shall be notified that an accident has occurred.
  - c. The supervisor will respond to the scene of the accident as soon as possible.
3. Secondary actions include the following:

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- a. The supervisor will ensure that the Chief of Police is immediately notified when there is injury to any person or significant damage to any property.
- b. The supervisor will request notification of Texas Department of Public Safety immediately and request assistance with accident investigation.
- c. Additional police units and other emergency units as required will be dispatched to the scene of the accident.

### **O. POLICE FLEET ACCIDENTS INVESTIGATION PROCESS**

1. At a minimum, the following are included in a proper investigation of an accident involving a police vehicle:
  - a. Photographing the accident scene and involved vehicles. Department personnel and equipment shall be utilized before calling out personnel for photographs only.
  - b. Conducting interviews with witnesses at the scene and collecting statements as necessary.
  - c. The department supervisor shall complete a written report detailing the circumstances surrounding the incident to be forwarded to the Chief of Police.
  - d. Statements shall be obtained in memorandum form from all employees who were involved in the accident or who witnessed the accident.
2. When accidents in police vehicles occur while the vehicle is being driven outside the city limits but within a reasonable distance of Hooks, Texas. The department supervisor shall be notified and shall respond to the scene. Photographs of the accident scene and involved vehicles should be obtained if possible.

### **P. DISPOSITION OF DAMAGED VEHICLES**

1. In the event of a police vehicle fleet accident and the police vehicle is disabled, the dispatcher will notify the on-call contract wrecker service and have the vehicle towed to the City Garage.
2. If a supervisor assess the damage to the vehicle and determines that the vehicle can be safely driven, then the vehicle shall be driven directly to the Police Department and parked for future damage assessment and repair.
3. All weapons and personnel belongings shall be removed from the vehicle.
4. DO NOT leave the keys in the vehicle.
5. Fleet accidents occurring outside the city limits shall be handled in the same manner as long as the wrecker request doesn't conflict with the procedures of the jurisdiction where the accident occurred. In the event of a conflict, you shall abide by the procedures of the jurisdiction and request that the police vehicle be towed to our city garage.

### **R. ADMINISTRATIVE RESPONSIBILITY**

1. It is the responsibility of the department supervisor at the scene of a police vehicle accident to make note of the scene as observed and factors which may have contributed to the accident.

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2. The supervisor's observations and conclusions shall be documented in written form and forwarded to the Chief of Police.
3. It is the responsibility of the supervisor to secure the officer's equipment in case of injury.
4. It is the responsibility of the supervisor to secure the removable equipment from a police vehicle in the event of wrecker storage.
5. A complete report of the accident, including copies of all reports, statements, photos, and any other pertinent information compiled shall be forwarded to the Chief of Police upon completion.

### **S. POST FLEET ACCIDENT SUBSTANCE ABUSE TESTING**

1. Employees operating city vehicles will be required to undergo post accident substance abuse testing when such testing is required by the City of Hooks, Texas Personnel Policies.
2. Substance abuse testing will be conducted at a designated facility as soon as practical following an accident.
3. The Chief of Police may, based on articulated facts, order an employee to undergo post accident substance abuse testing after a vehicle accident involving an officer in their personal vehicle.

### **T. RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>		<i>Amended Date</i>		<i>Directive</i> <b>6.21</b>	
<i>Subject</i> <b>Seatbelts</b>					
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>				<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>1</b>

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**SECTION 1 PURPOSE**

The purpose of this policy is to require the use of seatbelts by all employees at all times while operating a city vehicle.

**SECTION 2 POLICY**

It is the policy of the Department that all employees and all other occupants of a city vehicle will wear a seat belt as required by state law.

**SECTION 3 PROCEDURES**

- A. All employees are required to wear a seat belt as required by law anytime they are operating a city vehicle.
- B. All employees are responsible for ensuring that all occupants of the vehicle including arrestees are wearing a seat belt as required by state law any time the employee is operating a city vehicle.
- C. RESPONSIBILITY
  - 1. All members of the Department shall know and comply with all aspects of this directive.
  - 2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.22</b>	
<i>Subject</i> <b>Traffic Enforcement Operations</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>2</b>

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**SECTION 1 PURPOSE**

The purpose of this policy is to provide guidance to all personnel regarding traffic enforcement activities.

**SECTION 2 POLICY**

It is the policy of the Department to remain committed to direct enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collisions situations, but also in terms of traffic related needs identified by the community.

**SECTION 3 PROCEDURES**

**A. TRAFFIC ACCIDENT DATA**

1. Traffic accident data will be entered into the CRIS Accident Reporting System by officers.
2. All traffic accident investigation reports will be reviewed by the department Supervisor to ensure the thoroughness and accuracy of accident investigations. The Traffic Unit supervisor will also ensure the timely completion of all accident investigation reports. Accident reports will be submitted electronically to the Texas Department of Transportation for a final review and statistical purposes using the CRIS System. Accident reports that are rejected by the Texas Department of Transportation will be returned to the investigating officer for correction.
3. Traffic accident reports and traffic accident data will be released in accordance with the Texas Open Records Act and Directive 5.03.1, Release of Information.

**B. TRAFFIC CITATIONS**

1. Traffic citation books are controlled and issued by the Hooks Municipal Court Clerk. Warning Citation Books are controlled and issued by the department supervisor.
2. Officers shall issue the green copy of the citation to the violator. All other copies shall be submitted to the department supervisor. The supervisor will then forward the yellow copy to the municipal court and retain the remaining copies.

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## C. TRAFFIC ENFORCEMENT DUTIES

1. The Department strictly prohibits the establishment of a quota for citations, arrests, or other law enforcement activities. However, the enforcement of all laws including traffic laws is the responsibility of every officer. In the interest of the public's safety, officers are expected to issue citations, issue warning citations, make arrests, and otherwise demonstrate a reasonable level of self-initiated enforcement activity in keeping with our goal to deliver quality police service to our community.
2. Officers should conduct traffic enforcement activities in a manner intended to gain the motorist's voluntary compliance with traffic laws. This may be accomplished by the issuance of a citation, warning citation, verbal warning, or a custody arrest in some cases. Each individual officer is allowed and expected to use their discretion as to the enforcement action to be taken in each instance.
3. All officers shall comply with the provisions of the racial profiling and biased based policing policy, Directive 2.01 and each qualifying stop must be appropriately documented in accordance with the Directive.
4. Custody arrests for traffic violations are authorized by the Texas Transportation Code 543.001. However, in accordance with the Texas Transportation Code 543.004, officers must provide an opportunity for the violator to sign a citation (notice to appear) for the offenses of speeding or the open container statute, Texas Penal Code 49.03. Officers may make a custody arrest for these offenses only after the violator has refused to sign a promise to appear.
5. Generally, officers are discouraged from making a custody arrest when the only offense is a traffic violation. Particularly officers should avoid making a custody arrest for a traffic violation when the driver is disabled, has a serious medical condition, when the driver has children in their care or when there are other circumstances which would detract from the reasonableness of the arrest. Any departure from these guidelines regarding custody arrests for traffic offenses must be supported by specific facts and circumstances which combine to establish the reasonableness of the arrest.
6. Prior to using a speed radar unit in any traffic enforcement activity, officers shall ensure the internal diagnostics indicate that the unit is operating properly. Periodic calibration checks using the tuning forks, while not mandatory, are encouraged. Any discovered issues should be promptly brought to the attention of the department Supervisor, and the radar unit shall be placed out of service and not be used for any traffic enforcement activity until the issue has been resolved.

## D. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.23</b>	
<i>Subject</i> <b>Court Contact Information</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>1</b>

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## **SECTION 1    PURPOSE**

The purpose of this policy is to require that employees provide court contact information to all persons who receive a citation.

## **SECTION 2    POLICY**

It is the policy of the Department that all officers provide court contact information to the violator any time the officer issues a citation.

## **SECTION 3    PROCEDURES**

- A. All officers are required to provide court contact information to the violator any time the officer issues a citation.
- B. The court contact information is preprinted on the citation. Upon providing the violator a copy of the citation, officers shall circle, underline, or otherwise point out the court contact information.
- C. RESPONSIBILITY
  - 1. All members of the Department shall know and comply with all aspects of this directive.
  - 2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021		<i>Amended Date</i>		<i>Directive</i> 6.24	
<i>Subject</i> Body Armor					
<i>Distribution</i> All Personnel Mayor City Attorney				<i>Review Date</i> January 1, 2022	<i>Pages</i> 1

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## SECTION 1 PURPOSE

The purpose of this policy is to regulate the issuance and wearing of body armor.

## SECTION 2 POLICY

It is the policy of the Department that all personnel will be issued body armor upon beginning their employment. It is also the policy of the department that body armor will be worn in accordance with this directive.

## SECTION 3 PROCEDURES

### A. WEARING OF BODY ARMOR

1. Each new officer will be issued body armor upon their employment with the department. As such, this becomes part of the standard duty uniform and must be worn while wearing that uniform. Since technology of body armor construction is constantly advancing, the type of body armor purchased will be approved by the Chief of Police.
2. The replacement schedule for body armor will be the manufacturer's recommendation. The determination of how wear time versus shelf time applies will also be upon the manufacturer's recommendation.
3. Wearing of ballistic vests is mandatory while assigned to uniform patrol, tactical operations, and special deployment units. Other sworn personnel are strongly encouraged to wear their vest at all times when their duties will involve field arrests and service of search and/or arrest warrants.
4. Personnel whose function keeps them primarily in the police building may request approval from their supervisor to not wear a ballistic vest.

### B. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>		<i>Amended Date</i>		<i>Directive</i> <b>6.25</b>	
<i>Subject</i> <b>Alarms</b>					
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>				<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>4</b>

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**SECTION 1 PURPOSE**

The purpose of this policy is to provide guidance to officers regarding our response to alarm calls.

**SECTION 2 POLICY**

It is the policy of the Department that all officers will respond to alarms in the manner prescribed by this directive.

**SECTION 3 PROCEDURES**

**A. PATROL RESPONSIBILITIES**

Officers should use caution when responding to any alarm since homeowners, business representatives, and innocent civilians may be present upon the officers’ arrival at the scene.

**1. Robbery alarms**

- a. Officers shall proceed to the location as quickly and safely as possible and avoid alerting the suspect(s) by visual or audible means. Units not assigned to the alarm should patrol their area or set up at strategic locations to control possible escape routes.
- b. Upon arrival, officers should position themselves at a strategic location and distance from the scene, using all available cover and concealment.
- c. If unable to visually determine whether a robbery is in progress, the primary officer or supervisor shall advise communications personnel to attempt to make telephone contact with the complainant after officers are deployed and the scene is contained.
- d. If Communications personnel verify by phone that the alarm is false, they shall request that an employee exit the business to meet the responding officers. Communications personnel shall provide a clothing description of the employee.
- e. If no employee approaches in a reasonable time and Communications personnel have telephone contact with the business, then officers should consider the alarm to be a robbery in progress. In this event, the department supervisor or primary officer should consider the possibility of a hostage situation within the business.

