



Police Procedure

Celina ISD Police Department

3/23/2016
REV 1.6

APPROVED

SUPERINTENDENT OF SCHOOLS, CELINA I.S.D. RICK D. DEMASTERS	DATE

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Mission

The mission of the Celina Independent School District (“Celina ISD or “District”) Police Department is to effectively and efficiently provide for the protection of lives and property, preserve the public peace, and with the highest level of professionalism and ethical standards, provide the central and campus administration specialized services, strengthening their ability to prepare students for the challenges of the future. It is the goal of the Celina ISD Police Department to educate and defer students away from the Criminal Justice system, whenever possible as allowed by law.

Core Values

Integrity First: The Celina ISD Police Department is built upon a foundation of ethical and professional conduct. We will be truthful and trustworthy at all times. We are committed to equal application of the law to all offenders and members of the public as well as the equal application of rules and regulations to all members of the district. We are committed to the highest level of moral principles and ethics.

Service before Self: We are dedicated to serving the community and meeting all challenges with the courage needed to accomplish our mission. We understand our role as enforcers, and temper our application of the law with compassion and empathy. We place the service provided to the community before our personal biases and needs.

Excellence in All: We believe that excellence is not a matter of ability, knowledge, or practice. It cannot be taught, imposed, or wished into existence. Excellence is a matter of the position we take that allows for performance that surpasses what was previously possible. In all things, we are committed to continuous improvement and best practices.



Chapter 1: APPLICABILITY

EMPLOYEES

101. Celina ISD Police Department's Policies and Administrative Procedures are published for the information and guidance of Celina ISD Police Department employees. Policies and procedures which refer to "employees," "personnel," or "members of the department" are applicable to all Celina ISD Police Department's employees.

101.1 Officers. Officers are employees appointed pursuant to Article 2.12 of the Texas Code of Criminal Procedure and Chapter 37.081 of the Texas Education Code. The terms "peace officer", "sworn personnel", "police officer" and "officer" are synonymous when used in this manual. Policies and procedures which refer to "officers" are applicable to all sworn personnel.

101.2 Departmental Policies and Procedures. The Chief of Police, under direction of the Superintendent, has the responsibility to adopt and publish "policies and procedures" for the assistance and guidance of the Celina ISD Police Department. Changes to the written policy must be approved. Day to day operations and matters not directly addressed within this policy will be at the discretion of the Superintendent and may be addressed verbally or by memorandum.

101.3 Special Orders. Special Orders establish an departmental communication that may be used by the Superintendent to make immediate changes to policy and procedure consistent with the current policy.

1. (a) Special Orders will immediately modify or change, and supersede, sections of this manual to which they pertain. Special Orders may also establish a temporary policy or procedure on a given subject for a specific length of time.
2. (c) Special Orders will have the force and effect of a policy until its expiration or the change is incorporated into a policy. Special Orders will be incorporated into the manual as required upon final approval of the Superintendent.

COMPLIANCE

102. All employees of the Celina ISD Police Department are employees of Celina ISD and, as such, shall comply with applicable written Celina ISD Board of Trustees' Policies and Celina ISD Police Department's Policies and Administrative Procedures as well as with policies and procedures set forth by the Superintendent, except where a policy or procedure is superseded by State Law. To the extent a conflict exists between the Celina ISD Board of Trustees' Policies and Celina ISD Police Department Policies and Administrative Procedures, the Celina ISD Board of Trustees' Policies shall prevail.



102.1 Failure to Comply. Failure to comply may result in corrective action or dismissal as provided by applicable Celina ISD Board of Trustees' Policies.



Chapter 2: JURISDICTION

201. The Celina ISD Police Department's "primary jurisdiction" has been determined by the Celina ISD Board of Trustees and is defined as-

All territory within the geographical boundaries of the District and all property, real or personal, outside the geographical boundaries of the district that is owned, leased, rented, or otherwise under the District's control.

This "primary jurisdiction" allows an officer of the Celina ISD Police Department to travel with students, or school groups, to other venues and provide police services, within the State of Texas. When outside the Celina ISD District boundaries the primary function of the Celina ISD Police will be to secure the safety of Celina ISD students, staff, and Celina ISD property. Officers may also perform duties required of Texas Peace Officers when they are required by Texas state law.

201.1 Overlapping Jurisdiction

Employees should be aware that there are numerous law enforcement agencies within and surrounding the District. These agencies have jurisdiction within the confines of their geographical boundaries or areas of control. This includes, but is not limited to, the following:

1. (a) Federal law enforcement Officers possess full federal authority nationwide as given to them under the United States Code (U.S.C.). Federal Law Enforcement Officers are authorized to enforce various laws at the federal, state, county, and local level. The Federal Police have patrol jurisdiction and the FBI has investigative jurisdiction.
2. (b) The Department of Public Safety (DPS) is a state entity which has statewide jurisdiction to conduct criminal investigations, issue traffic citations, and investigate intra-state crashes. This includes the Texas Rangers and DPS Troopers.
3. (c) Sheriff's Offices are county level entities which have jurisdiction to conduct criminal investigations and enforce County Ordinances within their county. They have statewide jurisdiction to arrest for any criminal offense committed within their presence or view. They have countywide jurisdiction to issue traffic citations. Local Sheriff's Offices includes the Collin County Sheriff's Office (CCSO) and the Denton County Sheriff's Office (DCSO).
4. (d) Constable Offices are county level entities which have countywide jurisdiction to serve civil process and conduct criminal investigations. They have statewide jurisdiction to serve warrants and arrest for any criminal offense committed within their presence or view. They have countywide jurisdiction to issue traffic citations. Constable Offices are broken up into Precinct's.



5. (e) Municipal Police Departments are city level entities which have citywide jurisdiction to conduct criminal investigations. They have jurisdiction in their municipality and concurrent counties to issue traffic citations and statewide jurisdiction to arrest for any criminal offense committed within their presence or view. The Celina Police Department is a Municipal Police Department.
6. (f) Independent School Districts (ISD) and higher education police have concurrent jurisdiction on school property. This includes, among others, Celina ISD.

201.2 Authority

Peace officers employed by the District have the same authority, powers, privileges, and immunities as bestowed on all Texas peace officers while on or off duty.

This jurisdiction and authority meets State guidelines set forth within the Texas Education Code 37.081.

201.3 Oath of Office

Officers of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

Upon employment, all sworn employees shall be required to affirm and sign the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement Officer.

201.4 CODE AND CANONS OF ETHICS

All sworn employees shall adhere to the Code of Ethics and Canons of Police Ethics in the Policy Manual preface, as adopted by the International Association of Chiefs of Police (IACP).



In the name and by the authority of
The State of Texas
Oath of Office



I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Peace Officer, Celina Independent School District of the State of Texas, and will do to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of the State, so help me God.

Signature of Affiant

----- THIS FORM MUST BE NOTORIZED -----

Sworn to and subscribed before me by affiant on this ____ day of _____, _____

Signature of Notary Public

Printed Name

Title

MY SEAL



Celina ISD Police Department
SAFETY – SECURITY - EDUCATION

Chapter 3: PERSONNEL, DUTIES AND RESPONSIBILITIES

ETHICAL RESPONSIBILITIES

301. Inappropriate Conduct. Any conduct which interferes with police operations, even though it is not specifically addressed in this manual, may result in corrective action or dismissal. All Celina ISD Police Department personnel are required to comply with the District's Standards of Conduct as outlined in the Celina ISD Board Policies.

301.1 Ethical Responsibilities. The following shall be the ethical responsibilities of all personnel:

(a) Employees shall conduct their private and professional lives in such a manner as to avoid bringing discredit upon the District or the Department.

