



Kendall County Sheriff's Office

Policy Manual (Revised 03/01/2021)

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Policy Manual Revisions

The following sections of the Kendall County Sheriff's Office Policy Manual have been changed, modified, added, or deleted. All changes, modification, additions and deletions have an effective date of June 23, 2020.

The following policies have been removed:

8.1 Unusual Occurrences;

8.2 Civil Disturbances;

8.6 Active Shooter;

8.7 Bomb Threats;

10.2 Prisoner Rape Elimination Act;

11.1 Courtroom Courthouse Security.

The following policies/sections have been revised;

6.1 Use of Force

§ V(A) modified

§ VI added

§§VII, VIII, IX renumbered



KENDALL COUNTY SHERIFF'S OFFICE

Policy 1.1 Mission, Values, & Written Directive System

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: TBP 1.04

I. Policy

Both professional law enforcement administration and the management of liability require a manual that governs the activities of a Sheriff's office. A manual of rules and procedures guides the day to day legal and ethical functioning of the office and provides employees with a clear understanding of the agency expectations relating to the performance of their duties.

II. Purpose

- A. The purpose of this policy manual is to provide guidelines for the operation of the Kendall County Sheriff's Office. This manual has been written to inform not only employees, but also the public, of the principles to be adhered to in the performance of the law enforcement function.
- B. Command and supervisory personnel are charged with the responsibility to assure that input is gathered from all responsible sources and are accountable for the proper dissemination and implementation of all adopted policies and procedures.
- C. Due to the frequent changes in the law and the needs of the community, this manual will be reviewed annually for necessary revisions. The Sheriff shall ensure that all policies are in compliance with state law. Each employee is charged with the responsibility to present his ideas for revisions, additions, or deletions to the manual.
- D. As with any system of written directives, situations will undoubtedly arise which are not specifically addressed by directives within this manual. In those instances, the employee should rely upon the principles outlined by the Law Enforcement Code of Ethics and when possible discuss the situation with a supervisor.

III. Mission

The mission of the Kendall County Sheriff's Office is to protect the lives and property of the residents and visitors of Kendall County through professional policing, community partnerships, and the efficient management of personnel and resources.

Values

Professionalism - We foster a climate of excellence by recruiting, selecting, and training exemplary deputies and detention officers, and we encourage employee growth and development through extensive training opportunities.

Integrity - To forge healthy, trusting relationships with the people of Kendall County, we demand that employees of the Kendall County Sheriff's Office demonstrate ethical consistency in their professional and personal lives.

Accountability - We are responsible and accountable for our actions. Thus, we expect our deputies to exercise self-restraint in times of crisis, and we expect our enforcement actions to adhere to the facts at hand.

Justice - The administration of law and order is based upon the ideals of justice and fairness for our diverse community. All citizens and visitors--including those suspected of crimes--will be treated with respect, dignity and fairness.

Courage - We will act boldly to serve our community, and we will make tough decisions based on what is best for our citizens and visitors, the Kendall County Sheriff Office and the individual employee involved, while acting in accordance with the values described above.

IV. Definitions

- A. Arrest – to deprive a person of his liberty in order to make them answer for an alleged criminal offense.
- B. Chain of Command – The unbroken line of authority extending from the Sheriff to the Chief Deputy and through a single subordinate at each level of command, down to the level of execution and return. In the absence of the Sheriff, the Sheriff's designee will assume command of all operations.
- C. County – Kendall County.
- D. Civilian Employee – Any employee other than a sworn deputy.
- E. Competent Authority – That authority possessed by superiors, supervisors, commanding officers, Federal, State or County Sheriff's Office, Officers of the court.

- F. Delegated Authority – At every level within the Kendall County Sheriff's Office, those who have been granted positions of authority will be authorized to make decisions necessary for the effective execution of their responsibilities. All supervisory personnel will be held accountable for the performance of their employees under their immediate control.
- G. Deputy – Used to indicate a sworn peace officer or sworn member of the Kendall County Sheriff's Office.
- H. Directive – Any written or verbal order issued by competent authority.
- I. Employee – Any person employed by the Kendall County Sheriff's Office.
- J. Insubordination – The willful disobedience of any order lawfully issued by a supervisor or by a field training officer to any other employee under their immediate direction or control, or any disrespectful, insolent, or abusive language toward a supervisor or a field training officer.
- K. Memorandum – A document that either (1) provides useful, specific information to employees not amounting to a formal order, or (2) a directive affecting specific behavior for a specific event or period and is usually self-cancelling. Memoranda may be issued by the Sheriff or may be issued by other employees, but they are not part of this manual.
- L. Off-Duty – The state of an employee at times when he is not actively engaged in the performance of law enforcement duties and or other Office tasks and when he is not scheduled to work on a paid status with the county.
- M. Office – When capitalized, the Kendall County Sheriff's Office.
- N. Officer – Used along with deputy to indicate a sworn peace officer or sworn member of the Kendall County Sheriff's Office.
- O. On-Duty – The state of an employee during any period in which he is actively engaged in the performance of law enforcement duties or other Office tasks and is on a paid status.
- P. Policy – A statement of the Office's philosophy on a given issue, consisting of principles and values which guide the performance of Office employees, based on ethics, experience, the law, and the needs of the community. Use of the term Policy in these general orders does not in any way infer or imply that Kendall

County has in any manner, expressed or implied, delegated its final policymaking authority to any person, official or deputy. Final policymaking authority is expressly reserved to the Sheriff, as established by Texas law in effect at the time of the enactment of these general orders.

1. Each rule or regulation or general order will begin with an Office policy statement.
 2. Only the Sheriff determines policy.
- Q. Procedure – The acceptable method of performing an operation or activity. It differs from policy in that it directs employees' actions in performing specific tasks in a prescribed manner within the guidelines of policy.
1. All procedures in this manual will be labeled Policy. Policies govern police operations.
 2. Like rules and regulations, violations of policy may result in administrative discipline. Policies constitute a guide to behavior in given situations. Employees may depart from policy if, in their professional judgment, the situation warrants it. However, employees and deputies must be prepared to justify their actions. In this manual, a directive is synonymous with policy.
- R. Pronouns – The personal pronoun of either gender (him, her, he, she, etc.) shall apply equally to male and female.
- S. Regulation – May contain one or more rules and is an administrative order governing organizational matters, e.g., leave policy, off-duty employment, promotions.
1. Similar to rules, regulations permit little if any deviation there from. Violations of regulations normally result in administrative discipline.
 2. Only the Sheriff proposes regulations.
- T. Rule – A specific prohibition or requirement governing the behavior of employees. Rules permit little if any deviation there from. Violations of rules normally result in administrative discipline.
- U. Staff Supervision – The supervision by a supervisor of an employee not normally under his direct command.
- V. Supervisor – Any employee with delegated authority to oversee and or direct another in the accomplishment of their assigned tasks.
- W. Suspension – The period, either with or without pay, during which an employee is denied the privilege of performing his duties.

- X. Within the context of any rule or directive, the use of the word “shall” dictates an action or behavior that is mandatory and unequivocal. The word “may” or “can” means an action or behavior that is optional.

V. Policy System

A. Policies are issued to announce Policies and Procedures applicable to employees within all divisions of the Office for the indefinite future.

B. Special Orders are issued to establish a Policy or Procedure with regard to a specific circumstance or even of a temporary or self-canceling nature; or

C. Standard Operating Procedures are issued to describe the specific guidelines an employee within a specific division, section, or unit shall follow.

E. Personnel Orders will be issued to direct the following actions:

1. Appointment of new personnel;
2. Assignment or transfer of employees from one division, section, or unit to another;
3. Changes in compensation level;
4. Promotion or demotion of employees; and
5. Suspension, termination, or restoration to duty.

F. Memoranda may be used to:

1. Disseminate information or instructions not warranting a formal order;
2. Direct the actions of subordinates in specific situations or circumstances under a level of command not authorized to issue General Orders, Special Orders, or Standard Operating Procedures;
3. Explain or re-emphasize portions of previously issued orders; or
4. Inform employees of the actions or policies of other agencies.

VI. Issuing Authority

- A. Policies are issued by the Sheriff, who shall have the authority to issue, modify, or rescind the policies and procedures, including any rule or regulation.
- B. Special Orders are issued by the Sheriff or any supervisor with the approval of the Sheriff.
- C. Standard Operating Procedures are issued by the Sheriff or the supervisor in charge of the specific unit or division as long as it is not in conflict with any other general policy or procedure.
- D. Memoranda Announcing Directives are issued by any competent authority.
- E. The Sheriff authorizes any rule, regulation, or policy. No rule, regulation, or policy is valid unless signed by the Sheriff.
- F. Any deputy or civilian member of the Office may suggest or recommend changes to the Sheriff concerning the policy manual and all are encouraged to do so as per Section VIII.

VII. Distribution

- A. All policies shall be distributed by the Sheriff. Each employee shall be issued and shall sign for an individual copy of the policy and procedure manual. Agency policies and procedures and all updates and revisions shall be maintained on the Office server and notifications concerning updates and revisions shall be distributed via email to Office employees. It is the employee's responsibility to update their individual copy of the manual.
- B. All Special Orders and Standard Operating Procedures shall be distributed by the Sheriff or a supervisor or their designees to the appropriate personnel.
- C. The distribution of each Policy, Special Order, or Standard Operating Procedure shall be noted on each.
- D. Each supervisor is responsible for ensuring that those employees under his command are properly trained concerning matters contained in the Policies and Procedures Manual, Special Orders, or Standard Operating Procedures.
- E. All employees are responsible for knowing, understanding, and conforming to the contents of all lawful written directives applying to them.

VIII. Recommendations

- A. All recommendations for additions to or deletions from the Policies and Procedures Manual shall be submitted to the Sheriff through the chain of command.
- B. No order issued at any level of command may conflict with established policies and procedures issued by a higher authority. When a policy, procedure, or directive is to be issued, it shall be the responsibility of the issuing authority to ensure that the document does not conflict as described herein.
- C. When applicable, all Policy and Standard Operating Procedures shall carry notations directing attention to other published documents which are related. A Policy, Standard Operating Procedure, or Directive which rescinds or supersedes other documents shall carry the identifying notations necessary to identify the superseded directive.

IX. Effective Date

- A. Any previous policy directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violations which occur prior to the effective date of this policy.
- B. If any section, sentence, clause or phrase of this policy is, for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this policy.
- C. The effective date is stated in the header of each policy.

X. Written Directive Format

- A. The policy manual shall contain all standard operating policies, procedures, as well as rules and regulations in a loose-leaf notebook or in electronic format.
- B. The policy manual shall contain a table of contents.
- C. The policy manual shall have a standardized header format, containing the following:
 - 1. Law Enforcement Identification
 - 2. Reference by chapter
 - 3. Subject content

4. Policy number
 5. Date of Policy and Revised Date
- D. At the top of each policy / procedure shall be the signature of the Sheriff and the policy number.
- E. The policy manual shall contain all policies and procedures, Rules and Regulations, and special orders. Personnel Orders and Memorandums shall be filed separately with the Administrative Sergeant.
- F. The Sheriff or his designee shall be responsible for reviewing, revising, indexing and purging of written directives on an annual basis.
- G. Compliance & Enforcement of Agency Written Directives
1. Sworn deputies and detention officers are instructed to adhere to all applicable written directives, as stated in the policy manual, in the execution of their respective law enforcement duties.
 2. All supervisors are responsible to enforce agency written directives, as intended by the Sheriff.
- H. Staff Review of Agency Written Directives
1. Agency personnel may request or recommend changes to the Sheriff concerning the agency's written directive system, accordingly:
 - a. The employee shall submit a draft proposal to the Sheriff through the chain of command for review and approval.
 - b. The employee is responsible to research the proposal for conflicts with existing agency policy, state or federal laws, including any training requirements.
 - c. The policy proposal must comply with agency criteria, including ethical, constitutional and legal.
 2. All written directives are subject to the approval of the Sheriff.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 1.2 Jurisdiction, Organization & Authority

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: TBP 1.01, 1.05, 1.06, 1.07, 2.03, 3.07, 6.05, 8.10

I. Policy

The office of Sheriff is established by the state constitution and orders by the Kendall County Commissioners Court and consists of a Sheriff and other full and part-time deputies and non-sworn employees as determined by the Commissioners Court. The office of Sheriff is a constitutional office, and the Sheriff in turn appoints deputies who are charged with enforcing the laws of the State of Texas and all county ordinances. The jurisdiction of the Sheriff's Office is limited to Kendall County, except in cases of pursuit of offenders who have committed a violation within the county and then flee outside the county limits, or when another department requests assistance, or when enforcing laws on property owned by the county but outside its boundaries. The organization of the Sheriff's Office shall support the effective and efficient accomplishment of the goals of the Sheriff.

II. Purpose

The purpose of this policy is to describe the jurisdiction and organization of the Sheriff's Office, outline its rank structure, and assign responsibilities, functions and duties.

III. Authority and Agency Jurisdiction

The jurisdiction of the Kendall County Sheriff's Office is limited to the boundaries of Kendall County with certain exceptions.

- A. Deputies appointed by the Sheriff have all the authority granted to them by the State of Texas as Peace Officers. Appointed deputies have the responsibility to act within the law to preserve order, arrest offenders, and protect the residents and visitors to our county.

- B. No person shall be certified as a peace officer who has not complied with the basic requirements established by Texas Commission on Law Enforcement for peace officers and by Kendall County and the Kendall County Sheriff.
- C. Deputies have arrest authority anywhere within Kendall County, however the exercise of that authority will be limited when outside Kendall County to those situations involving a felony or the use of violence or threatened use of violence against a person, and then only to the extent that the deputy is able to safely intervene. When off-duty or out of their primary jurisdiction, deputies seldom have appropriate equipment, communications, or assistance needed to properly intervene in dangerous situations. Intervention in these cases may be resolved by calling appropriate authorities and remaining on scene to provide witness information.
- D. Deputies have authority to enforce the law on property owned by the county.
- E. Deputies have authority to pursue offenders outside the county limits who have committed violations inside the county pursuant to the pursuit policy. Deputies may also utilize their authority to conduct investigations, including interviewing witnesses, interrogating suspects, executing search and arrest warrants and making lawful warrantless arrests anywhere in the State of Texas when investigating crimes occurring inside the county. However, when conducting law enforcement business outside of the county or within the boundaries of the City of Boerne or the City of Fair Oaks Ranch, absent an emergency, a deputy will first contact and work with the local law enforcement entity.
- F. Deputies have authority to enforce the law in another jurisdiction pursuant to a properly executed mutual aid agreement.
- G. While deputies have full authority to make arrests, issue summons, and use force in enforcing the law, deputies are also expected to use discretion and common sense in the application of this authority. Deputies should always seek the least intrusive level of intervention appropriate to preserve the peace and protect the public safety.

IV. Authority of the Sheriff

- A. The Office of Sheriff is a constitutional office established in Article 5, Judicial Department, of the Texas Constitution. As the chief executive of the office, the Sheriff has full authority and responsibility for the management, direction, and control of the operation and administration of the office.
- B. The Sheriff shall attend training as mandated by the Texas Legislature and as required by the Texas Commission on Law Enforcement (TCOLE).
- C. The Sheriff will maintain effective and cordial relations so as to foster cooperation with other law enforcement agencies and area governmental entities.

- D. The Sheriff is the Agency Homeland Security coordinator and will maintain relationships with the State Homeland Security office and other state and federal Homeland Security resources.
- E. The Sheriff will maintain the records of the Kendall County Sheriff's Office.
- F. The Sheriff will accept as prisoners, persons arrested within Kendall County, including those arrested by other law enforcement agencies. The Sheriff may charge fees associated with housing of prisoners as allowed by law.
- G. The Sheriff develops, presents, and justifies budget estimates for operations of the Sheriff's Office to the Kendall County Commissioners Court.
- H. The Sheriff will insure that all hiring, personnel and training requirements of TCOLE and the Kendall County Sheriff's Office are complied with.
- I. The Sheriff will make monthly reports to the state jail commission as required by commission rules.

V. Organizational Structure

A. Organizational Structure

The Kendall County Sheriff's Office was established in 1862. The first Sheriff was John Sansom, a former Texas Ranger. Today's Sheriff's Office is composed of the Sheriff, Chief Deputy, and as many supervisors and deputies as the Kendall County Commissioners Court authorizes to protect and serve the community and carry out the objectives of the office.

B. Organizational Chart

The organizational chart is included at the end of this section and is reviewed annually and updated as needed. The chart is also posted in the Office.

C. Chain of Command and Succession

1. The Sheriff has full control over the activities of the office. In the absence of the Sheriff, the Chief Deputy shall take command and notify the Sheriff of all major decisions he may make. If the Sheriff and Chief Deputy are not available, the CID Lieutenant or Patrol Lieutenant on duty shall take command until the Chief Deputy or Sheriff is available.

2. Supervisors shall, without specific instructions, undertake the required details and assignments necessary to carry out the business of the Office. Supervisors shall be guided in the assignment of personnel by the number of deputies available for duty and the necessity to assign them where they will be most useful.

D. Span of Control

1. Plans for any event utilizing Office personnel will clearly delineate the command structure and outline the span of control.

VI. Authority and Responsibility

- A. At each rank within the organization, personnel are given the authority to make necessary decisions for the effective performance of their responsibilities. The Sheriff's Office is committed to fostering an organizational climate that encourages employees for initiative, innovation, community involvement, and problem solving.
- B. Each employee shall be held accountable for the use of, or failure to use, delegated authority. Any employee with questions concerning his or her delegated authority shall refer the matter to the on-duty supervisor or the Sheriff for prompt resolution.
- C. Supervisors are held accountable for the condition and preparedness of the personnel assigned to them.
- D. Supervisors are responsible for the good order and sanitary condition of offices, vehicles, and equipment.
- E. Supervisors are responsible for the efficiency, discipline, and morale of employees under their charge. Supervisors shall investigate or cause to be investigated all allegations of employee misconduct.
- F. Supervisors shall ensure that employees have been supplied with all appropriate written orders and shall instruct them thoroughly on all oral and written orders. Supervisors shall regularly review and instruct subordinates in pertinent laws, ordinances, and necessary skills.

G. OATH OF OFFICE REQUIRED (TBP: 2.03)

1. All sworn deputies will swear or affirm any oath required by state law before assuming law enforcement duties. All sworn deputies shall abide by the Law Enforcement Officer's Code of Ethics. A copy of the law enforcement Code of Ethics is provided to each sworn deputy.
2. Such oath shall be made in public and shall be witnessed by the County Clerk, who shall witness and record it on the form approved by the department. The oath shall be filed in the deputy's personnel file.

VII. Authority to Carry Weapons and Use of Force

- A. Sworn deputies who are licensed peace officers of the State of Texas are authorized to carry firearms and other weapons as identified in these directives and to use force when necessary and to the extent authorized by these orders and state law in enforcing the law and protecting the public.
- B. Sworn deputies who are off-duty are encouraged to carry firearms in order to take action when necessary to preserve life and property. When not in uniform and not on duty, deputies will not allow any weapon to be visible to the public unless it is carried in a holster and the deputy's badge is displayed adjacent to the weapon.
- C. Deputies are not to carry any weapon when off-duty and have consumed or intend to consume any alcoholic beverages, prescription drugs or other medications that impair the deputy's judgment and ability.

VIII. Off-Duty Authority

- A. Liability Protection: Deputies and officers of this Office have liability protection for the on and off-duty performance of official duties. This protection does not extend to those actions that the deputy knew, or reasonably should have known, were in conflict with the law or the established policies of this department.
- B. Authorized Off-Duty Arrests: When off-duty and within the legal authority of this law enforcement agency, a deputy may make an arrest only when all of the following occur:
 1. There is an immediate need to prevent a crime or apprehend a suspect.
 2. The crime would require a full custodial arrest.

3. The arresting deputy possesses appropriate police equipment and police identification.
- C. Off-Duty Responsibilities: While off-duty, the deputy is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities. When a deputy is prohibited from taking off-duty enforcement actions under provisions of this policy, the deputy shall act as a trained observer and witness to the offense and shall summon on-duty personnel as soon as reasonably possible. Where an arrest is necessary, the off-duty arresting deputy shall abide by all departmental policies and procedures.
- D. Prohibitions of Off-Duty Arrests: Despite the fact that a police officer has police powers and responsibilities twenty-four hours a day throughout the jurisdiction, the off-duty officer generally should not attempt to make arrests or engage in other enforcement actions when the provisions of this section are not met or when any of the following circumstances exist:
1. The deputy is personally involved in the incident underlying the arrest.
 2. The deputy is engaged in off-duty employment of a non-police nature.
 3. The deputy's ability or judgment to use a firearm or take a person into custody has been impaired by use of alcohol, prescription drugs, or other medication by a physical ailment or injury, or;
 4. A uniformed deputy is readily available to deal with the incident. Off duty deputies in plain clothes shall follow all orders issued by uniformed deputies without question or hesitation during enforcement encounters and shall identify themselves as law enforcement officers as prescribed by Office training. The Office's training authority shall establish protocols for recognition of off-duty officers in plain clothes so as to reduce the potential of misidentification of such personnel during enforcement encounters. Such protocols shall be reviewed periodically during in-service training.
- E. Incident Reports by Off-Duty Employed Deputy:
1. Normal arrest policy will apply as set out in this policy manual.
 2. When an arrest is made by the deputy, he or she will complete an offense report following normal arrest reporting procedures and will contact the Boerne Police dispatcher and request a unit to make transport of the arrested person(s) to jail.

3. The transporting deputy needs only to write the supplement report stating that he or she took custody of the arrested, sign any evidence tags to maintain chain of custody, and deliver the prisoner for booking.
4. Nothing in this policy prohibits the deputy from calling for assistance from on-duty personnel.
5. Incident reports initiated by the off-duty deputy not pertaining to custody arrest will be turned in at the office on the deputy's next normal work day.
6. For felony incident reports written during the off-duty period which require immediate entry, the off-duty deputy will make arrangements to write his report immediately after the arrest is made and the situation is under control.
7. Nothing in this section precludes the employer or the off-duty deputy from calling a unit to the scene of any incident to make an investigation and written report for non-arrest situations.



	KENDALL COUNTY SHERIFF'S OFFICE	
	Policy 1.3 Fiscal Management & Responsibility	
	Effective Date: 01/01/2015	Revised: 03/01/2019
	Approved:  Sheriff	
	Reference: TBP 1.02, 1.03 & 1.10	

1. POLICY

It is the policy of the Kendall County Sheriff's Office to maintain the highest level of fiscal responsibility. The Sheriff is responsible for the development and submission of the departmental budget as well as the financial management of the office. It will be the policy of the Kendall County Sheriff's Office to maintain accurate and detailed records of all financial transactions in order to remain above reproach.

I. PURPOSE

The purpose of this order is to establish procedures for employees making routine and emergency expenditures for goods or services necessary for the efficient operation of the Office.

II. STATEMENT OF SPECIFIC RESPONSIBILITY

The Sheriff, as an elected official, has the authority and responsibility for the fiscal management of the Office.

III. DEFINITIONS

- A. Routine Expenditure: Purchases that are budgeted and or planned for and handled through the Kendall County Auditor's Office.
- B. Emergency Expenditure: A use of County funds necessary to accomplish vital goals of the Office that by their nature cannot be postponed until regular business hours. These expenditures might be for goods or services. Emergency expenditures are always more than fifty (\$50) dollars and are approved by the Sheriff.
- C. Petty Cash Expenditure: A purchase of services, supplies or equipment, necessary for the operation of the Office, in the amount of fifty (\$50) dollars or less. Individuals

charged with the management of petty cash funds must approve any petty cash purchase prior to the purchase. Supervisors may approve petty cash expenditures prior to the purchase if the petty cash manager is unavailable.

- D. Vendor: Any authorized retailer, wholesaler, manufacturer, or other supplier of goods or services to Kendall County.
- E. Tax Exemption Certificate: A document provided to vendors by the County Auditor's Office that indicates that purchases made for County use are exempt from state sales tax.
- F. Requisition: The form used to request goods or services.
- G. County Auditor's Office: The authority in the County with the responsibility of exercising fiscal control over all expenditures made by County employees.
- H. Payment Authorization Form: The document used in lieu of a purchase order for the following items: (a) freight bills, (b) travel expenses, (c) authorized organization dues, (d) equipment rentals exceeding two months, (e) advertising, (f) purchases from vendors who do not accept purchase orders and require check or cash.
- I. Capital Asset: Those items in possession of the Sheriff's Office that have a value of \$1000.00 or more as determined by the value of the item when purchased. If practical, these items will be issued a Kendall County Auditor's Office inventory tag to be attached to the item.

IV. RESPONSIBILITIES

- A. The Sheriff has the ultimate authority, responsibility, and accountability for the fiscal management of the Office. The Sheriff prepares the Office budget with input from supervisors and officers of the Office.
- B. Supervisors are responsible for providing budget requests with any necessary documentation for their areas during the budget preparation process.
- C. The Sheriff is also responsible for at least monthly review of budget to include the amount budgeted, the amount spent year to date by category, and the amount remaining. Any projected budget shortfall shall be discussed with the County Auditor as soon as it is discovered.

V. GENERAL PROCEDURES

The County Auditor is responsible for monitoring the suitability of vendors and the Sheriff's Office will not purchase goods or services from any vendor currently under suspension by the County.

VI. COLLECTION AND DISBURSEMENT OF FINANCIAL TRANSACTIONS

(TBP: 1.03.1)

- A. The Kendall County Sheriff's Office does not maintain a petty cash fund; all requests for petty cash will be made with the approval of the Sheriff to the office of the County Auditor and will follow procedures as established by the Auditor's Office. No deputy of the Office will accept payment of any kind by payment of cash.
- B. Administrative Specialists I & II working in the Sheriff's Office are the only personnel allowed to accept cash, credit cards, checks, or money orders from the public. Payments are routinely accepted from the public for items such as copies of reports, fingerprinting services, vehicle VIN verifications etc. In addition, checks are received at the Sheriff's Office from the Office of the Attorney General for Child Support service fees and SANE exams. When funds are received by the Administrative Specialist II's, the following procedures apply for the handling of those funds.
 - 1. A receipt is given for all funds accepted by the Sheriff's Office. A receipt book will be kept at the front office window.
 - 2. Funds collected are immediately secured in the safe located in the front office.
 - 3. On the 1st and 15th of each month any funds collected for the previous two-week period will be submitted to the Kendall County Treasurer's Office. A Fee's Report is submitted with these funds to show receipt of the funds by the Treasurer's Office.
 - 4. A monthly Fees of Office report is submitted to the County Auditor's office showing all funds submitted to the Treasurer's Office.