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- f. If the call is unanswered or a questionable response is provided, officers shall assume that a possible robbery is in progress.
- g. If telephone contact cannot be made, officers should maintain positions and if it becomes necessary to approach the building, approach shall be made cautiously, utilizing available cover. A supervisor or primary officer will determine when and if to enter the building.
- h. If an officer at the scene or Communications personnel determine that a robbery is still in progress, officers should maintain containment and confront suspects after they leave the premises. Make use of all available cover, keeping in mind the possibility of multiple suspects. If the suspect(s) exits the building, make every effort to position the necessary number of officers between the building and the suspect(s) in order to prevent re-entry into the building.
- i. After it has been determined that a robbery has occurred and the scene is secured, the primary officer or supervisor shall immediately direct available personnel to begin searching the area and obtain pertinent information from witnesses and, as soon as possible, broadcast it to area units and surrounding law enforcements agencies.

**C. RESPONSE TO ROBBERY ALARM BY PLAIN-CLOTHES PERSONNEL**

- 1. Plain-clothes personnel may respond to alarms after informing the assigned officers of their response.
- 2. If plain-clothes personnel are the first to arrive on the scene, they shall act as first responding officers and make sure that all other responding officers are aware of their exact location. When not the first to arrive, they will take direction from the officer in charge of the scene.
- 3. All movement of plain-clothes personnel within the perimeter of a robbery will be coordinated with the uniformed personnel on the scene.

**D. COMMERCIAL BURGLARY ALARMS**

- 1. All burglary alarms require the dispatch of two units when possible to provide containment of the structure.
- 2. The supervisor may authorize the dispatch of one unit during weather or power related alarm problems.
- 3. Units responding to a burglary alarm shall place themselves in a position of cover and concealment which affords an opportunity to view the exterior of the structure while checking for visible signs of forced entry.
- 4. Officers shall request Communications personnel to attempt notification of the owner or representative if this has not already been done by the alarm company, or if one is not already present.
- 5. If the business shows no physical signs of forced entry, it should only be entered and searched after a representative of the business arrives. If a representative refuse to respond or cannot be contacted, officers should return to service.
- 6. If officers discover physical signs of forced entry, they shall, after the arrival of sufficient numbers of officers, search the premises unescorted assuming that a suspect or suspects may be inside the business.

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**E. RESIDENTIAL BURGLARY ALARMS**

1. Officers dispatched to a residential alarm shall first try to contact the owner or person left in charge of the residence before entering.
2. Officers shall thoroughly search the premises once the owner or person left in charge arrives and allows access.
3. If officers discover signs of a forced entry, a search shall be performed without waiting for the arrival of the owner/manager of the property. In cases of forced entry, the owner, resident, manager, etc shall not be allowed to enter until the area has been entered, searched, and deemed safe by police personnel.

**F. FOLLOW-UP**

1. If an offense did occur, a preliminary investigation will be conducted in accordance with Departmental procedures.

**G. RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021		<i>Amended Date</i>		<i>Directive</i> 6.26	
<i>Subject</i> Eyewitness Identification					
<i>Distribution</i> All Personnel Mayor City Attorney				<i>Review Date</i> January 1, 2022	
				<i>Pages</i> 10	

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

## SECTION 1 PURPOSE

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

## SECTION 2 POLICY

It is the policy of the Department to use procedures in eyewitness identification that are designed to reduce erroneous eyewitness identification while enhancing the reliability and objectivity of identifications. To this end, the department has adopted a protocol referred to as a sequential, blind photo array/line-up that is defined in detail through this policy.

## SECTION 3 DEFINITIONS

**Blind Procedure** – A procedure wherein the person administering the live lineup or photo array does not know who the suspect is.

**Fillers** – Non-suspect photographs or persons. Fillers are selected to both fit the description of the perpetrator provided by the witness and to ensure that no individual or photo stands out.

**Illiterate Person** – An individual who speaks and understands English but cannot read and write in English.

**Interpreter** – An interpreter is a person who is fluent in English and the language of the witness or victim and who facilitates communication between two parties in two different languages. The term includes persons who facilitate communication with persons who are deaf, hearing impaired, or speaking impaired.

**Live lineup** – An identification procedure in which a group of persons is displayed to the witness or victim in order to identify or exclude the suspect.

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**Person with Limited English Proficiency** – An individual who is unable to communicate effectively in English with a level of fluency that is typical of native English speakers. Such a person may have difficulty speaking, reading, or writing in English and includes persons who can comprehend English, but are physically unable to talk or write.

**Photo Array/Photo Line-up** – An identification procedure in which a series of photographs is displayed to the witness or victim in order to identify or exclude the suspect.

**Sequential Live Line-up or Photo Array/Photo Line-up** – An identification procedure in which the persons in the live lineup or the photographs in the photo array are displayed one by one (sequentially).

**Show-up** – An identification procedure in which a single suspect is shown to a victim or witness soon after the commission of a crime for the purpose of identifying or eliminating the suspect as the perpetrator.

**Witness Certification Statement** – A written statement that is read out loud to the witness or victim describing the procedures of the identification process.

**SECTION 4 PROCEDURES**

A. Standard Operating Procedures for Sequential, Blind Photo Array/Photo Line-up

1. Preparation

- a. Preparing the photo array should be undertaken by someone other than the person who will administer the photo array. Ideally, the investigating officer will prepare the photo array as this ensures that others who might be involved in the case are not used as fillers. Moreover, because the investigating officer knows who the suspect is, he should not be conducting the actual administration of the photo array.
- b. If multiple photos of the suspect are available, choose the photo that most resembles the suspect's appearance at the time of the crime. Do not include more than one photograph of the same suspect. If you do not know what the suspect looked like at the time of the crime, choose the photo that most resembles the victim's or witness's description of the perpetrator. If there are multiple suspects, include only one suspect's photo in the array.
- c. All persons in the photo array should be of the same sex and race and should be reasonably similar in age, height, weight, and general appearance. Ideally, the characteristics of the filler should be consistent with the description of the perpetrator provided by the witness(es). Where there is a limited or inadequate description of the perpetrator provided by the witness(es) or where the description of the perpetrator differs significantly from the appearance of the suspect, fillers should be chosen so that no person stands out in the photo array. Do not mix color and black and white photos. Use photos of the same size and basic composition. Never mix mug shots with other types of photographs.
- d. Wherever possible, include a minimum of five fillers. Because increasing the number of fillers tends to increase the reliability of the procedure, one may have more than the minimum number of fillers.

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- e. Assess the array to ensure that no person stands out from the rest. Cover any portions of the photographs that provide identifying information on the suspect and similarly cover other photographs used in the array.
  - f. Placing Subject Photographs in Order
    - 1) Place filler in the lead position.
    - 2) Place the remaining photographs which will comprise the photo array in random order.
    - 3) Place two blank photographs at the end (blanks on the same type of photographic paper as the actual photographs but which will not be shown to the witness; this is intended to cause the witness to think there may still be photographs to view in order to reduce pressure to choose what the witness may presume to be the last photograph).
  - g. Present the ordered photo array to the independent administrator. Do not tell the independent administrator which position the suspect is in.
2. Administration

The administrator of the photo array presentation should be an independent administrator who does not know the identity of the suspect and the witness should be informed of this. In a blind procedure, no one should be present who knows the suspect's identity.

- a. Each witness should be instructed outside the presence of the other witnesses. The independent administrator should give the witness a written copy of the Witness Certification Statement form and should read the instruction statement aloud at the beginning of each identification procedure.
- b. Witnesses should then be asked to read, sign and date the Consent to Participate Form. Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.
- c. Present each photo to the witness separately (one at a time) in order. When the witness is finished viewing the photo, have the witness hand the photo back.
- d. After the witness has looked at a photo and handed it back to you, ask: "**Is this the person you saw commit the crime?**" If the witness answers "Yes", to the extent possible, the witness will document their identification in the appropriate section of the Witness Certification Form. Absent their ability to document their identification, the officer should summarize their sentiments, including why the witness could not write a statement.
- e. Even if the witness makes an identification, show the witness the next photo until you have gone through all the photographs. If a witness asks why he or she must view the rest of the photos, despite already making an identification, simply tell the witness that

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to assure objectivity and reliability, the witness is required to view all of the photographs.

- f. Do not give the witness any feedback regarding the individual selected or comment on the outcome of the identification procedure in any way. Be aware that witnesses may perceive such things as unintentional voice inflection or prolonged eye contact, in addition to off-hand words or phrases, as messages regarding their selection. Avoid casual conversation comments such as "very good." Be polite but purposeful when you speak.
  - g. Only upon request of the witness, the witness may view the photo array again after the first photo array procedure has been completed. If the witness requests an additional viewing, the photo array administrator should present the entire photo array a second time in the same order as the original presentation. If this occurs, it must be documented. The photo array administrator should never suggest an additional viewing to the witness. It is recommended that the witness not be allowed to view the photo array more than two times.
  - h. Ensure that if the witness writes on, marks, or in any way alters identification materials, those materials are not used in subsequent procedures.
  - i. Avoid multiple identification procedures in which the same witness views the same suspect more than once.
  - j. If you need to show the same suspect to a new witness, have the preparer remix the photo array and renumber them accordingly.
  - k. When there are multiple suspects, a separate photo array should be conducted for each suspect. There should not be more than one suspect per photo array.
  - l. When showing a different suspect to the same witness, do not reuse the same fillers from a previous array shown to that witness.
  - m. To the extent possible, prevent witnesses from conferring with each other before, during, and after the photo array procedure.
  - n. Only after an identification is made, a follow-up interview should assess any relevant factors that support the identification, such as: special facial features, hair, marks, etc.
3. Special Procedures are Required for Illiterate Persons or Persons Who Possess Limited English Proficiency
- a. Given the diversity of communities, police officers may encounter persons who do not speak English or who possess limited English proficiency in the course of a criminal investigation. When presented with this situation, officers should carefully consider the ethical and legal ramifications of how to handle the case when there is a language barrier.
  - b. Unless the administrator speaks the victim's or witness's language fluently, an interpreter should be used for persons who do not speak English. The interpreter shall

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sign the Witness Instruction Statement on obtaining consent of a non-English speaking person to assist in the eyewitness identification process. Law enforcement personnel should consider arranging for an interpreter if a person interviewed:

- 1) Is unable to communicate in English.
  - 2) Has a limited understanding of English.
  - 3) Is deaf, hearing impaired, or speaking impaired.
  - 4) Is otherwise physically challenged to communicate in English.
- c. If the person is unable to read, the administrator, in the presence of the witness, will give the explanation, read any forms, and obtain consent and acknowledge the consent on the Witness Certification Statement, stating why the person was unable to sign the form.
4. Documentation

In order to strengthen the evidentiary value of the administration, it should be documented in full. Video documentation (with audio) is the preferred method. Audio recording is the preferred alternative. If neither method is employed, then the reason for not using video or audio recording should be documented. Preserve the photo array, together with all information about the identification process.