(b) Employees acting in a law enforcement capacity, whether on or off duty, shall conduct themselves in a professional manner and shall be civil, orderly and courteous in their conduct and behavior toward the public and others.

(c) Employees shall treat the public, students, and fellow employees with respect.

(d) Employees shall not speak disparagingly of any person or group on the basis of race, color, national origin, religion, sex, gender identity, physical or mental disability, medical condition, marital status, age, sexual orientation, or citizenship.

(e) Employees shall refrain from using profane, insolent or disrespectful language.

(f) No employee shall convert to their own use, or have any claim upon, any found or recovered property or evidence held for disposition by the department, unless they are the legal owners of same.

(g) Officers shall not use their positions with the department to influence or to intimidate persons in any civil or criminal action. Officers may use their "experience and opinion" in making recommendations to the Courts in matters of juvenile offender proceedings.

(h) Employees shall not use their positions with the department for personal gain or advantage.

301.2 Gratuities. Police employees shall neither solicit nor accept rewards, presents, gratuities, nor any form of compensation which could in any manner be considered related to their employment, other than that paid by the District or in accordance with District policy. Should any award, gratuity, present, or unauthorized compensation come into an employee's possession, it shall immediately be forwarded to the Superintendent with a written report describing all circumstances.



301.3 Discounts. Except as expressly permitted by District policies, employees shall not use any form of official identification or their official position to solicit or obtain special privileges for themselves or others.

CONFIDENTIAL INFORMATION

302. Except in the performance of their duties, employees shall not reveal any information concerning confidential matters brought to their attention or reveal any information of a confidential nature pertaining to matters under investigation by the department or any other criminal justice agencies. Celina ISD Police Department shall comply with the applicable provisions of federal and state law as they relate to student identifiable information obtained in their position with Celina ISD Police Department.

302.2 Disclosing Information. Employees shall not disclose any confidential information acquired in the course of their employment nor any information from the files or the records of the department nor from any criminal justice information system to any person, unless it is appropriate to do so in furtherance of the department's official mission and consistent with federal and state law, including the laws as they relate to student identifiable information obtained in their position with Celina ISD Police Department.

302.3 Interfering with Legal Processes. Employees shall not reveal any information which may enable anyone to:

- (a) Evade detection, arrest or prosecution;
- (b) Destroy evidence; (unless directed by a court order)
- (c) Destroy or conceal contraband or stolen property.

302.4 Releasing Records, Reports. Police records and reports shall be released or exhibited only in accordance with State law.

FALSE REPORTS

303. Employees shall not knowingly make a false report, either oral or written.

NEWS MEDIA

304. In accordance with Celina ISD and Celina ISD Police Department policy, employees shall make every effort to be cooperative with members of the news media,



using care to ensure that any release of information is with direction from the Superintendent's Office.

304.1 All employees should assume that video recording is present at all times. Employees shall make every effort to be cooperative with members of the news media, using care to ensure that any release of information is with the direction from the Superintendent's Office.

COURT APPEARANCE, TESTIFYING

305. While testifying, employees shall avoid any display of bias, prejudice, anger or other inappropriate behavior.

305.1 Court Appearance, Punctuality. Employees required to be in court shall be prompt in attendance and shall remain until excused by responsible authority.

305.2 Court Appearance, Appropriate Attire. Employees required to appear in court shall be neat in appearance and appropriately attired.

SPEAKING ENGAGEMENTS

306. An employee shall obtain approval from the Superintendent or designee before speaking publicly as an official representative of the District.

CIVIL PROCEEDINGS

307. Sworn personnel shall be governed by this section in civil proceedings.

(a) Employees on duty or in uniform shall not serve civil papers except in accordance with state law.

(b) A civil action related to any event arising out of an employee's official duties may be instituted. Upon such action the employee shall notify the Superintendent without delay.

(c) Witness fees or other compensation for appearing in civil or criminal court in any matter arising out of an employee's employment shall not be accepted.



ALCOHOL, DRUGS, NARCOTICS

308. No employee shall consume any alcoholic beverage or any behavioral modification substance while on duty. No employee shall knowingly possess any illegal substance unless required by the scope of their employment.

308.1 Alcohol, In Uniform. No employee shall consume or purchase any alcoholic beverage or other behavioral modification substance while in uniform, nor while wearing any recognizable part of the uniform.

308.2 Alcohol, Reporting for Duty. No employee shall report for a duty assignment under the influence of alcohol.

308.3 Alcohol, Drugs, Narcotics--Off Duty. No employee while off duty shall abuse any substance affecting or modifying behavior to the extent that it renders the employee unfit to report for the next scheduled duty assignment. No employee shall knowingly use any illegal substance.

DRUGS/MEDICATIONS

309. Whenever an employee has taken legally prescribed medication that affects behavior or causes drowsiness, the employee shall advise an immediate supervisor who shall determine the appropriateness of the employee's reporting for or continuing with a duty assignment.

GENERAL RESPONSIBILITIES

310. While on duty, employees shall devote their entire time and energies to the performance of their duties and responsibilities.

310.1.1 Providing Information. Employees shall direct all requests for public information to the District's public information officer.

310.2 Police Identification.

(a) Officers in uniform shall identify themselves by displaying their badge and name tag at all times.

(b) Employees shall identify themselves by giving their names and/or showing their official credentials upon request, except in exigent circumstances or when such action is likely to jeopardize the successful completion of a police assignment.



310.3 Cooperation with Public Agencies. Employees shall cooperate with all law enforcement and governmental agencies and give such aid and information as the organization may be entitled to receive consistent with these procedures and existing law.

310.4 Adherence to Department Schedules. Employees shall report for duty punctually and as scheduled unless excused by a supervisor. They shall report for assignment attired and equipped as required by department policy.

310.5 Maintaining Communications, On Duty-On Call. Employees on duty shall be directly available by normal means of communication or shall keep their supervisor or dispatcher informed of the means by which they may be reached when not immediately available.

310.6 Emergencies, Off-Duty Response. Employees are subject to being called to duty in emergencies and shall report in compliance with directions given to them by authorized personnel of the department. It shall be the responsibility of an off-duty employee who cannot be notified to contact the department as soon as practicable upon becoming aware of a major incident within the jurisdiction of the department.

310.7 Address, Phone Number--Reporting Changes. Personnel shall maintain a personal telephone and provide that number to the Superintendent and District Leadership. All employees shall report any change of their personal telephone number, residence location (address) and mailing address to the District as soon as possible, and no later than one working day after the change becomes effective.

310.8 Outside Employment-Approval Required. Sworn personnel shall not engage in any police related business or be employed in a law enforcement capacity without written approval from the Celina ISD School Board. This is required by State law.

310.9 Incurring Expense to the District. Employees shall not incur any expense or liability to the District without the approval, except in emergencies. Such exceptions shall be appropriately documented.

310.10 Texas Drivers License. Personnel driving department vehicles shall possess a valid Texas Drivers License of the appropriate class while on duty. Employees shall immediately report any changes in status to their Drivers License to the District.

310.11 Impaired Physical Condition. If any employee has or develops a physical and/or psychological condition that impairs their ability to do their job, they shall report this to their supervisor as soon as possible if on duty, or before they begin their next work shift, if off duty.



310.12 Law Enforcement Contact. If any employee, whether on duty or off duty, is the subject of an enforcement contact by another law enforcement agency, the employee shall report such contact to the Superintendent as soon as possible. This is intended to require reporting of any such contact but particularly contacts relating to domestic situations. It shall include contacts where the employee was the subject of questioning as well as detention, citation or arrest. Reporting is not required for contacts, while off duty, for vehicle code infractions resulting from the employees operation of a vehicle.

Any employee served with or becoming the subject of a restraining or protective order shall also immediately inform the Superintendent of such action.