VII. EMERGENCY EXPENDITURES

- A. Any Sheriff's Office employee needing to make an emergency expenditure will submit a memorandum through the chain of command detailing:
 - 1. What the expenditure is for.
 - 2. Why the expenditure constitutes an emergency.
 - 3. The cost of the expenditure.

- B. The Sheriff, either in person or via the telephone is responsible for:
1. Deciding whether the expenditure is an emergency.
 2. Causing the memorandum to be marked "approved" or "disapproved" and initialed.
 3. If the Report is approved, the Sheriff will cause the telephone bidding of the goods or services requested to be made awarding the bid to the lowest bidder conforming to specifications and delivery requirements.
 4. If the report is disapproved, notify the requesting person to proceed with a routine requisition discussed later in this Policy.
- C. It is the responsibility of the employee receiving authorization for an emergency expenditure to:
1. Make arrangements with the approved vendor to provide the goods or services.
 2. If the vendors request a tax exempt number, give them the T.I.N. (agency's tax exempt number).
 3. If the vendor asks for a tax exemption certificate, advise them that you will contact the Auditor's Office the next business day and request that they forward a tax exempt certificate to their business.
- D. It is the responsibility of the Sheriff or his designee to:
1. Provide, to the Auditor's Office, an itemized list of the goods or services obtained, including the total cost.
 2. Obtain a purchase order number and cause it to be added to the report to the Auditor's Office.
 3. Forward a copy of the report, along with all invoices or receiving slips, including the P.O. #, to the Auditor's Office.
- E. It is the responsibility of the Sheriff or his designee to prepare a requisition, attaching all invoices or receiving slips, and forward it to the Auditor's Office and arrange for out of pocket cash reimbursements where applicable, using a payment authorization form with the attached receipts.

VIII. ROUTINE EXPENDITURES

- A. It is the responsibility of any employee needing to make a routine purchase of goods or services to:
1. Obtain approval of a supervisor.
 2. Provide the reason, type of service or goods to be purchased on an informal memorandum form.
 3. Hand carry the request to the Sheriff or his designee.
 4. Contingent on approval, receive a purchase order number from the Sheriff or his designee.
 5. Arrange for the delivery of goods or services by the vendor.
 6. Return all invoices and/or receiving slips to the Sheriff on the next business day following the receipt of goods or services.
- B. Prior to approving the request, it is the responsibility of the Sheriff or designee, to secure adequate documentation for the purchase and ensure budgeted funds are available.

IX. PROPERTY LOSS AS A RESULT OF LAW ENFORCEMENT DUTIES

- A. It is the responsibility of an employee experiencing a loss of personal property in the line of duty to submit a memorandum detailing:
1. The circumstances of the incident.
 2. Whether the loss affecting the employee was a result of damage, lost or destroyed property.
 3. The value of property with proper documentation including: receipts, age and condition of the item(s) at the time of the loss, etc. There must be sufficient documentation that would enable a reasonable person to establish fair market value.

- B. It is the responsibility of the chain of command to make a recommendation for or against reimbursing the employee experiencing the loss and to:
 - 1. Recommend a dollar amount for replacement based on:
 - a. Fair market value of the item(s) or equipment.
 - b. Cost replacement for the item(s) or equipment that provides the same purpose.

The Sheriff will make the final determination.

- C. Reimbursement may only be made for items that are normally utilized in the course of police duties, such as:
 - 1. Wrist watches, clothing, foot wear, weapons, handcuffs, batons, and any other non-departmental supplied equipment.
 - 2. Reimbursement will not be made for items that are not normally utilized in the course of police duties, such as ornamental jewelry, hats, and expensive watches, clothing or foot wear. Valuable items of this sort are worn at the employees own risk.
- D. All employees are expected to maintain care and control of County equipment. Personal items lost, stolen, or damaged that are submitted for replacement will be reviewed as to the circumstances surrounding the loss, including whether or not the employee made every reasonable effort to prevent the loss.

X. AUDITING / ACCOUNTING

- A. An independent audit of Office fiscal affairs is conducted at least annually in connection with the annual County financial audit. The Sheriff may order an internal audit any time it may be deemed necessary to assure accountability.
- B. The Office's accounting system will include a monthly status report which will be accomplished by the custodian of each petty cash account showing:
 - 1. Initial appropriation for each account.
 - 2. Balances at the commencement of the monthly period.
 - 3. Expenditures and encumbrances made during the period.
 - 4. Unencumbered balance at end of period.

XI. ACCOUNTABILITY OF DEPARTMENTAL CAPITAL EQUIPMENT (TBP: 1.10.1)

- A. All agency property is inventoried when received. The Administrative Sergeant or his designee will be responsible for issuing Office owned property to authorized users. This includes recovering said property if required when the employee leaves the department.

- B. The department will conduct a capital assets inventory every year and whenever there is a change in command personnel over a unit or the Office. The results of the inventory will be forward to the Sheriff for review.



	KENDALL COUNTY SHERIFF'S OFFICE	
	Policy 1.4 Inspections & Audits	
	Effective Date: 01/01/2015	Revised: 03/01/2019
	Approved:  Sheriff	
	Reference: TBP 1.13 & 7.25	

I. POLICY

Inspections of the Kendall County Sheriff's Office shall be conducted on a regular basis to help ensure that the office is operating at peak efficiency and in compliance with established professional standards. When conducted properly, inspections enable managers to assess the organization's ability to perform its mission and provide them with the information necessary to plan for the improvement of the Sheriff's Office operations and ensure full capability to perform our mission. Inspections are a vital component of organizational self-assessment and as such will be carried out with care, attention to detail, and with the full cooperation of all personnel concerned.

II. PURPOSE

The purpose of this policy is to establish procedures for conducting inspections of the Kendall County Sheriff's Office administrative functions, facilities, property, equipment, operations, and personnel.

III. DEFINITIONS

- A. Line Inspection. Line inspections are inspections conducted by the supervisory personnel directly responsible for the person, equipment, or facility being inspected. They are designed to examine, evaluate, and improve the performance of Office personnel and equipment. A written report is not required for a line inspection unless it reveals a critical problem that should be brought to the attention of a higher command level.

- B. Readiness Inspections. A specific inspection conducted to evaluate both equipment and operational readiness of the Office to respond to exceptional or emergency circumstances. Such inspections are regularly scheduled but may be initiated at any time at the direction of the Sheriff or a designee.

IV. PROCEDURES

A. Line Inspections

1. Line inspections shall be conducted by the immediate supervisor of the unit or personnel being inspected.
2. Line inspections shall be accomplished at roll call or at such other times as are appropriate for the type of inspection being conducted.
3. Line inspections shall be conducted at least once per week or at such intervals and times as otherwise directed by Office policy and the supervisor of the unit concerned.
4. Special line inspections may be ordered at any time by the Sheriff.
5. Line inspections shall, at a minimum, include an examination of each of the following items that are applicable to that particular unit and that particular type of inspection:
 - a. Personal appearance and personal hygiene of unit personnel
 - b. Proper wearing of uniforms and uniform equipment
 - c. Health, physical fitness, and fitness for duty of unit personnel
 - d. Appearance and maintenance of Office-owned vehicles assigned to or used by that unit
 - e. Unit compliance with Office policies, regulations, and orders
 - f. Availability and currency of Office policy and procedure manuals and other Office publications and documents applicable to that unit
 - g. Physical condition, maintenance, safety, cleanliness, adequacy, and security of the areas, furnishings, and equipment of the portions of the physical plant used by or under the control of that unit
 - h. Such other items as are applicable to the functions of that unit
6. Inspection Procedure
 - a. Unit supervisors shall conduct informal physical inspections of personnel, equipment, and other items, as directed. Normally no formal written report of line inspections will be required.
 - b. All line inspections shall be conducted in accordance with all appropriate safety precautions.

- c. Firearms, both individual and Office owned that are used on duty will be inspected for cleanliness and functionality at least monthly. Firearms and other equipment with the potential for causing injury shall be examined only by persons thoroughly familiar with the item being inspected. Inspection of firearms and other weapons shall be conducted only in a manner consistent with standard safety requirements for the presentation and handling of such weapons.
7. Wherever possible, deficiencies discovered during line inspections shall be corrected immediately by the inspecting supervisor. Where immediate correction is not possible, a re-inspection of the deficient item shall be conducted at the earliest possible date to ensure that the corrective action has been taken.
8. Repeated failure to correct deficiencies shall be reported to the appropriate authority, and action will be taken to compel compliance by the person or unit responsible for the deficiency. Failure to correct deficiencies may be the subject of disciplinary action.

B. Readiness Inspections

1. Equipment Readiness Inspections will be conducted on all Office special use equipment on a quarterly basis.
2. Each Office unit will create a checklist of equipment possessed by the unit for special or periodic use. This is typically equipment that is not assigned to individual members of the Office. Special use equipment includes special use vehicles, equipment or supplies for special events or disasters, or specialized investigative equipment.
3. Checklists should indicate the unit, date inspected, condition of each item, and the person who inspected the equipment. Any maintenance needs will be identified. Copies of each unit Checklist shall be forwarded to the Sheriff for review.

V. Maintaining Compliance with Texas Best Practices

- A. The Administrative Sergeant is responsible for ensuring continued compliance with the Texas Law Enforcement Best Practices.
- B. The Administrative Sergeant will design and implement a system to ensure all continuing compliance requirements are met and provide immediate feedback to the Sheriff if a continuing compliance issue is not met.

- C. The Administrative Sergeant shall provide the Sheriff with a memorandum at least monthly advising the status of Best Practices Compliance.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 1.5 Mutual Aid

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:


Sheriff

Reference:

I. POLICY

On occasion, the need arises to request assistance from or give assistance to a neighboring-law enforcement agency. This need may result from an emergency such as a civil disorder, fire, flood, or other disaster, but most often is requested for backup on calls where officers are at risk and local backup is unavailable. Before the need arises, agencies must clarify and plan emergency procedures. Available area city and state support systems shall be used to support operations.

II. PURPOSE

To establish procedures, duties, and responsibilities for providing assistance to, or requesting assistance from another law enforcement agency and to provide for the use of statewide law-enforcement support systems.

III. PROCEDURE

A. Jurisdiction

1. Generally, the legal jurisdiction of the Office stops at the county boundary; however, deputies also have authority to act as peace officers in other areas within the State when requested through a properly executed mutual aid agreement. This authority may be used for the following reasons:
 - a. Assisting neighboring law enforcement agencies, to include the City of Boerne and the City of Fair Oaks Ranch, other counties which are contiguous with Kendall County, or the Texas Department of Public Safety in handling emergency calls and at times when they are unable to respond immediately.
 - b. Assisting the same neighboring law enforcement agencies when they are in need of assistance in safely completing a task or assignment.

B. Mutual Aid

1. For the purpose of this policy, mutual aid is defined as the assistance given or asked for between the Office and other law-enforcement agencies during emergencies. The circumstances which require mutual aid can include one or more of the following situations:
 - a. Enforcement of laws which control or prohibit the use or sale of controlled drugs;
 - b. Any law-enforcement emergency involving an immediate threat to public safety;
 - c. Executing orders for the temporary detention or emergency custody of people for mental health evaluation; and
 - d. Any public disaster, fire, flood, epidemic, or civil disorder.
2. Mutual aid may be requested from or provided to another law-enforcement agency by the Office at the discretion of the on-duty supervisor; deputies must remember, however, that they are primarily responsible for providing law enforcement service to our jurisdiction. There are generally three levels of mutual aid assistance as follows:
 - a. Short duration, approximately 30 minutes or less, where an additional show of force, backup, traffic control or assistance with prisoner transportation is required.
 - b. Medium duration, approximately one to four hours, where the supervisor on duty may provide or request assistance from the neighboring law enforcement agencies; however, their role is normally confined to a showing of force, backup, transporting prisoners, or traffic control.
 - c. Long duration, more than four hours, full scale assistance required. The on-duty supervisor shall immediately notify the Sheriff or Chief Deputy who will assist in coordinating additional aid as required.
3. Any mutual aid support between the Office and neighboring law enforcement agencies shall be coordinated in advance through a written agreement.
4. Mutual aid Agreements shall be reviewed annually to ensure compliance with National Incident Management System requirements.
5. When taking law enforcement actions at the emergency site, including uses of force, deputies from this Office shall at all times adhere to this Office's policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.
6. Occasionally it is necessary to request assistance from a federal law-enforcement agency when a major crime has occurred, and the suspect may

have left the state. The Sheriff shall decide whether or not to notify the FBI or other appropriate agency.

7. If the Office, with the help of neighboring law-enforcement agencies and DPS, is unable to cope with an emergency such as a riot or civil disturbance, the Sheriff may contact the Governor's Office for National Guard assistance.

C. Statewide law enforcement support.

1. The Sheriff's Office participates in the use of the Texas Crime Information Center (TCIC) and complies with the procedures for the use of this exchange. In addition, the department participates in the Uniform Crime Reporting system administered by the Texas Department of Public Safety.
2. Some state-owned law enforcement resources may be made available to the Office for special use. These resources, and the state agency to contact, include:
 - a. Special Weapons and Tactics (SWAT) teams.
 - b. Canine teams—DPS. Canine teams, if requested, shall only be used to track, and great caution shall be used in deploying teams in heavily populated or congested areas. Handlers are responsible for compliance with their own agency policies and procedures.
 - c. Helicopter or fixed-wing aircraft--DPS. Normally requested in advance by the Sheriff to the Director. May be available on an emergency basis through DPS.
 - d. Polygraph: DPS
 - e. Riot truck and equipment: DPS.
 - f. Bomb disposal: DPS.

D. State Law Enforcement Assistance during Declared Emergency or Disaster Situations

1. Only the Governor has the authority to provide State Law Enforcement Assistance during an emergency of disaster situation. State equipment and personnel can be used to support local emergencies or to protect life and property in natural disasters per the Governor's authorization. The Sheriff shall request the County Judge contact the Governor if State Law Enforcement assistance is required.
2. During declared emergencies and disasters, the support listed in section C above is requested through the County Judge in the regular NIMS process.



	KENDALL COUNTY SHERIFF'S OFFICE	
	Policy 1.6 Sheriff's Office Reports	
	Effective Date: 01/01/2015	Revised: 03/01/2019
	Approved:	 Sheriff
	Reference:	

I. POLICY

The Kendall County Sheriff's Office is required to maintain records of operations for purposes of investigation, prosecution of offenders, as well as the internal operations of the office. It is the intent of the Sheriff's Office to provide a reporting system through which quality management and administrative decisions may be made.

II. PURPOSE

The purpose of this order is to describe the periodic reports and records prepared by the Sheriff's Office and their retention schedules.

III. ADMINISTRATIVE REPORTS

A. Monthly Reports

The Criminal Investigation Sergeant will provide a monthly report to the CID Lieutenant. The Patrol Analyst will provide a monthly activity report to the Patrol Lieutenant. These reports contain information such as comparative statistics, major crimes reported, accident data, and individual officer activity.

B. Monthly U.C.R.

A monthly U.C.R. (Uniform Crime Report) is compiled by the Patrol Analyst and a copy provided to the Sheriff for review and signature. The original of this report is submitted to the Texas Department of Public Safety.

C. Annual Report

The Annual Report is compiled for the Sheriff. The report contains an annual summary of the monthly report information and other information which is required by both policy and law, to include the Racial Profiling Report. The Annual Report is forwarded to Commissioners Court.

IV. CRIMINAL AND CALL RECORDS

A single sequential incident number is assigned to each call for service. Any field report, incident report, offense report, or accident report is assigned this number. The number is unique to each separate incident to ensure the efficient recovery of the report.

V. DESTRUCTION AND RETENTION OF RECORDS

Texas State Law provides a criminal penalty for willful destruction, mutilation or alteration of public information. Destruction or removal of documents and records of the department shall be made only in accordance with the County Records Retention Schedule.

VI. DEPARTMENTAL FORMS

- A. The Office shall develop standard forms to be used by deputies to assure uniform and consistent reporting of enforcement and enforcement related activities, and to satisfy the requirements of State and Federal Agencies.
- B. Sheriff's Office forms may be created by the unit needing the form, when a form does not yet exist. Any personnel in the organization may suggest revisions to an existing form or propose a new form. Proposals and suggestions are submitted to the employee's supervisor, and care is exercised so as not to conflict with any County policies or forms.
- C. The Sheriff must approve all departmental forms.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 1.7 Goals & Objectives

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference:

I. POLICY

The Kendall County Sheriff's Office constructs a long-term Strategic Plan that outlines the organizational Goals and Objectives over a three to five-year period. The Sheriff and Management Staff develop this Strategic Plan with input from the organization's supervisors and the community. Each September, the Sheriff will update the Strategic Plan by eliminating goals which have been accomplished and adding new goals that have been developed.

II. PURPOSE

To outline the process used by Sheriff's Office personnel in the development of Departmental Goals and Objectives.

III. ANNUAL GOALS AND OBJECTIVES

- A. Each October, after the revision of the Strategic Plan, the Sheriff will develop Annual Goals and Objectives for the Sheriff's Office. This one-year plan will consist of those goals in the Strategic Plan that are identified for accomplishment that year plus any additional department specific goals that need to be addressed.
- B. The Sheriff shall forward a report on the accomplishment of the previous year's goals to the Commissioners Court by the second meeting of February each year.
- C. Each supervisor is responsible for insuring that all personnel under their command are given the opportunity to provide input to the goals, objectives and strategies of each organizational component.
- D. Upon completion, the One-Year Plan is to be distributed to all Sheriff's Office personnel. It is the responsibility of each supervisor to ensure that personnel under the supervisor's command receive the goals, objectives and strategies of their organizational component.

E. The Sheriff reviews semi-annually, with the supervisory staff, the progress in attaining the goals, objectives and strategies of each organizational component.

IV. INDIVIDUAL PERFORMANCE PLANS

Supervisors, when developing individual Performance Plans for subordinate employees, will include elements of the annual goals and objectives which that employee is expected to assist in accomplishing.



	KENDALL COUNTY SHERIFF'S OFFICE	
	Policy 2.1 Rules of Conduct	
	Effective Date: 01/01/2015	Revised: 03/01/2019
	Approved:  Sheriff	
	Reference: TBP 1.08, 2.02, 2.12, 2.14, 2.15, 2.16, 2.18, 2.19, 2.20, 2.21, 2.22	

I. POLICY

The Kendall County Sheriff's Office and the public expect all personnel to maintain high standards of appearance and conduct. The mission of the Office is to work with all members of the community to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.

II. PURPOSE

To define Office expectations for on and off-duty personal behavior. This order applies to all employees both sworn and non-sworn. (TBP: 2.12)

III. CODE OF ETHICS (TBP: 2.02)

All deputies shall display the integrity required by the Law Enforcement Code of Ethics:

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

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

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously

and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

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

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

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

IV. DEFINITIONS

- A. *Affirmative Duty*: The personal responsibility and obligation of an employee to report wrongdoing rather than to provide such information only when requested.

- B. *Deputy* – Used to indicate a Kendall County Sheriff’s Deputy or a peace officer.

- C. *False Report*: A report that is not made in good faith, based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or made with the purpose of harassing or wrongly incriminating another employee.

- D. *Good Faith*: A report that provides allegations concerning an employee who is reasonably believed to have purposely committed a serious violation of Office policy, procedures, rules, or laws.

- E. *Retaliation*: Retaliation of the following kinds is designed to serve as retribution against an employee who, in good faith, has filed a complaint against another employee. In the context of this policy, retaliation includes any deliberate, purposeful actions or failures to act directed against employees that cause, or that could reasonably be expected to cause, physical harm, property damage, significant emotional stress, or otherwise negatively affect another employee’s terms or conditions of employment or that could seriously impair the efficiency, safety or effectiveness of that employee, this Office, or both. Such adverse actions may take many forms, including but not limited to, bullying; persistent offensive comments, threats, or intimidation; false accusations; isolating; ostracizing; or acts that malign or disparage an individual’s reputation.

- F. *Serious Acts of Misconduct*: Deliberate acts or failures to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action would be reasonably likely to adversely affect that employee's terms or conditions of employment up to and including termination of service.

V. GENERAL DUTIES

- A. All deputies shall, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, the laws of the State of Texas, and all local ordinances, according to the rules, regulations, and general orders of the Office. Deputies must know that when they act under color of law, they are enforcing the law according to statutes, written administrative guidance in the Office and ordinances. Further, deputies shall exhibit good moral character in the administration of their duties according to Office orders.
- B. The Office maintains the right to establish oral and written orders to govern and control the efficiency, effectiveness, and safe operation of law enforcement. Deputies shall be trained in the rules and expectations of professional conduct prior to assuming law enforcement duties.
- C. Management reserves the prerogative to discipline personnel for violations of the rules listed in this policy manual as well as violations of all Office orders and directives. The decision to discipline and the measure of discipline employed depend on the rule or law violated the consequences of the employee's actions, and the employee's prior history and experience.
- D. Duty to Report
 - 1. All employees of this Office have an affirmative duty to report serious acts of misconduct or failures to perform actions, defined in Office policy, procedures, and rules. Failure to report shall result in corrective or disciplinary action.
 - 2. Acts of retaliation against employees who make good faith complaints or disclosures of misconduct against another employee are strictly forbidden. Such acts will form the basis for charges of misconduct resulting in serious disciplinary action.
 - 3. All employees have an affirmative duty under this policy to cooperate fully during the investigation of any allegation of employee misconduct whether conducted by this Office or another authorized authority. Protection from retaliation is extended under this policy to all employees who cooperate in good faith.

4. All complaints of retaliation shall be submitted to any supervisor. If the supervisor is the subject of or is involved in the complaint, an employee shall submit the complaint to the next higher-ranking employee in the chain of command.
5. In uncommon situations involving highly egregious offenses or illegality that may have Office or governmental implications, a complaint may be made directly to the Chief Deputy or Sheriff. Examples include but are not limited to broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.

E. Performance Prohibitions

1. As appropriate, disciplinary action may be taken for any of the following reasons:
 - a. Incompetent or inefficient performance or dereliction of duty;
 - b. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature which discredits or injures the public. Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work.
 - c. Mental or physical unfitness for the position which the employee holds.
 - d. Convictions of a felony or misdemeanor involving conduct amounting to moral turpitude, or a pattern of misconduct as displayed by series of misdemeanor convictions.
 - e. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of misconduct or negligence of which the employee has knowledge.
 - f. Failure of a supervisory employee to take corrective action regarding employees under his or her supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of the dereliction.
2. Nothing in these rules and regulations limits the charges against employees because the alleged act or omission does not specifically appear in this manual, other orders or policies of the Office, or in the laws or ordinances of which the Office is responsible to enforce.
3. No employee of the Office shall be a member of any organization which advocates the violent overthrow of the government of the United States, the State of Texas, or any unit of local government, or participate in any organization which has a purpose, aim, objective, or any practices which are contrary to the obligations of a law enforcement officer under these rules and regulations.

F. Obedience to Rules of Conduct, Laws and Orders

All employees, regardless of rank or assignment, shall be governed by the following general rules of conduct. Violation of any of these rules by any employee of the Office shall be considered sufficient cause for dismissal, demotion, suspension, or other disciplinary action.

1. Obedience to Laws. Employees shall abide by the laws of the United States and the State of Texas as well as the ordinances and orders of the Kendall County Commissioners Court.
2. Adherence to Office Rules. Employees shall abide by the rules of Kendall County and the Policy and Procedure Manual and other properly issued internal directives of the Sheriff's Office.
3. Applicability of Rules. Certain rules may not apply in undercover police assignments specifically authorized by supervisors in accordance with this Policy Manual. Deputies will be strictly accountable for justifying their actions.
4. Insubordination. Employees shall promptly obey all lawful orders and directions given by supervisors and radio dispatchers. The failure or deliberate refusal of employees to obey such orders shall be deemed insubordination and is prohibited. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing their orders shall likewise be deemed insubordination. (TBP: 1.08)
5. Manner of Issuing Orders. Orders from a supervisor to a subordinate shall be in clear, understandable language, civil in tone, and issued in pursuit of Sheriff's Office goals.
6. Issuance of Unlawful Orders. No commanding or supervisory employee shall knowingly or willfully issue an order that violates a federal or state law, a county ordinance, or an Office rule or policy.
7. Obedience to Unjust or Improper Orders. If an employee receives an order, he believes is unjust or contrary to an Office General Order or rule, he must first obey the order to the best of his ability and then may appeal the order to the Sheriff via the proper chain-of-command.

8. Obedience to Unlawful Orders. No employee is required to obey an order that is contrary to the laws of the United States or the State of Texas or the orders of Commissioners court. If an employee receives an unlawful order, he shall report in writing the full facts of the incident and their actions to the Sheriff via the chain-of-command.
9. Conflicts of Orders. If an employee receives an order that conflicts with one previously given him by a supervisor, the employee receiving the order shall respectfully point this out to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the second order shall stand and shall be the responsibility of the second supervisor. If the second supervisor so directs, the second order shall be obeyed first. Orders shall be countermanded only when necessary for the good of the Office. (TBP: 1.08)

G. Attention to Duty

1. Performance of Duty. Employees shall be attentive to their duties at all times, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any Office rules or procedures manual.
2. Duty of Supervisors. Supervisors will enforce the rules, regulations, and policies of the Kendall County Sheriff's Office. They will not permit, or otherwise fail to prevent, violations of the law, Office rules, policies or procedures. They will report violations of Office rules, policies, or procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.
3. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the Office. Employees shall follow established procedures in carrying out their duties as deputies and/or employees of the Office and shall always use sound judgment.
4. Responsibility to Serve the Public. Employees shall promptly serve the public by providing direction, counsel and other assistance that does not interfere with the discharge of their duties. They shall make every attempt to respond to the inquiry or request for assistance themselves.
5. Responsibility to Respect the Rights of Others. Employees shall respect the rights of individuals, and shall not engage in discrimination, oppression or favoritism. Employees shall maintain a strictly impartial attitude toward all persons with whom they encounter in an official capacity. (TBP: 2.17)

6. Truthfulness. Employees shall be truthful in all official verbal and written communications and reports. Employees will be truthful in any court related testimony or agency investigations. (TBP: 2.14) Deputies who are undercover or conducting interviews or interrogations may find it necessary to provide inaccurate information in order to maintain their cover or determine the truthfulness or veracity of a subject.
7. Deputies Always Subject to Duty. Deputies shall always respond to the lawful orders of supervisors, and to the call of individuals in need of police assistance. The fact that they may be off-duty shall not relieve them from the responsibility of taking prompt and proper police action or from being recalled to duty as needed.
 - a. The above shall not be construed to include enforcement of laws of a Class "C" misdemeanor nature, or traffic offenses except for breach of the peace, theft, or assault.
 - b. While off-duty, or in their personal vehicle, deputies shall not enforce, or take any police action to enforce Class "C" traffic offenses.
8. Deputies Required to A. Except where expressly prohibited, deputies are required to take prompt and effective police action conforming to Office policy with respect to violations of laws and ordinances coming to their attention or of which they have knowledge. Deputies shall promptly and punctually perform all official duties. Deputies shall render, or cause to be rendered, medical assistance to any injured person.
9. Reporting for Duty. Employees shall promptly report for duty properly prepared at the time and place required by assignments, training, subpoenas, or orders. Line deputies shall remain at their posts or place of assignment until properly relieved by another deputy or dismissed by a supervisor. All other deputies and employees shall promptly report for duty properly prepared at the time and place required by assignment and shall remain at their post, place of assignment, or otherwise engaged in their duty assignment until having completed their tour of duty as set by established procedures or dismissed by a supervisor. Employees are subject to emergency recall and shall report for duty during emergencies when so notified by the Sheriff or a supervisor. (TBP: 2.16, 2.22)
10. Exceptional leave. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible. If unable to report to work, employees shall notify the on-duty supervisor at least one hour before reporting time.