**B. Standard Operating Procedures for Sequential, Blind, Live lineups**

**1. Preparation**

- a. Preparing the live lineup should be undertaken by someone other than the person who will administer the live lineup. Ideally, the investigating officer will prepare the live lineup as this ensures that others who might be involved in the case are not used as fillers. Moreover, because the investigating officer knows who the suspect is, he or she should not conduct the actual administration of the live lineup
- b. All persons in the live lineup should be of the same sex and race and should be reasonably similar in age, height, weight, and general appearance. Ideally, the characteristics of the filler should be consistent with the description of the perpetrator provided by the witness(es). Where there is a limited or inadequate description of the perpetrator provided by the witness(es), where the description of the perpetrator differs significantly from the appearance of the suspect, fillers should be chosen so that no person stands out in the live lineup.
- c. Whenever possible, include a minimum of five fillers. Because increasing the number of fillers tends to increase the reliability of the procedure, one may have more than the minimum number of fillers.
- d. Assess the lineup to ensure that no person stands out from the rest.
- e. Place a filler in the lead position and place the remaining persons who will comprise the live lineup in random order.

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- f. Present the ordered live lineup to the administrator. Do not tell the administrator which position the suspect is in.

2. Administration

The administrator of the live lineup should be an independent administrator who does not know the identity of the suspect and the witness should be informed of this. In a blind procedure, no one should be present who knows the suspect's identity. In some live lineups, exceptions must be made to allow for the presence of defense counsel. Once the live lineup commences, defense counsel's role is limited to that of observer.

- a. Each witness should be instructed outside the presence of the other witnesses. The live lineup administrator should give the witness a written copy of the Witness Certification Statement Form (for Live Line-up) and should read the instruction statement aloud at the beginning of each identification procedure:
- b. Witnesses should then be asked to read, sign and date the Consent to Participate Form. Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.
- c. Begin with all live lineup participants out of the view of the witness. Present each subject one at a time in the order presented to the administrator by the preparer. Present each individual to the witness separately, removing those previously shown from the field of view.
- d. After each individual is shown, ask the witness: **"Is this the person you saw commit the crime? "** If the witness answers "Yes," to the extent possible, the witness will document their identification in the appropriate section of the Witness Certification Form. Absent their ability to document their identification, the officer should summarize their sentiments, including why the witness could not write a statement.
- e. Even if the witness makes an identification, show the witness the next subject until all subjects have been shown. If a witness asks why he or she must view the rest of the subjects despite already making an identification, simply tell the witness that to assure objectivity and reliability, the witness is required to view all of the subjects.
- f. Ensure that any identification actions (e.g., speaking, moving) are performed by all members of the live lineup.
- g. Do not give the witness any feedback regarding the individual selected or comment on the outcome of the identification procedure in any way. Be aware that witnesses may perceive such things as unintentional voice inflection or prolonged eye contact, in addition to off-hand words or phrases, as messages regarding their selection. Avoid casual comments such as "very good." Be polite but purposeful when you speak.
- h. Only upon request of the witness, the witness may view the lineup again after the first live lineup has been completed. If the witness requests an additional viewing, the independent administrator should present the entire live lineup a second time. If this occurs, it must be documented. The live lineup administrator should never suggest additional viewing. It is recommended that the witness not be allowed to view the live lineup more than two times.

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- i. Avoid multiple identification procedures in which the same witness views the same suspect more than once.
  - j. If you need to show the same suspect to a new witness, have the preparer change the order of the subjects in the lineup.
  - k. When there are multiple suspects, a separate live lineup should be conducted for each suspect. There should not be more than one suspect per lineup.
  - l. When showing a different suspect to the same witness, do not reuse the same fillers from a previous lineup shown to that witness.
  - m. To the extent possible, prevent witnesses from conferring with each other before, during, and after the live lineup procedure.
  - n. Take precautions to ensure that witnesses do not encounter suspects or fillers at any time before or after the identification procedure.
  - o. Only after an identification is made, a follow-up interview should assess any relevant factors that support the identification, such as: special facial features,  
  
hair, marks, etc.
3. Special Procedures are Required for Illiterate Persons or Persons Who Possess Limited English Proficiency
- a. Given the diversity of communities, police officers may encounter persons who do not speak English or who possess limited English proficiency in the course of a criminal investigation. Where presented with this situation, officers should carefully consider the ethical and legal ramifications of how to handle the case when there is a language barrier.
  - b. Unless the administrator speaks the victim's or witness's language fluently, an interpreter should be used for persons who do not speak English. The interpreter shall sign the Witness Certification Statement on obtaining consent of a non-English speaking person to assist in the eyewitness identification process. Law enforcement personnel should consider arranging for an interpreter if a person interviewed:
    - 1) Is unable to communicate in English.
    - 2) Has a limited understanding of English.
    - 3) Is deaf, hearing impaired or speaking impaired.
    - 4) Is otherwise physically challenged to communicate in English.
  - c. If the person is unable to read or write, the administrator, in the presence of the witness, will give the explanation, read any forms, and obtain consent and acknowledge the consent on the Witness Certification Statement, stating why the person was unable to sign the form.

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4. In order to strengthen the evidentiary value of the administration, it should be documented in full. Video documentation (with audio) is the preferred method. Audio recording is the preferred alternative. If neither method is employed, then the reason for not video or audio recording should be documented. A still photograph of each individual in the live lineup should be taken and details of all persons present during the live lineup should be documented.

**C. Standard Operating Procedures for Show-ups**

Show-ups should be avoided whenever possible because of their suggestiveness. Photo arrays and live lineups are preferred. However, where circumstances require the prompt display of a suspect to a witness, the following procedures should be followed to minimize potential suggestiveness.

**1. Preparation**

- a. Separate witnesses and do not allow communication between them before or after conducting a show-up.
- b. Document the witness's description of the perpetrator prior to conducting the showup.
- c. Use show-ups only where the suspect is detained within a reasonably short time frame following the offense and is found in relatively close proximity to it. Although this is dependent on the individual circumstances of each case, courts have generally held that a two-hour time lapse is acceptable.
- d. Transport the witness to the location of the suspect whenever practical, rather than bringing the suspect to the witness. The suspect may be taken to a location where the witness can view the suspect for possible identification.
- e. Suspects should not be taken to the scene of the crime.
- f. DO NOT take a suspect to the home of a witness or suspect.
- g. Do not conduct show-ups when the suspect is in a patrol car, handcuffed, or physically restrained by police officers unless such protective measures are necessary to ensure safety.
- h. If one witness identifies the suspect, you are strongly urged to use a photo array or a live lineup with any remaining witnesses.

**2. Administration**

- a. Each witness should be instructed outside the presence of the other witnesses. The show-up administrator should give the witness a written copy of the Witness Certification Statement Form and should read the instruction statement aloud at the beginning of the show-up identification procedure. The witness should sign and date the form, showing their consent to participate.

Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.

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- b. Present the suspect to the witness and ask the witness whether the person they are looking at is the person they saw commit the crime. If the witness answers "Yes," ask the witness to describe, in their own words, how certain they are.
  - c. Document the witness's response using the witness's own words.
  - d. Avoid multiple identification procedures in which the same witness views the same suspect more than once.
  - e. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.
  - f. Officers should avoid words or conduct that may suggest to the witness that the individual is or may be the perpetrator.
  - g. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.
3. Special Procedures are Required for Illiterate Persons or Persons Who Possess Limited English Proficiency
- a. Given the diversity of communities, police officers may encounter persons who do not speak English or who possess limited English proficiency in the course of a criminal investigation. Where presented with this situation, officers should carefully consider the ethical and legal ramifications of how to handle the case when there is a language barrier.
  - b. Unless the show-up administrator speaks the victim's or witness's language fluently, an interpreter should be used for persons who do not speak English. Law enforcement personnel should consider arranging for an interpreter if a person interviewed:
    - 1) Is unable to communicate in English.
    - 2) Has a limited understanding of English.
    - 3) Is deaf, hearing impaired, or speaking impaired.
    - 4) Is otherwise physically challenged to communicate in English.
4. In order to strengthen the evidentiary value of the administration it should be documented in full including the time, date, and location of the procedure, identities of persons present, and the outcome of the procedure. Video documentation (with audio) is the preferred method. Audio recording is the preferred alternative. If neither method is employed, then the reason for not video or audio recording should be documented.
- D. Other Forms of Eyewitness Identification

This policy does not prohibit the use of the mugshot system or school yearbooks as a way of determining the identity of an individual suspected in committing a criminal offense. The uses of such methods are a necessary tool in the investigative process and should be utilized when necessary.

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If a witness makes an identification based upon an alternate method, it should be documented on the Witness Participation Form with the method of identification noted.

**E. RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.27</b>	
<i>Subject</i> <b>Department Vehicle &amp; Equipment Inspection</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>2</b>

**This Operations Directive is for internal use only and does not enhance an officer’s civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

## **SECTION 1    PURPOSE**

The purpose of this policy is to require the proper inspection of each department vehicle to ensure the proper contents, appearance, safety, and operability of the vehicle and all equipment in the vehicle.

## **SECTION 2    POLICY**

It is the policy of the department that all employees who operate a department vehicle will inspect the vehicle each day to ensure the proper contents, appearance, safety, and operability of the vehicle and all equipment in the vehicle.

## **SECTION 3    PROCEDURES**

### **A. DEPARTMENT VEHICLE MAINTENANCE**

1. It shall be the responsibility of each officer to ensure that all Department vehicles assigned to them are properly maintained.
2. It shall be the responsibility of each officer to facilitate the installation and maintain the electronic equipment in all department vehicles. This includes, but is not limited to radios, computers, and the video system. Any problems with or damage to these systems should be immediately reported to the officer’s supervisor.

### **B. RESPONSIBILITY FOR DEPARTMENT VEHICLES**

Officers are responsible for the Department vehicle that they are assigned to operate. They should ensure all equipment repairs, maintenance and vehicle repairs are completed in a timely manner by contacting their supervisor and **SHALL KEEP THE VEHICLE CLEAN OF TRASH AND DIRT.**

Officers are strictly prohibited from using tobacco products of any kind inside of department vehicles.

Any damage to a department vehicle shall be reported to the department supervisor immediately. Officers having damage to their department vehicles shall photograph the damage and complete a written report detailing the damage and the circumstances surrounding the cause for the damage to be forwarded to the Chief of Police through the chain of command.

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Officers are required to report to their supervisor the beginning and ending mileage of their department vehicles on the first and last days of each month.

## **C. VEHICLE INSPECTION**

All officers operating a Department vehicle will have their vehicles routinely inspected by administrative staff. Officers whose Department vehicle is found to be out of compliance with this directive will be subject to disciplinary action.

## **D. RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>		<i>Amended Date</i>		<i>Directive</i> <b>6.28</b>	
<i>Subject</i> <b>Missing Persons</b>					
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>				<i>Review Date</i> <b>January 1, 2022</b>	
				<i>Pages</i> <b>9</b>	

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## **SECTION 1 PURPOSE**

The purpose of this policy is to establish responsibilities and guidelines for the investigation of reported missing persons (adults and juveniles).

## **SECTION 2 POLICY**

It is the policy of the Department to treat all reports of missing persons with full consideration and attention by carefully recording and investigating all circumstances surrounding the disappearance, and to exercise particular care in instances involving missing children and those persons who may be mentally or physically impaired or others who are insufficiently prepared to care for themselves.