An employee shall immediately inform the Superintendent of any conviction for any criminal offense or vehicle code violation affecting the status of their driver license.



Chapter 4: SWORN PERSONNEL STANDARDS FOR EMPLOYMENT & TRAINING

PEACE OFFICER STANDARDS AND TRAINING

401. The Celina ISD Police Department adheres to the regulations and standards of the Texas Commission on Law Enforcement (TCLOE) in the employment and training of its peace officers. All officers will remain current in mandated training.

The Celina ISD Police Department will take advantage of training conducted by surrounding agencies ,when available, in order to minimize cost and standardize skills and procedures with nearby departments.



Chapter 5: USE OF FORCE

Officers will only employ that amount of force necessary to accomplish lawful objectives which is reasonable and necessary to affect an arrest or assume control of a situation. All department personnel will follow and obey all laws of the State of Texas regarding the use of lethal and less than lethal weapons, both on and off duty. All officers, whether on or off duty, will adhere to department rules and regulations concerning the use of force.

Use of Force Continuum

This is a guideline for officers, and not a required hierarchy, as physical intervention with students, including special education students, may require utilization of force in a different order.

- A) Verbal commands
- B) Soft, empty hand control (pressure point techniques, restraint holds, etc)
- C) Hard empty hand control (fighting, wrestling, punching, etc)
- D) Intermediate weapons (OC Spray)
- E) Deadly Force

501. The District's "Use of Force Policy" is consistent with their authorized weapons and force options to include documentation and review of all uses of force.

502. Firearms shall be used only by personnel of the department who have been authorized by the existing law, properly trained, and who are qualified in their proficient operation. State of Texas standards will be adhered to in firearms qualification practices.

ON DUTY FIREARMS (HANDGUNS)

503. While on duty, authorized personnel shall carry only firearms and ammunition issued or approved by the department. Other firearms or special ammunition shall not be carried without the specific written approval of the Chief of Police. Approved weapons for on duty use are a 9 mm, .40 cal, or .45 cal semi-auto Glock, Smith and Wesson, Colt, HK, Beretta, Sig Sauer, or Kimber. These brands are recognized as high quality. Other brands may be considered, at the Chief of Police discretion.



WEAPONS REGISTRATION

504. Authorized personnel shall register with the department all personally owned firearms (at time of qualification) carried or used in the performance of their duties. This documentation will be in the employees training file.

OFF DUTY FIREARMS

505. Officers shall be required to carry firearms at all times while within the jurisdiction established by School Board policy. Outside the primary jurisdiction is at the discretion of the officer.

505.1 Authorized Firearms--Off Duty. If an officer chooses to carry a firearm, other than that approved for on-duty use, while off duty, the officer shall obtain written approval from the Chief of Police and meet qualification standards.

505.2 Off Duty Firearms Proficiency. Officers are required to meet the same standards with their off duty firearm as with the on duty firearm.

506. Display of Firearms. Officers shall not unnecessarily draw, display or carelessly handle a firearm at any time, while on or off duty.

DISCHARGE OF FIREARMS

507. Officers shall discharge firearms only as follows:

- (a) In the defense of another person's life;
- (b) In the defense of their own lives;
- (c) To effect the arrest or prevent the escape of a suspected felon when the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting or threatened inflicting of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended (State Law). Under such circumstances, a verbal warning should precede the use of deadly force where feasible.
- (d) To euthanize a seriously injured animal when another disposition is not available;



(e) To stop a dangerous animal, which reasonably appears to pose an imminent threat to the safety of officers or others;

(f) At a firearms range.

507.1 Reporting the Discharge of Firearms. Any officer who discharges a firearm, accidentally or intentionally, on or off duty, shall make an oral report to the Chief of Police as soon as circumstances permit, and shall file a written report in addition to any police report, as soon as possible, describing fully the incident. Officers participating in activities as part of a department qualification course need not report the discharge of firearms as described, unless such discharge resulted in injury or death.

507.2 Firearms, Personal Use. It is not intended that these Police Policies and Administrative Procedures, specifically those in this chapter, preclude police officers from using personally owned firearms in hunting or in recognized sports activities in which firearms are customarily used.

507.3 Approved Ammunition For "On Duty" Use. "On Duty" ammunition, approved for law enforcement use, will be issued by the Department. Only the ammunition issued will be carried or used except for emergency exigent circumstances.

WARNING SHOTS

508. Under no circumstances will warning shots be fired.

INAPPROPRIATE USE OF FIREARMS--DISCIPLINARY ACTION

509. An officer shall be subject to corrective action or dismissal should the discharge or public display of a firearm by the officer involve the following:

- (a) A violation of the law;
- (b) A violation of a Police order relating to the discharge or display of firearms;
- (c) A wanton disregard for Police;
- (d) Misconduct, including but not limited to:
 - 1. Being under the influence of alcohol or drugs;
 - 2. Unjustified display of authority;
 - 3. Use of official position for personal advantage;



4. Dereliction of duty;
5. The accidental discharge of a firearm through carelessness or misbehavior;
6. Any other misuse of a firearm.

FIREARMS PROFICIENCY

510. Every peace officer shall achieve and maintain firearms proficiency in accordance with the requirements of State law.

510.1 Proficiency Requirement. All officers shall demonstrate firearms proficiency at least annually on an approved police shooting course.

510.2 Failure to Report. Officers who fail to report for scheduled firearms training without a valid excuse may be subject to dismissal.

510.3. Course Rules. Proficiency pass/fail shall be attained in conformance with State standards.

510.4 Record Retention. Records of qualifications shall be held for a minimum of 5 years.

510.5. Firearms-Accessories Requirement. Proficiency pass/fail shall be attained using the departmentally approved firearm, holster and loading devices usually carried by the officer.

510.6 Failure to Demonstrate Proficiency. Failure to meet the State standard is considered unsatisfactory performance and may be subject to remedial training or dismissal.

CHEMICAL AGENTS--OLEORESIN CAPSICUM (Pepper Spray)

511. Only authorized personnel may possess and maintain department issued oleoresin capsicum spray. Chemical agents are weapons used to minimize injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

511.1 Chemical Agents--Issuance. Chemical agents shall be issued only to department personnel who are qualified in their use.

511.2 Chemical Agents--Authorization to Carry On Duty. Only chemical agents issued by the department and approved by statute shall be carried by on-duty personnel.



511.3 Chemical Agents to be Certified for Use. All chemical agents used by the department shall be certified as acceptable by the State.

511.4 Medical Treatment. It is the policy of Celina ISD to immediately give medical assistance to any affected person as soon as practicable.

POLICE BATON

512. Batons are not approved for use by Celina ISD.

ELECTRONIC CONTROL DEVICES

513. Electronic Control Devices (Stun Guns, Tazer, etc.) are not approved for use by Celina ISD.

RIFLES AND SHOTGUNS

514. Authorized personnel, that have passed Proficiency Qualifications, may carry long rifles and shotguns while on duty. Long rifles shall have a caliber of .223 or .556 and shotguns shall be of 12 or 16 gauges. All ammunition must be issued or approved by the department. Other firearms or special ammunition shall not be carried without the specific written approval of the Chief of Police. All rifles and shotguns shall be securely stored in patrol vehicles while on duty and out of the public view as much as possible. Display of rifles and/or shotguns while on routine foot patrol is not allowed without the approval of the Chief of Police during special circumstances.



Chapter 6: ARRESTS

RIGHTS OF INDIVIDUALS

601. When it becomes necessary to take police action, officers shall give consideration to the rights of all persons, including alleged law violators, and to the manner in which they exercise their powers as peace officers. Without compromising their primary mission, which is the protection of life and property, officers may use such reasonable force as is necessary to affect an arrest, to prevent escape, or to overcome resistance.