11. Remaining Alert to Duty. While on duty or at training, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.
12. Prohibition of Personal Business While on Duty. While on duty, deputies shall not engage in any activity or personal business which would cause them to neglect their duty.
13. Availability While on-duty. Employees while on-duty shall not conceal themselves except for some authorized police purpose. Employees shall always keep themselves immediately and readily available while on-duty.
14. Assistance to Fellow Deputies. A deputy shall not display cowardice in the line of duty or in any situation where the public or another deputy might be subjected to physical danger. Unless incapacitated themselves, deputies shall aid, assist, and protect fellow deputies in time of danger or under conditions where danger might be impending.
15. Prompt Response to All Calls. Deputies while on-duty shall respond without delay to all calls for police service. Calls shall be answered in compliance with normal safety precautions, traffic laws and Office policy.
16. Duty to Report All Crimes and Incidents. Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations and police information that come to their attention. Employees shall not conceal, ignore or distort the facts of such crimes, violations, emergencies, incidents and information.
17. Responsibility to Know Laws and Procedures. Employees shall know the laws and ordinances they are charged with enforcing, all Office orders and rules, and the duties and procedures governing their specific assignments.
18. Responsibility to Know Districts and Locations. Deputies shall know the location and boundaries of their assigned areas. Deputies also shall be familiar with the names and general locations of Kendall County streets and highways and the names and locations of hospitals and major public buildings.
19. Keeping Posted on Police Matters. Each day while on-duty and immediately upon returning from an absence, employees shall study and become familiar with the contents of recently issued communications and directives. Deputies will check their mailbox and e-mail daily upon reporting for duty.

20. Sleeping on-duty. Employees must be alert throughout their tours of duty. Sleeping while on-duty is forbidden.
21. Assisting Criminal Activity. Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.
22. Reading on-duty. Employees shall not read newspapers, books or magazines while on-duty and in the public view unless such reading has been assigned by a supervisory officer.
23. Studying on-duty. Employees shall not, during their regularly assigned working hours, engage in any studying activity that is not directly related to their current job assignments.
24. Maintaining Communications. While deputies are on-duty or officially on call, they shall be directly available by normal means of communication, or shall keep their office, headquarters, or supervisors informed of the means by which they may be reached when not immediately available.
25. Reporting Accidents and Injuries. Employees shall immediately report the following accidents and injuries: all on-duty traffic accidents in which they are involved, all personal injuries received while on-duty, all personal injuries not received while on-duty but which are likely to interfere with performance of assigned duties, all property damage or injuries to other persons that resulted from the performance of assigned duties, and all accidents involving county equipment whether on or off-duty.
26. Report Address and Telephone Number. Employees shall have a working telephone or other means of communication in case of emergency at their residence and shall register their correct residence address and telephone number with the Office on the prescribed form. Any change in address or telephone number must be reported immediately. A cell phone may be used as a home phone if coverage is available.
27. Testifying in Office Investigations. When directed by a competent authority to make a statement or furnish materials relevant to an Office administrative investigation, deputies shall comply with the directive.
28. Carrying of Firearms. Except for senior staff or as approved by the Sheriff or established procedures, all deputies are required to carry sidearms while on-

duty. While off-duty, deputies may use their own discretion as to whether to carry sidearms.

29. Documentation of Firearms. All weapons carried and used by deputies in the performance of their official duties must be documented with the Office. Required documentation information must be kept current.

H. Cooperation with Fellow Employees and Agencies

1. Respect for Fellow Employees. Employees shall treat other employees of the Office with respect. They shall be courteous, civil and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language.
2. Interfering with Cases or Operations. Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the Office or the work or operations of other governmental agencies. Employees against whom a complaint has been made shall not directly or indirectly contact or attempt to contact for any reason, the complainant, witness or any other persons related to the case to intimidate or to secure the abandonment or withdrawal of the complaint, charges, or allegations.

I. Restrictions on Behavior

1. Interfering with Private Business. Employees, during the course of their duties, shall not interfere with the lawful business of any person.
2. Use of Intimidation. Employees shall not use their official positions to intimidate persons.
3. Soliciting and Accepting Gifts and Gratuities. Unless approved by the Sheriff, employees of the Kendall County Sheriff's Office may not accept any reward, gratuity, gift or other compensation for any service performed as a result of or in conjunction with their duties as employees of the Office regardless of whether the service was performed while said persons were on or off-duty. Employees also shall not solicit any gift, gratuity, loan, present, fee or reward for personal gain. (TBP: 2.21)
4. Soliciting and Accepting Gifts from Suspects and Prisoners. Employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee or other item of value, or from lending or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant or other person

involved in any case, or other persons of ill repute, or professional bondsmen, or other persons whose vocations may profit from information obtained from the Office. (TBP: 2.21)

5. Reporting Bribe Offers. If a deputy receives a bribe offer, he shall make a written report to his respective Lieutenant. (TBP: 2.21)
6. Accepting Gifts from Subordinates. Without approval from the Sheriff, employees shall not receive or accept any gift or gratuity from subordinates, other than customary celebratory times such as holidays or birthdays. (TBP: 2.21)
7. Soliciting Special Privileges. Employees shall not use their official positions or identification to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or free or discounted meals or refreshments. (TBP: 2.21)
8. Personal Use of Police Power. Deputies shall not use their police powers to resolve personal grievances (e.g., those involving the deputy, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, deputies shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
9. Giving Testimonials and Seeking Publicity. Employees representing themselves as members of the Kendall County Sheriff's Office shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees also shall not seek personal publicity either directly or indirectly in the course of their employment.
10. Soliciting Business. Employees shall not, while on-duty, solicit subscriptions, sell books, papers, tickets, merchandise or other items of value nor collect or receive money or items of value for any personal gain to themselves or others. Employees may solicit for projects related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the Sheriff.
11. Drinking on-duty. Employees shall not drink any intoxicating beverages while on-duty. (TBP: 2.19)
12. Intoxication. Employees shall not be under the influence of any intoxicating beverage or substance during their tour of duty or immediately prior to their

tour of duty. Nor shall deputies be intoxicated off-duty while in the public view. While off-duty, deputies that have consumed an alcoholic beverage to the extent that their mental and physical faculties are impaired shall refrain from exercising any police authority. Deputies assigned to special units, or assignments where they may consume alcoholic beverage during the performance of their duties shall not do so to the extent that their mental and physical faculties are significantly impaired. (TBP: 2.19)

13. Drinking While in Uniform. At no time shall any employee consume alcoholic beverages while in uniform. (TBP: 2.19)
14. Liquor on Official Premises. Employees shall not bring containers of intoxicating beverages into a Sheriff's Office building or vehicle except as evidence. (TBP: 2.19)
15. Entering Bars, Taverns and Liquor Stores. Deputies on-duty or in uniform shall not enter or visit any bar, lounge, parlor, club, store or other establishment whose primary purpose is the sale and on-premise consumption of liquor unless for the purpose of official duties, and shall not otherwise enter, remain or frequent such places. Employees on-duty or in uniform also shall not purchase intoxicating beverages. (TBP: 2.19)
16. Drug Usage. While on or off duty, employees shall not use any illegal drug, or any controlled drug not prescribed by a physician. Employees shall notify their supervisor if they are using any prescribed drug or any other medication or medical device that the employee believes (or has been informed by a physician or prescription label) might impair their driving or critical decision making. (TBP: 2.20)
17. Tobacco Use. Smoking is prohibited in all office and building areas under Office control. Smoking is prohibited in all Office vehicles.
18. Public Tobacco use Prohibited. Deputies shall not smoke or otherwise use tobacco products while engaged in traffic control, on an investigation, or while otherwise in contact with or in view of the public.
19. Playing Games on-duty. Deputies on-duty or in uniform shall not engage in any games of cards, billiards, pool, dominoes, electronic arcade games, portable electronic games, computer games including both internally programmed games such as solitaire or Internet based games, or other games.

20. Political Activity. While in uniform or on-duty, deputies are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns. Civilian employees are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns while on-duty. (TBP: 2.15)
 - a. Any employee of the Sheriff's Office who decides to seek election for any political office will notify the Sheriff, in writing, prior to filing as a candidate.
 - b. Any employee of the Sheriff's Office who decides to seek election for any political office must resign from the Sheriff's Office immediately upon filing for office.
21. Improper Release of Information. Employees shall not communicate to any person who is not an employee of this Office any information concerning operations, activities, or matters of law-enforcement business, the release of which is prohibited by law or which may have an adverse impact on law enforcement operations or officer safety.
22. Seeking Personal Preferment. Employees shall not solicit petitions, influence or seek the intervention of any person outside the Office for purposes of personal preferment, advantage, transfer, advancement, promotion or change of duty for themselves or for any other person.
23. Criticism of the Office. Employees shall neither publicly nor at internal official meetings criticize or ridicule the Office or its policies, county officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Office, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
24. Disruptive Activities. Employees shall not perform any action that tend to disrupt the performance of official duties and obligations of employees of the Office or which tend to interfere with or subvert the reasonable supervision or proper discipline of employees of the Office.
25. Operation and Use of Police Radios. Operation and use of police radios is restricted to authorized and official police business. Personal conversations, or using vulgar, sarcastic or obscene language, or making unnecessary sounds are not permitted.

26. Use of Racial Jokes and Slurs. No employee shall engage in any form of speech likely to be construed as a racial, ethnic or religious slur or joke, whether in the presence of the public or of other employees.
27. Use of Force. Deputies shall use only that amount of force reasonably necessary to accomplish their police mission.
28. Indebtedness to Subordinates. Supervisors shall not become indebted to their immediate subordinates.
29. Personal Relationships Prohibited with Certain Persons. Employees shall not become personally involved or develop a personal or social relationship with a victim, suspect, witness, or defendant while any case is being investigated or prosecuted as a result of such investigation. (TBP: 2.18)
30. Duty to be Kind, Courteous, and Patient. Employees shall always be courteous, kind, patient, and respectful in dealing with the public. Employees shall strive to win the respect of all members of the community in the discharge of their official duties. When addressed, employees shall avoid answering questions in a short or abrupt manner, and shall not use harsh, coarse, violent, profane, indecent, suggestive, sarcastic, or insulting language.

J. Identification and Recognition

1. Giving Name and Badge Number. Deputies shall give their name, badge number and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a police assignment.
2. Carrying Official Identification. Deputies shall carry their official identification on their persons at all times. All employees will carry their official identification on or about their persons while on-duty.
3. Personal Cards. Employees are not permitted to have or use personal cards showing their connection to the Office if such cards bear any information not directly pertaining to their work as sheriff's office employees.
4. Exchange, Alteration or Transfer of Badge. An employee's issued badge shall not be altered or exchanged between employees or transferred to another person except by order of the Sheriff. Employees retiring or resigning will not be permitted to retain their badge when doing so will hamper normal operations of the Office. All badges must be purchased unless exempted by the Sheriff.

5. Plainclothes Deputies – Identification. A uniformed deputy shall neither acknowledge nor show recognition of another police officer in civilian clothes unless that officer first addresses the uniformed deputy.

K. Maintenance of Property

1. Use of County Property or Service. Deputies shall not use or provide any county equipment or service other than for official county business.
2. Responsibility for County Property. Employees shall be responsible for the proper care and use of Office property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein.
3. Sheriff's Office Vehicles. Employees shall operate Office vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a Sheriff's office vehicle is involved in an accident, the operator shall notify a supervisor immediately. Under no circumstances shall a deputy investigate his or her own accident.
4. Reporting Damage. At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisors. Failure to report damage or defects creates the presumption that the employee inspected the vehicle and found no damage or defects. The employee, in this case, shall be held responsible for the damage.
5. Responsibility for Private Property. Employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.
6. Care of Quarters. Employees shall keep their offices, lockers and desks neat, clean and orderly.
7. Property and Evidence. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be submitted to the property room prior to the end of shift.
8. Alteration or Modification of Police Equipment. Deputies shall not use any equipment that does not conform to Office policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no

changes, alterations, modifications or substitutions shall be made to such equipment unless approved by the Sheriff.

L. Relationship with Courts and Attorneys

1. Attendance in Court. Employees shall arrive on time for all required court appearances and be prepared to testify. Each employee shall be familiar with the laws of evidence and shall testify truthfully on any matter.
2. Recommending Attorneys or Bondsmen. Employees shall not suggest, recommend, advise or counsel the retention of a specific attorney or bondsmen to any person (except relatives) coming to their attention as a result of police business.
3. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant or against Kendall County or against the interests of the Office in any hearing or trial shall immediately notify the Sheriff through the chain of command.
4. Interviews with Attorneys. Interviews between a deputy and a complainant's attorney about a case arising from the deputy's employment by the Office shall be done in the presence of or with the knowledge and consent of the Chief Deputy or Sheriff, County legal counsel or prosecutor.
5. Assisting and Testifying in Civil Cases. No employee shall volunteer to testify in civil actions.
6. Notice of Lawsuits against Deputies. Employees who have had a suit filed against them because of an act performed in the line of duty shall immediately notify the Sheriff in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question.
7. Notice of Arrest or Citation. Employees who have become the subject of a citation (other than traffic citations) or arrest action in any other jurisdiction shall immediately notify the Sheriff.
8. Arrest of Officer from Another Agency. A deputy who arrests a sworn officer of another law enforcement agency shall immediately notify his or her own supervisor of the fact. Deputies shall take whatever action is appropriate to the circumstances including issuance of summonses or making a physical arrest. Because the person cited or arrested is a law-enforcement officer shall make no difference.

9. Arrest of Kendall County Deputy. If a deputy has probable cause to arrest a sworn deputy of our Office, the deputy shall first contact his or her immediate supervisor to review and confirm probable cause. In most cases, the deputy may obtain a warrant against the suspect deputy. Some occasions may demand an immediate custodial arrest.

M. Expectation of Privacy

1. Employees shall have no expectation of personal privacy in such places as lockers, desks, Office owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for deputies to occasionally store personal items in such areas, deputies should be aware that these and similar places may be inspected or otherwise entered to meet operational needs, internal investigatory requirements, or for other reasons at the direction of the Sheriff or his or her designee.
2. No employee of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 2.2 Racial Profiling and Biased Based Policing

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: TBP 2.01

I. POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate based on a person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our Office. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population: respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, deputies shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Deputy's shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Deputies shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.

All Sheriff's Office orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between deputies and the public.

II. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. Bias: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. Ethnicity: A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable cause: Facts or apparent facts and circumstances within a deputy's knowledge and of which the deputy had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. Race: A category of people, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.
- G. 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.

- H. Reasonable suspicion: Articulate, objective facts which lead an experienced deputy to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: The detention of a subject for a brief period, based on reasonable suspicion. A stop is an investigative detention.

IV. PROCEDURES

A. General responsibilities

1. Deputies are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when deputies are seeking a suspect with one or more of these attributes. (TBP: 2.01)
2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Deputies shall document the elements of reasonable suspicion and probable cause in appropriate reports.
3. Deputies shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As traffic stops furnish a primary source of bias-related complaints, deputies shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the deputy disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
 - b. Deputies shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.

4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to Office personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
 - a. Personnel shall facilitate an individual's access to other governmental services whenever possible and shall actively provide referrals to other appropriate agencies.
 - b. All personnel shall courteously accept, document, and forward to the Sheriff any complaints made by an individual against the Office. Further, deputies shall provide information on the complaints process and shall give copies of "How to Make a Complaint" when appropriate.
5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on individual's well-being unless the explanation would undermine an investigation or jeopardize a deputy's safety. When concluding an encounter, personnel shall thank him or her for cooperating.
6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their Office badge number, name of the immediate supervisor, or any other reasonable information.
7. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the Office to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.

4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement but increases safety risks to personnel. Lack of control over bias also exposes the Office to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.
5. Supervisors shall ensure that all enforcement actions are duly documented per Office policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable. To ensure this, supervisors shall review at least three random videos each quarter per deputy under their supervision. When conducting these reviews, supervisors are not required to watch an entire shift (12 hours) but shall review the videos in a manner intended to gain an understanding of that deputy's performance and adherence to policy and law.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.

C. Disciplinary consequences

Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

D. Training (TBP: 2.01)

Deputies shall complete all training required by state law regarding bias-based profiling.

V. COMPLAINTS

- A. The Sheriff's Office shall publish "How to Make a Complaint" folders and make them available at all county facilities and other public locations throughout the county. The complaint process and its bias-based profiling policy will be posted on the Office's website. Whenever possible, the media will be used to inform the public of the Office's policy and complaint process.
- B. Complaints alleging incidents of bias-based profiling will be fully investigated as described under Policy 2.4.
- C. Complainants will be notified of the results of the investigations when such investigation is completed.

VI. RECORD KEEPING

- A. Any officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the agency information relating to the stop including:
- 1) A physical description of any person operating the motor vehicle who is detained as a result of the stop including:
 - a) the person's gender
 - b) the person's race or ethnicity as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability
 - 2) The initial reason for the stop
 - 3) Whether the officer conducted a search as a result of the stop and, if so, whether the persons detained consented to the search;
 - 4) Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence
 - 5) The reason for the search, including whether:
 - a) any contraband or other evidence was in plain view
 - b) any probable cause or reasonable suspicion existed to perform the search; or
 - c) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle
 - 6) Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of traffic law or ordinance, or an outstanding warrant and a statement of the offense charged.
 - 7) The street address or approximate location of the stop: and
 - 8) Whether the officer issued a written warning or a citation as a result of the stop.
- B. The Sheriff will submit an annual report of the traffic stops conducted by Agency officers to the Public Safety Commission no later than March 1st of each year in

accordance with Texas Code 2.134

- C. The Office will maintain all required records on traffic stops where a citation is issued or where an arrest is made subsequent to a traffic stop pursuant to state law.
- D. The information collected above will be reported to the Commissioners Court annually.
- E. The information will also be reported to Texas Commission on Law Enforcement in the required format.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 2.3 Sexual or Other Illegal Harassment

Effective Date: 01/01/2015

Revised:11/15/2017

Approved:

Sheriff

Reference: TBP 2.03 & 2.11

I. POLICY

The Office's policy is to provide a professional, businesslike work environment free from all forms of employee discrimination including incidents of sexual or other forms of illegal harassment. No employee shall be subjected to unsolicited or un-welcomed sexual overtures or conduct either verbal or physical. The harassing behavior, to be subject to this order, need not occur only during work hours on agency premises, but may occur before or after work at other locations. Sexual or other unlawful harassment, regardless of the type, is misconduct and the Office shall apply appropriate disciplinary sanctions.

II. PURPOSE

To define and give examples of sexual and other unlawful harassment, outline prohibited behavior, and describe reporting procedures. (TBP: 2.11)

III. DEFINITIONS

A. Sexual Harassment

The Civil Rights Act of 1964, signed into law by President Lyndon Johnson on July 2, 1964, prohibits discrimination based on race, color, religion, sex, or national origin. In 1986, the U.S. Supreme Court determined sexual harassment to be discrimination based on sex, and in the 1990's the Civil Rights Act of 1964 was amended to include pregnancy, age and disability. Sexual harassment is defined as unwelcome sexual advances, requests for favors, and other verbal or physical conduct that enters into employment decisions, or conduct that unreasonably interferes with an employee's work performance or which creates an intimidating, hostile, or offensive working environment. Two kinds of sexual harassment apply; quid pro quo harassment and hostile work environment harassment, defined below. The two forms of harassment may overlap.

B. Quid Pro Quo Harassment

This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. (Quid pro quo means "something for something.") This form of harassment usually occurs between a supervisor and a subordinate where the harasser has power to control the employee's work benefits or conditions. Note that this form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances (e.g., offering an employee sexually explicit magazines).

Examples of this form of harassment include a request for sexual favors, accompanied by implied or overt threats concerning a person's employment status, or promise of preferential treatment in terms of benefits or status; granting job favors to those who participate in consensual sexual activity while penalizing those who refuse to participate; unwanted, intentional touching (patting, massaging, rubbing, hugging, pinching); telephoning or following an employee, during work hours or not, and either harassing the employee or requesting sexual favors.

C. Hostile Work Environment Harassment

This form of harassment is unwelcome conduct that is so severe or pervasive as to change the conditions of the victim's employment, thus creating an intimidating, hostile, or offensive work environment.

A hostile environment exists when the employer tolerates unwelcome, pervasive conduct including sexual comments of a provocative or suggestive nature; jokes or innuendos intended for and directed to another employee; leaving sexually explicit books, magazines, photographs where employees will find them; unwelcome demeaning comments (such as talking about physical attributes), ridicule, offensive language, propositions or other similar actions; unwanted, unwarranted, unsolicited off-duty telephone calls and contact; signed or anonymous notes or drawings placed on or in desks, bulletin boards, or in lockers; deliberately singling out women in front of men co-workers (or vice versa) and subjecting them to demeaning or derogatory remarks.

IV. PROHIBITED CONDUCT

- A. Employees shall not commit or participate in any form of sexual or other illegal harassment.
- B. The Office considers romantic relationships between supervisors and subordinates potentially non-consensual. Personal relationships between

supervisors and subordinates should be brought to the attention of the Sheriff at the earliest point for determination of proper course of action. Failure to do so may result in discipline.

- C. Supervisors shall ensure that pornographic or suggestive photographs, illustrations, or cartoons shall not be posted or kept in any area of the Office including locker rooms, desks, offices or other locations. Materials of this kind used for investigative purposes shall be properly secured according to evidentiary standards.
- D. Supervisors shall order employees on Office premises who are making sexually hostile comments, or degrading remarks about other persons of the same or opposite sex to cease doing so or face discipline.
- E. Employees shall avoid inappropriate physical contact with one another unless required by a training situation or police procedure. Kissing, back rubbing, embracing, and other unnecessary touching are prohibited on Office premises or while on duty.
- F. Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in the investigation. Retaliation in any form shall result in discipline.

V. PROCEDURES

A. Employee Responsibilities

1. An employee who believes he or she has been sexually harassed should first tell the offender to cease the inappropriate behavior, although circumstances may not always allow the complainant to make this request. If the conduct does not stop, or if the complainant is unable to confront the offender, the complainant shall contact his or her own immediate supervisor. The employee or supervisor shall immediately submit a memorandum to the Sheriff through the chain of command detailing circumstances. Employees may also report incidents of harassment directly to the District Attorney if the offender is a higher-ranking member of the Office. If a supervisor learns of an incident of harassment, he or she shall report the matter to the Sheriff even if the victim did not submit a complaint.
2. If the complainant is not an employee of the Office, the complaint itself is considered no less valid and shall be investigated according to the procedures set forth in this order and in Policy 2.4.

3. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking, assault, and sexual assault shall be handled immediately as criminal investigations.
4. Each employee of this agency is responsible for assisting in the prevention of harassment and discrimination by:
 - a. refraining from participation in or encouragement of action that could be perceived as harassment and discrimination;
 - b. reporting observed acts of harassment and discrimination to a supervisor; and
 - c. encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
5. Failure of any employee to carry out his responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

B. Supervisor Responsibilities:

1. Although all employees shall be responsible for preventing harassment and/or discrimination, supervisors shall be responsible for:
 - a. advising employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment and discrimination;
 - b. monitoring the work environment on a daily basis for signs that harassment and discrimination may be occurring; stopping any observed acts that may be considered harassment and discrimination; and
 - c. taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision; and
 - d. utilizing all reasonable means to prevent a prohibited act from occurring when they know or should know that an employee will or may perform such an activity.
 - e. taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment and/or discrimination.
2. No supervisor shall make any employment decision that affects the terms, conditions, or privileges or responsibilities of an individual's employment

based on the basis of that person's race, sex, religion, national origin, color, sexual orientation, age or disability.

3. If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
 4. Any proscribed conduct covered by this policy that comes to the attention of a supervisor shall result in an investigation.
 5. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment and discrimination in documenting and filing a complaint.
- C. When an employee reports an allegation of sexual harassment, a confidential internal investigation shall begin immediately.
1. The Sheriff shall immediately take action to limit the concerned employees from any further work contact with the alleged offender.
 2. The Sheriff shall conduct an investigation pursuant to the provisions of Policy 2.4.
 3. If the sexual harassment allegation is not resolved to the satisfaction of the complainant, eligible employees may invoke the Office grievance procedure.

VI. TRAINING

The Office will provide ongoing training, at least biennially, on sexual and other unlawful harassment, reporting, and investigation procedures.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 2.4 Internal Investigation Process

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: TBP 2.04, 2.05, 2.06, 2.07, 2.09 & 2.10

I. POLICY

The Office's image and reputation depend on the personal integrity and discipline of all Office employees. To a large degree, the public image of the Office is determined by a professional response to allegations of misconduct against its employees. The Office must competently and impartially investigate all allegations of misconduct by employees and complaints bearing on the Office's response to community needs. The Office recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In these situations, actions and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved in light of the complicated pressures of law enforcement work.