## **SECTION 3 DEFINITIONS**

- A. Child - A person under 18 years of age.
- B. Missing Person - A person 18 years of age or older whose disappearance is possibly not voluntary.
- C. Missing Child - A child whose whereabouts are unknown to the child's legal custodian, the circumstances of whose absence indicate that:
  - 1. the child did not voluntarily leave the care and control of the custodian, and the taking of the child was not authorized by law.
  - 2. the child voluntarily left the care and control of the legal custodian without the custodian's consent and without intent to return.
  - 3. the child was taken or retained in violation of the terms of a court order for possession of or access to the child.
- D. Missing Child or Missing Person - Also includes a person of any age who is missing and:
  - 1. is under proven physical or mental disability or is senile, and because of one or more of these conditions is subject to immediate danger or is a danger to others.

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2. is in the company of another person or is in a situation the circumstances of which indicate that the missing child's or missing person's safety is in doubt; or
  3. is unemancipated as defined by the laws of this state.
- E. Missing Child or Missing Person Report - "Missing Child or Missing Person Report" or "Report" means information that is:
1. given to a law enforcement agency on a form used for sending information to a national crime information center; and
  2. about a child or missing person whose whereabouts are unknown to the reporter and who is alleged in the form by the reporter to be missing.
- F. Legal Custodian of a Child - A parent of a child if no managing conservator or guardian of the person of the child has been appointed, the managing conservator of a child or a guardian of a child if a managing conservator or guardian has been appointed for the child, a possessory conservator of a child if the child is absent from the possessory conservator of the child at a time when the possessory conservator is entitled to possession of the child and the child is not believed to be with the managing conservator, or any other person who has assumed temporary care and control of a child if at the time of disappearance the child was not living with his parent, guardian, managing conservator, or possessory conservator.
- G. Clearinghouse - The Missing Children and Missing Persons Information Clearinghouse as established by the Texas Department of Public Safety.
- H. Alzheimer's Safe Return Program - A nationwide identification support and registration program to reunite persons with Alzheimer's with their family.
- I. Texas Amber Alert - A statewide early warning system to aid in the safe return of abducted children.
- J. Texas Silver Alert - A statewide early warning system to aid in the safe return of senior citizens with mental impairment.
- K. Missing-Critical - An individual may be considered "missing-critical" who meets the following criteria:
1. May be the subject of foul play.
  2. Because of age, may be unable to properly safeguard or care for himself/herself.
  3. Suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended.
  4. Is a patient of a mental institution or is considered potentially dangerous to himself or others.
  5. Has demonstrated the potential for suicide.
  6. May have been involved in a boating, swimming, or other sporting accident or natural disaster.
  7. Is a "High-Risk Missing Person". As defined in the Texas Education Code for purposes of submitting samples to the Missing Person DNA Database, a "high-risk" missing person is a person that is missing:
    - a. As a result of abduction by a stranger.

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- b. Under suspicious circumstances.
- c. for more than thirty days, or less than thirty days at the discretion of the investigating agency, if there is reason to believe that the person is in danger or deceased.

## **SECTION 4 PROCEDURES**

### **A. REPORTING/CLASSIFICATION**

1. There is not a waiting period for reporting a missing person. Officers shall prepare a report unless there is immediate evidence that the person's disappearance is voluntary.
2. Reports of juveniles who have voluntarily left home (i.e., runaways) should be classified as such only after thorough investigation.
3. A person may be declared "missing" when their whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of subject's behavior patterns, plans, or routine. Based on the outcome of initial inquiries by the responding officer, a decision should be made concerning the potential danger posed to the missing person and the urgency of police response.
4. The initial report taken must gather as much pertinent information as possible in order to properly classify a missing person report and initiate a proper response. This includes the following information:
  - a. Name, age, and physical description of the subject and relationship of the reporting party to the missing person.
  - b. Time and places of last known location and the identity of anyone accompanying the subject.
  - c. Whether the subject has been missing on prior occasions and if this disappearance departs from established behavior patterns, habits, or plans.
  - d. Whether the individual has recently been involved in domestic incidents, suffered emotional trauma or life crisis, demonstrated unusual, uncharacteristic, or bizarre behavior, is dependent on drugs or alcohol, or has a history of mental illness.
  - e. The current physical condition of the subject and whether the person is currently on prescription medication or suffers from any particular disease or defect.
  - f. The extent of any search by family members or friends for the subject.
5. If the missing person is a child, an inquiry should also determine:
  - a. if the child may be with any adult who may cause harm to the child.
  - b. if the child may have been the subject of a parental abduction.
  - c. if the child has previously run away, has threatened to do so, or has a history of explainable or unexplainable absences for extended periods of time.

### **B. STATUTORY AND POLICY REQUIREMENTS**

1. Article 63 of the Texas Code of Criminal Procedure mandates certain actions by the responding agency in connection with missing persons.

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2. At the time that a report is made for a missing adult or child, the officer taking the report shall give a medical and dental records release form to the parent, spouse, adult child, or legal guardian who is making the report.
3. The officer shall endorse this form with a notation that a missing child or missing adult report has been completed. The Complaint Control Number should be placed at the top of this form.
4. The release must be signed by the missing person's spouse, adult child who is reasonably available, parent, or legal guardian.
5. The medical and dental records release shall be made a part of the permanent report. The original records release will be submitted to the Central Records Center with the original Offense Report but must then be forwarded to the Supervisor/Investigator.
6. A supervisor shall be verbally notified immediately upon classification of a report designated as "missing-critical". The supervisor shall then notify the Chief of Police.
7. A supervisor shall initiate an immediate search for a person designated as "missing-critical".
8. The supervisor should determine if additional resources are needed for an immediate search.
9. A supervisor shall notify the Chief of Police and CRC Dispatch supervisor of any request to activate the CODE RED alert system if in his opinion the alert system would be beneficial in locating the missing person or child.

### C. PRELIMINARY INVESTIGATION

1. The preliminary investigation is intended to gather additional information and to take steps that will aid in the search for and locating a missing person. This includes gathering the following types of information and materials:
  - a. Complete description of the subject and a current photograph.
  - b. Details of any physical or emotional problems.
  - c. Identity of the last person(s) to have been in the company of, or have seen, the subject, in addition to friends, relatives, coworkers, or associates who were or may have been in contact with the subject prior to disappearance.
  - d. Plans, habits, routines, or personal interests of the subject, including places frequented or locations of particular personal significance.
  - e. Indications of missing personal belongings, particularly money or other valuables.
  - f. Any evidence or suggestion of foul play.
  - g. In the case of a missing child, officers shall be particularly cognizant of information that may suggest the potential for parental abduction or the possibility of a stranger abduction, as well as:
    1. The presence of behavioral problems.
    2. Past instances of running away. If the child has been reported missing 4 or more times in the past 24 months; or the child has been reported missing 2 or more times in the last 24

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months and the child is in a Department of Family and Protective Services foster home; the officer shall designate the child as "Endangered" and provide relevant evidence in the prior incidents.

3. Signs of an abusive home environment or dysfunctional family situation.
  4. Whether the child is believed to be with adults who may pose a danger; and
  5. The name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.
- h. If appropriate, officers should gain permission to search the missing child's home and/or school locker.
- i. Upon verification of a missing person, after the Offense Report is prepared, appropriate entries shall be made in NCIC, National Center for Missing and Exploited Children, and TCIC. This shall be accomplished by submission of a Central Records request form, with Missing Persons Clearinghouse Report Form attached, to Records personnel immediately after necessary and appropriate information is obtained.
- j. If the missing person is reported to be suffering from chronic dementia, including Alzheimer's dementia, officers shall contact the Alzheimer's Association Safe Return Crisis Number with all appropriate information. This shall be accomplished by submission of a Central Records request form. The toll free hotline number is 1-888-572-8566.
- k. Any person under the age of 21 who is reported as missing shall be immediately entered into NCIC/TCIC and the Texas Missing Persons Clearinghouse.
- l. In case of a suspected parental abduction, a copy of the custody order stating that the reporting parent has custody must be received by the officer and forwarded to the Missing Persons Clearinghouse.
- m. Upon receiving a report of an attempted child abduction, the officer shall as soon as practical, but not later than eight hours after receiving the report, provide any relevant information regarding the attempted child abduction to the Missing Persons Clearinghouse.

### D. FOLLOW-UP INVESTIGATION

1. The investigator should obtain the original medical and dental records release forms, present them to the appropriate parties, obtain the necessary files or information, and submit these, along with the Department of Public Safety Missing Children and Missing Person report form, to the Missing Children and Missing Person Information Clearinghouse.
2. Thoroughly check the location at which the missing person was last seen and conduct interviews with persons who were with the individual or who may work in or frequent the area.
3. Conduct interviews with any additional family, friends, work associates, schoolmates and teachers, as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight, or, in the case of juveniles, parental kidnapping or runaway.
4. Provide all possible information and identification means to this and neighboring agencies, all necessary clearinghouses, and, if parental or stranger-to-stranger abduction is suspected, the Federal Bureau of Investigation (FBI).

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5. Contact hospitals and coroner's offices, as appropriate, for injured or deceased persons fitting the description of the missing person.
6. The decision to use the local media to assist in locating missing persons shall be made with the approval of the missing person's family.
7. If the missing person is reported to be suffering from chronic dementia, including Alzheimer's dementia, the investigator shall contact the Alzheimer's Association Safe Return Crisis Number with all appropriate follow-up identifying information not reported in the preliminary investigation. The toll free hotline number is 1-888-572-8566.
8. If an arrest warrant is issued for a person accused of taking or retaining a missing child or missing person, and the person cannot be readily located, the investigator shall ensure that the name and other descriptive information of the suspect is entered in NCIC and other appropriate databases.
9. The investigator shall maintain routine ongoing contact with the missing person's closest relative or reporting party concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator as soon as any contact is made with the missing person.
10. No later than the 30<sup>th</sup> day after a report has been filed on a "high risk" missing person, the investigator shall notify the parent or any other person considered appropriate that: they may provide:
  - a. a DNA sample for forensic DNA analysis; or
  - b. for purposes of DNA sampling, a personal article belonging to the high-risk missing person.
  - c. If a DNA sample is to be submitted, the lead investigator will coordinate with Crime Scene personnel, who will collect the sample using a kit developed by the University of North Texas.
  - d. The person providing the sample must sign the release form included in the kit. The sample will be submitted to the Missing Persons DNA Database maintained by the University of North Texas Health Science Center in Fort Worth along with a copy of the missing person report.
11. Upon location of the missing person or missing child, the investigator shall ensure that the entry in all databases has been cancelled.
12. A child who has been recovered shall be returned as soon as practical to the person who is entitled to possession of the child. If such person cannot be located, the child shall be delivered to the Texas Department of Protective and Regulatory Services.

### E. RECOVERY OF MISSING PERSONS OR MISSING CHILD AND CASE CLOSURE

1. Competent adults, having left home for personal reasons, cannot be forced to return home. Officers locating such individuals shall:
  - a. advise them that they are the subject of a missing person investigation.
  - b. ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and
  - c. make provisions to transmit this information to the reporting party or next-of-kin, if permitted, by the missing person.