ARREST PROCEDURES

602. In making arrests, officers shall comply with the following procedures.

602.1 Precautions. Officers shall take all reasonable precautions in arresting and detaining persons to ensure against escapes. They shall be alert to the possession by suspects or arrestees of weapons or other items that could inflict bodily injury. Officers shall be responsible for the safety of arrestees and their property.

602.2 Security of Weapons. Officers shall exercise caution with firearms or other weapons at all times and particularly when in the presence of suspects or arrestees. All weapons shall be secured or removed from locations accessible to arrestees.

602.3 Treatment of Arrestees and Suspects. Arrestees and suspects shall be treated in a humane manner as provided by law. They shall not be subject to physical force except as required to subdue violence or ensure detention. No officer shall strike an arrestee or suspect except in self-defense, to prevent an escape, or to prevent injury to another person. No officer shall verbally abuse arrestees or suspects.

602.4 Searching Arrestees and Suspects. Whenever it is necessary to search an arrestee or suspect, the search must be conducted in accordance with State Law and the US Constitution.

602.5 in Lieu of Arrest. Officers of the Celina ISD Police Department may release a detained or arrested individual to a responsible 3rd party in the following circumstances:

1. The subject is non-violent and cooperative
2. The subject reasonably appears to be no danger to themselves or others.
3. The subject is a juvenile, age 17 or younger, and the 3rd party is their legal guardian of record.
4. The subject is an adult and the 3rd party reasonably appears to be a responsible adult.



In all “In Lieu of Arrest” instances, a release of liability form shall be completed by the officer and signed by the 3rd party accepting responsibility. If the 3rd party does not agree to accept responsibility, the subject shall be processed through the normal arreset procedure.

602.6 Class “C” Citations. The preferred method of dealing with Class “C” violations, by a student on school property (or in a bus or District vehicle), is by warning/counseling or referral to the school’s disciplinary program.

1. “On Campus” citations to a child, under the age of 17, are prohibited by State law unless certain criteria is met. A citation may be given but must include a written offense report, witness statements, and victim statements. The report must include all actions that have been taken to correct the problems, prior to criminal charges being filed.

2. Citations to the general adult public are at the officer’s discretion, as allowed by law. Officers are given broad discretion on these violations.

602.7 Violations above Class “C”. Criminal incidents of Class “B” Misdemeanor or above shall be investigated in accordance with State Law. A case file shall be completed and forwarded to Chief the of Police for disposition.

TRANSACTIONS WITH ARRESTEES AND SUSPECTS

603. No officer shall purchase or accept any item for personal use from any suspect or arrestee, or from anyone associated with any suspect or arrestee.

BAIL, POSTING PROHIBITED

604. No officer shall post bail for persons placed under arrest by a member of the department, without the approval of the Superintendent.

604.1 Accepting Bail, Fines. Officers shall not accept money as bail or in payment of a fine.

604.2 Recommending Bond Agency Prohibited. No officer shall suggest or recommend any person or firm engaged in the business of furnishing bail to any arrestee. Officer may inform the arrestee with an approved list furnished by the Collin County Jail or the Collin County Juvenile Authorities.



RECOMMENDING ATTORNEYS PROHIBITED

605. No officer shall recommend any attorney to any party in a criminal or civil case in which the Celina ISD Police Department or the individual officer is involved.



Chapter 7: UNIFORMS--GENERAL REQUIREMENTS

701. Employees shall wear only uniform items and carry only equipment that conforms to the instructions and specifications approved by Celina ISD.

701.1 Care and Authorized Use of Uniforms/Equipment. Employees using the police uniform or ISD equipment or property, including police emergency and ISD vehicles, shall be responsible for their proper use and care. Employees shall not use, loan, nor permit to be used for personal or private purposes, or loan any equipment, property, or vehicle without authorization from the Superintendent.

POSSESSION OF UNIFORM

702. All uniformed employees shall possess and maintain ready for immediate use the uniform, equipment, and other required items as prescribed in this Manual.

702.1 Wearing of Uniform. When in uniform, employees shall maintain a professional appearance.

WEARING THE UNIFORM--USE OF DISCRETION

703. Uniformed employees shall use discretion when conducting activities while in uniform. Any conduct or activity likely to debase law enforcement, detract from the departmental image, or bring ridicule to the department or Celina ISD shall be avoided. Employees in uniform, whether on or off duty, are subject to public scrutiny.

PERSONAL GROOMING--UNIFORMED AND NON-UNIFORMED EMPLOYEES

704. The professional bearing expected of on duty employees requires that each maintains high standards of personal grooming and cleanliness and is to be, at all times, neat and clean.



Chapter 8 –Police Vehicle Acceptable Use Policy

Pursuit Policy- Celina ISD Police recognize a “Limited Pursuit” policy. There will be no “hot pursuit”, except for the most extreme circumstances. No Officer shall pursue for traffic violations or minor offenses. An “*extreme circumstance*” is defined as a situation where there is a significant risk of serious bodily injury or death to a person if the officer does not intervene. If the officer determines an “extreme circumstance” exist, the officer may initiate, or participate in, a pursuit. The officer will discontinue immediately if the risk to the public outweighs the necessity to apprehend. If the pursuit was initiated by another agency the Celina ISD Police officer will “stand down” and exit the pursuit when the initiating agency has the support of two or more units. No officer will be disciplined for making the decision to discontinue, or exit, a pursuit.

801. Emergency Vehicle Operation- Officers will exercise “due regard” for the public in all situations when operating an ISD vehicle.

801.1 No officer will operate an ISD vehicle in excess of posted speed limits without the use of warning equipment. “Due Regard” for the public will be observed at all times.

801.2 No officer will operate a District or Department vehicle while under the influence of alcohol or in any “impaired state”.

801.3 “On Call” Officer(s) will be allowed to take police vehicles home in order to expedite response times to the District while off duty. Police vehicles are not intended to be used for personal travel while off duty and should be parked unless there is a reasonable belief that a priority response may occur during the time of the personal travel.



Chapter 9 – Evidence

901.1 Ceina ISD Police utilizes a secure evidence storage procedure for appropriate “chain of custody”.

1. Evidence collected will be placed into a sealed container and signed across the seal by the collecting officer. The container will have a description of the item, time, date, and location where the collected and a case number. Paper containers must be used on body fluid evidence. The evidence shall “without delay” be secured by the Chief of Police which will document the date and time received.
2. Evidence will be logged in and secured by the Chief then placed in evidence storage. The Chief of Police will be the only person with the access code to the evidence storage area.



Chapter 10 – General Orders

1001.1 Motor vehicle Accidents on school property are investigated by the Celina ISD Police Department. By agreement, accidents on adjoining roadways are investigated by the City of Celina Police Department or other appropriate police agency.

If an accident occurs on campus and results in \$1,000 or more in property damage in the officer's opinion, or results in injury then an accident report shall be completed by the officer and forwarded to the Chief of Police. When minor accidents occur that do not meet this threshold then both drivers should exchange information and/or be provided a Texas "Blue Form". Celina ISD Police Officers do not determine fault in minor accidents and should refrain from stating fault.

Fleet Accidents are preferred to be investigated by the DPS or another local agency with jurisdiction. An officer involved in the fleet accident shall not investigate the accident.

1001.2 Police Radio Use. Celina ISD Police Officers are dispatched by the Collin County Sherriff's Office Dispatch Unit. Officers are required to follow radio procedure and etiquette established by CCSO Policy and Procedure. Celina ISD Police Officers shall at all times monitor CCSO's radio channel while on duty.