II. PURPOSE

To describe procedures for making complaints against Office personnel, for investigating complaints, and to list and define the dispositions of complaints.

III. PROCEDURES – GENERAL (TBP: 2.04)

A. Receipt of complaints

The Office encourages any person to bring forward grievances regarding misconduct by employees. Office members shall receive all complaints courteously and shall handle them efficiently. All deputies are obligated to explain complaint procedures to anyone who inquires.

B. Responsibilities of supervisors

1. First-line supervisors are primarily responsible for enforcing conformance with Office standards, policies, and orders.
2. First-line supervisors shall know the deputies in their charge by closely observing their conduct and appearance.
3. First-line supervisors shall be alert to behavioral changes or problems in their subordinates and, if necessary, document these changes and confer with higher authorities. The first-line supervisor shall assess the behavior, and take or recommend appropriate action.
4. The supervisor shall recommend and, if appropriate, help conduct extra training for deputies not performing according to established standards.
5. The first-line supervisor shall employ counseling techniques sanctioned by the Office. Counseling is used to adjust and correct minor, infrequent errors or instances of poor performance and to ascertain the nature of any professional or personal problems that bear on performance.
6. The supervisor shall document all instances of counseling.

C. How to make a complaint

A copy of "How to Make a Complaint" will be posted in the public area of the Office, provided to media representatives, and may be given to any person requesting information on how to make a complaint.

D. Responsibility for handling complaints

All complaints alleging a violation of the law or policy will be investigated. Complaints regarding law-enforcement operations will usually be handled through the chain of command, beginning with the first-line supervisor. Complaints involving how law-enforcement service is provided or a failure to provide service or improper attitudes or behavior may be investigated by an assigned supervisor, the Chief Deputy or the Sheriff. Depending on the nature of the complaint, the Sheriff may request another agency or the Texas Rangers to undertake the investigation. (TBP: 2.06)

IV. COMPLAINT HANDLING PROCEDURES

- A. All complaints, regardless of nature, can be filed in person, by mail, or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone normally shall be interviewed and a written, signed complaint prepared. A signed letter of complaint will be accepted as a signed complaint without requiring any specific form. Anonymous complaints shall be followed up to the extent possible. In case of an anonymous complaint, the deputy or other person who receives the anonymous complaint shall reduce the complaint to writing in a memorandum with as much information as possible and forward the report through the chain of command.
- B. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of any person's complaint. An employee of the Office, who interferes with, discourages, or delays the making of complaints shall be subject to disciplinary action.
- C. Normally, a person with a complaint shall be referred to a supervisor who shall assist the individual in recording pertinent information. If initially reported to a supervisor, the first-line supervisor shall conduct a preliminary investigation. When the complaint is against a supervisor, the Patrol Lieutenant, CID Lieutenant, Chief Deputy or the Sheriff conducts a preliminary investigation depending on the assignment of the supervisor being complained on. The preliminary investigation consists of questioning the deputy, complainants, or witnesses, and securing evidence.
- D. Upon completion of the preliminary investigation, the following documents shall be prepared and forwarded through the chain of command:
 - 1. a report of the alleged violation;
 - 2. any documents and evidence pertinent to the investigation;
 - 3. recommendations for further investigation or other disposition.
- E. If the first-line supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or appears to have a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall note these conditions. Any visible marks or injuries relative to the allegation shall be noted and photographed.
- F. Prisoners or arrestees also may make complaints. Circumstances may require an Office representative meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of prisoners' injuries.

- G. An employee who receives a complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the Chief Deputy, who shall determine investigative responsibility.
- H. Complaints received by telephone by non-sworn personnel or other employees shall be courteously and promptly referred to a supervisor. The employee shall record the name and telephone number of the complainant and state that a supervisor will call back as soon as practical.
- I. The above procedure may also be used when Office employees desire to enter a complaint against any other employee governed by this order.
- J. In every case, the Sheriff will be notified of any complaint as soon as possible by the supervisor receiving the complaint. Complaints received overnight will be brought to the Sheriff's attention the next workday. Complaints alleging a violation of the law or any serious violation should be reported immediately regardless of the time of day. (TBP: 2.07)

V. DISPOSITION OF COMPLAINTS GENERALLY

The Patrol Lieutenant or Chief Deputy shall:

- A. Notify the complainant, in writing, as soon as practical, that the Office acknowledges receipt of the complaint, that it is under investigation and that the complainant will be advised of the outcome.
- B. Enter the complaint into the complaint log, and have the complaint investigated. Minor complaints alleging rudeness, minor policy violations and performance issues may be assigned to a supervisor for investigation and resolution. Allegations of a violation of the law or serious policy violations will be investigated by the CID Lieutenant, the Chief Deputy, an investigator assigned by the Sheriff, or an outside agency as determined by the Sheriff.
- C. Maintain complaint files separate from personnel files.
- D. Take disciplinary action following the investigation, if appropriate.

VI. DISPOSITION OF A SERIOUS COMPLAINT

- A. Allegations of misconduct that might result in discharge, suspension, or demotion, or criminal charges being sought are serious complaints. The term "serious complaint," in this manual, is synonymous with "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, or allegations involving supervisory or multiple personnel.
- B. If a criminal offense is alleged, two separate investigations shall be conducted, a criminal investigation as well as an administrative or Internal Investigation. The criminal investigation examines compliance with the criminal law while the Internal Investigation determines compliance with policy and procedure. The Sheriff will assign these investigations as required.
- C. In cases of serious complaints, the Sheriff shall:
 - 1. Determine if the deputy complained of should remain on-duty, be assigned to non-contact assignments, or put on administrative leave until completion of the investigations.
 - 2. Determine and assign responsibility for the investigations.
 - 3. Cause the complaint to be registered and assigned an investigation number in the complaint log.
 - 4. Maintain close liaison with the District Attorney in investigating alleged criminal conduct. Where liability is at issue, the Sheriff shall similarly maintain contact with the District Attorney or legal counsel.
- D. All investigations should be completed within 45 days, when possible, including the administration of disciplinary action if disciplinary action is deemed appropriate. If additional time is necessary to conclude the investigation, the Sheriff will be informed of the progress and the expected conclusion date, the Sheriff will then approve or disapprove the extension (TBP: 2.05)
- E. Upon completion of any investigation, the Sheriff will notify the complainant in writing, of the results of the investigation and any action taken. (TBP: 2.10)

VII. INVESTIGATIVE PROCEDURES

- A. Two types of investigations may take place: administrative or criminal. Different rules govern interviews of employees in each case.
- B. Employees are allowed assistance of legal counsel, a supervisor, or other employee as a representative with them during interviews alleging criminal conduct, when requested by the employee.
- C. Attorneys or not allowed during interviews alleging administrative violations.
- D. Prior to being interviewed, the subject employee shall be advised of the nature of the complaint.
- E. All interviews in administrative complaints will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
- F. The complete interview shall be recorded. The recording will note the time at which breaks are taken in the interview process.

VIII. INTERVIEWS FOR CRIMINAL INVESTIGATIVE PURPOSES

- A. If the Sheriff or his designee believes that criminal prosecutions are possible and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their use, he or another interviewer shall:
 - 1. Give the employee the rights as specified in Texas Code of Criminal Procedure Article 38.22 when the interview is a custodial interview.
 - 2. In addition to the rights set forth in state law, the Sheriff, or his designee shall advise the employee that if he asserts his right not to answer questions, no adverse administrative action will be taken based upon the refusal.

IX. INTERVIEWS FOR ADMINISTRATIVE PURPOSES

- A. If the Sheriff or his designee wishes to compel an employee to answer questions directly related to his or her official duties, the Sheriff or another interviewer shall advise the employee that:
 - 1. You are advised that this is an internal administrative investigation only.

2. You will be asked and are required to answer all questions specifically related to the performance of your duties and your fitness for office.
3. All questions specifically related to employment must be fully and truthfully answered.
4. If you refuse to answer these questions, you can be subject to discipline that can be as much as discharge or removal from office.
5. I want to reassure you that any answers given are to be used solely for internal administrative purposes and may not be used in any subsequent criminal prosecution should such occur.
6. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension, or dismissal.

B. In an interview for administrative purpose, no Miranda rights are required.

X. INVESTIGATIVE TOOLS AND RESOURCES

- A. In addition to interviews of the employee and witnesses, the Sheriff or his designee may require other activities in support of a complaint investigation or internal investigation, including:
 - B. Medical and laboratory examination
 - C. The Sheriff, Chief Deputy, or any supervisor may, based on reasonable suspicion or his observation, require an Office employee to submit to a test for alcohol or drug use while on duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal. Supervisors below the rank of Lieutenant will immediately notify a ranking supervisor of their decision to require an employee to submit to a test for alcohol or drug use.
 - D. If the employee is believed to be under the influence of alcohol, a Portable Breath Test shall administer the test. A supervisor shall witness the test.
 - E. If the employee has a reading of .02 or higher or there is other competent evidence of impaired abilities to perform duties, the deputy shall be relieved of duty by the Sheriff or deputy in authority.

- F. If the employee is believed to be under the influence of self-administered drugs, he may be compelled to submit to a blood or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample shall be handled using the same safeguards as evidence in a criminal process.
- G. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the employee shall be relieved of duty as soon as possible by the Sheriff or other deputies in authority.
- H. If an employee refuses to submit to a test, (alcohol or drugs) then the Sheriff or other deputy in authority shall immediately relieve the employee from duty for failure to cooperate in an administrative investigation. Leave will be with pay until notified otherwise.
- I. Property assigned to the employee but belonging to the Office is subject to inspection where the Office has a reasonable suspicion that evidence of work-related misconduct may be found therein. Office property includes computers, files, storage lockers, desks, and vehicles.
- J. A file of photos of Office employees may be maintained for the purpose of identification of an employee accused of misconduct.
- K. An employee may be compelled to make financial disclosure statements when directly and narrowly related to allegations of misconduct involving any unlawful financial gain.
- L. All personnel shall be required to submit to a polygraph if ordered to do so by the Sheriff or his designee. The Sheriff or his designee may order employees to take a polygraph when:
 - 1. The complainant has taken and passed a polygraph concerning the incident. (Unless the complainant is willing to submit to testing but the polygraph operator determines the complainant is not a fit subject due to mental condition, age, or medication).
 - 2. Regardless if the complainant takes a polygraph or is even known, but the complaint is of such a nature to bring severe discredit and suspicion on the Office and cannot be satisfactorily resolved in any other manner.
- M. The results of the polygraph examination shall not be used as the sole basis for disciplinary action against any employee.

- N. Any polygraph examination given under the provisions of this order shall be administered by a private contractor licensed to administer polygraph examinations in the State of Texas or must be a licensed examiner from another law-enforcement agency. No employee shall administer an examination to another employee.
- O. Refusal to submit to a polygraph examination or to answer all questions pertaining to the charges in the polygraph examination, or deliberately impede the administration of the polygraph shall be grounds for disciplinary action and may result in dismissal from the Office.

XI. ADJUDICATION OF COMPLAINTS

- A. The Sheriff or his designee will classify completed internal affairs investigations as:
 - 1. Unfounded - no truth to allegations.
 - 2. Exonerated - allegations true, but are the result of adherence to Office policy or procedure. Exonerated complaints will be reviewed by the Sheriff for policy issues.
 - 3. Not sustained - unable to verify the truth of the matters under investigation.
 - 4. Sustained - allegations are true. Complaints will not be classified as sustained unless based on a finding of facts determined during the investigation. (TBP: 2.04)
- B. Completed investigations will be maintained in internal affairs files in the Chief Deputy's office. Disciplinary action, if any, shall be filed in the individual employee's Office personnel file with a copy in the internal affairs files.
- C. Disciplinary action taken shall be determined by the seriousness of the violation or the extent of injury to the victim, and the deputy's prior disciplinary history. It shall be commensurate with the circumstances surrounding the incident and in consideration of the employee's service record and prior sustained complaints.

XII. DISCIPLINARY RECORDS (TBP: 2.09)

- A. The Office shall maintain a log of all formal complaints. The log shall record formal complaints by noting the following:
 - 1. Date of the complaint;
 - 2. Complaint's name;

3. Employee(s) involved;
 4. Description of the complaint;
 5. Date the investigation was concluded;
 6. Results, including any disciplinary action.
-
- B. The complaints and internal investigative files shall be kept in a secure area in the Chief Deputy's office, and shall be maintained in accordance with state law.
 - C. The Sheriff shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy.
 - D. The Sheriff shall publish an annual or other periodic summary of complaints that shall be made available to the public.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 2.6 Accident and Injury Prevention

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: TBP 2.06 &4.10

I. POLICY

Motor vehicle crashes involving Sheriff's Office vehicles present serious risks to agency personnel and the public as well as considerable financial loss due to injury, loss of manpower, vehicle damage, and possible tort liability. Personnel injuries also result in lost time, financial loss and the pain and suffering of our personnel. It is the Office's responsibility to minimize these incidents through training, policy development, and review of incidents for compliance with policy. The Sheriff's Office will utilize a review process for evaluating crashes and injuries in order to determine cause and to institute corrective and preventive actions where needed. The reviews and hearings concerning these crashes and injuries shall be conducted according to policy and procedures established herein.

II. PURPOSE

This policy provides the authority, and operating procedures for review of agency motor vehicle crashes and personnel injuries.

III. DEFINITIONS

- A. Motor Vehicle Crash: For purposes of this policy, a motor vehicle crash is any collision of a vehicle—with another vehicle, stationary object, or person—owned by or assigned to this agency that results in property damage (regardless of amount) or personal injury.
- B. Personal Injury: For purposes of this policy, a personal injury is any injury to a member of this Office resulting in immediate or subsequent treatment by a physician, lost work time, or requiring reporting under workers compensation rules.

- C. Non-preventable Crash or Injury: A crash or personal injury shall be classified as non-preventable when it is concluded that the member/operator exercised reasonable caution to prevent the crash or injury from occurring and observed applicable agency policy, procedures, and training.

- D. Preventable Crash or Injury: A crash or injury shall be deemed preventable when the member/operator failed to observe agency policy, procedures, or training, and/or failed to exercise due caution or appropriate defensive driving or trained defensive tactics.

IV. PROCEDURES:

A. Training

1. The Sheriff's Office will provide on-going training to all employees on accident and injury prevention. The Annual Analysis of Accidents and Injuries described in Section E of this order shall be reviewed to identify the training needs of the Office.

B. Reporting and Investigating Motor Vehicle Crashes and Injuries.

1. Unless incapacitated, employees are responsible for immediately notifying communications or their supervisor of any motor vehicle crashes and any personal injury sustained while on duty. Communications shall notify the on-duty patrol supervisor.

2. Supervisors shall be responsible for ensuring that crash investigations are conducted by persons with appropriate traffic investigation training. The supervisor will also conduct an investigation and complete any necessary worker's compensation forms needed for treatment or immediate reporting of an injury.

3. Per Kendall County Policy Manual, all county employees who are involved in a motor vehicle accident as the driver of the vehicle (except animal strikes), no matter how serious the accident, will be subject to a drug test. The test should be performed as soon as practical after the accident.

4. Where feasible, the supervisor, any accident investigators, and the involved deputies shall file reports on Office approved forms within 24 hours of a crash or injury occurrence.

5. The supervisor shall prepare a memorandum to the Patrol Lieutenant that shall include the following information:
 - a. Details of the accident or injury and contributory factors to the crash or injury.
 - b. Photographs of the accident scene and vehicles involved in the accident.
 - c. Statements of witnesses.
 - d. Name and insurance information on involved drivers and others involved in a crash, and the nature/seriousness of injuries and/or property damage.
 - e. A statement as to whether the supervisor believed the member's injury or crash was "preventable" or "non-preventable"—as defined by this policy—with documentation supporting those conclusions.
 - f. Any recommendations that would help prevent similar crashes in the future.
6. The Patrol Lieutenant will review the supervisory investigation and decide whether the accident or injury was Preventable or Non-Preventable.
7. Remedial Action - In addition to any other disciplinary measures taken by the Sheriff's Office for a violation of policy, members of the organization may be required to comply with the following:
 - a. Members of the Sheriff's Office that have a preventable vehicle crash may be required to undergo additional training, take a defensive driving course, or other corrective measures to include non-driving status for a predetermined period.
 - b. The driving record or history of accidents shall be taken into consideration when determining any disciplinary or remedial action for employees involved in an accident.
- C. Annually the Patrol Lieutenant shall conduct an analysis of all accidents and injuries and make any recommendations for training, equipment or policy changes needed to reduce employee motor vehicle accidents or personal injuries. The report with its recommendations will be forwarded to the Chief Deputy and Sheriff for review and any action necessary.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 2.7 Court Appearance

Effective Date: 01/01/2015

Replaces:

Approved:

Sheriff

Reference:

1. POLICY

The success of a criminal prosecution is determined not only by the quality and quantity of evidence but by the manner in which it is presented by law enforcement officers in a court of law. A deputy's appearance, demeanor, attitude, and ability to testify in a fair and professional manner are essential. Therefore, it is the policy of this agency that deputies provide competent and professional testimony by adherence to court scheduling, preparation, appearance, and testimony guidelines provided herein.

II. PURPOSE

It is the purpose of this policy to provide deputies with guidelines for scheduling, preparing for, and testifying in criminal court cases.

III. PROCEDURES

A. Subpoenas

1. All deputies shall accept subpoenas and shall appear in the designated place at the time required. Avoidance of service is strictly prohibited, and offending deputies are subject to disciplinary action. This agency shall establish a system of accountability for subpoenas from point of receipt from the court to point of deputy testimony. This includes but is not limited to:
 - a. recording the receipt of subpoenas to include date received, court date and time, defendant's name, deputy's name, and date executed and returned to the court;

- b. recording the service of subpoenas to named deputies by shift supervisors or other designated personnel noting dates received, served, and returned to the court authority; and
 - c. ensuring that notification is made as soon as possible to the designated court authority when deputies cannot be served in accordance with established time frames or cannot appear on the designated court date.
2. Deputies served subpoenas or given other official notice to appear before a criminal court by means other than the foregoing are responsible for complying with this directive and for providing agency notification as soon as possible of the need for appearance. Such subpoenas shall be recorded in a manner consistent with this policy.
3. Deputies who are served with a subpoena shall immediately notify their supervisor and provide the supervisor with a copy.

B. Preparation for Trial

1. Deputies shall fully cooperate with requests from the prosecutor in preparation of cases for trial and may seek pre-trial conferences whenever needed.
2. Deputies shall be familiar with the basic rules of evidence and shall seek clarification of any legal issues that may arise during the trial prior to court appearance.
3. Prior to trial, deputies designated for court appearance shall review case documentation to ensure that they are completely familiar with the facts involved. In addition, deputies shall provide all reasonable assistance necessary to or requested by the prosecution to ensure that necessary evidence will be available at trial.
4. In pretrial conferences with the prosecutor, deputies are responsible for providing all information relevant to the case even though it may appear beneficial to the defendant. No detail should be considered too inconsequential to reveal or discuss.
5. If a deputy is subpoenaed by the defense in any case, the deputy shall immediately notify the Sheriff or Chief Deputy and the prosecutor assigned to the case.

C. Appearance in Court

1. Deputies who are late for or unable to appear on a court date shall notify the appropriate court authority as soon as possible, providing name, defendant's name, court designation, and reason for absence or tardiness. The reason for absence or tardiness shall be reviewed by the deputy's commander and may be referred for disciplinary review.
2. Deputy's physical appearance, personal conduct, and manner shall conform to the highest professional police standards.
3. When testifying, deputies shall:
 - a. restrict remarks to that which is known or believed to be the truth;
 - b. speak naturally and calmly in a clearly audible tone of voice;
 - c. use plain, clearly understood language and avoid using police terminology, slang, or technical terms; and display a courteous attitude and maintain self-control and composure.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 2.8 Use of Social Media

Effective Date: 01/28/2013

Revised: 03/01/2019

Approved:

Sheriff

Reference: 2.8

I. POLICY

Social media provides a new and potentially valuable means of assisting the Office and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. The Office supports and utilizes the secure and appropriate use of social media to enhance communication, collaboration, and information exchange. The Office also recognizes the role that these tools play in the personal lives of Office personnel. Because the improper use of social media platforms by employees may impact Office operations, the Office provides information of a precautionary nature as well as prohibitions on the use of social media by Office personnel. These policies and procedures apply to all personnel including sworn and non-sworn employees, Reserve Deputies and any volunteers working with the Office.

II. PURPOSE

This policy establishes guidance on the management, administration and oversight of social media. This policy is not meant to address one form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

III. PERSONAL USE OF SOCIAL NETWORKS

For purposes of this policy "social media" includes, but is not limited to, online forums and practices that people use to share opinions, insights, experiences and perspectives with each other. Examples include Twitter, Facebook, LinkedIn, YouTube, and MySpace.

The Kendall County Sheriff's Office recognizes the importance of social media for its employees and this policy is not intended to prohibit this practice. However, you are

cautioned the improper use of social media by government employees, including law enforcement, has caused difficulties for some employees and organizations.

IV. GUIDELINES

The Kendall County Sheriff's Office encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce any adverse consequences.

The Kendall County Sheriff's Office expects its employees to exercise discretion whenever they participate in social media. Where no policy or guideline exists, employees are expected to use their judgment and take the most prudent action possible. If you are uncertain about the appropriateness of a social media posting, check with your manager.

Employees should be aware their online presence will reflect on the Kendall County Sheriff's Office. Just as your personal conduct while off-duty can do so, any posts, images, videos or comments will affect the image of the Kendall County Sheriff's Office. Employees are advised to conduct themselves in a manner that does not reflect negatively on the Kendall County Sheriff's Office.

If you use social networks, it is advised that you not list the Kendall County Sheriff's Office as your place of employment.

Be respectful of co-workers, citizens, vendors, and other Kendall County employees or elected officials.

Be mindful of you and your family's physical safety when posting about yourself or others.

V. PROHIBITED CONDUCT

Do not let social networks interfere with your work commitments for the Kendall County Sheriff's Office, and do not spend work time or use county computers to update or monitor your personal social media site.

Do not discuss any law enforcement related incidents, calls for service, arrests or other similar activity on your personal social media site. Any confidential information that you obtained through your position with Kendall County Sheriff's Office must be kept confidential.

Any posting found to interfere with the work of any Kendall County official or employee, which creates a harassing, demeaning or hostile work environment, disrupts the smooth and orderly flow of work, harms the goodwill and reputation of the Kendall County Sheriff's Office, or tends to place in doubt the reliability, trustworthiness or sound judgment of the person who is the subject of the information, will be subject to disciplinary action, up to and including termination of employment

VI. OFFICE SOCIAL MEDIA SITE

There are several ways an organization can benefit from public social networks, such as Facebook, MySpace, Twitter and LinkedIn. The following are examples of legitimate usage of public social networks:

Kendall County Sheriff's Office official Office site, such as Facebook.

Kendall County Sheriff's Office official site designed to collect citizen feedback or comments or to report crimes.

The Community Services Sergeant is authorized to make changes and update the Office social media sites.



Kendall County Sheriff's Office

Policy 3.1 Basic Training Requirements

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: TBP 3.05, 3.06, 3.07, 3.08, 3.09

I. POLICY

Today's society is both multi-faceted and complex. In order to provide effective law enforcement services it is imperative that deputies as well as non-sworn employees have the training necessary to accomplish their mission. The Kendall County Sheriff's Office is committed to providing the training necessary to meet and exceed State requirements and contribute to employee's career goals.

II. PURPOSE

To provide members of the Kendall County Sheriff's Office with details of the training required by the organization and their responsibilities about maintaining that training.

III. REQUIRED TRAINING

A. Basic Training

1. Sworn members of the Sheriffs' Office are required to have a Peace Officer license issued by the Texas Commission on Law Enforcement. This license currently requires officers to attend a Basic Peace Officers course and pass a Commission Licensing Examination. Deputies hired by the Office must obtain their Peace Officer license within one year from their date of hire if not already licensed. Deputies must possess their Peace Officer License prior to performing any law enforcement duty or function. (TBP: 1.09)
2. Previously licensed deputies who apply for employment must have their license in good standing, all in-service training completed or the ability to complete in-service requirements prior to the end of the Commission training cycle which ends August 31, of odd numbered years.

3. In addition to training required for licensing, all sworn deputies and reserves will complete the National Incident Management System training, appropriate for their rank, prior to completion of one-year probation, or prior to completion of promotional probation in the event of promotion to a higher rank. (TBP: 8.11)

B. Field Training

1. All sworn members of the Sheriff's Office are required to complete the Office's Field Training Program as outlined in Policy 3.2 within the time period specified.
2. Deputies with prior experience may qualify for an expedited Field Training if they are able to demonstrate proficiency in all required areas.

C. In-service training (TBP: 3.06)

1. The Training Coordinator or his designee will insure all sworn personnel of the Office shall, within each Commission training period as required by law, obtain at least 40 hours of in-service training. In-service instruction may include:
 - a. A review of changes or revisions in the State Law.
 - b. Training required by the legislature during each four-year training cycle.
 - c. Specialized training required at the direction of the Sheriff or the Commission based on assignment.
 - d. Supervisory training.
 - e. Policies and procedures.
 - f. Firearms training and qualifications.
2. In each two-year cycle, sworn deputies must receive:
 - a. Hands-on arrest and/or defensive tactics training.
 - b. Initial or Refresher Self Aid / Buddy Aid training.

- c. Training in bias neutralization (implicit bias)
 - d. Officer safety and de-escalation tactics (force avoidance)
 - e. Crisis intervention training
 - f. Mental health training
3. Sworn personnel are responsible for obtaining the training necessary to maintain their license and any special certifications they may hold. The Office will provide deputies with the training or provide the time and funding necessary to obtain the training. Much of the required training can be obtained on-line from the Commission website.
 4. Reserve Deputies will meet the same in-service training requirements as regular deputies. (TBP: 3.07)

D. Supervisory Training (TBP: 3.09)

All employees, sworn or non-sworn, when promoted to any supervisory rank will be provided supervisory training appropriate to their rank and position within 12 months of their promotion.

E. Civilian personnel (TBP: 3.08)

1. All newly-appointed civilian personnel will receive the following training from the Sheriff or his designee:
 - a. Orientation to the Office's role, purpose, goals, policies, and procedures.
 - b. Working conditions, rules, and regulations.
 - c. Responsibilities and rights of employees.
2. Detention officers shall complete the required Basic Jail training within one year of hire date. Additionally, Detention Officers shall complete the In-Service New Hire training program. (TBP: 3.18)

3. Records personnel or personnel assigned to records processing will complete a course in State Open Records and Records Retention within one year of hire.
4. Animal Control Officers or any other non-sworn personnel who have state required or job specific training will be provided that training either prior to job assignment or within one year of assignment.