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2. In all cases, reporting parties shall be informed of the wellbeing of located missing persons. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.
3. Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.
4. In cases involving juveniles, officers shall ensure that:
  - a. The juvenile receives medical attention, if necessary, in a timely manner.
  - b. initial questioning of the youth identifies the circumstances surrounding the child's disappearance, any individuals who may be criminally responsible and/or whether an abusive or negligent home environment was a contributory factor; and
  - c. parents, guardians, and/or the person reporting the missing youth are notified in a timely manner.
5. Those individuals who are seventeen years of age and are reported as missing or runaway, upon being located, shall be transported to the parents or guardians in a timely manner. If the parents or guardians cannot be located, the subject shall be released to the Texas Department of Protective and Regulatory Services.
6. Upon location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated.
7. Where indicated, follow-up action shall include filing of an abuse and neglect report with the Texas Department of Protective and Regulatory Services.
8. The case report shall include a complete report on the whereabouts, actions, and activities of children while missing.
9. Where indicated, criminal charges shall be filed with the prosecutor's office.

### F. CHILD CUSTODY DISPUTES

Officers who are requested to take missing persons reports concerning disputes over child custody shall:

1. Take an Incident Report titled Child Custody Dispute.
2. Attempt to locate the child and ensure the welfare and safety of the child.
3. Not remove the child from the custody of either party unless the welfare or safety of the child is in jeopardy.
4. Advise the complainant that a report is being made and the complainant should contact his/her attorney whereby the court of competent jurisdiction may be notified.

### G. TEXAS AMBER ALERT NETWORK

The Texas Amber Alert Network is designed to help facilitate the rapid dissemination of specific information concerning abducted children.

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1. There are specific criteria that must be met before an Amber Alert will be activated. These criteria are:
  - a. Is this child 17 years of age or younger, whose whereabouts are unknown, and whose disappearance law enforcement has determined to be unwilling which poses a credible threat to the child's safety and health; and if abducted by a parent or legal guardian, was the abduction in the course of an attempted murder or murder? OR  
  
Is this child 13 years of age or younger, who was taken (willingly or unwillingly) without permission from the care and custody of a parent or legal guardian by:
    - i. someone unrelated and more than three years older, or
    - ii. another parent or legal guardian who attempted or committed murder at the time of the abduction?
  - b. Is this child in immediate danger of sexual assault, death or serious bodily injury?
  - c. Has a preliminary investigation verified the abduction and eliminated the alternative explanations for the child's disappearance?
  - d. Is there sufficient information available to disseminate to the public to help locate the child, a suspect, or the vehicle used in the abduction?
2. Any officer who receives information concerning a missing child and the investigation reveals that all the above criteria are met for an Amber Alert shall immediately contact their supervisor.
3. The supervisor will ensure that the Texas Department of Public Safety Amber Alert Information Form is completed, and this information is delivered or relayed to Central Records as soon as possible.
4. Central Records personnel receiving Amber Alert information shall immediately notify the Amber Alert Hotline by telephone or fax. CRC personnel shall utilize the provided password to authenticate the information.
5. The CRC personnel shall notify the department supervisor when the Amber Alert is sent.
6. The department supervisor shall notify the appropriate resources to assist in the investigation.
7. The Amber Alert form shall be made part of the permanent file with the Offense Report.
8. Should a child who has been entered into the Amber Alert Network be located, it shall be the responsibility of the assigned investigator to immediately complete another Amber Alert Information Form, indicating that the child has been located, and submit this form to CRC for immediate transmittal to the Amber Alert Network.
9. If the child is located prior to the involvement of investigators, the reporting officer shall immediately submit the form to CRC.
10. The CRC personnel shall notify the investigator or reporting officer that the Amber Alert cancellation has been sent

### H. TEXAS SILVER ALERT NETWORK

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The Texas Silver Alert Network is used to assist in the recovery of missing senior citizens with a documented mental impairment. Silver Alerts typically resemble those alerts issued for abducted children (Amber Alerts), using similar notification technologies (with the exception of EAS) to alert the public. The maximum activation for a Silver Alert is 24 hours.

1. There are specific criteria that must all be met before a Silver Alert will be activated. These criteria are:
  - a. Is this missing person 65 years of age or older?
  - b. Does the senior citizen have a diagnosed impaired mental condition, and does the senior citizen's disappearance pose a credible threat to their health and safety? The officer shall require the family or legal guardian of the missing senior citizen to provide documentation from a medical or mental health professional of the person's condition. The medical documentation should appear on physician's letterhead, indicating the impaired mental condition, date of diagnosis, patient's name, and include the physician's signature.
  - c. Is it confirmed that an investigation has taken place verifying that the senior citizen's disappearance is due to their impaired mental condition, and alternative reasons for their disappearance have been ruled out?
  - d. Is the Silver Alert request within 72 hours of their disappearance?
  - e. Is there sufficient information available to disseminate to the public that could assist in locating the senior citizen? (Highway signs will only be activated if accurate vehicle information is available AND it is confirmed that the senior citizen was driving the vehicle at the time of their disappearance.)
2. Any officer who receives information concerning a missing senior citizen and the investigation reveals that all the above criteria are met for a Silver Alert shall immediately contact their supervisor.
3. The supervisor will ensure that the Texas Department of Public Safety Silver Alert Request Form is completed and submitted to DPS as soon as possible.
4. The department supervisor shall notify the appropriate resources to assist in the investigation.
7. The Silver Alert Request Form shall be made part of the permanent file and submitted to Central Records with the Offense Report.
8. Should a senior citizen who has been entered into the Silver Alert Network be located, it shall be the responsibility of the assigned investigator to immediately complete and submit an updated Silver Alert Request Form to DPS, indicating that the person has been located.
9. If the senior citizen is located prior to the involvement of investigators, the reporting officer shall immediately submit the updated Silver Alert Request Form to DPS.

### I. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.29</b>	
<i>Subject</i> <b>Critical Incidents In-Progress (Active Shooter)</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>3</b>

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

## **SECTION 1 PURPOSE**

To establish policy and procedures governing the response and activities associated with an active-shooter event that will mitigate any further risk of injury or death to civilians or law enforcement personnel.

## **SECTION 2 POLICY**

An active shooter is defined as one or more subjects who participate in a random or systematic homicidal spree by demonstrating their intent to continuously harm others. The subject's overriding objective appears to be mass murder rather than other criminal conduct, such as robbery or kidnapping.

It is the policy of the Department to respond, contain, and stop the threats and to administer aid to the victims.

## **SECTION 3 PROCEDURES**

- A. The supervisor or officer will notify the Chief of Police of any active shooter event. Fire and EMS should be notified and requested to stand by in accordance with their protocols.
- B. Upon arriving at the scene of an active shooter event and after assessing the crime scene, the Department should implement its mutual aid agreements with other police agencies if necessary, and with fire and rescue agencies. Additionally, it may be necessary after the incident to collaborate with recovery agencies to assist with the scene and any victims.
- C. The first two to five responding officers should form a single team and enter the structure. A single officer entering a structure must understand the inherent risk assumed in taking such an action. The first officers entering the structure should recognize that their primary objective is to stop further violence. Officers should identify and communicate locations of victims needing medical attention. If practical, and only absent continued shooting, officers should treat any massive hemorrhaging that may result in the immediate loss of life.

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1. Safe, effective responses to active shooters are designed around concepts and principles. The first responding officers should:
  - a. Stay together as much as possible and enter the involved structure quickly.
  - b. Maximize communication by staying in close contact with other first responders.
  - c. Maximize threat coverage by addressing all angles.
  - d. Visually search involved areas all around and above the team.
  - e. Evaluate rooms from the threshold (commonly referred to as slicing the pie).
  - f. Differentiate between deliberate and direct-to-threat speeds and use the appropriate speed for the circumstances.
  - g. Use cover-contact principles when taking suspects into custody.
- D. Follow-on responders should be directed to victim locations if there is no active threat. Follow-on responders should:
  1. Establish and maintain security in the area that follow-on responders occupy.
  2. Consider the involved structure as unsearched.
  3. Not enter a hallway unannounced if it is occupied by other officers.
  4. Unless what other officers want accomplished is very clear, move to them after notifications and conduct a face-to-face meeting.
  5. Direct victims to safety by utilizing either shelter-in-place or evacuation. If evacuating, establish a cordon of first responders to the desired exit point to ensure safety of victims.
  6. Establish a casualty collection point (CCP) for injured persons. The CCP should be a room or open area (if outside of the structure) capable of holding all victims with injuries that require medical treatment. A series of rooms next to each other can be considered if casualties exceed available space.
  7. Communicate with all involved responders to ensure the area remains secure while facilitating victim treatment.
- E. Responses to an active-shooter event must include the aftermath of the incident. Officers should apply the SIM model (Security / Immediate Action Plan / Medical).
  1. Security should take priority. Responding officers must ensure that the immediate environment in which they are working remains secure, particularly if the active shooter remains a threat.
  2. After officers' address known threats, they should formulate an immediate action plan as quickly as possible. This plan should be quick and simple and address: "if / then" – the fluid variables of the situation.

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3. Responding officers should address medical issues as soon as they establish security and have an immediate action plan in place.
- F. Should there be an exchange of gunfire, the Department will implement the officer-involved-shooting policy and respond accordingly.
- G. All requests for information should be referred to the Chief of Police for vetting and coordination. Consideration should be given to establishing a media staging location that is not within the immediate vicinity of the active-shooter event.
- H. RESPONSIBILITY
1. All members of the Department shall know and comply with all aspects of this directive.
  2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.30</b>	
<i>Subject</i> <b>Managing Incidents Involving Mentally Ill Persons</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>4</b>

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

## **SECTION 1 PURPOSE**

The purpose of this policy is to provide guidance to officers when dealing with suspected mentally ill persons.

## **SECTION 2 POLICY**

It is the policy of the department to attempt to recognize when persons are suffering from mental illness and accordingly employ special police skills and abilities to effectively and legally deal with the person so as to avoid unnecessary violence and potential civil litigation. It is also the policy of the department that all officers shall be guided by this state's law and the provisions of this directive regarding the detention of the mentally ill. Officers shall use this directive to assist them in defining whether a person's behavior is indicative of mental illness.

## **SECTION 3 PROCEDURES**

- A. A subject may suffer from mental illness if he/she displays an inability to think rationally, exercise adequate control over behavior or impulses (e.g. aggressive, suicidal, homicidal, sexual), and/or take reasonable care of his/her welfare with regard to basic provisions for clothing, food, shelter, or safety.
- B. Responding to incidents in which a mentally ill person is involved requires tact, patience and understanding by the police officer. Incidents arising from activities of a mentally ill person may be extremely dangerous to officers, bystanders, or the mentally ill person. The degree to which an officer can intervene in situations involving a mentally ill person is limited by law, but the officer must respond to take lawful action in order to:
  1. Protect the public from harm which may be caused by the mentally ill person.
  2. Protect the mentally ill person from harm which may be caused by himself or others.
  3. Provide a stabilizing force to any conflict which may arise from the actions of the mentally ill person; and Aid in acquiring proper medical attention for the mentally ill person.