Chapter 11 – Family Violence

1101.1 Celina ISD Police Officers may investigate an incident of “Family Violence”. When this occurs, State Law requires an arrest be made when the officer believes family violence has occurred or the officer believes family violence will occur if an arrest is not made. Officers must advise victims of family about local services that will aid them in protection and of the availability of an “Emergency Protective Order”.

1101.2 Sworn personnel of the Celina ISD Police Department, who are the subject of a family violence investigation will be placed on leave until the matter is resolved.



Chapter 12 - Missing Persons

1201.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. State law, as well as federal law under 42 USC 5779(a), specify certain requirements relating to missing persons (Tex. Code of Crim. Pro. art. 63.002 et. seq)

1201.2 DEFINITIONS

For purposes of this section the following definitions are provided (Tex. Code of Crim. Pro. art. 63.001):

Missing Person - A person 18 years of age or older who cannot be located and the circumstances surrounding the disappearance are unknown.

Child - A person under 18 years of age (For purposes of federal law, a child is considered any person under 21 years of age).

Missing Child - A child whose whereabouts are unknown to the child's legal custodian, the circumstances of which indicate that:

1. (a) 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. (b) The child voluntarily left the care and control of his legal custodian without the custodian's consent and without intent to return (e.g., runaway).
3. (c) The child was taken or retained in violation of the terms of a court order for possession of, or access to, the child (e.g., Interference with Child Custody, Enticing a Child, Harboring a Runaway).

High-Risk Missing Person - A person who is missing (Tex. Code of Crim. Pro. art. 63.051(5)):

1. (a) As a result of an abduction by a stranger; or
2. (b) Under suspicious or unknown circumstances; or
3. (c) More than 30 days; or
4. (d) Less than 30 days if there is reason to believe that the child or person is in danger of injury or death.



1201.3 INVESTIGATION GUIDELINES

Upon arrival to a missing person call, officers shall:

1. (a) Completely identify and interview the complainant to determine the circumstances surrounding the disappearance, along with the last person to have seen or been in contact with the missing individual.
2. (b) Verify the person is missing, especially in the case of a child, by conducting a thorough search of immediate area where the individual was last seen or known to have been.
3. (c) Obtain a complete description of the missing individual, consisting of, but not limited to:
 1. Full name.
 2. Date of birth.
 3. Race/Sex.
 4. Hair color and length.
 5. Eye color.
 6. Height and weight.
 7. Last known clothing description.
 8. Scars, body markings, or tattoos.
4. (d) Attempt to obtain the following items and forward them to the Missing Persons Unit:
 1. A color photograph of the person.
 2. A birth certificate if the child is under 11 years of age.
5. (e) Identify the missing person's zone of safety to determine how far the individual could travel from the location before he would most likely be at risk of injury or exploitation.
6. (f) In the case of a missing child, confirm custody status to determine possible role in the disappearance (e.g., parental kidnap, interference with custody, enticing a child).
7. (g) In the case of dementia or senile patients, determine last known location that the patient would indicate if asked by a citizen where they were living.

1201.4 SPECIAL CIRCUMSTANCES

1. (a) Officers will contact their supervisor if the missing individual is any category outlined below:
 1. Aged or senile adults that require continuous supervision by a care-giver and are not capable of being left unsupervised.



2. Aged or senile adults 65 or over with a documented mental or medical impairment which imminently creates a threat to personal safety.
 3. Children under age 12.
 4. Mentally or physically handicapped individuals whose impaired ability would create an imminent risk to their safety and well-being.
 5. Suicidal persons who are missing after immediately taking threatening actions against their life or making imminent threats to harm themselves.
 6. Individuals with a medical condition or an immediate need for medication which creates an imminent risk to their safety and well-being.
 7. If kidnapping or foul play is feared in the individual's disappearance.
2. (b) Supervisors will review the incident to determine if it meets the requirements for an AMBER or Silver Alert and notify the appropriate Investigative Unit as outlined in this policy. Final approval for an AMBER or Silver Alert rests with the appropriate Investigative Unit.
 3. (c) Supervisors will contact the Missing Persons Unit, or the appropriate Investigative Unit if an Alert System activation is required to make a determination as to what type of field search effort will be undertaken.

1. Factors to be considered are:

- (a) Length of time that has passed since the disappearance.
- (b) Age and mobility of the missing person.
- (c) Infirmary and/or need for medication.
- (d) Suspicious circumstances (foul play feared).

Field searches that may be used include, but are not limited to:

1. (a) Door-to-door (foot search making contact with residents).
2. (b) Neighborhood canvas (larger scale foot and vehicle search).
3. (c) Use of the Canine Unit.
4. (d) Use of Air Support.

MISSING PERSONS REPORTING

INCIDENT REPORT

Officers shall initiate an incident report for all individuals alleged to be missing.

1. (a) If the missing person does not meet one of the special circumstances listed above, officers shall:



1. Initiate an incident report titled Request to Locate if the missing person is an adult; and
2. Initiate an incident report titled Runaway Child if the missing person is a runaway.
2. (b) If the missing person does meet one of the special circumstances, officers shall initiate an incident report with the appropriate title related to the circumstance.

1201.5 COMMUNICATIONS NOTIFICATION

Communications will enter missing person's information into NCIC at the time the report is taken if the disappearance involves a missing child, any person under the age of 21, and/or is under suspicious circumstances.

1. (a) Officers must provide the following information:
 1. Name, race, sex, date of birth; and
 2. Physical description; and
 3. Clothing description; and
 4. Physical/Mental disabilities/infirmities; and
 5. Unusual circumstances; and
 6. Vehicle information, if applicable.
2. (b) Central Records personnel shall notify the U.S. Department of Justice and the National Crime Information Center within two hours after accepting the report (42 U.S.C. § 5779(a) and 42 U.S.C. § 5780(3)).

1201.6 AMBER AND SILVER ALERT

AMBERTM Alert is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how they can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement (37 Tex. Admin. Code § 9.21).

1. (a) Abducted Child
 1. A child 17 years of age or younger whose whereabouts are unknown and whose disappearance poses a credible threat to the safety and health of the child, as determined by a local law enforcement agency (Tex. Gov't Code § 411.351(1)).
 2. Abduction includes a child who is younger than 14 years of age who departed:



1. (a) Willingly with someone who is more than three years older than the child; and
 2. (b) Without the parent or legal guardian's permission; and
 3. (c) With a person who is not an immediate relative of the child as defined by Subchapter B, Chapter 573, Tex. Gov't. Code.
2. (b) An AMBER Alert can only be implemented if all of the following criteria are met (Tex. Gov't Code § 411.355 and Tex. Gov't Code § 411.356):
 1. There is reason to believe that a child 17 years of age or younger has been abducted; and
 2. It is believed that the abducted child is in immediate danger of serious bodily injury or death or of becoming the victim of a sexual assault; and
 3. A preliminary investigation has taken place that verifies the abduction and eliminates alternative explanations for the child's disappearance; and
 4. There is sufficient information available to disseminate to the public that could assist in locating the child, a person suspected of abducting the child or a vehicle suspected of being used in the abduction.

1201.7 SILVER ALERT

The Silver Alert Network was developed as a statewide emergency response system for certain missing senior citizens. The network is designed to be activated when missing senior citizens with a diagnosed impaired mental condition poses a credible threat to their health and safety (37 Tex. Admin. Code § 9.31(a)).

(a) Definitions

1. **Diagnosed Impaired Mental Condition** - A mental condition or disorder as defined by the current version of the Diagnostic and Statistical Manual as a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and that is associated with present distress or disability or with a significantly increased risk of suffering death, pain, disability or an important loss of freedom. In addition, this individual's current condition presents a level of impairment significant enough to pose a credible threat to the individual's health and safety. The condition, e.g., Alzheimer's disease or dementia, shall

be documented by a medical or mental health professional (37 Tex. Admin. Code § 9.31(b)).