IV. TRAINING EXPECTATIONS

A. Attendance

Personnel are expected to attend any assigned training programs. Attendance will be documented either by the instructor or in cases where the training is at location other than the Office, documentation will be furnished by those responsible for the training. There are cases where attendance at a training program may be excused, such as for court appearance or sickness. Any absence must be properly excused by the administrators of the program. Any time lost must be made up before any certificate of completion is issued. Certificates will be issued to those students who complete any training program. Employees shall provide a copy of any certificates to the Office for inclusion in the employee's training file.

B. Expenses

Except for paper and pencils or pens, all expenses incurred by Office personnel as a result of required training will be reimbursed based on actual expense (receipts must be provided) or in the case of mileage where personnel are required to use their personal vehicles, the rate will be the current county mileage rate.

V. OFFICE TRAINING

A. Performance-based training

The Commission requires performance-based training. This method of training requires the development of performance objectives. The use of performance objectives acquaints the training participants with the information they are required to know, the skills that must be demonstrated, and the circumstances under which the skills will be used. This approach also enables the instructors to relate training directly to the job performance that will be expected by supervisors. An employee who develops an outline for instruction of a topic must develop objectives which:

1. Focus on the elements of the job-task analysis for which training is needed.
2. Provide clear statements of what is to be learned.

3. Provide the basis for evaluating the participants.
4. Provide the basis for evaluating the effectiveness of the training program.

B. Lesson plans

1. Lesson plans are required for all training courses conducted or sponsored by the Office. It is the responsibility of the individual instructor, whether a member of the Office or not, to provide the Sheriff or designee, with a copy of the lesson plan for approval before each class. A copy of the lesson plan will be maintained along with rosters of personnel attending the training.
2. The lesson plan should include a statement of performance objectives, the content of the training, specification of the appropriate instructional techniques, references, relationships to the job tasks, responsibilities of the participants for the material taught, and plans for evaluation of the participants. The instructional techniques that might be used include:
 - a. Conferences (debate, discussion groups, panels and seminars).
 - b. Field experiences (field trips, interviews, operational experiences and observations).
 - c. Presentations (lectures, lecture-discussion, lecture-demonstration).
 - d. Problem investigations (committee inquiry, critical incidents).
 - e. Simulations (case study, simulation, games, and role-play).

C. Instructors

1. Instructors for all Office training programs shall:
 - a. Have a minimum of two years law-enforcement experience, or
 - b. Have completed a TCLEOSE instructor's course and be certified as an instructor, or
 - c. Possess a demonstrated skill in an area of instruction, or

- d. Be knowledgeable of teaching theories, methods, and practices and have some knowledge of law-enforcement practices.
2. Instructors enlisted from outside the Office shall be approved by the Sheriff or designee. The instructor must have demonstrated skill in his/her area of instruction and comply with requirements for lesson plans as previously stated. Any compensation will be determined by the Sheriff.
3. Before being allowed to instruct any state-mandated courses at the Office, instructors shall receive, at a minimum, training in:
 - a. Lesson plan development.
 - b. Development of performance objectives.
 - c. Instructional techniques.
 - d. Learning theory.
 - e. Testing and evaluation techniques.
 - f. Resources.
4. Normally, deputies selected and trained as instructors in a particular subject will be expected to teach it when needed for a minimum of two years.

VI. REMEDIAL TRAINING

- A. Remedial training is directed at solving or curing a problem or improving performance in a particular area, within a designated time and with clearly defined, expected results.
- B. Remedial training may be assigned as a result of discipline or counseling.

VII. TRAINING RECORDS (TBP: 3.05)

A. Training records

1. The Training Coordinator, or his designee, shall maintain, a training record for each employee which includes:
 - a. The date of training.
 - b. The type and hours of training received.
 - c. A copy of any certificate received.
2. The Commission's TCLEDDS will be used for sworn law enforcement and detention officers. Non-sworn members will have a separate file maintained.
3. The Training Coordinator or designee, shall maintain files on all in-house training courses or presentations, including:
 - a. Course content (lesson plans).
 - b. Personnel attending.
 - c. Any performance measures as ascertained through tests or demonstration.



Kendall County Sheriff's Office

Policy 3.2 Field Training

Effective Date: 01/01/2015

Revised: 01/26/2019

Approved:

Sheriff

Reference: TBP 3.12, 3.13, 3.14, 3.15, and 3.16

I. POLICY

It is the policy of the Kendall County Sheriff's Office that all employees receive such training as mandated by the State and adequate additional instruction in all areas required for the proper performance of their specific job tasks.

Deputies receive their basic peace officer training in an academy setting. While this training is essential to the making of a competent deputy, additional training is needed to familiarize any deputy, regardless of prior experience, with the operational policies, procedures, and practices of the Kendall County Sheriff's Office and this community.

This training takes place during a Field Training Program. Experienced deputies who have been trained as Field Training Deputies are used to instruct new deputies to ensure that our deputies are trained and capable of performing their duties. (TBP: 3.12a)

II. PURPOSE

The purpose of this order is to define the procedures to be used in the Field Training Program.

III. PROCEDURES

- A. Organization and Administration - The authority and responsibility for the initial training of sworn deputies shall be vested in the Field Training Program Supervisor of the Kendall County Sheriff's Office.

B. Field Training Program Requirements

1. Newly hired deputies, after successful completion of the basic law enforcement academy, are required to complete the Field Training Program prior to being released for full field duty. (TBP: 3.12c)
2. The Field Training Program training period for new deputies shall be divided into five phases (TBP: 3.12b) in which the deputy will be rotated through different Field Training Officers per phase and different shifts, whenever possible. Each phase has a duration as follows:
 - a. Limbo Phase: Five (5) working days, Introduction to the Program
 - b. Phase I: Thirteen (13) working days, Formal Training/Riding with Deputy
 - c. Phase II – Thirteen (13) working days, Formal Training/Riding with Deputy
 - d. Phase III – Thirteen (13) working days, Formal Training/Driving with Deputy, with Deputy taking all calls for service
 - e. Phase IV – Five (5) working days, Driving Alone While Shadowed by FTO
 - f. Following the successful completion of the Field Training Program, qualified deputies shall be evaluated monthly by their immediate supervisor until the deputy's one year anniversary. (TBP: 3.12e)
3. Newly hired deputies who have at least two years prior service as a sworn officer may complete a more abbreviated Field Training Program as determined by the Field Training Supervisor. (TBP: 3.12d)
4. During the Field Training Program, the new deputy, and newly hired deputies with prior service, shall receive additional training and evaluations in such areas as Office policy, procedures, rules, regulations, patrol procedures, first aid, and victim/witness rights, etc., as outlined in the Kendall County Sheriff's Office Field Training Manual. (TBP: 3.12d)
 - a. The Field Training Program shall identify the tasks most frequently performed by deputies, and evaluate the new deputy's job performance in those dimensions.
 - b. Standardized evaluation techniques designed to measure the new deputy's competency in the required skills, knowledge, and abilities shall be used.
 - c. New deputies will be evaluated daily by their Field Training Officer and the evaluation discussed with the new deputy. The new deputy and FTO will sign the evaluation and it will be forwarded to the Field Training Supervisor for filing.

If the new deputy disagrees with any comments or ratings, the new deputy may note the disagreement on the form and request review by the Field Training Supervisor. (TBP: 3.15)

5. The field training period may be extended when the performance of the new deputy indicates additional training is needed, as indicated in the FTO evaluations.
6. New employees shall be informed of the activities and actions involved in the recognition process as part of their orientation period with the Office.
7. The Field Training Supervisor will maintain communication with the FTO's for the purpose of assisting with training problems and for conducting end of steps evaluations at the termination of each of the five training phases. The Field Training Supervisor will maintain responsibility of the training files containing the FTO evaluations.
8. All reserve deputies are required to successfully complete a structured Field Training Program before the reserve may operate as a solo unit.
9. Reserve deputies are required to complete the Standardized FTO Program, divided into five (5) phases. This five (5) phase training program must be completed within three years of completion of the reserve academy or appointment as a reserve deputy. If the reserve deputy fails to complete the FTO Program within the three-year period without reasonable justification, or if the reserve deputy is failing to progress through the field training program due to performance problems, a recommendation of termination will be made by the Field Training Supervisor or Reserve Coordinator and forwarded to the Patrol Lieutenant.
10. Following the successful completion of the minimum field training program, solo reserve deputies will be evaluated monthly by their immediate supervisor until the reserve deputy's one year anniversary.
11. The field training period may be extended when the performance of the reserve deputy indicates additional training is needed, as indicated in the FTO evaluations.

C. Field Training Deputy Selection and Training

1. The FTO Board will solicit recommendations from Office supervisors. The FTO Board and the Patrol Lieutenant will review prior performance evaluations, activity levels, any complaints and commendations as well as advanced training. The Lieutenant and FTO Board will interview potential candidates and make a determination based on the best interests of the Office. Selection of Field Training

Deputies will be based on the best deputies available for the assignment and those that represent the true mission and values of the Kendall County Sheriff's Office. (TBP: 3.12a)

2. FTO Training. All deputies assigned as FTO's will successfully complete an approved training program that meets TCOLE standards prior to receiving assignment as an FTO. All deputies assigned as FTO's will receive FTO orientation training conducted by the Field Training Supervisor. (TBP: 3.13)
3. FTO's' training effectiveness shall be evaluated by their immediate supervisor and Field Training Supervisor.
4. FTO's shall conduct their training and make required reports and recruit evaluations as outlined in the Field Training Deputy's manual.
5. New deputies and lateral sworn deputies shall evaluate each FTO from which they have received training after completion of each phase in the FTO program. This shall be accomplished in writing, as outlined in the FTO Manual, utilizing the appropriate form.

D. Periodic Program Review

1. Each January, the Field Training Board will meet with all Field Training Officers to review the conduct of the FTO Program and determine if any changes are required. (TBP: 3.14)
2. A report of the findings of this meeting shall be forwarded to the Patrol Lieutenant for any action required.

(For a more detailed review of each step in the FTO program, refer to the KCSO Field Training Guide.)



Kendall County Sheriff's Office

Policy 4.1 Hiring and Selection

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 2.23, 3.17, 4.01, 4.02, 4.03, and 4.04.

I. POLICY

The Kendall County Sheriff's Office strives to obtain the best law-enforcement officers possible to help achieve the Office's policing goals. To that end, the Office shall practice a regimented, rigorous selection procedure while simultaneously affording equal opportunity to everyone regardless of race, creed, color, sex, national origin, sexual orientation, or age. The Office does not discriminate against people with disabilities and affords them the same access to employment provided to all persons. All personnel who participate in screening and hiring applicants shall be guided by fairness, equal opportunity, and consistency in applying the procedures set forth in this order.

II. PURPOSE

The purpose of this order is to outline minimum hiring requirements and selection process for deputies and non-sworn members of the Office.

III. DEFINITIONS

A. Disability

A physical or mental impairment that substantially limits one or more of the major life activities.

B. Good moral character

The attributes of a prospective employee that enhance his or her value to the Office and the goals of community-oriented policing which include honesty, integrity, truthfulness, obedience to the oath of office and the code of ethics, respect for authority, and respect for the rights of others.

IV. QUALIFICATIONS FOR EMPLOYMENT

- A. The minimum qualifications that all applicants for the position of deputy must meet include the following:
1. Must be a citizen of the United States
 2. Must be at least twenty-one (21) years of age and possess a valid driver's license.
 3. High school graduate or GED.
 4. Pass a background investigation which includes the following:
 - a. Personal and family history;
 - b. Credit history, including current creditors;
 - c. Education, including all schools attended and degrees or certificates obtained;
 - d. All residences for the past ten years;
 - e. Comprehensive employment history;
 - f. A fingerprint-based criminal history search, including all arrests, locations, dates, and dispositions;
 - g. Traffic summonses and accidents, and
 - h. An inquiry of family, friends, and associates as to character and reputation, plus an informal interview with the applicant's spouse or "significant other," as well as ex-spouses.
 5. Pass an oral interview.
 6. Complete a polygraph examination.
 7. Pass a physical examination, psychological screening, and drug test.
 8. Be of good moral character.
 - a. Good moral character is determined by a favorable report following the comprehensive background investigation. The interview shall be employed to help evaluate good moral character. Good moral character ensures compatibility with the Office's community-oriented policing goals.
 9. Any other standards set by law or by policy of the Texas Commission on Law Enforcement.

V. DISQUALIFIERS FOR EMPLOYMENT

The following are absolute disqualifiers for employment as a sworn deputy.

1. Conviction or admission of any felony.
2. Conviction of any Class A or B misdemeanor in the past 10 years.
3. Conviction or admission of any illegal drug use within the past 5 years, or use of marijuana within the past two years.
4. Conviction of family violence within the past 10 years.
5. Dishonorable discharge from the military.

VI. APPLICATION PROCESS FOR SWORN

A. The applicant must complete the following:

1. Complete a written county application and personal history statement and submit it to the Administrative Sergeant. Copies of the following documents will also be submitted:
 - a. Birth Certificate
 - b. Driver's License
 - c. High School Diploma or transcript, or GED certificate.
 - d. Credit report dated no more than 90 days prior
 - e. Any college transcripts
 - f. Copy of military discharge papers
2. Arrange with the Administrative Sergeant to appear for selection process steps.

VII. SELECTION PROCESS FOR SWORN (TBP: 4.01)

A. The Administrative Sergeant, will review the application and documents for basic qualifications. If basic qualifications appear to be met and an opening exists, the Sheriff or his designee assigns a qualified deputy to conduct a preliminary review of the candidate and schedules appropriate testing. If no opening exists, the application will be placed in a file to await an opening. When an opening occurs, the applicant will be contacted to determine if they are still interested in the position.

- B. The Administrative Sergeant will conduct a preliminary review of the applicant and perform the following:
1. Obtain the applicant's driving record from DPS.
 2. Have the applicant sign information release forms.
 3. If the applicant has recently lived outside the county, request records checks through agencies in the applicant's previous communities.
 4. Obtain an NCIC/TCIC criminal history check.
 5. Schedule an interview board consisting of the Patrol Lieutenant and two other Office members. The candidate is graded on an applicant interview sheet and either passes or fails the interview.
 6. Those passing the interview process will then be scheduled to complete a polygraph examination.
 7. After completing the interview and polygraph examination, applicant's packages will then be considered for conditional offers of employment. The applicant's packages will be forwarded to the Sheriff for offering employment.
- C. The Sheriff will meet with the applicant who best meets the need of the Office and conducts a detailed interview with the candidate. If the Sheriff approves, he will issue the candidate a Conditional Offer of Employment. A copy will be given to the applicant. The Offer of Employment is conditional upon passing:
1. An In-depth background investigation
 2. A physical and drug screen, and
 3. A psychological screen
- D. After a conditional offer of employment is made, the deputy assigned to conduct the background investigation may question the applicant regarding his or her prior medical problems including any worker's compensation claims and conditions. The deputy will then conduct a detailed background investigation in accordance with the Background Investigation Manual. He shall also schedule the applicant for any further testing. (TBP: 4.03)
- E. The deputy conducting the background investigation shall have had training in conducting background investigations or shall conduct the background in compliance

with the Background Investigation Manual. The background shall specifically include contact with all former law enforcement employers. (TBP: 3.17)

- F. Upon completion of all testing and the background investigation, the applicant's file will be returned to the Sheriff for the final decision.
 - 1. Following a medical examination, an offer of employment may be withdrawn if the applicant is incapable of performing the core job functions for the position or poses a "direct threat" in the workplace (per EEOC guidelines, "a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced . . . through reasonable accommodation"). The Sheriff must base the threat on medical knowledge, not just speculation.

- G. If the individual is approved for hire, the Administrative Sergeant will make all the necessary arrangements for processing a new employee. If the individual is not selected, a letter will be sent to the applicant advising him or her that the Conditional Offer of Employment has been withdrawn and the reason stated plainly.

- H. Unsuccessful applicants, that do not have permanent disqualifiers, may re-apply after one year from the date of last application if a vacancy exists.

- I. Lateral entry.
 - 1. A licensed officer from another Texas agency must meet the same criteria set forth above.

 - 2. The deputy assigned to investigate the applicant shall ensure that an applicant with prior law-enforcement experience has not had his or her licenses suspended or revoked. A query will be made to the Texas Commission on Law Enforcement to determine all other agencies where the licensee has worked. These agencies will be contacted before completion of the background to determine work history and any significant details of their employment.

VIII. APPLICATION PROCESS FOR NON-SWORN

- A. The applicant must complete the following for all positions within the Sheriff's Office:
 - 1. Complete a written county application and personal history statement and submit it to the Administrative Sergeant. Copies of the following documents will also be submitted:
 - a. Birth Certificate
 - b. Driver's License

- c. High School Diploma or transcript, or GED certificate.
 - d. Any college transcripts
 - e. Copy of military discharge papers
2. Arrange with the applicant to take any written test if required and appear for other selection process steps.

IX. SELECTION PROCESS FOR NON SWORN (TBP: 4.01)

- A. The Administrative Sergeant will review the application and documents for basic qualifications. If basic qualifications appear to be met and an opening exists, the Administrative Sergeant assigns a deputy to conduct a preliminary review of the candidate. If no opening exists, the application will be placed in a file to await an opening. When an opening occurs, the applicant may be contacted to determine if they are still interested in the position.
- B. The deputy assigned to conduct a preliminary review of the applicant shall perform the following:
 1. Obtain the applicant's driving record from DPS.
 2. Have the applicant sign information release forms.
 3. If the applicant has recently lived outside the county, request records checks through agencies in the applicant's previous communities.
 4. Obtain an NCIC/TCIC criminal history check.
 5. Conduct any job specific testing required.
- C. The Sheriff will meet with the applicant who best meets the need of the Office and conducts a detailed interview with the candidate. During the interview, the Sheriff shall consider the applicant's appearance (for neatness and cleanliness), mannerisms, judgment, maturity, resourcefulness, and compatibility with Office goals. If the Sheriff approves, he will issue the candidate a Conditional Offer of Employment. A copy will be given to the applicant. The Offer of Employment is conditional upon passing:
 1. A background investigation
 2. A physical and drug screen, and
 3. A psychological exam if required by TCOLE.

- D. After a conditional offer of employment is made, the deputy assigned to conduct the background investigation may gain additional information from the applicant regarding his or her prior medical problems including any worker's compensation claims and conditions. The deputy will then conduct a detailed background investigation in accordance with the Background Investigation Manual. He shall also schedule the applicant for the necessary medical testing. (TBP: 4.03)
- E. The deputy conducting the background investigation shall have had training in conducting background investigations or shall conduct the background in compliance with the Background Investigation Manual. (TBP: 3.17)
- F. Upon completion of all testing and the background investigation, the applicants file will be returned to the Sheriff for the final decision.
- G. Following a medical examination, an offer of employment may be withdrawn if the applicant cannot perform the core job functions or poses a "direct threat" in the workplace (per EEOC guidelines, "a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced . . . through reasonable accommodation"). The Sheriff must base the threat on medical knowledge, not just speculation.
- H. If the individual is approved for hire, the Sheriff will make all the necessary arrangements for processing a new employee. If the individual is not selected, a letter will be sent to the applicant advising him or her that the Conditional Offer of Employment has been withdrawn and the reason stated plainly.

X. PERSONNEL RECORDS

- A. For each employee, the Office maintains a confidential personnel file. This file contains the background investigation package, a copy of all forms completed during the hiring process, all evaluations, leave/attendance record, and assignments. Any disciplinary action amounting to a written reprimand or higher is maintained in a separate file by the Chief Deputy. A separate TCOLE file for all sworn personnel containing all TCOLE required documents is subject to TCOLE audits to ensure TCOLE documentation compliance and proper maintenance. These files must be secured with limited access. (TBP: 2.23, 4.04)
- B. The Sheriff maintains and controls all personnel records. The Office complies with the current records retention schedule of the Texas State Library and Archives Commission. (TBP: 4.04)
- C. Employees may review their records at any reasonable time upon request. The Sheriff may release a copy of a record from file upon obtaining a signed authorization from the employee.

- D. All personnel records are considered confidential. Supervisory or investigative personnel who have a need to review sensitive information may do so only with the express approval of the Sheriff or his designee.

- E. If the Sheriff deems it necessary to include derogatory information in a personnel file, he/she shall notify the employee of the fact in writing. The employee may protest the inclusion of such information in writing to the Sheriff. Probationary employees have no right of protest in such matters.

- F. Personnel records are permanent property of the Office.

- G. Deputies from the Office may terminate employment and seek a lateral hire with another agency. Requests for employment information on these deputies shall be referred to the Sheriff. The Sheriff shall disclose the employee's performance record consistent with current law.

- H. All records of unsuccessful applicants shall be maintained, including all test results, in a confidential file by the Sheriff. These records are releasable to other law enforcement agencies when requested and a properly executed release form is obtained from the subject of the records. (TBP: 4.04) The unsuccessful applicant records shall be maintained in accordance with the current records retention schedule of the Texas State Library and Archives Commission.

- I. Photographs of Sworn Deputies shall not be released by the Office to any organization or media outlet, nor shall it be posted on any Office website, or in a publicly displayed Office yearbook or photograph, unless the deputy has given his or her consent or signed a release to that effect. Exceptions to this prohibition include:
 - 1. If the deputy is charged by indictment or information,

 - 2. If the deputy's photograph is introduced in judicial proceedings.

 - 3. Photographs displayed on deputy's Identification Cards are not considered released as they are intended for internal use or to properly identify a deputy if required.



Kendall County Sheriff's Office

Policy 4.2 Appointment and Probation

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 1.09 & 2.03

I. POLICY

The Kendall County Sheriff's Office is committed to ensuring the standards of the Office are maintained and that the people of our county are served by a competent and professional Sheriff's office.

II. PURPOSE

To provide for a systematic process for the appointment of Sworn and Non-Sworn personnel.

III. PROCEDURES FOR SWORN PERSONNEL

A. Applicants that have been through the hiring process and have been approved for hire will complete the following steps prior to being retained as full-time deputy.

1. The applicant will meet with the Administrative Sergeant and determine a starting date.
2. On the day selected for employment, the applicant will be taken to the personnel office for completion of all initial paperwork and issuance of an Identification Card.

B. Upon completion of the initial processing at County Personnel, the new employee will report to the Sheriff's Office where they will be issued the appropriate equipment. The employee shall sign for the issued equipment.

- C. The new employee shall be issued a complete and up to date copy of the General Orders and Policy and Procedure Manual.
- D. The Administrative Sergeant shall set a time and place where the new deputy shall swear the Oath of Office before a public gathering. The new deputy must take and sign the Oath of Office before performing any law enforcement duties. (TBP: 2.03)
- E. The Patrol Lieutenant shall also assign the new employee to a senior training deputy for initial Field Training. The new employee will work the same hours and days off as the Field Training Deputy.
- F. The new deputy must possess a valid Texas Peace Officer License before performing any law enforcement functions. If the deputy begins work before attending a basic academy and obtaining a license, he or she shall perform non-police duties only and shall accompany experienced deputies as an observer only. (TBP: 1.09)

IV. PROCEDURES FOR NON-SWORN PERSONNEL

- A. Applicants that have been through the hiring process and have been approved for hire will complete the following steps prior to being retained as full-time employees.
 - 1. The applicant will meet with the Administrative Sergeant and determine a starting date.
 - 2. On the day selected for employment, the applicant will report to the County Personnel Office for completion of all initial paperwork and issuance of an Identification Card.
- B. Upon completion of the initial processing at County Personnel, the new employee will report to the Sheriff's Office where they will be issued any necessary equipment for their job assignment. The employee shall sign for any issued equipment.
- C. The new employee shall be issued a complete and up to date copy of the General Orders, Field Manuals or other policies applicable to their position.
- D. The employee will be assigned to another employee for training as required and shall receive training in Office operations, personnel rules, and Office philosophy.

V. PROBATION

- A. All new employees, sworn and non-sworn, are on probation for a period of six months. The same probationary period applies to deputies hired through lateral entry.
- B. An employee may be released from employment at any time during their probationary period for any reason. Supervisors who believe a probationary employee's job performance is unsatisfactory should provide evidence of the unsatisfactory performance to the Sheriff for consideration at any time.
- C. A new employee's supervisor shall rate the new employee using the Employee Evaluation Form at the one, two, and three-month anniversary dates from employment for non-sworn employees. Sworn deputies will be rated as required by the Field Training Manual during the first year. After completion of the Field Training, the Field Training Sergeant shall complete and forward a final evaluation form to the Sheriff recommending the employee be retained or terminated. If the recommendation is for termination, the supervisor shall document the specific work-related performance that is deficient. The work performance of each probationary employee shall be evaluated using valid, non-discriminatory procedures.
- D. Prior to the end of the probationary period, the Sheriff shall review the performance evaluation. The Sheriff may approve their permanent appointment or discharge the employee for failure of probation.
- E. Probationary employees who wish to protest their performance ratings have no grievance rights except to request an interview with the Sheriff.

3. In order to compete for Detention Sergeant, a Detention Officer must have three years of detention experience, the last year of continuous service with the Kendall County Sheriff's Office.
 4. Candidate must submit a letter of intent to the office of the Sheriff, which requests participation and consideration in the promotional selection process.
- C. Process for Promotions - The following process will apply for each open position. As a single position is filled, the process will be repeated for any resulting or future openings. No eligibility list will be established.
1. Meet eligibility;
 2. Submit letter of intent;
 3. Submit resume if requested;
 4. Interview: Candidates will attend a structured interview with the Sheriff and Chief Deputy and any other designee chosen by the Sheriff, who will rank the candidates.
 5. Final Selection: Based on the interview, candidates will be selected at the discretion of the Sheriff.

D. Promotional Probation

1. The Sheriff will announce promotions along with the effective date. All promotions are conditional that the employee satisfactorily completes a one year probation period.



Kendall County Sheriff's Office

Policy 4.3 Career Development

Effective Date: 09/01/2014

Revised: 03/01/2019

Approved:

Sheriff

Reference: 4.06 & 4.07

I. POLICY

The Kendall County Sheriff's Office encourages employees to seek opportunities to develop their knowledge, skills, and abilities. Promotions are based on performance, longevity, and the growth of skills through training and experience. Although in a small Office promotion opportunities are rare, the Office promotion process is fair and equitable.