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### C. AUTHORITY TO APPREHEND

1. The Texas Health and Safety Code, Section 573.001 gives peace officers the authority to apprehend without a warrant any person the officer has reason to believe and does believe is mentally ill. A peace officer, without a warrant, may take a person into custody if the officer has reason to believe and does believe:
  - a. that the person is mentally ill and
  - b. because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained and
  - c. believes that there is not sufficient time to obtain a warrant before taking the person into custody.
2. A substantial risk of serious harm to the person or others may be demonstrated by:
  - a. The person's behavior or
  - b. Evidence of severe emotional distress and deterioration in the person's mental condition to the extent that the person cannot remain at liberty.
3. The peace officer may form the belief that the person meets the criteria for apprehension:
  - a. from a representation of a credible person or
  - b. on the basis of the conduct of the apprehended person or the circumstances under which the apprehended person is found.
4. An officer who takes a person into custody under this statute shall immediately transport the apprehended person to:
  - a. the nearest appropriate inpatient mental health facility or
  - b. a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available.
  - c. A jail or similar detention facility ONLY if the person being detained is kept separate from any person who is charged with or convicted of a crime
5. Alcoholism and drug abuse is not considered a mental illness and is not a basis to apprehend a person without a warrant under the Texas Mental Health Code.

### D. GUIDELINES FOR HANDLING NON-VIOLENT MENTALLY ILL PERSONS

1. Mentally ill persons who are not an immediate danger to themselves or other persons should not be taken into custody without a warrant in the absence of criminal charges.
2. Whenever possible, officers should attempt to locate responsible friends or relatives of the person and have them take control of the person. Officers should advise any friends or relatives taking control of the person to contact Health Corp. during usual business hours Monday through Friday or call the 24-hour crisis line for assistance after hours or on weekends and holidays.

### E. VIOLENT PERSONS - APPREHENSION WITHOUT A WARRANT

1. Under normal circumstances, if an officer takes into custody a person for the purpose of emergency commitment without a warrant, the officer shall follow the guidelines in effect at that time as set out by the Justice of the Peace.
2. The Bowie County Justices of the Peace have requested that mentally ill persons be taken to either of the local hospitals for evaluation by Health Corp. personnel.

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### F. APPREHENSION OF MENTALLY ILL PERSONS WITH A WARRANT

1. An officer may obtain a warrant for the emergency apprehension of a mentally ill person by appearing before the Justice of the Peace and completing the appropriate application which is available from the Justice of the Peace.
2. Officers apprehending mentally ill persons with a warrant shall transport the person to a local hospital and follow the procedures outlined in Section H of this directive.
3. Officers who execute emergency commitment warrants shall ensure the proper return of said warrant is made to the issuing magistrate.

### G. FORCIBLE ENTRY INTO RESIDENCES

Officers attempting to apprehend persons for emergency commitment, either with or without a warrant, may not make forcible entry into a residence except under the following circumstances:

1. When an extreme emergency exists where immediate entry is necessary to protect the life of the person to be apprehended or the life of another person
2. When a written consent to search has been obtained from the owner of the residence
3. When a search warrant has been issued by a magistrate
4. When a magistrate has issued a warrant for the emergency apprehension of the mentally ill person

### H. TRANSPORTING PERSONS TO STATE HOSPITAL OR OTHER FACILITY

1. Officers should contact Life Net ambulance to assist with the transport of a mentally ill person to local hospitals for treatment if the person is injured, ingested poison, drugs, or prescription medications, or otherwise in need of medical care.
2. Officers may use their patrol vehicle to transport a mentally ill person to a local hospital for evaluation when the person is not injured or ill. The person should be properly secured in handcuffs and possibly additional restraints whenever necessary for the safety of the officer and the safety of the person being transported. A second officer when available should accompany the transporting officer to the hospital and remain with the transporting officer until the mentally ill person is properly secured and safely situated in a hospital room.
3. After evaluation by Health Corp, if the person is deemed mentally ill and requiring committal to a state hospital or other mental health treatment facility, then the Justice of the Peace will complete an "Order for Emergency Apprehension and Detention". This order is to be delivered to a representative of the Bowie County Sheriff's Department. The transport to a state hospital or other mental health treatment facility will be the responsibility of the Bowie County Sheriff's Department.
4. An officer should stay with the mentally ill person until the arrival of Bowie County Sheriff's Department personnel unless medical staff or hospital security staff is willing to take charge of the patient and the patient is secured and situated so that they pose no apparent threat to themselves or any other person.
5. If the hospital's medical staff or hospital security staff is unwilling to take responsibility for the patient, then the officer must immediately notify their supervisor and remain with the mentally ill person until the arrival of Bowie County Sheriff's Department personnel.

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## I. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.31</b>	
<i>Subject</i> <b>Digital Mobile Video/Audio Recording Equipment</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i>	<i>Pages</i>

**Reserved for Future Use**

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<i>Effective Date</i> January 1, 2021	<i>Amended Date</i>	<i>Directive</i> 6.32	
<i>Subject</i> Barricaded Suspects and /or Hostage Situations			
<i>Distribution</i> All Personnel Mayor City Attorney		<i>Review Date</i> January 1, 2022	<i>Pages</i> 2

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## SECTION 1 PURPOSE

The purpose of this policy is to establish procedures for response to barricaded persons or hostage situations.

## SECTION 2 POLICY

It is the policy of the Department that when responding to high risk situations such as in a hostage or barricaded subject situation, to consider the lives of civilian and officers involved to be of the utmost importance; and, whenever possible, to enhance the prospects of peacefully resolving the incident through communication with the suspect. It is also the policy of the Department that personnel should develop and maintain the ability to use alternative approaches to resolve these types of incidents in the event that dialogue fails.

## SECTION 3 DEFINITIONS

1. Barricaded Subject - Any individual who is reasonably believed to be a threat to commit serious bodily injury or death to hostages, officers or others in the community and who is in a stronghold position.
2. Hostage - Any person held by another against his or her will by force or threat of force, expressed or implied.

## SECTION 4 PROCEDURES

### A. GENERAL RESPONSIBILITIES

1. Once a barricaded person or hostage situation has been verified, the on-duty officer will notify their supervisor. The officer will then utilize cover and concealment and maintain visual contact of the incident location.
2. The supervisor when then request additional personnel and notify the departments Hostage Negotiator. The Chief of Police will be notified as soon as practicable. The supervisor will then respond to the scene of the incident.

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3. The departments Hostage Negotiator will make contact with the Bowie County Sheriff's Office SWAT commander if needed.
4. The supervisor upon arrival shall establish and man a centralized command and control location post in a safe location out of sight of the barricaded person.
5. During any SWAT call-out, the Bowie County Sheriff's Office SWAT team shall have command over the incident and shall exercise authority for the scene and the incident unless or until relieved.

## B. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.33</b>	
<i>Subject</i> <b>Bomb Threats and Responding to Bomb Incidents</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>4</b>

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**SECTION 1 PURPOSE**

The purpose of this policy is to provide guidelines for bomb detonation or bomb threat calls.

**SECTION 2 POLICY**

It is the policy of the Department to respond to bomb threat calls in accordance with the provisions of this policy.

**SECTION 3 PROCEDURES**

**A. NOTIFICATIONS**

1. When a bomb threat or bomb emergency call is received by a dispatcher, the following units shall be immediately notified.
  - a. On-duty Patrol Officer
  - b. Supervisor
  - c. Fire Department
  - d. Chief of Police
2. If an explosive or explosive device is located or detonated, the ATF and the FBI shall be notified.

**B. PROCEDURES**

1. Patrol officers should ensure that the injured are cared for and a perimeter is established. Patrol officers should also attempt to locate any witnesses or suspects and interview them to obtain all available information.

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2. Officers should attempt to ascertain the following information from the person receiving the initial bomb threat call:
  - a. Can background noises be identified, such as traffic, music, laughter, etc.?
  - b. Can the sex, race, age, accent of the caller be determined?
  - c. Did the caller give a location for the bomb and detonation time?
  - d. Did the caller give a reason for the threat?
  - e. Was the call recorded?
  - f. Did the caller appear to know specifics concerning the type of business conducted and/or the physical layout of the building?
  - g. Did the caller appear to possess technical knowledge regarding explosives?
3. The person in control of the property should make a determination if the location is to be evacuated based on the following factors:
  - a. Did the caller provide details concerning the placement or construction of the device?
  - b. Did the caller appear to possess technical knowledge regarding explosives?
  - c. Has the building been subjected to acts of malicious damage or destruction?
  - d. Have similar type businesses been targets of bombings in the area?
  - e. How vulnerable are the premises to the general public?
  - f. Other information gleaned from the caller
4. If the decision to evacuate is made, a security perimeter of at least 500 feet should be established, and the evacuation should be conducted in a calm efficient manner. All persons not involved in the search of the building should be kept outside the perimeter for a minimum of fifteen (15) minutes after the time of detonation advised by the caller. All personnel assigned to search the location should be evacuated fifteen (15) minutes prior to and fifteen (15) minutes after the time of suspected detonation.
5. If an explosive device or suspected explosive device is located, the security perimeter may be extended and vehicle traffic within the perimeter may be rerouted.
6. If there is an explosion, the security perimeter should ensure the safety of the bystanders and protection of the crime scene.
7. The person in control of the property is responsible for the search of the premises. If the person in charge asks for assistance, the Incident Commander may allow personnel to enter and assist with the search.

### C. SEARCH PROCEDURES

1. The exterior search team should start its search at the edge of the street and work toward the building.

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2. Personnel should search the following areas:
  - a. Unidentified vehicles parked on the parking lot or adjacent street.
  - b. Sewers, drainage ditches or run-offs in the street or sidewalk.
  - c. Mailboxes.
  - d. Ornamental structures.
  - e. Trash receptacles.
  - f. Electrical generators and other power systems on the premises.
  - g. Shrubby.
  - h. Exterior light fixtures, window boxes and roof gutters.
3. Interior search teams should search from bottom to top and should begin with the basement area and equipment rooms. Interior search teams should be at least two (2) people and should concentrate searches on the following areas:
  - a. Lobbies.
  - b. Restrooms.
  - c. Cleaning and storage closets.
  - d. Elevator shafts (the top of the elevator should be physically inspected).
  - e. Fire hose cabinets.
  - f. Stairwells.
  - g. Air ducts.
  - h. Waste paper baskets.
  - i. Water fountains.
  - j. Light fixtures.
4. The Coordinator of the search teams should establish a command post that is centrally located, equipped with a telephone and has access to a floor plan of the building, if possible.
5. Before a search is initiated, search teams should be advised of the following precautions:
  - a. Do not touch, tilt or tamper with an explosive or suspected explosive device.
  - b. Do not smoke in the vicinity of an explosive or suspected explosive device.
  - c. Do not take for granted the markings on a package.
  - d. Do not take for granted that a package is okay because it came through the mail.

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- e. Do not take for granted that the device is a high explosive, be prepared for an incendiary.