2. **Senior Citizen** - A person who is 65 years of age or older (Tex. Gov't Code § 411.381(3)).



(b) The Department may issue a Silver Alert if (Tex. Gov't Code § 411.386):

1. The person reported missing is 65 years of age or older.
2. The senior citizen's location is unknown.
3. The senior citizen's domicile is in Texas.
4. The senior citizen has an impaired mental condition.
5. It is determined that the senior citizen's disappearance poses a credible threat to the senior citizen's health and safety.
6. The Silver Alert request is made within 72 hours of the senior citizen's disappearance.
7. There is sufficient information available to disseminate to the public that could assist in locating the senior citizen.

1201.8 ALERT PROCEDURES

In the event of a confirmed missing person that meets the criteria for an AMBER or Silver Alert, the following procedure shall be followed:

1. (a) Employees shall notify their supervisor.
2. (b) Supervisors shall notify the appropriate Investigative Unit supervisor to request an Alert System activation:
 1. For an AMBER alert, supervisors will notify the Missing Persons or Homicide Unit to determine if the circumstances meet the criteria for an AMBER alert, as appropriate. The Missing Persons and/or Homicide Unit will handle the alert notification procedure.
 2. For a Silver alert, supervisors will contact the Missing Persons Unit to determine if the circumstances meet the criteria for a Silver alert. The Missing Persons Unit will handle the alert notification procedure.
3. (c) The Public Information Office should be notified.
4. (d) An initial press release shall be prepared by PIO or the Investigative Unit as soon as practicable to include:
 1. The person's identity, age and description.
 2. Photograph, if available.
 3. Pertinent vehicle description.
 4. Suspect information, if applicable.
 5. Details regarding location of incident, direction of travel, potential destinations, if known.
 6. Name and phone number of the authorized media liaison.
 7. A telephone number for the public to call in with leads/information.
5. (e) Fax the press release to local law enforcement agencies, television, and radio stations.



(f) PIO or the Investigative Unit shall prepare follow-up press releases with updates regarding the search and investigation, or immediately upon locating the missing person.

1201.9 EXTENSION OF ALERT

If it is determined that an extension beyond the initial 24 hours is needed, the Investigative Unit supervisor should contact the State Operations Center during the 23 hour reminder.

1201.10 TERMINATION OF ALERT

An Alert system activation should be terminated with respect to a particular missing person if:

1. (a) The missing person is located or the situation is otherwise resolved; or
2. (b) It is determined that the AMBER Alert system is no longer an effective tool for locating and recovering the missing child; or
3. (c) The Silver Alert notification period ends.

1201.11 MISSING PERSONS LOCATED

A missing persons investigation may be concluded when the missing person is located or when another agency accepts the case and formally assumes the investigative responsibilities.

(a) Runaways

1. Refer to Policy (Handling Juveniles) on how to properly recover

juvenile runaways.

(b) All Other Missing Persons

1. Officers that locate all other missing persons or respond to the scene of a located missing person shall immediately notify Communications and advise them to cancel any BOLO, NCIC, TCIC, and the state clearinghouse (Tex. Code of Crim. Pro. art. 63.009(f)).
 1. (a) If the person recovered is 18 years of age or older, the officer's responsibility is to confirm that the person is safe.
 2. (b) Officers shall not divulge the location of a located person 18 years of age or older if the located person requests his location not be disclosed to anyone unless there is a court order that places that person in the care and custody of another.
2. Officers shall document the recovery as follows:



1. (a) Complete a supplement to the original incident report if the missing person originated from CELINA ISD PD; or
2. (b) Complete an incident report if the missing person originated from another agency.



Chapter 13 – Part Time Officers

I. POLICY

It is the policy of the Celina ISD Police Department to maintain the highest standards of professional law enforcement services. Part time Officers must meet the same standards as other members of the organization. Part Time Police Officers should fulfill two primary functions. First, Part Time Officers serve as auxiliary manpower in situations as needed and second, they provide an additional interactive link between the community and the Police Department. Part Time Officers are subject to all the applicable Rules & Regulations that govern regular sworn personnel.

II. PART TIME PROGRAM

A. Requirements and Certification

1. Requirements for age, education, and experience are the same as that for regular sworn personnel.
2. Applicants must meet all minimum requirements set forth by the Texas Commission on Law Enforcement (TCOLE).
3. The selection process for Part Time Officer applicants are the same as regular officers.

B. Training and Performance Standards

1. Part Time Police Officers serve at the discretion of the Chief of Police and may be called into service at any time the Chief of Police or his designate considers it necessary to have additional officers.
2. Part Time Police Officers shall be considered in an "on duty" capacity when:



- a. Performing "assigned duty",
 - b. Representing or identifying himself/herself as a Peace Officer for the purpose of taking enforcement action or discharging legal duties.
3. All Part Time Police Officers must serve a minimum of 16 hours of duty per calendar month. Officers who are unable to meet this requirement must submit a written request through the chain of command to the Chief of Police for an approved leave of absence.
4. Depending on the level of training and experience, Part Time Officers may perform the same duties as other full-time sworn personnel or be assigned to work with a regular officer.
5. All Part Time Police Officers are subject to the same rules, regulations, and orders as regular sworn personnel.
6. All active Part Time Police Officers must successfully complete the field training program.
7. All Part Time Officers will be required to attend periodic department In-Service training to complete:
 - a. The same training as required of regular sworn officers including courses mandated by T.C.O.L.E. for certification requirements; and (TBP: 3.07)
 - b. Department required firearms qualifications or other training as deemed necessary.
8. The primary function of Part Time Police Officers will be to supplement Patrol Operations personnel.
9. Additionally, Part Time Officers will be on call for assistance in emergency situations such as disasters, riots, etc. and to provide additional manpower for special enforcement assignments.



10. All Part Time Police Officer assignments will be coordinated through the patrol supervisor.
11. Part Time Officers may, at the discretion of the Chief of Police, be assigned to other functions within the department depending on the skills and experience of the individual.
12. Part Time Officers will be included in the department's training roster and at the department's expense, trained to TCOLE's minimum standards to satisfy TCOLE's current training cycle.
13. Part Time Officers will be provided one full Class A uniform and one casual duty shirt by the department. Part Time Officers shall provide duty equipment, shoes, and 5.11 pants for non Class A dress.



Chapter 14 – Eyewitness Identification

I. POLICY

Eyewitness identification is a frequently used investigative tool. This Policy is designed to maximize the reliability of identifications, minimize unjust accusations of innocent persons, and to establish evidence that is reliable and which conforms to established legal procedure.

II. PURPOSE

It is the purpose of this policy to establish department guidelines for photographic line-up identification and field identification procedures. The procedures in this policy are applicable when a person is known to an investigator and is suspected of criminal involvement in the incident under investigation.

III. DEFINITIONS

- A. **Administrator.** The person charged with presenting a photographic line-up to a witness.
- B. **Assigned Investigator.** The officer primarily responsible for investigating an incident.
- C. **Blind Administrator.** An administrator who does not know the identity of the suspect or the suspect's position in the photographic line-up.
- D. **Blind Manner.** The presentation of a photographic line-up by either a *blind administrator* or a *blinded administrator*.