II. PURPOSE

To establish guidelines for career development of employees to include training and promotions.

III. PROCEDURES / OPERATIONS DIVISION

A. Responsibilities of the Sheriff

1. Annually, all supervisors will meet with each of their employees for career counseling. This counseling shall occur at the same time as the employee's annual performance evaluation. The counseling shall include an examination of:
 - a. The employee's performance record.
 - b. A review of training programs applicable to the employee's duties.
2. The Sheriff shall ensure that at least one Office employee:
 - a. Achieves and maintains certification as a firearms instructor.

- b. Receives advanced instruction in evidence collection techniques.
3. All deputies shall maintain current First Aid/cardiopulmonary resuscitation certifications.
4. The Sheriff shall ensure the availability of a trained armorer, either through training an Office employee, contracting with an armorer in another jurisdiction, or contracting with a private armorer. The armorer shall inspect all firearms and ammunition at least annually for safety, reliability, and ability. The armorer shall also repair broken or malfunctioning weapons.
5. The Sheriff shall ensure that any employee, upon receiving a promotion or a new assignment, attend training specific to that position within 12 months of assignment.

B. Promotions (TBP: 4.06)

1. When a vacancy exists for the position of Corporal or Sergeant, the Sheriff or his designee, shall post an advertisement of the position, the qualifications required, and a description of the selection process to be used for a minimum of two weeks prior to any selection process. During that time, deputies may request, in writing, consideration for the position.

C. Eligibility for Promotion

1. Employees must meet the following minimum requirements to be eligible for promotion to any increased level of responsibility or compensation.
2. In order to compete for Corporal, a deputy must have three years of law enforcement experience (excluding detention), with the last year of continuous service with the Kendall County Sheriff's Office.
3. In order to compete for Sergeant, a deputy must have four years of law enforcement experience (excluding detention), with the last year of continuous service with the Kendall County Sheriff's Office.
4. Candidates must submit a "letter of intent" to the office of the Sheriff, which requests participation and consideration in the promotional selection.

5. Although preference will generally be given to in-house candidates, the Sheriff may go outside the Office to fill ranking positions if circumstances dictate.
- D. Process for Promotion: The following process will apply for each open position. As a single position is filled, the process will be repeated for any resulting or future openings. No eligibility list will be established.
1. Corporal or Sergeant
 - a. Meet eligibility;
 - b. Submit "letter of intent";
 - c. Submit resume if requested;
 - d. Interview: Candidates will attend a structured interview with the Sheriff and Chief Deputy and any other designee chosen by the Sheriff, who will rank the candidates.
 - e. Final Selection: Based on the interview, candidates will be selected at the discretion of the Sheriff.
 2. Patrol Lieutenant, CID Lieutenant and Chief Deputy
 - a. Submit Letter of Intent and resume to Sheriff;
 - b. Review by Sheriff based on criteria determined by the Sheriff;
 - c. Patrol Lieutenant, CID Lieutenant Chief Deputy are considered command level positions and the Sheriff has the authority and latitude to fill these positions as he chooses.
 3. Promotional Probation
 - a. The Sheriff will announce promotions along with the effective date. All promotions are conditional that the employee satisfactorily completes a one year probation period.

E. Transfers

1. The Sheriff may assign or transfer any employee to a duty assignment that is deemed to be in the best interest of the Office.
2. Employees who request a transfer shall write a memorandum to their respective Lieutenant to that effect.
3. Occasionally, some job assignments require minimum assignment periods so that the Office may sufficiently benefit from investments in specialized training or education. Minimum periods of assignment shall be determined by the Sheriff and specified in an Office order. The Sheriff reserves the right to establish minimum and maximum terms of service for selected duty assignments he or she deems to be in the best interest of the Office.

F. Transfer to Criminal Investigation

1. When a position opens in Criminal Investigation Division, an announcement will be posted for interested deputies to apply.
2. An interview or assessment board will be held to include supervisors and at least one investigator from the Kendall County Sheriff's Office.
3. Although preference will generally be given to in-house candidates, the Sheriff may go outside the Office to fill investigator positions if circumstances dictate.
4. Although investigator positions may carry a salary equal to Corporal, an investigator who desires to fill a patrol corporal position must meet the qualifications and compete for the position as established by this policy.

IV. PROCEDURES / DETENTION DIVISION

A. Promotions

1. When a vacancy exists for the position of Detention Corporal or Sergeant, the Sheriff or his designee shall post an announcement of the position, the qualifications required, and a description of the selection process to be used for a minimum of two weeks prior to any selection process. During that time, detention deputies may request, in writing, consideration for the position.

B. Eligibility for Promotion

1. Detention Officer must meet the following minimum requirements to be eligible for promotion to any increased level of responsibility or compensation.
2. In order to compete for Detention Corporal, a Detention Officer must have two years of detention experience, the last year of continuous service with the Kendall County Sheriff's Office.
3. In order to compete for Detention Sergeant, a Detention Officer must have three years of detention experience, the last year of continuous service with the Kendall County Sheriff's Office.
4. Candidate must submit a letter of intent to the office of the Sheriff, which requests participation and consideration in the promotional selection process.

C. Process for Promotions - The following process will apply for each open position. As a single position is filled, the process will be repeated for any resulting or future openings. No eligibility list will be established.

1. Meet eligibility;
2. Submit letter of intent;
3. Submit resume if requested;
4. Interview: Candidates will attend a structured interview with the Sheriff and Chief Deputy and any other designee chosen by the Sheriff, who will rank the candidates.
5. Final Selection: Based on the interview, candidates will be selected at the discretion of the Sheriff.

D. Promotional Probation

1. The Sheriff will announce promotions along with the effective date. All promotions are conditional that the employee satisfactorily completes a one year probation period.



Kendall County Sheriff's Office

Policy 4.4 Performance Evaluations

Effective Date: 10/01/2014

Revised: 08/15/2015

Approved:

Sheriff

Reference: 4.08 & 4.09

I. POLICY

The Office bears an obligation to the public and its own personnel to hire and retain the best qualified employees. Further, the Office's community-oriented policing philosophy demands that deputies exhibit not only competent investigative skills but also succeed in communicating with many different individuals in a variety of contexts. To that end, the Office regularly and formally evaluates the performance of deputies and other employees. The evaluation system discussed herein serves both the interests of management and employees. The purposes of the evaluation system are to (1) allow fair and impartial personnel decisions; (2) maintain and improve performance; (3) provide a basis and a medium for personnel counseling; (4) assist decisions about the tenure of probationary employees; and (5) identify training needs.

II. PURPOSE

The purpose of this order is to outline and describe the Office evaluation process.

III. PROCEDURES

A. General

1. All employees shall be evaluated using the Office approved form. Supervisors will be trained in the evaluation process prior to conducting the evaluations. (TBP: 4.08, 4.09)

2. Evaluations reflect observations and perceptions by rating personnel and personnel shall be rated as having demonstrated unacceptable, below expectations, meets expectations, exceeds expectations or outstanding behavior.
3. After completion of probation, each employee shall be evaluated annually. To constitute a satisfactory evaluation, an employee must receive an overall 2.0 (or meets expectations). Employees who fail to receive an overall 2.0 may be placed on probation for a period determined by the Sheriff. Within the probation period, an employee shall receive remedial training in deficient areas, demonstrate proficiency (or satisfactory improvement) in deficient areas, the training and improved behavior documented on the evaluation form.
4. With the exception of probationary employees, all performance evaluations will cover a calendar year and shall be completed, signed by the employee and rating supervisor and turned in to the Sheriff.
5. All evaluations shall be reviewed with the employee and placed in employees' personnel files.
6. Newly-hired employees and deputies in their probationary year may receive quarterly written evaluations if deficiencies are observed.
7. Employees shall be evaluated formally by their immediate supervisor on the anniversary month of their start date, or if promoted on the anniversary date of that promotion.
8. An employee who receives an unsatisfactory rating he or she perceives to be unjust may appeal to the next level of the chain of command up to the Chief Deputy. The employee concerned must rebut the comments or rating in writing and submit them through the chain of command to the next level.

B. Evaluation of supervisors

1. Supervisors shall be evaluated by their next level supervisor using the same format as that for deputies. Under "comments" the rater shall refer to an attached page containing, in a narrative, comments concerning the individual's supervisory performance. The rater shall address, at a minimum, the following points:
 - a. Ability to instill in deputies a high regard and respect for community-oriented policing ideals, the rule of law, civil rights, and concern for victims.

- b. Ability to perceive performance weaknesses in his or her deputies, conduct remedial training, and document improved proficiency.
- c. Command of patrol techniques, methods, and investigative procedures.
- d. Ability to reprimand, counsel, praise, or otherwise discipline his or her deputies.
- e. Ability to apply leadership principles and accept responsibility for the performance of his or her deputies.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 4.5 Uniforms, Dress Code & Equipment

Effective Date: 10/01/2014

Revised: 11/15/2017

Approved:

Sheriff

Reference: TBP 1.11, 1.12, 2.13, 7.17, & 7.23

1. POLICY

Proper uniforms and equipment are necessary to perform our law enforcement duties and present a professional image to the community we serve. It is imperative that we present a professional presence in our community to inspire that respect. All employees must strive to present a clean, well-groomed image when wearing the Office uniform or representing the Office in any manner.

II. PURPOSE

To provide deputies with a list of uniform and equipment items that are provided or required and provide an Office dress code for all employees.

III. UNIFORM AND EQUIPMENT

- A. Employees shall be issued uniforms and equipment needed to perform their job function. Employees may purchase additional items that are approved and authorized in writing by the Sheriff or his designee. Employees shall not wear, carry, or use any personally owned equipment without the written approval of the Sheriff or his designee, a copy of which will be maintained in the employee's personnel file.
- B. Employees must sign an inventory sheet listing all uniforms and equipment issued to the employee. The inventory sheet will be maintained by the Administrative Sergeant.
- C. Employees are responsible for the uniforms and equipment issued. The employee's supervisor shall ensure all Office uniforms and equipment are

returned to the Office upon resignation, termination, or retirement. Failure to return all items of county property may result in legal action.

- D. Employees shall have as part of their issued equipment a copy of the Policies and Procedures Manual, and shall maintain and insert appropriate updates as directed.

- E. Annually, the Administrative Sergeant shall inventory Office capital property, equipment and assets, reporting in writing to the Sheriff. In the report, the Administrative Sergeant will report any property, equipment, or assets that are lost, in need of repair or replacement, or damaged.

- F. The following will be the only acceptable on duty uniform for the Kendall County Sheriff's Office Deputy/Detention Officer:
 - 1. The duty uniform consists of the Blauer street shirt with a tan outer vest carrier, or the Blauer Super Shirt with the duty vest worn underneath. The Blauer Street Shirt may have the Sheriff's Office badge patch sewn onto the left side of the chest and the deputy name embroidered over the right pocket. The Blauer Supershirt will be worn with the standard duty badge and standard name tag. A soft uniform (described below) may be worn by deputies or detention officers whose duties are normally in the office, with approval from the Sheriff. The Sheriff's Office patch will be placed on each shoulder no more than ½ inches below top of the sleeve.

 - 2. All uniform personnel that are Sergeant and above shall wear gold toned badges, buttons, collar devices, nametags, and other approved accoutrements. All other personnel shall wear devices that are silver in color.

 - 3. All uniform personnel that are Sergeant and above shall wear chevrons or service stripes that are yellow or gold in color with black twill background with merrowed border. Corporals or other personnel shall wear chevrons or service stripes that are white in color with black twill background with merrowed border.

 - 4. Uniform personnel with rank of Sergeant and Corporal shall wear the applicable chevrons no more than ½" inch below the shoulder patch on uniform shirts and jackets.

 - 5. Nameplates will be worn on the right side of the uniform. The nameplate will be centered and 1/4" above the top of the breast pocket.

6. Lieutenant and Executive Rank insignias will be worn in symmetrical pairs, on the collars of the uniform shirts and uniform jackets.
7. Only approved awards or citations will be worn on the uniform and shall be placed centered and ¼” above the nameplate.
8. The duty pants will consist of a black colored BDU or Tactical style 6-pocket approved trousers.
9. Duty footwear will be practical to performing all assigned duties and shall include black low quarter shoes, which includes dress, tactical or athletic style shoes, and black tactical style boots of all leather and nylon construction, including combat, jump style or “Rocky” styles, Black walking boots, including Wellington or roper styles.
10. Leather footwear must be made of smooth grained leather or a similar synthetic material having an acceptable likeness to leather; black in color; and capable of being shined, polished, or cleaned.
11. The soles and heels of boots will be made of leather, rubber, or synthetic material with a black edge. Boots must have walking heels.
12. The toe style will be either round or medium round. Sharp pointed shoes or boots are prohibited. Footwear with decorative stitching, embossing, welts, holes or other patterns, ornamental designs, buckles, stripes, or “wingtips” are prohibited.
13. Taps or metal plates on footwear are prohibited. Socks worn with low-cut shoes will be black in color.
14. “Baseball” style caps and similar headgear are not authorized with the duty uniform at any time.
15. A tan to cream colored “western” straw hat, conservatively styled, may be worn with the uniform for summer or warm weather wear.
16. A tan to silver felt hat, conservatively styled, may be worn in winter or cool weather or when a formal or dress uniform is worn.

17. The undershirt worn under the uniform will be, visible at the neck, black in color.
 18. No visible brand label, slogans, logos or printing on the T-shirt or undershirt is permitted.
 19. Employees shall not wear any garment under the uniform shirt (e.g. T-shirt, sweater, or thermal wear) whose sleeves extend beyond the sleeves of the uniform shirt.
 20. Winter-style knit stocking caps are authorized to be worn with the uniform when severe or inclement weather conditions exist. Knit caps must be black in color and not contain any colored or visible stitching, patches, logos or lettering.
 21. Standard duty gear is provided however additional duty gear can be utilized so long as it is basket weave in design, black in color and does not hinder the normal duties of the Deputy.
- G. The following will be the only acceptable soft uniform for the Kendall County Sheriff's Office Deputy/Detention Officer:
1. The approved "soft" uniform shall be utilized for the identification of personnel during off duty jobs, special operations or the execution of warrants and will consist of a black, blue, khaki, or coyote collared pullover shirt with contrasting lettering which clearly identifies the wearer as a peace officer. Pants are to be the same as on duty apparel but may be black, blue, khaki, or coyote in color.
- H. Uniformed personnel assigned to administrative type office positions, which have limited field duty may, with the approval of the Sheriff, be allowed to remove their duty belt while in the office during their on-duty hours, although these personnel will wear their issued handgun in an approved holster on his/her black trouser belt.
- I. Only authorized insignias will be worn on the uniform. Pins making political statements, or displaying any offensive design, logo, or wording are prohibited.
- J. The on-duty uniform should be worn for all court appearances, official ceremonies, funerals and memorial services.
- K. The Honor Guard Uniform shall consist of the following; long sleeve uniform shirt with badge, name tag, approved ceremonial ribbon and collar devices. The Honor

Guard pants will be black dress uniform trousers with a ½” Silvertan stripe, embossed in yellow, vertically along the outer seam of both sides of the pant legs. White ascot and dress gloves and shoulder cords, white for deputies and Corporals and yellow for all ranks Sergeant and above. An “Honor Guard” rocker will be worn above the uniform patch on each sleeve of the shirt. Black high gloss leather duty gear, belt and authorized accessories. Approved high gloss footwear. A D.I. or Campaign style straw hat will be worn by members of the Honor Guard during dress or ceremonial assignments. An approved hat badge and braid will also be worn, silver for the rank of Deputy and Corporal and Gold for Sergeants and above.

IV. PHYSICAL APPEARANCE

Employees shall maintain their physical appearance in accordance with good taste and professionalism. Hair shall not be dyed, colored, or styled in a manner which would draw undue attention to the employee. Female employees' makeup shall be tastefully applied. Male employees shall not appear for work needing a shave or haircut.

A. Hair length

1. Male employees shall wear their hair so as to present a groomed appearance. Hair will not extend past the collar at the back of the neck. Hair on the sides will not extend below the top of the ear and must be mildly tapered. Hair in the front will not extend below the middle of the forehead. Sideburns may extend no lower than the lowest tip of the employee's ear lobe. They shall be of a naturally even width and shall end with a clean shaven horizontal line.
2. Female employees shall wear their hair so as to present a groomed appearance. They shall not be restricted as to the length of their hair. However, if the hair extends below the bottom of the collar it shall be secured in a bun or ponytail. It shall not be allowed to hang into the employee's face, either in front or on the sides.

B. Mustaches and Beards

1. Mustaches will not extend beyond the corner of the mouth on a horizontal line, nor below the corner of the mouth on a vertical line, nor below the top line of the upper lip. They shall be neatly trimmed at all times.
2. Personnel assigned to Administration, CID, or special assignment where needed, may wear a neatly trimmed goatee. Goatees will not extend beyond ¼” of the corner of the mouth on a horizontal line, will not be longer than ¼” in length and will not extend more than 1” along the underside of the jawline. Full beards will not be permitted except by order of the Sheriff.

3. All personnel are prohibited from wearing a goatee while wearing the Kendall County Sheriff's uniform.

C. Personal Hygiene

Employees shall practice good personal hygiene at all times, including use of soap, water, and deodorant. Employees shall not report for work emitting an offensive body odor. A moderate amount of perfume or aftershave may be used.

V. BODY PIERCING, TATTOOS, BODY ART AND BRANDING

- A. With the exception of pierced ears, body piercing of the face, head and mouth detracts from a professional appearance and is not authorized for wear by any personnel when representing the Sheriff's Office.
- B. Any other body piercing, which is not concealed by the authorized uniform or plainclothes, is prohibited for wear by any personnel when representing the Sheriff's Office.
- C. The displaying of tattoos, body art, or branding is strictly prohibited. Tattoos, body art, or branding that is not concealed by the authorized duty uniform or plainclothes, worn in accordance with the employee's assigned position, shall be covered through the use of flesh colored bandage or wrap when the employee is representing the Sheriff's Office in an official capacity.
- D. Any display of tattoos, body art, or branding on the face, neck, or head is prohibited. The Sheriff has the ultimate authority of determination as to whether a tattoo, body art, or branding is prohibited.

VI. COSMETICS

- A. Male personnel shall not wear cosmetics.
- B. Female personnel who wear make-up shall be conservative and professional in appearance, understated rather than overwhelming in application.
- C. The following detract from a professional image and are prohibited:
 1. Excessively applied makeup (e.g. heavy eyeliner or eye shadow, false eyelashes, etc.)

2. Bright and/or garish eye shadow, lipstick, or nail polish. Lipstick and nail colors will be either neutral or natural color (i.e., reds, pinks, beige, etc.) No unusual colors are allowed (i.e. green, blue, purple, etc.)
 3. Glitter
 4. Artificial fingernails, if they interfere with the proper handling of equipment normally used in the employee's assignment.
- D. For non-sworn employee's lipstick and nail colors must be in good taste and in keeping with a professional appearance.

VII. JEWELRY

- A. Wristwatches shall be conservative in design, will not be neon or fluorescent in color, and will not display any offensive design, logo or wording on the face or wristband.
- B. Rings may be worn, but only one ring on each hand is permitted. A wedding set is considered one ring.
- C. Bracelets other than Medical Alert bracelets, Sheriff Office bracelets, and/or Survival bracelets, are not authorized while in uniform.
- D. Necklaces and other decorative neckwear must not be visible if wearing the uniform.
- E. These rules do not apply to non-sworn employees who are not in field-duty or uniformed detention type assignments. However, they shall not be so numerous or of such a style as to be a hazard or a distraction in the normal work environment.
- F. Male personnel will not wear earrings or ear cuffs.
- G. Sworn and non-sworn female personnel may wear one pair of conservative ear studs. Ear cuffs are not authorized.

VIII. BULLET RESISTANCE VESTS

- A. Bullet-resistant vests must be worn at all times by certified peace officers when working in uniform and engaged in regular patrol duties, while engaging in firearms qualifications or on any pre-planned service for any arrest or search warrant.

- B. Personnel assigned to administrative-type office positions are exempt from wearing a vest during their normal duty assignments.

- C. Personnel seeking a medical waiver of this policy shall do the following:
 - 1. Submit a memorandum through their chain of command to the Sheriff requesting a waiver.

 - 2. The memorandum must be accompanied by medical documentation clearly showing the condition caused by wearing the vest and a signed letter from the employee's physician confirming a medical condition and recommending that the employee be allowed to wear the ballistic vest at the employee's discretion.

 - 3. A liability release signed by the requesting employee. Refusal to sign a liability release will be grounds for denying the waiver.

 - 4. If the medical waiver is approved the memorandum, letter, documentation and liability release will be maintained in the requestor's personnel file.

- D. A waiver is a privilege granted by the Sheriff, not an entitlement or a right. As such, it can be revoked by the Sheriff or designee at any time for any reason.

IX. CIVILIAN DRESS STANDARDS

- A. Civilian non-uniformed employees shall present a neat and clean appearance.

- B. Employees shall wear clothing which is appropriate to the type of duties and citizen contact expected, and should not be a source of negative comment from the community.

C. All civilian personnel shall be expected to dress in a manner commensurate with the profession and agency they represent and conform to traditional business and professional appearance.

D. Female Acceptable Attire:

1. Dresses, skirts with blouses or sweaters, dress slacks with a blouse or sweater or suits. Dresses and skirt lengths shall be conservative and business-like in appearance and be no shorter than **two** inches above the knee.
2. Capri, crop, pedal pusher or gaucho pants are permitted as long as the bottom cuff does not rise above the bottom of the knee in a seated position. Pants must present a professional appearance in style, color, and material.
3. Footwear will be appropriate and by its construction or condition not present a safety hazard.
4. Appropriate undergarments must be worn at all times.
5. Colored denim clothing is permitted. Blue jeans are allowed on casual days as designated by the Sheriff.

E. Female Unacceptable Attire:

1. Shorts, form fitting stretch pants, stirrup-type pants, sweatpants, sweatshirts, sweat suits, wind/warm-up suits, athletic wear, T-shirts, tank tops, tube tops or halter tops are not allowed.
2. Any attire with slogans or wording other than the brand label.
3. Excessively worn or torn apparel, athletic shoes, sneaker, slippers or shoes without an enclosed heel or a heel-strap, such as clogs or mules.

F. Male Acceptable Attire:

1. Business suit, Sports Coat, Suit trousers or conservative slacks. Dress shirt (long or short sleeve). Wearing of a tie is optional unless attending court.

2. Footwear will be appropriate for the assignment and by its construction or condition and not present a safety hazard.

X. PLAIN CLOTHES APPAREL FOR COMMISSIONED DEPUTIES

- A. Civilian non-uniformed employees shall present a neat and clean appearance.
- B. Employees shall wear clothing which is appropriate to the type of duties and citizen contact expected, and should not be a source of negative comment from the community.
- C. The following will be the only acceptable on duty and call out plain clothes apparel for the Kendall County Sheriff's Office CID personnel:
 1. Shirts will be 5-11 SR571-Tactical Taclite Pro Shirts - long sleeve only and will only be TDU khaki, tundra, or coyote in color. Above the left breast pocket will be an approved Kendall County Sheriff's stitched badge. Above the right breast pocket will be stitched as follows:

FI. Last Name
Investigator
 2. Pants will be denim jeans in tan, black, or dark blue denim colors; Riatas in tan, khaki, or black colors; khakis or dress slacks in khaki, tan, black, or navy-blue colors. No faded pants, stone washed, holes, and no ornamental accessories or stitched designs.
 3. Belts will be brown or black in color with no metal studs, ornamental accessories or excessively stitched designs. Buckles must be proportionate to the width of the belt. No large ornamental trophy or special design buckles will be worn.
 4. Footwear will be cowboy or dress boots or dress shoes, black or brown in color; female shoes will be closed heel and closed toe, with heels no more than 2 inches high and will be black or brown in color. Footwear will have no metal tips, studs, ornamental accessories, excessive stitching or tassels, kilties, etc. Boots and shoes must be able to be polished. No tennis shoes, open toed shoes of any kind, flip flops or sandals will be worn.
 5. Hats, if worn, will be Western in style, and will be straw or felt. Straw hats will be white in color. Felt hats will be Silver Belly. No ornamental accessories or stitching is permitted and over-shaping of the hat is prohibited. No baseball caps will be worn on duty or during call outs.

6. Court apparel for plain clothes personnel for males will be suits with a plain, long sleeve dress shirt with no stitching or emblems and necktie; Sports coat, slacks or jeans subject to above colors. Footwear subject to the above requirements. Female attire will be business casual - plain, long sleeve blouse with no stitching or emblems, slacks and footwear subject to above colors and requirements.

E. Weapons

1. Duty weapons will be worn at all times. Deputies may wear their guns exposed on their belts as long as their badge is displayed next to the gun or in readily visible pocket badge holder.
2. When carrying a firearm, deputies in plainclothes assignments and off-duty deputies, shall carry their approved firearms in holsters that meet the following specifications:
 - a. Designed for the make and model of the firearm;
 - b. Secures the firearm; and
 - c. Allows the firearm to be readily available.
3. Deputies working in plain clothes or undercover assignments, as well as off-duty deputies, may carry handguns in a container such as a purse, briefcase, fanny pack, carrying bag, etc. Handguns carried in containers are not required to be in a holster when such containers are designed to secure the handgun in a manner which would prevent:
 - a. The handgun from becoming readily accessible to unauthorized persons;
 - b. Accidental discharges; and
 - c. Exposure of the handgun to the public.
4. Deputies in plainclothes assignments shall carry extra authorized ammunition in magazine holders that are designed for the make and model of the magazine.

D. EXCEPTIONS to the above requirements.

1. The Narcotics Investigator is exempt from the dress code while assigned to investigate narcotics cases.
2. With the approval of the Sheriff, the investigator conducting VIN verifications will be allowed to wear 5-11 tactical pants subject to the above colors, a pullover collared shirt subject to the approved stitching and color requirements above, and tactical boots subject to the listed colors. This attire will only be allowed on full days scheduled for VIN verifications.

XI. Reflective Vests

Agency personnel are issued and shall wear the high-visibility reflective vest as soon as practical when either directing traffic or working at the scene of an accident. (TBP: 7.17)



	Kendall County Sheriff's Office	
	Policy 4.6 Off Duty Employment	
	Effective Date: 01/01/2015	Revised: 03/01/2019
	Approved:  Sheriff	
	Reference: 4.05	

I. POLICY

The Sheriff must ensure the continued efficiency and effectiveness of the Office while simultaneously reducing or eliminating conflicts of interest. To promote the welfare and good reputation of the Office this order outlines procedures to ensure appropriate, accountable, and reasonable off-duty work.