### D. RADIO COMMUNICATIONS

1. Communications should always promote interoperability by using common channels and common terminology whenever possible.
2. Procedures for conducting communications during times of radio silence will be:
  - a. Radio transmissions should be limited at a bomb threat scene. It is recommended that no radio be used within 300 feet of a suspected explosive device.
  - b. The use of electrical paging devices by the building employees should be prohibited in the area where a suspected device is found.
  - c. Communications between the search team and Dispatch should be on the telephone.
  - d. Communications between the Coordinator and the search teams should be by messenger.

### E. FOLLOW UP PROCEDURES

1. When the search has been completed, or in the event of an explosion, the scene has been secured and the injured taken care of, a patrol officer shall be responsible for the completion of the offense report.
2. The department investigator shall be responsible for the investigative aspects of the incident and the apprehension of the suspect. The investigator may request the assistance of other local agencies, the Bureau of Alcohol, Tobacco and Firearms or the FBI in the gathering and processing of evidence.
3. The investigator shall request the assistance of the Texarkana Crime Scene Unit for the purpose of collection and preservation of physical evidence.

### F. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.34</b>	
<i>Subject</i> <b>Animal Control and Dog Bites</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>5</b>

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**SECTION 1 PURPOSE**

The purpose of this policy is to provide members of the Department with guidance on when and how to address calls for service involving crudity to animals, strayed livestock and incidents involving domesticated animals such as dogs and cats.

**SECTION 2 POLICY**

The Texas Health and Safety Code defines Animal Control Authority as a municipal or county animal control office with authority over the area in which the dog is kept. This applies to an incorporated municipality that has a population of more than 1000. Every officer has access to the Texas Health and Safety Code and shall be familiar with Chapter 822 Regulation of Animals.

**SECTION 3 PROCEDURES**

The on-duty patrol officer is normally the first responder and must address the call for service as required by Texas law. The following types of calls generally require the provided response.

**A. DANGEROUS DOG MEANS**

1. Makes an unprovoked attack on a person that causes bodily injury, and occurs in a place other than an enclosure in which the dog is being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

2. Commits unprovoked acts in a place other than an enclosure in which the dog is being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

**SERIOUS BODILY INJURY SECTION 822.001 HEALTH AND SAFETY CODE MEANS**

1. an injury characterized by severe bite wounds or ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

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B. ANIMAL BITE CALLS REQUIRE THE FOLLOWING RESPONSE:

1. Offense Report
2. Witness Statements
3. Department of Health Reporting Form.
4. Photographs of injured persons injury.
5. Photograph of the dog that is dangerous to humans.
6. Obtain name and address of owner of dog dangerous to humans.
7. Check to confirm if dog owner has been previously warned that the dog is dangerous to humans.
8. If the owner has received a previous dog dangerous to humans warning, cite the owner for allowing a dog dangerous to humans to run at large.
9. If the owner has not been previously warned, advised him of attack and provide a copy of the Dog Dangerous to Humans Notification form.
10. Quarantine Animals shall be quarantined with a veterinarian unless it has received its rabies vaccination and the owner has an enclosure which is approved by the officer.
11. The animal must be viewed on the first and last day of the quarantine by the officer or veterinarian.
12. Following the final day of the quarantine. The officer completes a report and notifies the victim of the results of the investigation.
13. In the event a stray animal has bitten or scratched a person. City personnel should be contacted, and the animal captured if possible, to be transported to a facility for quarantine.

B. Quarantine Method

When a dog or cat that has bitten a human has been identified, the owner or custodian will be required to place the animal in quarantine. The 10-day observation period begins on the date of the bite. The animal must be placed in a facility approved by the Texas Department of Health specified by the local health authority (officer) (normally a local veterinarian). The owner may request permission for home quarantine if the following conditions are met:

1. Secure facilities must be available at the home of the animal owner and must be approved by the local health authority (the officer).
2. The animal is currently vaccinated for rabies.
3. The animal must be observed by a veterinarian or local health authority (deputy) on the first and 10th day. If the animal becomes ill during the observation period, the local health authority (officer) must be notified.
4. The animal was not a stray at the time of the bite.

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5. A dog or cat which has bitten a human and is unclaimed (a stray) may be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of Health certified laboratory for rabies diagnosis.
6. Any animal required to be quarantined under this section which cannot be maintained in a secure quarantine shall be humanely killed and the brain tested for rabies.
7. Criminal Penalty: A person commits an offense if the person fails or refuses to quarantine or present for quarantine or testing an animal that is required to be placed in quarantine or presented for testing under Section 826.042 Texas Health and Safety
8. Code. Refusal to Quarantine is a Class C Misdemeanor.

C. DOGS DANGEROUS TO OTHER ANIMALS RESPONSE:

1. In all municipalities/counties the owner or keeper of a dog or coyote that the person knows will chase or kill livestock, domestic animals, or fowl may not allow the dog or coyote to run at large.
2. The owner of a dog or coyote who permits the animal to run at large in violation of Subchapter B commits an offense punishable by fine not to exceed \$500.00
3. Offense Report
4. Witness Statements
5. Photographs of injured or killed animal.
6. Photograph of the dog that is dangerous to other animals.
7. Description and name of dog dangerous to other animals.
8. Obtain name and address of owner of dog dangerous to other animals.
9. Check to confirm if dog owner has been previously warned that the dog is dangerous to other animals.
10. If the owner has received a previous warning, cite the owner for allowing a dog dangerous to other animals to run at large.
11. If the owner has not been previously warned, advise him of attack and provide a copy of the Dog Owner Warning Notification form.

D. CITIZENS REPORT OF DANGEROUS DOG:

A citizen may report a dog that has not bitten anyone, but the citizen believes to be a dangerous dog to this agency. The officer should:

1. Complete a dangerous dog offense report.
2. Obtain witness statements.

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3. Identify the dog and the dog owner.
  4. Officer should cite to court the dog owner if any violation is found to have taken place.
- E. AN APPROVED ENCLOSURE FOR A DOG DETERMINED DANGEROUS TO HUMANS AND HAS BEEN INVOLVED IN A DOG BIT INCIDENT SHALL BE:
1. Fully enclosed, constructed and maintained in such a way so that the dog is not able dig or otherwise escape under, over or through the enclosure.
  2. Shall be built in a way so that a person cannot access it without the assistance of an occupier of the property over the age of 18.
  3. Shall not be located on the property in such a way so that people are required to pass through the enclosure to gain access to other parts of the property.
  4. Have walls, a fixed covering, and a gate constructed of Brick, timber, iron, or similar solid material or that is chain mesh manufactured from at least 3.15 mm wire to form a maximum mesh spacing of 50mm, or weld mesh manufactured from at least 4mm wire with a maximum mesh spacing of 50mm or combination of both.
  5. A floor that is constructed of sealed concrete and graded to fall to a drain for the removal of waste.
  6. Provide a weatherproof sleeping area.
  7. Be a minimum of 10 square feet for each dog kept in the enclosure.
  8. The gate must contain a self-closing, and self-latching mechanism that enables the enclosure to be securely locked when the dog is enclosed and be kept locked when the dog is in the enclosure.
- F. CRUELTY TO ANIMALS COMPLAINTS REQUIRE THE FOLLOWING RESPONSE:
1. Complete an offense report.
  2. Photograph animals and conditions if that can be done without trespassing.
  3. Describe injuries or mistreatment of animal.
  4. Determine owner of injured or mistreated animal.
  5. Obtain witness statements.
- G. ESTRAYED LIVESTOCK WITHIN THE CITY LIMITS:
1. The Bowie County Sheriff's Office is responsible for strayed livestock, regardless if the estray is in the rural area of the county or a municipality.
  2. Officers shall attempt to locate an owner if possible and have them secure the animal prior to requesting the Sheriff's Office.

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H. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>December 1, 2022</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.34.1</b>	
<i>Subject</i> <b>Animal Impoundment</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2025</b>	<i>Pages</i> <b>3</b>

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

## **SECTION 1    PURPOSE**

The purpose of this policy is to establish some general guidelines for the Impoundment of Animals within the City Limits of Hooks, Texas.

## **SECTION 2    POLICY**

It is the policy of the Department to impound animals found within the City Limits of Hooks, Texas when such impoundment is necessary for the safety and welfare of the animal or the public.

## **SECTION 3    PROCEDURES**

### **A.   STRAY DOGS**

If a stray animal is located and/or reported to the department. The city's Animal Control Officer shall be notified as soon as practicable. Officers should contact the Animal Control Officer directly if the situation requires an immediate response. If the situation does not require an immediate response, the Animal Control Officer may be notified through normal department communication channels.

For reports made during normal business hours, the Animal Control Officer shall try to capture the stray animal. Reports made outside of normal business hours shall be addressed upon the Animal Control Officer's return to duty.

### **B.   CAPTURE PROCEDURE**

The Animal Control Officer may use reasonable means to capture a stray animal. This includes using an animal catch pole, snappy snare, or live trap. During extreme circumstances the Animal Control Officer may request assistance from another agency to Dart and Tranquelize a dangerous animal that cannot be captured by any other means. Upon capture the animal will be transported to the city animal impound facility. The animal will be immediately provided water and be feed within a reasonable amount of time. The Animal Control Officer will complete a impound log and note the date and time the impoundment began.

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The Animal Control Officer shall check the welfare of all impounded animals no less than twice daily and ensure they are watered and fed no less than once daily. The Animal Control Officer shall also ensure that during the impoundment period that occupied kennels are cleaned of urine and fecal matter daily. All activity shall be logged into the impound record.

## C. DISPOSITION OF IMPOUNDED ANIMALS

1. Impounded animals where the owner is known and has failed to retrieve the animal. Shall be kept in impound for no less than ten (10) calendar days. Following the ten (10) day period impounded animals should be transported to the city's contracted veterinarian to be euthanized.
2. Impounded animals where the owner is unknown shall be kept in impound for no less than three (3) days. Following the three (3) calendar day period, impounded animals should be transported to the city's contracted veterinarian to be euthanized.
3. In some circumstances an animal in the custody of the city may be rehomed if someone has expresses interest in taking possession of the animal in hopes of avoiding the animal having been euthanized. Employees will not solicit or advertise animals having been impounded for adoption or rehoming.
4. When animals are claimed from the city impound facility. The Animal Control Officer shall ensure compliance with all State Laws and City Ordinances.

## D. REASONS FOR IMPOUNDING OF AN ANIMAL

1. Animal is running at Large – Stray animals and animals where the owner is known but cannot be immediately contacted.
2. Animals suffering for Neglect, Cruelty and Abuse – Such cases will require a seizure order from the municipal court.
3. Injured Animals – During the course of duty, Officers may encounter or receive complaints concerning an injured animal. Under such circumstances Officers shall use all available means in locating the owner. In the event the owner is unknown or cannot be reasonably determined within a reasonable amount of time. The Animal Control Officer shall impound the injured animal provided the extent of the animal's injuries are not believed to be life threatening. Should the animal be suffering from a catastrophic injury where an officer believes a quick and humane death is the only option. Officers shall contact their supervisor who will safely dispatch the animal or authorize the officer on scene to safely dispatch the animal.