- E. **Blinded Administrator.** An administrator who may know the identity of the suspect, but does not know the suspect's position in the photographic line-up.
- F. **Field Identification.** The presentation of a suspect to a witness following the commission of a crime for the purpose of identifying and/or eliminating a possible suspect.
- G. **Fillers.** The photographs used in a photographic line-up whose race, sex, age, height, weight, hair style, and general appearance resemble the suspect.
- H. **Folder Method.** A photographic line-up where the photographs are placed in separate folders or envelopes and randomly shuffled prior to presentation so that the Assigned Investigator does not know which photograph the witness is viewing.
- I. **Illiterate Person.** An individual who speaks and understands English but cannot read and write English.
- J. **Interpreter.** An individual with the necessary skills that enable them to communicate with an illiterate person or a person with limited English proficiency to the degree they can ensure the person clearly understands all instructions given then prior to viewing a suspect in any identification procedure.
- K. **Live Lineup.** The presentation of individuals, including a suspect, in person to a witness, usually in a manner preventing the individuals from seeing or identifying the witness, for the purpose of identifying and/or eliminating suspects.
- L. **Person with Limited English Proficiency.** An individual who is unable to communicate effectively in English with a level of fluency that is typical of a native English speaker. Such a person may have difficulty speaking, reading, or writing in English and includes persons who can comprehend English, but are physically unable to write.



- M. **Photographic Line-up.** A collection of photographs including a suspect photograph and *filler* photographs that are placed in random order and shown to a witness for the purpose of identifying and eliminating suspects.
- N. **Sequential Viewing.** An identification procedure in which photographs are shown one at a time to a witness.
- O. **Simultaneous Viewing.** An identification procedure in which all photographs are shown at the same time to a witness.
- P. **Suspect.** An individual who has been specifically identified by the investigation as possibly being the person who committed the crime.
- Q. **Witness.** A term referring to a complainant, victim, eyewitness, or any other form of witness to an incident.

IV. GENERAL PROCEDURES FOR LINE-UPS

- A. Live line-ups will not normally be used due to the difficulty of administration and the difficulty in obtaining sufficient number of individuals with similar physical characteristics. Should an investigator determine a need for a live line-up, the investigator should contact the District Attorney's office for procedural and technical assistance and the line-up should be carried out with the intent of this policy in mind.
- B. Photographic Line-ups are approved for use by this department if the following procedures are followed. Photographic identification of suspects by witnesses should supplement other investigative actions and/or evidence.

V. PREPARING PHOTOGRAPHIC LINE-UPS

- A. The Assigned Investigator is responsible for:



1. Preparing the photographic line-up, including selecting the fillers and ensuring each of the photographs are numbered or lettered for later reference.
2. Determining before any presentation if the witness is deaf, illiterate, or has limited English proficiency. If the witness is deaf, illiterate, non-English speaking, or has limited English proficiency, the investigator will arrange for assistance to translate the Photographic Lineup Form in the language of the witness or otherwise assist the witness in understanding the instructions before proceeding. The identification of the assisting individual will be documented as well as the assistance provided.
3. Obtaining a sworn law enforcement officer who is familiar with the contents of this policy and understands the line-up presentation process to act as a blind administrator of the line-up.
4. Preserving the photo line-up, whether an identification is made or not, together with full information about the identification process for future reference, by placing the photos in their original condition, the Photographic Lineup Form, and audio/video recording of the administration process into evidence after the procedure.
5. Preparing the photographic line-up; the Assigned Investigator should:
 - a. Include only one suspect in each identification procedure.
 - b. Select fillers that generally fit the witness' description of the perpetrator. Fillers should be selected where no person stands out from the others.
 - c. Use photographs of individuals who are reasonably similar in age, height, weight and general appearance and of the same sex and race. Avoid use of fillers that so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
 - d. If multiple photos of the suspect are reasonably available to the investigator, select a photo that resembles the suspect's description or appearance at the time of the incident.
 - e. Include a minimum of five fillers per identification procedure.
 - f. Avoid reusing fillers in lineups shown to the same witness if showing a new suspect.



- g. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness. Do not mix color and black and white photos.
- h. Use photos of the same size and basic composition. Mug shots should not be mixed with other photos. If mug shots are to be used, cover any portions that provide identifying information about the subject.
- i. All individuals in the photographic line-up and/or the origin of the photos should be known to the investigator, if possible.
- j. Photos should be reasonably contemporary.
- k. Do not use more than one photo of the same suspect.
- l. If there is more than one suspect, include only one suspect in each line-up presentation.
- m. View the array, once completed, to ensure that the suspect does not unduly stand out.

B. The Administrator is responsible for:

- 1. Ensuring they are familiar with the contents of this policy and the line-up presentation process.
- 2. Ensuring the photographic line-up is presented in a manner consistent with this policy.
- 3. Documenting the conduct and results of the line-up presentation in the manner approved within this policy.
- 4. Returning all line-up materials and documentation to the assigned investigator.

VI. PRESENTING PHOTOGRAPHIC LINE-UPS



- A. It is the intent of this department to present all photographic line-ups to witnesses in a blind manner and using a sequential presentation of the photographs.
- B. If a department sworn member is not available to conduct the lineup, a blind administrator, a sworn member of another local agency may be used. The assigned investigator preparing the lineup should ensure the assisting officer is aware of the procedures prior to presenting a lineup to a witness.
- C. Police personnel present at the presentation should not make any suggestive statements, or take any other actions that may influence the judgment or perception of the witness. Only the blind administrator and the witness should be present during the showing and the room will remain free of any distractions during the showing.
- D. Prior to beginning the presentation, determine if the witness has seen the suspect at any time since the crime occurred (whether in person or in newspaper or television reports, etc.) If so, contact the assigned investigator to determine if the identification process should continue. Document this action in the supplement report. If the line-up is conducted by a blind administrator from another agency, the investigator will complete a supplement report detailing the presentation and the assisting officer's contact information. The investigator may obtain a written supplement from the assisting agency officer.
- E. Provide the witness with a Photographic Lineup Form and explain the instructions for the line-up. Instructions given the witness prior to viewing a photographic line-up can facilitate an identification or non-identification based on the witnesses' memory. **Read the instructions and admonitions verbatim from the form**, and obtain the witness' signature indicating they understand the procedure, and sign the form as Administrator. Ensure the witness understands the instructions before proceeding.
- F. The photographs will be placed in unmarked folders, one photograph per folder, for viewing by the witness. One folder will contain a blank sheet of paper. A total of seven folders will be used for the showing.



- G. Show the witness the photographs in a random order, one at a time, sequentially, and document the order shown. Remove each photograph from the witness prior to providing a new one. Allow the witness to see only one photograph at a time. If the witness identifies a suspect, record the number or other identification of the photograph and ask the witness for a statement of how confident they are about their identification (record on the Photo Lineup form in the space provided). Each showing of a photograph requires a yes, no, or not sure response from the witness and the Administrator records this response on the Photo Line-Up Form. Show the remaining photographs even if an identification is made by the witness.
- H. Complete the Statement of Witness portion of the form, including documenting the witness' confidence statement in their own words, regarding how certain they are of any identification. Have the witness complete and sign the appropriate portion of the form. Return all files, photographs and forms to the assigned investigator and complete an offense supplement on the identification procedure.
- I. Do not provide any feedback of any kind to the witness during the procedure including whether or not they picked the suspect.

VII. DOCUMENTATION OF PHOTOGRAPHIC LINE-UPS

- A. All presentations of photographic lineups to witnesses will be video and audio recorded unless the below issues prevail. Upon completion of the presentation process, the video/audio recording will be saved to the server file and copied onto DVD and placed into evidence. The administrator will also complete a detailed supplement report outlining the line-up presentation process and results. The recording, supplement report and original of all photographs and the Photographic Line-up Form will be returned to the assigned investigator.
 - 1. If the witness is afraid or refuses to be recorded, or if the identification process might put the witness in danger if subsequently identified, a detailed written report in an offense supplement outlining the line-up presentation process and result will substitute for the video and audio recording. Information should



be included in the report as to why the recording process was not used.