II. PURPOSE

To define regulations governing off-duty employment and conduct while employed in an off-duty capacity.

III. DEFINITIONS

Employment

Any work performed or services provided for compensation (a fee or otherwise), including self-employment. Volunteer charity work is excluded unless it involves law enforcement duties.

Law enforcement-related employment

Off-duty employment which may entail the use of law-enforcement powers granted by the State of Texas or Kendall County.

A. Probationary Periods

The period of time measured by ninety days beginning with the date of hire for non-sworn and sworn deputies.

B. Secondary employment

Any non-law enforcement-related off-duty work for pay. Secondary employment does not require sworn enforcement powers as a condition of employment and the work does not provide implied law-enforcement service.

IV. PROCEDURES (TBP: 4.05)

A. General

All employees are eligible to work off-duty employment subject to the requirements of this policy. No employee shall work off duty during a probationary period, while on suspension, or while still in the field training program unless permission from the Sheriff or his designee is obtained. Employees on medical or sick leave, temporary disability, or light duty due to injury are ineligible for off-duty employment. An employee engaged in any off-duty employment may be called to duty in an emergency.

B. Secondary employment restrictions

Employment shall not constitute a conflict of interest. A conflict of interest, as determined by the Sheriff, is any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of employment.

C. Law enforcement-related off-duty employment restrictions:

1. Law enforcement-related employment shall not exceed 16 hours per day, including on-duty time: e.g., an employee working a 12-hour tour may work four hours of off-duty employment on the same day and a deputy on a day off may work 16 hours. For the purpose of computing allowable work time, court appearances constitute on-duty time.
2. Deputies will not work any off-duty employment on the same calendar day they call in sick to on-duty employment.

3. Deputies who call in sick to their on-duty assignment must return to their on-duty employment and work one full shift before being eligible to work an off-duty assignment.
4. Law enforcement-related employment is restricted to the county boundaries. Deputies may perform law-enforcement duties beyond county boundaries if working in conjunction with another jurisdiction's regular law-enforcement agency and after having obtained permission from the Sheriff or his designee.
5. The minimum salary required for deputies employed in a law enforcement-related capacity must be at least equal to the rate for a starting deputy and may be determined by the Sheriff for similar types of employment.
6. Serving as a recruiter and receiving compensation for procurement of law enforcement-related jobs for other Office employees is prohibited.
7. No employee shall solicit any person or business for the purpose of gaining law enforcement-related off-duty employment, and, while on duty, shall not solicit any person or business for the purpose of gaining secondary employment.
8. Deputies, while engaged in law enforcement-related employment, shall be subject to the orders of the on-duty law-enforcement supervisor.

D. Administration

1. On an annual basis (each January), employees must submit a written request to the Sheriff or his designee through the chain of command for any off-duty employment. Employees shall not begin any off-duty work until approval has been granted. The request shall be filed in the employee's personnel file.
 - a. The approved request is subject to periodic review by the Sheriff or his designee. Deputies shall communicate any changes in information contained on the form to the Sheriff or his designee as soon as possible.
 - b. The Sheriff or his designee may revoke permission to work off duty if the deputy fails to perform adequately on duty or receives disciplinary action. To be eligible for permission to work off duty, deputies must be in good standing with the Office. Continued permission to work off duty is contingent upon remaining in good standing.

2. The Sheriff or his designee shall disapprove any employment that demeans the status or dignity of the law-enforcement profession, or otherwise represents a conflict of interest. Examples of such employment include:
 - a. Retailers which sell pornographic materials, or provide services of a sexual nature.
 - b. Retailers who sell, manufacture, or transport alcoholic beverages as the principal business.
 - c. Gambling establishments not exempted by law.
 - d. Any firm connected with the towing or storage of vehicles, bill collecting, bodyguards, re-possessors, private investigators, or process servers.
 - e. Performance in Office uniform of any tasks other than those of law enforcement.
 - f. Performance of any work for a business or labor group that is on strike.
 - g. Performance of any work regulated or licensed through the Office.
 - h. Performance of personnel investigations for private firms, or any employment requiring the deputy to have access to police files, records, or information as a condition of employment.
 - i. Performance of any activity which supports case preparation for the defense in any criminal or civil action.
3. Arrests made while engaged in off-duty law enforcement-related employment shall be limited to felonies or criminal misdemeanors committed in the deputy's presence or a breach of the peace jeopardizing public safety.
 - a. Employees shall understand that Office liability protection does not extend to willful acts which cause injury or damage, or acts the deputy knew or reasonably should have known conflicted with Office policy or the law.
 - b. Off-duty arrests shall not be made when the deputy's actions only further the interests of the private employer. Deputies will not enforce by arrest, request, or threat, any house rules or private employer rules.

4. Failure to show up for assigned off duty employment may result in disciplinary action, to include suspension from off duty assignments. Deputies are responsible for notifying the off-duty employment coordinator at least 72 hours (not including weekends or holidays) prior to the start of the scheduled off duty job. If the notification is later than 72 hours, it is the responsibility of the deputy to find a replacement.

E. Liability, indemnification, insurance

1. All employees who wish permission to engage in law enforcement-related employment shall complete an annual application covering the more routine locations. Additionally, deputies who desire to work at a location not covered by the annual application must submit written request as described below. The Sheriff or his designee must grant permission before the employee may work off duty. In addition to the application form, the employee must submit to the Sheriff a copy of the contract or written instruction from the off-duty employer. The contract must specify:
 - a. The precise nature of the work to be performed.
 - b. Hours or schedule of the work performed.
 - c. What equipment the employee must maintain.
 - d. Insurance coverage of the business providing for medical treatment for job-related injuries and indemnification for litigation arising from off-duty employment.
2. The Office shall not be responsible for medical expenses incurred from injuries sustained while working in any off-duty employment.
3. The Office recognizes that a deputy in law enforcement-related employment may undertake an action connected with the employment that the courts may construe as a law-enforcement duty, and therefore an extension of the job. Deputies are reminded that their off-duty performance must follow the same standards required for on-duty performance. Off-duty law-enforcement actions, whether for a private employer or not, must meet the requirements of this manual.

F. Manpower Requirements

1. Off duty employment assignments will be paid a minimum of three hours, unless otherwise authorized by the Sheriff or his designee.

2. Minimum manpower levels shall be determined by the off-duty employment coordinator and approved by the Chief Deputy. The type of event and availability of alcohol will determine the minimum manpower levels.



Kendall County Sheriff's Office

Policy 4.7 Grievance Procedure

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 2.08

I. POLICY

The Office's goal is to provide fair, equitable, and clearly defined means for the resolution of grievances, to ensure employees and their supervisors are accorded reasonable opportunity to present the facts bearing on a grievance, and to guarantee the opportunity to exercise the rights set forth in this order. Every employee has the right to fair treatment in all matters arising from employment and to this end each employee has the right to be heard whenever he or she alleges mistreatment. A grievance process that affords employees the opportunity to air a complaint helps reduce dissatisfaction, identify organizational problems, and increase morale.

The Office retains the right under applicable laws and regulations to direct employees in the performance of their duties; to take the necessary means to achieve the proper ends under emergency situations; and to hire, promote, transfer and assign employees as well as to suspend, demote, discharge or take disciplinary action against such employees for just cause.

II. PURPOSE

The purpose of this order is to establish grievance procedures for Office employees to resolve disputes or complaints concerning the terms or conditions of employment.

III. APPLICABILITY

- A. All permanent full-time or regular part-time employees (a position which has a normal work schedule less than 40 hours per work week.)

- B. Probationary employees are excluded from the grievance procedure during their period of probation. Employees who have voluntarily resigned may not have access to the grievance procedure after the effective date of their resignation. An employee who has been removed from employment shall not have access to the grievance procedure, except to grieve a removal resulting from a formal discipline, unsatisfactory job performance or other involuntary separation. This grievance must be filed within 10 calendar days of the dismissal date. Any grievance initiated by a permanent employee before voluntary separation from the Office may continue to be processed through the grievance procedure.

IV. WHAT IS GRIEVABLE

A grievance is a complaint or dispute of an employee relating to employment, including but not necessarily limited to:

- A. Disciplinary actions, including terminations (whether resulting from formal discipline or unsatisfactory job performance or an involuntary separation), demotions, and suspensions. (TBP: 2.08)
- B. The improper application of personnel policies, procedures, rules and regulations, ordinances and statutes.
- C. Acts of reprisal as a result of use of the grievance procedure or of participation in the grievance of another employee.
- D. Complaints of discrimination based on race, color, religion, sex, national origin, pregnancy, age, and disability.
- E. Intimidation because of participation or failure to participate in political activities.

V. WHAT IS NOT GRIEVABLE

Management reserves the exclusive right to manage the affairs and operations of the Kendall County Sheriff's Office. Accordingly, the following complaints are not subject to grievance procedure under this order:

- A. Establishment and revision of wages or salaries, position classifications, or general benefits.

- B. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content. The measurement and assessment of work through a performance evaluation shall not be grievable except where the employee can show that the evaluation was arbitrary or capricious.
- C. The contents of established personnel policies, orders, and statutes.
- D. Failure to be promoted, except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
- E. The methods, means, and personnel by which work activities are to be performed.
- F. Dismissal, layoff, demotion, or suspension from duties because of lack of work, reduction in the work force, or job abolition.
- G. The non-disciplinary hiring, transfer, assignment, and retention of employees within the agency.
- H. The relief of employees from duties during emergencies.
- I. The county's financial, budgetary, accounting, compensation, and organizational policies and procedures.
- J. Oral reprimands, warnings, or written reprimands.
- K. Management of Sheriff's Office employees, including the right to determine the duties to be included in a job classification; to make personnel appointments in accordance with adopted selection policies and techniques; to determine the number of persons to be employed or retained as employees; including the right to lay off employees whenever it is deemed to be in the best interest of efficiency or productivity or whenever necessitated by lack of funds or reduced workload; to establish rules and regulations governing work performance and conduct of performance evaluations; to transfer and assign employees within the Office; to determine the need for shift operation and rotation of the work week; to assign overtime; to determine job training and career development; and to determine duties or actions in emergencies.

VI. PROCEDURES

A. Nature of the Grievance. The grievance should include the following:

1. Specifically, factually, and clearly detail the allegation and the harm done.
2. State that the harm arose from an act, commission, or omission that directly affects the employee's working conditions or employment relationship.
3. State the relief sought that is within the Office's power to grant.

B. First Management Step

1. The employee shall identify the grievance in writing to the immediate supervisor in an informal meeting within five calendar days after the event or action which is the basis for the grievance. A grievance alleging discrimination or retaliation by the immediate supervisor may be initiated with the Chief Deputy.
 - a. The supervisor shall give a written response to the employee within five work days following the meeting.
 - b. If a resolution is not reached at this point, the employee shall submit a memorandum to the Chief Deputy which outlines the information listed under section (A) above within five work days after receipt of the written response.

C. Second Management Step

1. If the employee is not satisfied with the response to the grievance during the first management step, or the status of the complaint as grievable has not been decided, then the employee should submit a memorandum to the Chief Deputy. The memorandum to the Chief Deputy must be submitted within five work days following receipt of the supervisor's reply.
2. Within five days of receipt, the Chief Deputy shall decide whether the issue is grievable within sections IV and V of this order.
 - a. If the issue is not grievable, the employee shall be advised of such decision.
 - b. If the issue is grievable, then the Chief Deputy shall, within 10 days, meet with the employee, the supervisor, and appropriate witnesses and attempt to resolve the grievance.

3. The Chief Deputy shall give the employee a second-step response in writing within five work days following the date of the meeting. A copy of both the employee's memorandum and the response from the Chief Deputy shall be forwarded to the Sheriff for information.
4. If the employee is appealing a suspension, demotion, or termination, the first appeal or grievance step is to notify the Chief Deputy in writing of the desire to appeal. The same time limits apply.
 - a. In these cases, the Chief Deputy will schedule a hearing. The employee as well as the county may be represented by counsel. The hearing is informal but both sides can present witnesses and evidence. The employee or the employee's representative or counsel can call any witnesses and challenge any evidence. The Chief Deputy will, after hearing the witnesses and evidence, make a final decision.
 - b. There is no appeal process to Commissioners Court.



Kendall County Sheriff's Office

Policy 4.8 Reserve Deputy Program

Effective Date: 01/01/2015

Revised: 08/15/2015

Approved:

Sheriff

Reference: 3.07 & 7.27

POLICY

It is the policy of the Kendall County Sheriff's Office to maintain the highest standards of professional law enforcement services. Volunteers for Reserve Deputy must meet the same standards as other members of the organization. Reserve Deputies should fulfill two primary functions. First, Reserve Deputies serve as auxiliary manpower in situations as needed and second, they provide an additional interactive link between the community and the Sheriff's Office. Reserve Deputies are subject to all the applicable Rules & Regulations that govern regular sworn personnel.

II. PURPOSE

The purpose of this Order is to establish the Kendall County Sheriff's Office Reserve Unit, and outline its objectives, responsibilities, and operation.

III. AUTHORITY

By authority given to the Kendall County Commissioners Court by the State of Texas, the Kendall County Commissioners Court adopted a resolution providing for the Sheriff's Reserve Deputies and empowering them to perform the duties of regular licensed peace officers when called upon to do so by the Sheriff. The Sheriff appoints reserve deputies in whatever numbers he/she deems beneficial not to exceed the number authorized by the Commissioners' Court.

IV. ORGANIZATION

The official title of the reserve unit is the Kendall County Sheriff's Reserve. The reserves are structured to include positions of Reserve Officer, Reserve Coordinator, and other ranks as determined by the Sheriff. The Reserve Coordinator reports to the Chief Deputy or the Sheriff.

V. MINIMUM STANDARDS

Qualifications for appointment as a reserve deputy are based upon the minimum standards of the Texas Commission on Law Enforcement (TCOLE) for reserve peace officers. Additionally applicants for reserve positions are screened through selection procedures conducted for applicants for the position of regular deputy.

VI. INITIAL TRAINING

Reserve deputies will meet the same in-service training requirements as regular deputies.

VII. APPOINTMENT AND PROBATION

- A. Reserve deputy applicants meeting the minimum standard of background, physical and mental competence and training are eligible for appointment. Appointment is made in accordance with 3.01 and its procedures. Reserves serve an initial probationary period of one year. At the end of this period, the reserve deputy is given an assessment of his/her performance and may be terminated as a reserve officer if the Sheriff believes it would be in the best interest of the Sheriff's Office. This does not preclude the termination of the reserve deputy before or after the completion of the one-year probation.

VIII. RESERVE OFFICER RESPONSIBILITIES

While on-duty, reserve officers are subject to direction by:

- A. Licensed regular peace officers of the Sheriff's Office.
- B. All written directives of the Sheriff's Office Policy and Procedure Manual except where such directives are not applicable by reason of the volunteer status or where a different procedure is prescribed in 2.02.008. The use of the words "personnel", "deputy", "member" or "employee" is considered to include reserves in applicable directives.
- C. All special written directives issued by the Sheriff or his/her designee, e.g. memoranda, which designate reserves as being affected.

IX. SPECIAL RESERVE GUIDELINES

- A. Reserves work a minimum of 16 hours per month, but this time may be averaged over a three-month period.

- B. Reserve deputies may perform all duties of a regular deputy while activated, including the operation of County equipment. Reservists may also work under the supervision of a regular deputy.
- C. While on duty, reserves will carry the duty weapon approved by the Sheriff for Office Use. Weapons are carried off duty only as consistent with State Law.
- D. Reserve deputies are not allowed to be members of another emergency response organization, if such organization is liable for duty or call, in time of local emergency, unless approved by the Sheriff or the Chief Deputy.
- E. Reserve deputies shall not serve as reserve officers for another law enforcement agency and are not allowed to be licensed or employed by any other law enforcement agency as a peace officer or jailer.



	Kendall County Sheriff's Office	
	Policy 4.9 Awards	
	Effective Date: 01/01/2015	Revised: 03/01/2019
	Approved:	 Sheriff
	Reference:	

I. POLICY

Recognizing the individual and collective accomplishments of the individual employee is an important management tool in any professional organization. Supervisors are encouraged to recommend or nominate subordinates or other employees for going above and beyond or for actions or behavior that serves as a positive model for other employees.

II. PURPOSE

The purpose of this policy is to provide for special recognition and commendation for meritorious performance.

III. AWARDS COMMITTEE OPERATION

Supervisors may submit recommendations for awards through the chain of command. The Chief Deputy shall review the recommendations and the Sheriff will determine if the recommended award is appropriate.

Deputy of the Year, Detention Officer of the Year and Civilian of the Year recommendations will be made by immediate supervisors and selected by a vote of all Office supervisors.

IV. STANDARDS FOR AWARDS

MEDAL OF HONOR – to be presented for heroism far above and beyond the call of duty performed at extreme risk of life.



PURPLE HEART – to be presented to a deputy who receives an injury, under honorable circumstances in the line of duty, directly due to the actions of a suspect.



LIFE SAVING BAR – to be presented to an employee or citizen for the saving of a human life.



DEPUTY/DETENTION OFFICER OF THE YEAR – To be presented to the individuals who have been selected as Deputy or Detention Officer of the Year for the Sheriff's Office in any given year.



COMMENDATION BAR – to be presented for excellence in job performance.

- a. To an individual for outstanding performance of duties under unusual, complicated or hazardous conditions.
- b. To an individual for outstanding contributions to the community in general, and to an individual in cases where service has contributed to a high degree to the success of a difficult project or job.
- c. To any individual for outstanding and superior performance of any assignment over a period of one-year. This award will be presented only to persons whose performance of duties was clearly exceptional placing them in an outstanding position above others of equal rank.
- d. To any individual for outstanding heroic meritorious deeds performed in the line of duty.



MASTER PEACE OFFICER – allowed to be worn when a Deputy has earned the Master Peace Officer certificate from T.C.O.L.E.



INSTRUCTOR – allowed to be worn when a Deputy has earned the Instructor certificate from T.C.O.L.E.



EDUCATIONAL ACHEIVEMENT – allowed to be worn when a Deputy has obtained a Degree of higher education from a College or University.



F.B.I. NATIONAL ACADEMY – allowed to be worn when a Deputy has graduated from the Federal Bureau of Investigation National Academy.



LEADERSHIP COMMAND COLLEGE – allowed to be worn when a Deputy has graduated from the Law Enforcement Management Institute of Texas.



FIELD TRAINING OFFICER – To be worn by Members of the Sheriff Office who are certified and Practicing Field Training Officers.



SCHOOL RESOURCE OFFICER – To be worn by Members of the Sheriff Office who are certified and Practicing School Resource Officers.



HONOR GUARD – to be worn by members of the Sheriff Office who are active members of the Honor Guard.



AMERICAN FLAG – may be worn by any uniformed Member of the Sheriff Office who wishes to express His or her patriotism and National pride.



MILITARY SERVICE BAR – May be worn by any uniformed personnel who had prior service in one of the branches of the United States Military.



V. Other Awards

All deputies may wear one service stripe for every five-year period of service as a full-time peace officer, according to TCOLE records.

Service stripes will be slanted, embroidered on black twill background with merrowed border. White stripes will be worn by deputies and corporals and gold will be worn for the ranks of sergeant and above. Service stripes will be worn on the outer half of the left sleeve of long sleeve shirts. The lower portion of the stripe will meet the piping on the cuff, the rear of the stripe will line up with the crease on the top of the sleeve. Stripes will be sewn on with thread that matches the background material of the stripe.





Kendall County Sheriff's Office

Policy 5.1 Office Records

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 5.01, 5.02, 5.03, 10.02

I. POLICY

The Records Unit function is critical for the effective delivery of law enforcement services. An efficient means of storing, cataloging, and retrieving records is essential to meet the management, operational, and informational needs of the police agency.

II. PURPOSE

The purpose of this policy is to assist Records Personnel in maintaining an effective record keeping system.

III. RECORDS SECURITY (TBP: 5.01)

- A. The Sheriff's Office Records Files are restricted. Personnel assigned to the Records Unit are directly supervised by the Chief Deputy who reports directly to the Sheriff. The Records Personnel are responsible for maintenance of Office records and will be provided training in Law Enforcement Records Management and the Public Information Act.
- B. Sheriff's Office Records, other than reports in RMS, are restricted to assigned Records personnel only. Entry into the locked files by unauthorized personnel is prohibited.
- C. The Records Files will be secured and locked when unmanned by assigned Records personnel.
- D. Personnel authorized by the Chief Deputy or the Sheriff may have access to the Records Files after hours for need to know information only. Authorization may be granted to shift Supervisors and the Patrol and CID Lieutenant ONLY.

- E. When entry has been made by the authorized personnel, written notification to the Records Supervisor will be made within 24 hours of the entry. Written notification must state the date entry was made, time entry was made, why entry was made, and what records were accessed.

IV. RECORDING OF INCIDENTS BY CATEGORY

- A. In order to develop a comprehensive reporting system, it is necessary to record actions taken by law enforcement personnel whether in response to a request for service or self-initiated actions. Each reported incident occurring within the Office's service area will be categorized as one of the following and will receive a sequential incident or case number:

1. Individual's request for service, crime reports, or complaints which:
 - a. Requires a deputy to be dispatched.
 - b. Requires an assigned employee to investigate.
 - c. Requires an assigned employee to take action at a later time.
2. Self-initiated criminal and non-criminal cases by deputies
3. Incidents involving arrests, citations (other than traffic), or summonses

- B. Assignment of Case Numbers

1. As Dispatch personnel become aware of an incident occurring within the county service area that requires the initiation of police activity, they will assign an incident number generated by the CAD (Computer Aided Dispatch) system.
2. Case numbers, when needed will be assigned in numerical order. Incidents that do not require a case number will be assigned using the assigned CAD incident number.
3. When an incident is assigned a CAD number, the following information regarding that incident will be entered into the CAD system by dispatch personnel:
 - a. Date and time of the initial reporting
 - b. Name and address of the complainant or victim requesting the service.
 - c. Nature of the incident and the location.
 - d. Deputies assigned to the call.

- e. Time dispatched, arrived, and returned to service.
- f. Status, date, and time of action taken on the call.

C. Deputy's Responsibilities

1. Deputies will complete all required reports and submit them to a supervisor prior to ending their shift, unless a delay is approved by a supervisor. Delays will not be approved for arrest cases or major felony cases.
2. Supervisors will review all reports for accuracy and completeness and submit approved reports to the Patrol Lieutenant before the end of shift.
3. Reports returned to deputies for correction will be documented in RMS and the supervisor shall follow up on the following shift to ensure the report has been corrected and resubmitted.

D. Juvenile Records (TBP: 10.02 f)

1. A file is maintained on each juvenile (age under 16) arrested, referred or detained by a deputy. The file includes all documents associated with the contact as indicated in this section. State and federal laws require juvenile files to be kept separate from adult files.
2. Juvenile fingerprints and photographs, if taken, will be turned over to the Juvenile Probation Department intake officer. Sheriff's Office Records will not maintain fingerprints or photographs of juveniles. Should fingerprints or photographs be turned over to Sheriff's Office Records they will be destroyed as specified in the Family Code sections 58.001 and 58.002.

E. Computerized Criminal History Information

1. Computerized criminal history information (CCH) is a federal/state cooperative system of a variety of databases (arrests, convictions, driving records, outstanding warrants, and others). The computerized criminal history (CCH) data base lists all arrests and convictions for offenses above Class C misdemeanor that have not been purged due to the state/federal age purge criteria.
2. Access to the TCIC/NCIC criminal history data base is limited to designated personnel. The program generates its own log showing who accessed the system. The log is computerized and maintained by Information Systems personnel.

3. Access to CCH information through local law enforcement agencies is limited to criminal justice uses. Individuals who request a copy of their computerized criminal history must do so through the Texas Department of Public Safety in Austin. Numerous agencies have been given authority to access criminal history information on prospective licensees or applicants. The statutes giving this authorization do not permit use of local police agency TCIC/NCIC lines for obtaining the CCH. Requests of this nature are to be referred to a supervisor.

V. REPORT NUMBER AUDIT & REPORT STATUS

- A. The Patrol Analyst will run a computer printout and audit daily for all reports
- B. When a report has not been submitted within a three day period, a print out of the audit report is made and one copy kept for follow up. The deputy's name responsible for the report will be identified and the audit report will be sent to the deputy for response. Follow ups for missing reports will be made daily until all missing reports are accounted for.
- C. Missing report notices will be sent to deputies, the deputy's supervisor and the Patrol Lieutenant when a report has not been received in 72 hours after the end of the shift on which it was taken.

VI. RECORDS RETENTION AND DESTRUCTION (TBP: 5.02)

- A. Records will be retained in the Records Unit as specified in this policy and purged or destroyed only in accordance with the approved County Records Retention Policy and any Court Orders to expunge. The County Records Retention Policy follows the current adopted retention schedule of the Texas State Library and Archives Commission.
- B. Accident Reports: A copy of each accident report will be kept for two years in numerical order filed by month in the records office. Copies will be destroyed after two years. Persons wanting accident reports older than two years can order a copy directly from the Texas Department of Public Safety.
- C. Offense Reports: Because some offenses have no limitations period (can be prosecuted at any time) and because the limitations period for some offenses is based on the age of the victim at the time of the offense, offense report purging cannot simply be based on calculation of a number of years from the date of the offense. Offense reports are therefore retained for an indefinite period of time.

- D. All Other Information Reports: The original of each Miscellaneous Incident Report will be kept for an indefinite period of time and will be kept in numerical order as offense reports are kept.

- E. Adult Arrest Files: Adults may obtain a court order to have their arrest records expunged as specified in Chapter 55 of the Code of Criminal Procedure; otherwise, adult arrest files will be kept until a report of death of the arrestee or a period of seventy-five years.