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## **E. RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>	<i>Amended Date</i>	<i>Directive</i> <b>6.35</b>	
<i>Subject</i> <b>Bio Hazards and Hazmat Incidents</b>			
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>		<i>Review Date</i> <b>January 1, 2022</b>	<i>Pages</i> <b>1</b>

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

## **SECTION 1    PURPOSE**

The purpose of this policy is to specify the contact agency to assist the Department with biohazard and Hazmat incidents.

## **SECTION 2    POLICY**

It is the policy of the Department to immediately contact the Office of Emergency Management and the Hooks, Texas Fire Department to respond and assist in the event of a biohazard or a Hazmat incident.

## **SECTION 3    PROCEDURES**

- A. The Hooks, Texas Fire Department has personnel who can assist with such incidents.
- B. In the event of a biohazard or Hazmat incident, the supervisor will ensure that the Hooks, Texas Fire Department is immediately notified and provided with all available information related to the incident.
- C. In the event of a biohazard or Hazmat incident, the supervisor will also ensure that the Office of Emergency Management is immediately notified and provided with all available information related to the incident.
- D. The Department will work in concert with the Fire Department and OEM officials to mitigate the biohazard or Hazmat incident.

## **D. RESPONSIBILITY**

- 1. All members of the Department shall know and comply with all aspects of this directive.
- 2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> <b>January 1, 2021</b>		<i>Amended Date</i>		<i>Directive</i> <b>6.36</b>	
<i>Subject</i> <b>Family Violence</b>					
<i>Distribution</i> <b>All Personnel Mayor City Attorney</b>				<i>Review Date</i> <b>January 1, 2022</b>	
				<i>Pages</i> <b>6</b>	

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**SECTION 1 PURPOSE**

The purpose of this policy is to establish procedures concerning the handling of family violence and domestic disturbance situations.

**SECTION 2 POLICY**

It is the policy of the Department that officers responding to situations involving allegations of family violence shall protect the victim, without regard to the relationship between the alleged offender and victim. All officers will adhere to state law related to family violence situations, and officers will make an arrest of a violator regardless of the family or household relationship between the violator and the victim when probable cause exists to make an arrest. It is also every officer’s duty whenever possible to prevent the commission of criminal offenses, including acts of family violence regardless of the family or household relationship between the potential violator and victim.

**SECTION 3 PROCEDURES**

A. Definitions

1. **Family Violence** – means (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse, as defined by the Texas Family Code Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by the Texas Family Code Section 71.0021.
  
2. **Dating Violence** - means an act by an individual that is against another individual with whom that person has or has had a dating relationship and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself. For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of (1)

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the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship".

2. **Family** – includes individuals related by birth or marriage, individuals who are former spouses of each other, individuals who are the biological parents of the same child, without regard to marriage, and a foster child and foster parent, whether or not those individuals reside together.
3. **Household** – means a unit composed of persons living together in the same dwelling, whether or not those individuals are related to each other.
4. **Member of a Household** – includes a former member of a household who has filed an application or for whom protection is sought as provided by Section 71.04 of the Texas Family Code.
5. **Protective Order** – an order issued by a court of competent jurisdiction which may, among other things, prohibit a party from: committing family violence, directly communication with a member of the family or household in a threatening or harassing manner, or going to or near the residence or place of employment or business of a member of the family or household.

### B. Duties of Officers

1. The duties of a police officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence are to:
  - a. Protect any potential victim of family violence.
  - b. Enforce the law.
  - c. Make lawful arrests of violators.
2. The officer shall advise any possible adult victim of all reasonable means to prevent further family violence, including:
  - a. Written notice of a victim's legal rights and remedies.
  - b. The availability of shelter and other community services for family violence victims.
3. The written notice required above is available in the form of hand out material supplied by the Department.
4. Officers shall notify the victim of their right to a "Pseudonym For Family Violence Survivors" form. If the victim wishes to have the officer complete a pseudonym form, then the offense report will reflect the victim's pseudonym name. The pseudonym form will NOT be entered into the department record management system. The pseudonym form will go directly to the department supervisor along with a copy of the offense report and a copy of the victim's statement.
5. In accordance with the Texas Code of Criminal Procedure, Article 5.05 (a) and 5.05 (e), officers who investigate a family violence incident or respond to a disturbance call that may involve family violence shall make a written report. The written report shall include but is not limited to:
  - a. The names of the suspect and complainant.

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- b. The date, time, and location of the incident.
  - c. Any visible or reported injuries.
  - d. A description of the incident and a statement of its disposition.
  - e. Officers shall complete the Texas Department of Public Safety Family Violence Form (Red Form) for all family violence incidents or any disturbance call that may involve family violence. This includes but is not limited to the following offenses when there is a family/household relationship between the offender and the victim:
    - 1. Any type of Assault (Misdemeanor or Felony)
    - 2. Sexual Assault
    - 3. Kidnapping
    - 4. Homicide
    - 5. Deadly Conduct
    - 6. Terroristic Threat
    - 7. Interference with Child Custody
    - 8. Telephone Harassment or any type of Harassment which involves threats
    - 9. Interference with Emergency Telephone Call
    - 10. Stalking
    - 11. Violation of Protective Order
    - 12. Any other offense that involves a threat towards a person of the same family or household
  - 6. In accordance with the Texas Code of Criminal Procedure 5.04 and 5.05 (a) (1), officers are required to determine if the address of a family violence incident or the address of any person involved in the family violence incident matches the address of a foster home. If the family violence occurred at a licensed foster home or a verified agency foster home listed in TCIC or if the name of any person involved in the family violence incident matches the address of a licensed foster home or a verified agency foster home listed in TCIC, the officer shall make a report to the Texas Department of Family and Protective Services (DFPS). The officer's report to DFPS must include all of the information in the officer's incident/offense report, and the report must be submitted to DFPS within 24 hours after the incident. **DFPS can be notified by phone at 1-800252-5400. Police reports can be faxed to (512) 491-1967.**
  - 7. Officers shall conduct preliminary investigations paying particular attention to victim / witness statements, photographs of injuries, physical evidence, and all other information which would assist the officer in determining what occurred and what offenses may have been committed.
- C. Patrol Procedures

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1. Domestic disturbance calls should be assigned to two officers. A single officer should not answer a domestic disturbance call without a back-up unless immediate intervention is necessary to prevent an assault or other act of family violence.
2. Officers responding to a family disturbance should:
  - a. Take charge of the situation immediately.
  - b. Separate the involved parties to prevent assault.
  - c. Control access to weapons and the movement of all persons involved.
  - d. Attempt to ascertain the facts of the dispute by allowing each person to explain his/her version of the quarrel.
  - e. Avoid embarrassing the disputants in front of any children who may be present.
  - f. Remain impartial and tactful in an effort to reduce tension and find a peaceful resolution to the dispute.
3. Entry and Intervention
  - a. Where one of the parties to a domestic dispute requests police intervention, the officers may enter the premises over the objection of the other party(s).
  - b. Where one party is locked out by the other party, the officers shall not assist the evicted party in making a forcible entry.
  - c. Where both parties to a domestic dispute refuse to admit the officers, the officers shall respect their wishes unless there are reasonable grounds to believe that their presence is necessary to prevent an assault or other act of family violence.
  - d. If both parties to a domestic dispute request the officers to leave, the officers shall do so unless there are reasonable grounds to believe that their presence is necessary to prevent an assault or other act of family violence.
  - e. If either party involved in a domestic dispute is a member of the Department, a supervisor will respond to the location and ensure that all proper procedures are followed and circumstances fully documented. The supervisor will notify the employee's Division Commander.

### **D. Delayed Arrests**

1. When an officer has determined that probable cause exist but the suspect has fled the scene, the officer should make a reasonable effort to locate the offender and make an arrest when an arrest would be lawful according to the Texas Code of Criminal Procedure, Chapter 14 Arrest without Warrant, Section 14.03. If the offender cannot be quickly located, the officer should base his decision about the reasonableness of a delayed arrest based upon the following factors:
  - a. The possibility of further violence.
  - b. The apparent vulnerability of the victim.

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- c. The suspect's history of violent behavior.
  - d. Threats made by the suspect.
  - e. The nature of the initial crime.
  - f. The involvement of deadly weapons.
  - g. The proximity of the suspect.
2. Generally, an arrest should be made within 24 hours. When completing the Arrest Report, officers shall articulate the specific facts which compelled them to make a delayed arrest in the interest of protecting the victim and preventing further violence.
  3. Officers shall consult their supervisor prior to making a family violence arrest when there has been a significant delay since the offense occurred.

### **E. Protective Orders**

1. Officers should be familiar with the Texas Code of Criminal Procedure 17.292, Magistrates Order for Emergency Protection.
2. Although a protective order is not required in all cases, officers shall inform the victim of their rights to be protected and inform them of the Protective Order process. If the victim indicates that he/she wishes to apply for a protective order, the officer shall assist the victim in completing the application. The officer shall complete both pages including the application to the judge and the TCIC data entry page.
3. If the officer has arrested the suspect in a family violence case, the application should be attached to the Magistrates Warning form. The Magistrates Warning form and the accompanying application for Protective Order shall be placed in the judge's box in the Bowie County Sheriff's Office. The judge will issue the order when the defendant is brought before the judge to be warned and advised of his/her rights.
4. If an officer/investigator obtains a warrant for the assault charge, the application for a protective order shall be attached to the warrant. When the warrant is served, the application should be attached to the Magistrates Warning form. The Magistrates Warning form and the accompanying application for a Protective Order shall be placed in the judge's box in the Bowie County Sheriff's Office. The judge will issue the order when the defendant is brought before the judge to be warned and advised of his/her rights.
5. In all cases where the application for a Protective Order has been completed, the officer shall document in the Arrest Report that the application has been attached to the Magistrates Warning form.
6. Officers made aware of the existence of a protective order (issued under the Texas Family Code) upon responding to the scene of a domestic disturbance should first examine the order to determine the expiration date and the conditions of the order which may have been violated. If determined to be valid, the order shall be enforced immediately as per the Texas Penal Code. In accordance with the Texas Family Code 88.003, officers shall enforce the terms of a Protective Order issued by a court of another state in the same manner as if it were a Protective Order issued by a court of this state.

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7. Violation of a temporary order issued under the Texas Family Code does not constitute grounds for arrest for violation of a protective order. However, if a person has been served with a temporary protective order and the language in the order prohibits that person from going to the residence, place of employment or business of a member of the family, the officer should consider making an arrest for Criminal Trespass, Texas Penal Code 30.05 if the officer believes the arrest may an appropriate resolution to situation and the officer can lawfully make the arrest and the offense has occurred in their presence.
8. Divorce decrees are civil in nature. Enforcement of a divorce decree is not the responsibility of a police officer, and officers shall refrain from taking any enforcement action when presented with a legal document entitled "Divorce Decree and/or Settlement".
9. Persons arrested for an offense involving Family Violence may be held for a period of not more than four hours after bond has been posted, if there is probable cause to believe the violence will continue if the person is immediately released. This period may be extended only if authorized in a writing directed to the person having custody of the detained person by a magistrate who concludes that the violence would continue if the person is released.
10. In no way may such a period of detention exceed 24 hours.

### **F. Responsibility**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.