VIII. FIELD IDENTIFICATION PROCEDURES

The use of field identification should be avoided whenever possible in preference for the use of a photographic or live lineup. If there is some question regarding whether an individual stopped in the field may be the right suspect, an attempt at field identification may prevent the arrest of an innocent person. Therefore, when circumstances require the use of field identification the following guidelines should be followed:

A. Procedures to Using Field Identifications

1. The officer is responsible for ensuring the witness is able to understand the instructions given by officers. If the witness is deaf, illiterate, or has limited English proficiency, the officer will provide for an interpreter or other assistance, or not continue with the field identification.
2. Single suspect field identification shall **not** be used if there is probable cause to arrest the suspect.
3. A complete description of the suspect should be obtained from the witness prior to conducting a field identification. If the witness indicates they are unsure if they can identify the individual, field identification will not be done.
4. Whenever possible, the witness should be transported to the location of the suspect rather than bringing the suspect to the witness.
5. Field identifications should not be attempted more than two hours after the commission of a crime.
6. Field identification should not be conducted when the suspect is in a patrol car, handcuffed, or physically restrained by police officers, unless such protective measures are necessary to ensure safety.
7. Field identification should only be conducted with one witness present at a time. If the field identification is conducted for more than one witness it should be done separately. If one witness



positively identifies the individual, consider making an arrest and using the above photographic lineup procedures for other witnesses.

8. The same suspect should not be presented to the same witness more than once in either field or photographic line-ups.
9. Field identification suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
10. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator will be avoided.

B. Documentation of Field Identifications

1. The officer conducting a field identification should use the Field Identification Form to inform the witness of the procedure and obtain evidence of their understanding of the procedure.
2. The Officer will video/audio record the witnesses viewing using the squad car video and audio recording system and the officer's body camera. Document the witness' comments regarding the suspect on the Field Identification Form. The Form will be given to the assigned Investigating Officer who will include the Form in the original Case Report. The Video/Audio recordings will be saved in the server file and a copy placed into evidence.



Chapter 15 – Racial Profiling Policy

I. POLICY STATEMENT

It is the policy of the Celina ISD Police Department to give equal treatment, under the law, to all people, regardless of race, color, religion, sex, politics, national origin, lifestyle, or similar characteristics. The officers of the Celina ISD Police Department will only stop or detain citizens when reasonable suspicion or probable cause exists to believe they have committed, are committing, or are about to commit a violation of the law, or for other lawful purposes. Officers of the Celina ISD Police Department are strictly prohibited from initiating any action that constitutes racial or biased-based profiling.

II. PURPOSE

The purpose of this document is to give practical meaning to the Department Policy by establishing procedures to ensure that racial profiling, or other bias-based profiling, is not found in the practices of the Department.

III. DEFINITIONS

- A. Race or Ethnicity: Of a particular decent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern.
- B. Bias-based Profiling: The detention, interdiction, search, or seizure of any person based solely upon the person’s age, gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristic.
- C. Racial Profiling: A law enforcement-initiated action based on an individual’s race, ethnicity, or national origin rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity.
- D. Reasonable Suspicion: Specific facts and circumstances, and reasonable inferences from those facts and circumstances that would lead a person of reasonable prudence to believe that some type of criminal activity is afoot, and the detainee are somehow involved.
- E. Motor Vehicle Stop: An occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.



F. Detention: Any restriction upon a person's liberty imposed by a peace officer.

G. Seizure: Any taking of property from an individual without the individual's consent or any restriction of an individual's liberty without the individual's consent. A detention will be considered a seizure, as will an arrest.

H. Acts Constituting Racial Profiling: Acts initiating law enforcement action, such as a motor vehicle stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, or national origin, or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior.

IV. PROCEDURES

A. Public Information

The Department will inform the public of its policy against racial profiling and the process by which a citizen may make a complaint against a department employee. Initially the public will be informed through the news media, with additional efforts to educate the public about the policy and the complaint process made during presentations to civic groups, and by including information on the Celina ISD Police Department internet site and in the Department lobby.

B. Stops / Detentions

In the absence of specific facts that establish, at a minimum, reasonable suspicion to believe that an individual is involved in criminal activity, a person's gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristic, or any combination of these, shall not be the sole factor in determining probable cause for an arrest or reasonable suspicion for a motor vehicle stop.

D. Data Collection

1. Officers are required to collect information relating to all motor vehicle stops in which an arrest is made or a citation is issued documenting the following required data:

- a. The race or ethnicity of the individual detained,
- b. Whether or not a search was conducted,
- c. Whether or not the search was conducted by consent, and



d. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.

E. Motor Vehicle Recording (MVR) Equipment.

1. All marked patrol vehicles are equipped with video cameras. The video and sound shall be activated before all motor vehicle stops, to record the actions of the vehicle and/or behavior of the person, and shall remain activated until the person is released.

2. Patrol Officers are responsible for ensuring that the mobile video recording equipment is fully operational throughout their tour of duty. Any equipment failures or repairs needed should be immediately reported to the on-duty shift supervisor.

3. Audio/Visual recordings will be maintained for the purpose of documenting motor vehicle stops for a period of ninety (90) days before being purged. If a complaint is filed alleging racial profiling, the audio and video record of the stop will be retained until the final disposition of the complaint. When a pocket audio recorder is used, the audiotape will be handled in the same manner.

F. Reporting

1. A vendor will be contracted by the Chief of Police and will conduct a comparative analysis of the collected data with the following guidelines:

a. The analysis will be based on a calendar year;

b. The summary reports of the analysis will be submitted to the Chief of Police. The report must include:

1) A determination of the prevalence of racial profiling;

2) An examination of the disposition of motor vehicle stops, including searches resulting from the stops; and

3) Information relating to each complaint within the department alleging racial profiling.

4) The report may not include identifying information about an officer or about the person stopped, or arrested.

2. The Chief of Police shall submit an annual report concerning citation and arrest data collected in the preceding year to the Superintendent.

3. The Chief of Police shall submit an annual report of the information collected to the Texas Commission on Law Enforcement.



G. Complaint Process

1. Any individual who believes that a peace officer employed by this Department has engaged in racial profiling with respect to the individual, may file a complaint with any supervisor of the Department.
2. In accordance with Article 2.132(f) of the Code of Criminal Procedures, a member who is the subject of a racial profiling complaint will be provided a copy of the recording of the motor vehicle stop in question, upon written request by the officer.
3. The complaint will be received, processed, investigated, and adjudicated in accordance with the Celina ISD Police Department's Administrative Investigations policy.
4. When a citizen lodges a complaint against a member of the Celina ISD Police Department, the complaint must be directed to the Superintendent, 205 S. Colorado, Celina, Tx 75009. Under Texas law the complaint must be in writing and signed by the person making the complaint. The Superintendents duty is to review and thoroughly investigate the complaint. Complaints that are not properly submitted will not be *formally* investigated.

Celina ISD Police Department Racial Profiling Statement and Policy

(For publication on the Department web page)

On September 1, 2001, a new law prohibiting racial profiling went into effect in Texas. Article 3.05 of the Texas Code of Criminal Procedure defines racial profiling as "a law enforcement-initiated action based on the individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity".

The Celina ISD Police Department, and State law, strictly prohibits officers from engaging in racial profiling. Each of our officers has received training concerning the racial profiling law and is provided with a copy of our departmental policy pertaining to racial profiling.

Complaints alleging racial profiling with respect to an individual may be filed with the Celina ISD Administration, Attn: Superintendent, 205 S. Colorado, Celina, Tx 75009. A complaint should be submitted in writing and in a timely manner after the incident so that the incident can receive prompt attention. Once the complaint is received, the Superintendent will initiate an investigation into the matter.