- F. Juvenile Arrest Files: (TBP: 10.02 f)
 - 1. A Juvenile arrest file will be created for every juvenile taken into custody by members of this Office. Juvenile files are maintained separately from adult files and are kept secure from unauthorized disclosure.
 - 2. Persons may have their juvenile records sealed (not destroyed) by court order as specified in Family Code section 58.003.
 - 3. A court may order destruction of juvenile detention files as specified in Family Code section 58.006.
 - 4. Arrest report files on juveniles who were referred to the Juvenile Court may be purged after the person reaches age 23.
 - 5. Arrest report files on juveniles who were not referred to the Juvenile Court may be purged after the person reaches age 18.
 - 6. Police Records will not maintain fingerprints or photographs of juveniles because the juvenile was detained by police or suspected of a criminal offense as specified in Chapter 58 of the Family Code. Fingerprints and photographs taken as part of the juvenile intake process will be turned over to the Juvenile Probation Department officials. Should fingerprints or photographs be turned over to Sheriff's Records they will be destroyed as specified in Family Code sections 58.001 and 58.002.
 - 7. Any juvenile records maintained in a Gang or Criminal Street Gang intelligence file will be maintained, managed and removed pursuant to Texas Code of Criminal Procedure Articles 61.04 and 61.07.

- G. Destruction of files and records will be done by shredding, burning, or other means of destruction approved by the Records Supervisor and Records Coordinator for Kendall County when documents exceed the required retention schedule.

VII. UNIFORM CRIME REPORT (UCR)

- A. It is the responsibility of the Patrol Assistant to complete the monthly UCR and Office Crime Report in a timely manner.
- B. The Patrol Assistant must read and be familiar with the UCR Handbook including UCR reporting standards and must perform several audit checks for each crime reported.

VIII. RELEASE OF RECORDS (TBP: 5.03)

- A. Release of information reported to law enforcement agencies is governed by the Texas Public Information Act.
- B. Any request for information contained in any report made or compiled by the Office is to be referred to the Patrol Lieutenant.
- C. All Arrest files which are maintained in the records files and computer will be the responsibility of the Records Supervisor. Copies of files will only be released to persons authorized below:
 - 1. Personnel of this Office;
 - 2. Sworn officers from other agencies upon written request;
 - 3. Courts of law under proper process;
 - 4. District Attorneys;
 - 5. Federal Law Enforcement Agencies;
 - 6. Probation departments;
 - 7. Military Personnel with a written request and signed waiver of the named person. Copies of waivers will be kept for a period of three (3) years.

- D. Juvenile arrest information is closed to public information requests and will not be released without Court Order of signed waiver from the juvenile and a parent or guardian.
- E. Records personnel will respond to all requests from the courts for original records.
- F. Individuals may request a “Clearance Letter” for purposes of travel visas, adoptions, and other reasons. Records personnel will obtain at least two pieces (one photo) of identification, along with a written request and check the person’s local record only. The Records personnel will prepare a “To Whom it May Concern” letter indicating that no criminal record has been recorded in Kendall County. State or Federal Criminal History inquiries are made directly to those agencies by the individual.



Kendall County Sheriff's Office

Policy 5.2 Public Information

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 5.03, 5.04

I. POLICY

This Sheriff's Office must have the support of the community to be successful. Establishing and maintaining an effective relationship with the news media is crucial to accomplishing this goal. A positive working relationship with the media is mutually beneficial. It shall be the policy of this Office to cooperate with the news media and to maintain an atmosphere of open communication. To this end, information shall be released to the news media in an impartial, accurate and timely fashion. It shall be the responsibility of each employee to abide by this philosophy of cooperation.

II. PURPOSE

To establish guidelines regarding media relations and the release of information to the public through the news media.

III. RESPONSIBILITIES IN RELEASING INFORMATION

- A. The Sheriff may designate any member of the Office as the Public Information Officer (PIO) for the Office. The PIO is the primary contact for the news media. In the event no PIO is designated or is unavailable, the Sheriff is responsible for PIO duties.
- B. Supervisors with responsibility for a specific case or incident may be the secondary contact for the news media with the approval of the PIO.
- C. The Sheriff or supervisors may direct other employees to respond to media inquiries.

IV. TRAINING

This office is committed to providing proper training for its Public Information Officer. Supervisors, line deputies, and other personnel who interact with the media shall also be provided appropriate training in Media Relations and the Public Information Act.

V. PROCEDURES

A. Media Inquiries

1. The agency shall respond to all media inquiries in a timely and professional manner. During normal business hours, media inquiries shall be directed to the Sheriff. No employee shall release any information that would jeopardize an active investigation, prejudice an accused person's right to a fair trial, or violate the law.

B. Interviews

1. The Sheriff or PIO shall be responsible for assisting the news media by conducting interviews or coordinating interviews with other qualified agency personnel. Employees contacted directly by the media shall notify the Sheriff of any interview requests. All conversations with members of the news media should be considered "on the record" and subject to being quoted.

C. News Releases

1. News releases shall be written and disseminated to the media and to agency employees on major incidents and events of community interest or concern.

D. News Conferences

1. News conferences shall be held only in connection with major events of concern to the community.

E. Access to Crime Scenes and Critical Incidents

1. Office personnel shall be courteous to news media representatives at crime and critical incident scenes.

2. At such scenes, Sheriff's office personnel shall ensure that the media respect the established perimeter. Members of the media shall receive no different access to an incident scene than members of the general public.
3. The Sheriff or PIO designee may grant closer access to news personnel and their equipment, to the degree that it does not interfere with law enforcement operations.
4. No member of this Office shall prohibit the media from news-gathering practices, including photography and interviews, outside the established perimeter.
5. News media representatives shall not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration, the scene commander shall advise the media representative of the danger and allow the media representative to make the decision to enter on his or her volition.
6. Only the Sheriff or scene commander shall release information to the news media at crime and critical incident scenes. At critical incident scenes, the Sheriff or scene commander shall establish a media briefing area as close to the scene as safety and operational requirements allow.
7. At critical incident scenes, members of the Office shall work in close cooperation with the media to ensure that live broadcasts do not disclose any information that could endanger law enforcement personnel or the general public.

F. Access to Suspects

No member of this agency shall pose any suspect or accused person in custody or make him or her available for media interviews.

G. Joint Investigations or Operations Involving Another Agency

In a multijurisdictional investigation, the lead investigative agency is responsible for providing or coordinating the release of public information. The PIO or designee for the lead agency shall share that information with all involved agencies in advance of public dissemination.

VI. INFORMATION RELEASE GUIDELINES

- A. The release of information is subject to restrictions placed by applicable state, and federal laws. No member of this office shall release any information that would hamper the successful conclusion of an investigation or jeopardize the safety of affected persons.
- B. Sheriff's office members can release the following information:
1. Basic information about a crime or incident;
 2. Basic information about victims, except as excluded by law;
 3. Description of suspects;
 4. Basic description of weapons and vehicles used;
 5. Basic description of stolen items;
 6. Basic description of injuries and condition of victims;
 7. The name, age, address, and other basic information about arrestees and the charges against them;
 8. Information contained in arrest affidavits and other applicable crime or incident reports;
 9. Booking photographs.
- C. Sheriff's office personnel shall not release the following information:
1. Names, addresses, and any other information that would identify the victim of a sex offense, child abuse, or any other crime where the privacy of the victim is protected by law;
 2. Names, addresses, and basic information about juvenile arrestees, as governed by state law;

3. Active criminal investigative information, active criminal intelligence information, and surveillance techniques;
4. Names of informants and information provided by them;
5. Supplemental or investigative reports until such time as the case is closed or the lead investigator deems it permissible;
6. Grand jury testimony and proceedings;
7. Active internal affairs investigations, as governed by state law;
8. Names of witnesses, unless required by state law;
9. The identity of critically injured or deceased persons prior to notification of next-of-kin;
10. Home address, telephone numbers, and familial information of law enforcement personnel;
11. Names of undercover personnel;
12. Any other information that could jeopardize the successful conclusion of an investigative and prosecution;
13. Any other information prohibited by state law from public disclosure.

VII. COMMUNITY OUTREACH AND SOCIAL MEDIA SITES

- A. The Kendall County Sheriff's Office incorporates both traditional and non-traditional methods of crime prevention and community outreach programs aimed at the inclusion of neighborhoods and the community, promoting an open channel of communication between the Sheriff's Office and the community to effectively eliminate or reduce crime and foster a close working relationship with all Kendall County residents.
- B. The Sheriff will provide personnel to perform duties as a Public Information Officer (PIO). The Public Information Officer coordinates press conferences for the

Sheriff and Chief Deputy. At times, it may be necessary for the Public Information Officer to act in the Sheriff's or Chief Deputy's stead on routine matters of news media releases. This may include but is not limited to the development of written press releases, the release of certain agency photographic and video materials and to act as a spokesperson for the Sheriff in various modes of media.

- C. The Public Information Officer shall be responsible for managing, monitoring and operation of any Office sponsored Social Media Sites.
- D. Operation of the social media sites shall be in accordance with Policy 2.8 Use of Social Media.
- E. The Public Information Officer shall be responsible for providing support to each of the divisions and will design, research and produce crime prevention literature and material, while coordinating various crime prevention and community outreach programs, such as community meetings, Coffee with a Cop forums, Sheriff's Office Open House, and community surveys. The Public Information Officer will be responsible for updating the Sheriff and Chief Deputy quarterly on the progress and success of each outreach program planned.



	Kendall County Sheriff's Office	
	Policy 5.3 Computer and Electronic Equipment	
	Effective Date: 01/01/2015	Revised: 03/01/2019
	Approved:  Sheriff	
	Reference:	

1. POLICY

It is the policy of this office to ensure proper use of electronic computing and recording systems by establishing authorized uses and users; establishing protocols for storage, security, and retention; and prohibiting inappropriate uses of such equipment.

II. PURPOSE

To define and provide clear direction to the use and prohibited uses of office electronic computing and recording equipment, to provide for data security and retention periods, and to establish protocols for proper handling of digital evidence.

III. DEFINITIONS

Network Terminals – desktop, laptop, or other computers which connect to the department internal computer network.

MDC or Mobile Digital Computers – In-vehicle computers, whether laptop or tablet, which in some manner connect to the internet, department computer networks, or other service such as TCIC which provides officers with data, or allows officers to conduct field reporting or communications with other officers or the department.

Mobile Phones – Either department owned or personally owned cell phones or smart phones.

Mobile Video Recording – In-vehicle camera systems which are permanently mounted in department vehicles.

Digital Media Recorder or DMR – Deputy worn digital audio or video recording device.

Digital Camera – a single purpose handheld camera designed to take digital photographs of scenes.

IV. PROCEDURES

The sections below define the procedures to be used and specific prohibitions regarding the use of specific equipment.

A. General Provisions

1. Any electronic documents, reports, audio or video recordings, images, emails, voice communications, and any other form of electronic data that is created while on or off duty, that is directly related to official department operations or investigations, whether created on personal or department owned equipment is considered a government record, is subject to public record laws, and must be preserved accordingly.
2. Any electronic documents, reports, audio or video recordings, images, emails, voice communications, and any other form of electronic data that is created while on or off duty, that is created on department owned equipment may be considered a government record, and may be reviewed and preserved if required. All department owned equipment and its use is subject to routine or specific review and/or investigation by department supervisors as needed to ensure appropriate use.
3. Use of personal electronic devices such as mobile phones and mobile phone cameras, for strictly personal use, not related to department operations while on-duty, is generally considered private unless the information would tend to show inappropriate activity. Off duty use of personal electronic devices is also generally considered private, unless the use results in a violation of department general orders or law.
4. All employees that directly access the TCIC/NCIC database will be trained in the appropriate level of access.

5. In all cases where a formal office report (offense, incident, or use of force) is required and any form of digital evidence exists, the reporting deputies will note that digital evidence exists in the report and identify the type of evidence and storage location.

B. General Prohibitions

1. Employees will not release, share, or make copies of any electronic documents, reports, audio or video recordings, images, emails, voice communications, and any other form of electronic data that is created while on or off duty, that is directly related to official department operations or investigations, whether created on personal or department owned equipment, unless specifically authorized by this order or the Sheriff.
2. Employees will not use department owned equipment, electronic or otherwise, for personal benefit or to conduct personal business. Employees are allowed to use internet access for personal use during meal and other breaks, as long as the sites accessed are appropriate for public viewing. No video games or streaming music will be played on department equipment or inappropriate websites visited. Videos that are not job related may not be viewed on department equipment.
3. Employees are reminded of their obligations under the department general orders and law. Inappropriate use of electronic devices or the release or posting of inappropriate, another parties private information, or governmental information usually deemed private, on the internet or various social media sites can lead to Internal Investigations and subsequent disciplinary action. Deputies can also be questioned about these activities by defense counsels in criminal trials, potentially damaging the deputy's credibility as a witness.
4. Employees will not leave MOBILE DIGITAL TERMINALS / COMPUTERS – MDT/MDC/iPads in patrol vehicles when the vehicle is not being used for patrol duty, e.g., when parked during off-duty hours, while the vehicle is being repaired, or at any other time the MOBILE DIGITAL TERMINALS / COMPUTERS – MDT/MDC/iPads may be subject to public view, exposed to extreme heat or cold, or subject to theft.

V. DEPARTMENT NETWORK TERMINALS

A. Security

1. The office has a number of computers throughout various facilities that have access to the office network. All employees will be issued a unique password to allow access to the system.

2. Employees will safeguard their password to ensure no other person has access using their password.
3. Employees will not leave a computer connected to the network with their password, if they are not physically able to prevent access (by closing and locking a door, or by visible monitoring).
4. Employees are responsible for all access to the network using their password.
5. The department will assign appropriate security levels within the network to allow access to certain files only as required.

B. Required Access

1. All employees are required to sign-in at least twice each workday (at the beginning and end) to the network and read and respond to all department emails, and training assignments.
2. Employees who discover Network Terminals in need of repair will notify the Administrative Sergeant as soon as possible.

VI. MOBILE DIGITAL TERMINALS / COMPUTERS – MDT/MDC/iPads

- A. The Mobile Data Terminal/Computer (MDT/MDC) is a part of the radio system using frequencies licensed by the FCC. Rules concerning proper radio procedures also apply to use of the MDT. Additionally, messages:
 1. Will not be personal in nature;
 2. Will not contain derogatory references to other persons or agencies; and
 3. Will not contain any text a reasonable person would find offensive.
- B. Because messages sent with the CAD/MDT system slow the system's response time, only concise work-related messages may be transmitted. Personnel are urged to use abbreviations to help keep the messages brief.
- C. There is NO EXPECTATION of privacy concerning sending or receiving messages via the CAD/MDT system.
- D. The MDT/MDC unit is equipped with a GPS device to allow communications personnel to locate patrol vehicles and assist in dispatching appropriate deputies to calls for service. The GPS device shall not be deactivated, removed or otherwise made inoperable without the authority of the Sheriff.

- E. Except in emergency situations or in single key response to dispatched calls or enquiries, the driver of the vehicle will not utilize the MDT/MDC keyboard while the vehicle is in motion. Drivers will safely pull to a safe location before utilizing the keyboard.

VII. MOBILE VIDEO RECORDING SYSTEMS

- A. The use of a Mobile Video Recording (MVR) system provides persuasive documentary evidence and helps defend against civil litigation and allegations of misconduct.
- B. Deputies assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the MVR and the integrity of evidence and related video documentation.
- C. General Procedures
 - 1. It shall be the responsibility of this department to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations. MVR equipment shall automatically activate when emergency equipment (lights) or a wireless transmitter is operating. The system may also be activated manually from the control panel affixed to the interior of the vehicle.
 - 2. Placement and operation of system components within the vehicle shall be based on officer safety requirements.
 - 3. Inspection and general maintenance of MVR equipment installed in departmental vehicles shall be the responsibility of the deputy assigned to the vehicle.
 - 4. Prior to beginning each shift, the assigned deputy shall perform an inspection to ensure that the MVR is performing in accordance with the manufacturer's recommendations covering the following matters.
 - a. Remote activation of system via transmitter;
 - b. Windshield and camera lens free of debris;
 - c. Camera facing intended direction;
 - d. Recording mechanism capturing both audio and video information - System plays back both audio and video tracks;
 - e. Log into the system with the flash drive to personalize the recording.

5. Malfunctions, damage or theft of in-car camera equipment shall be reported to the immediate supervisor prior to placing the unit into service. If the camera system is not operational, notify your supervisor immediately. The supervisor will determine if the deputy will drive a spare unit until the camera equipment is repaired.
6. When any vehicle equipped with a mobile video recording system is in operation, whether on or off duty, the mobile video recording system shall be turned on and available for use.
7. Mandatory Use:
 - a. All official contacts whether on a call or deputy initiated;
 - b. Traffic stops (to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops);
 - c. Priority responses;
 - d. Vehicle pursuits;
 - e. Prisoner transports.
8. When the MVR is activated, deputies shall ensure that the audio portion is also activated so all events are properly documented. Deputies are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.
9. Deputies shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.
10. When the MVR is activated to document an event, it shall not be deactivated until:
 - a. the event has been concluded unless the incident or event is of such duration that the MVR may be deactivated to conserve recording times; and
 - b. the deputy does not reasonably believe that deactivation will result in the loss of critical documentary information; and
 - c. the intention to stop the recording has been noted by the deputy either verbally or in a written notation.
11. Supervisors' Responsibilities:
 - a. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shootings,

departmental accidents), a supervisor shall respond to the scene and ensure investigator removes the recorded media.

- b. The technician or investigator shall then place the media into evidence and provide copies to authorized investigative personnel; and ensure the appropriate notation is made in the chain of custody log.
- c. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.
- d. Supervisors shall conduct periodic reviews of deputy assigned media in order to periodically assess officer performance; assure proper functioning of MVR equipment; determine if MVR equipment is being operated properly; and identify recordings that may be appropriate for training.
- e. Supervisors shall conduct bi-weekly reviews of personnel who are newly assigned MVR equipment in order to ensure compliance with departmental policy. Supervisors shall thereafter conduct quarterly reviews.
 - i. Minor infractions (not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions.
 - ii. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken.
- f. Supervisor shall ensure that adequate recording media is on hand and available for issuance

12. Agency Responsibilities

- a. All mobile video recordings are downloaded automatically to a secure stand-alone server located in the computer room at the Sheriff's Office where the recording is stored and maintained according to the schedule below.
- b. Access to the secure server is limited to authorized IT personnel, the Administrative Sergeant, and authorized Administration personnel.
- c. Recorded media may only be erased pursuant to a court order, or in accordance with established retention guidelines of at least 90 days for administrative hold recordings and 180 days for all incidents where class C misdemeanor citations are issued.

VIII. CELL PHONE CAMERAS

A. Personal Cell Phones

1. Personal cell phones may be utilized, both still and video, may be used to record department activities only when another more suitable camera or recording devices is unavailable.
2. If any department activity is recorded using a personal cell phone, a department supervisor will be notified immediately.
3. All activities recorded on cell phone cameras will immediately be transferred to DVD storage as soon as the incident can be concluded and no later than the end of shift. Appropriate Information Technology staff will be consulted regarding the safest transfer method.
4. After transfer to departmental media, all parts of the activity recorded will be permanently deleted from the personally owned cell phone prior to end of shift. Department supervisors may require proof of deletion.

IX. DIGITAL MEDIA RECORDERS (Body Worn Audio/Video Recorders)

A. Department Issued Digital Media Recorders DMR

1. These procedures do not apply to mounted in-vehicle audio/video systems covered elsewhere in this order.
2. All digital multimedia evidence that is captured during the scope of a deputy's duties is the property of the department and shall not be converted or copied for personal use. Accessing, copying, editing, erasing, or releasing recordings or depictions of recordings without proper approval is prohibited and subject to disciplinary action.
3. Patrol deputies issued a DMR shall use the device as required below.

B. When usage is required

1. During any citizen contact outside the officer's vehicle.
2. During any interview with a victim, witness, or suspect.
3. During any field or eyewitness identification.

4. During any enforcement contact when outside the officer's vehicle.
5. During building searches, and alarm responses.
6. If activated for any of the above reasons, the recording should continue until the incident has completed or the deputy has left the scene.

C. Prohibitions

1. Deputies shall not intentionally create digital recordings of other employees in areas where a reasonable expectation of privacy exists.
2. Deputies shall not intentionally create digital recordings of citizen's activities in areas where a reasonable expectation of privacy exists, unless the recording is made while the deputy is legally in the area due to section B above.
3. Deputies shall not use a departmental device to record any personal activities.
4. Deputies shall not allow any non-sworn personnel to view the DMR or recorded data without the permission of the officer's supervisor.
5. Uploading of any DMR data to any social media sites is prohibited.
6. Deputies may only use DMRs in patient care areas of hospitals or emergency rooms when the recording is for official business. Deputies will attempt to prevent the recording of non-involved individuals to the extent possible.

D. Personally Owned Digital Media Recorders – DMRs

1. Department personnel not issued a department DMR may carry a personally owned DMR with written permission of the Sheriff.
2. The deputy carrying a personally owned DMR are subject to the same rules and regulations as those with a department issued DMR and section VII above.
3. All data recorded while on-duty is the property of the department, regardless of the device ownership and will be handled as such.
4. All data will be transferred to department media and the device erased prior to the end of shift.

5. Supervisors may request proof of erasure if necessary.

E. Supervisor's Responsibilities

1. Supervisors will take such action to ensure data from DMRs are transferred and stored properly and in a timely manner.
2. Supervisors will ensure that DMR data has been deleted from personally owned devices before officers leave shift.
3. Supervisors will remind deputies of rules regarding DMR evidence on a regular basis.



	Kendall County Sheriff's Office	
	Policy 6.1 Use of Force	
	Effective Date: 01/01/2015	Revised: 03/01/2021
	 Approved: Sheriff	
	Reference: 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, and 6.10.	

I. POLICY

The Kendall County Sheriff's Office values the protection and sanctity of human life. It is therefore the policy of this office that deputies use only the force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the deputy and others. The use of force must be objectively reasonable. The deputy must only use that force which a reasonably prudent deputy could use under the same or similar circumstances. The deputy's actions will be reviewed based upon the information known to the deputy at the time the force was used. Information discovered after the fact will not be considered when assessing the reasonableness of the use of force.

Deputies are prohibited from using any force as a means of punishment or interrogation.

II. PURPOSE

The purpose of this policy is to provide Kendall County Deputies with guidelines for the use of deadly and non-deadly force. This policy does not set forth a higher standard of care with respect to third party claims.

III. DEFINITIONS

- A. **Deadly Force:** Any use of force that creates a substantial risk of causing death or serious bodily injury.
- B. **Non-deadly Force:** Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

- C. Objectively Reasonable: In determining the necessity for force and the appropriate level of force, deputies shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to themselves and the community. In evaluating the reasonable application of force, deputies may consider their own age, size, strength, and skill level with Office weapons, state of health, and the number of deputies opposing the number of suspects.

IV. PROCEDURES

A. Use of Non-Deadly Force

1. Where deadly force is not authorized, deputies may use only that level of force that is objectively reasonable and necessary to bring an incident under control. (TBP 6.01)
2. Deputies are authorized to use Office approved, non-deadly force techniques and issued equipment when one or more of the following apply:
 - a. To protect the deputy or others from physical harm;
 - b. To lawfully restrain or subdue a resistant individual;
 - c. To bring an unlawful situation safely and effectively under control.

B. Use of Deadly Force

Deputies are authorized to use deadly force when one or both of the following apply:

1. To protect the deputy or others from what is reasonably believed to be an immediate threat of death or serious bodily harm. (TBP 6.02)
2. To prevent the escape of a fleeing felon who the deputy has probable cause to believe will pose a significant threat of death or serious physical injury to the deputy or others. Where practicable prior to discharge of the firearm, the deputies shall identify themselves as law enforcement officers and state their intent to shoot.

C. Deadly Force Restrictions

1. Warning shot shall not be fired. (TBP 6.09)
2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. Because of the low probability of penetrating a vehicle with a handgun, deputies threatened by an oncoming vehicle should attempt to move out of its path, if possible, instead of discharging a firearm at it or any of its occupants. However, if a deputy reasonably believes that a person is immediately threatening the deputy

or another person with deadly force by means of a vehicle, a deputy may use deadly force against the driver of the vehicle.

4. A weapon is not displayed or brandished as a threat unless its potential use in the situation would be reasonable, or circumstances clearly call for the use of a weapon to control a dangerous situation.
5. Deputies may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured, when the deputy reasonably believes that deadly force can be used without harm to the deputy or others.

V. LIMITATIONS ON FORCE

The following acts associated with the use of force are prohibited:

- A. Application of choke hold or carotid control holds, except when the deputy reasonably believes such holds are the only means of protecting himself or herself or another person from an imminent threat of serious physical injury or death and the use of deadly force would be authorized (Any deputy using such force will cease immediately upon control of the subject, normally when the person has been handcuffed or is no longer actively resisting, and begin the application of an appropriate medical response if needed). Deputies are required to report these incidents through the process outlined in this Office's use of force reporting policy.
- B. Use of Streamlites or Kel-lites or other flashlights as batons. A deputy may use a flashlight or other object designed for use other than as a weapon only to defend himself or herself or another from imminent serious bodily injury or death and then only if Office sanctioned methods are not available or are impractical. The use of a flashlight or other alternative weapon under such circumstances, depending on the manner of use, may be deemed an application of deadly force.

VI. DUTY TO INTERVENE

- A. Any employee present and observing another employee using force, regardless of rank, that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intervene to prevent the use of excessive force. Examples of force that would require intervention may include, but are not limited to, use of choke holds (excluding Section V(A)); using force against a restrained or subdued suspect; leaving a secured suspect in a prone position in any fashion that restricts breathing or blood flow; any use of force in violation of this Office's policy.
- B. Employees shall promptly report, in writing, situations described in Section (A) to a supervisor.

- C. The obligation to report remains in place even if the employee is successful in intervening in the excessive use of force.
- D. Any failure to intervene and/or a failure to report improper use of force shall be grounds for discipline.

VII. TRAINING

- A. All deputies shall receive training in the use of their firearms, all non-lethal weapons, authorized by the Office, hands-on arrest and defensive tactics, as well as the Use of Force policy prior to performing any law enforcement duties.
- B. All deputies shall be trained and qualified with their firearms at least annually.
- C. All deputies shall receive training in the Office's Use of Force policy at least annually.
- D. All deputies shall receive hands-on arrest and defensive tactics training at least every two years.
- E. Deputies shall receive training in all non-lethal weapons issued or used by the Office and demonstrate proficiency with those weapons at least every two years.
- F. All use of force training shall, at a minimum, comply with the standards established by TCOLE.

VIII. REPORTING USE OF FORCE

- A. Deputies shall document any application of force except for those arising in training, Office demonstrations, or off-duty recreational activities.
- B. If deputies have employed any use of physical force (other than the routine use of handcuffs or use of a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, or discharged any firearm, they shall first provide for appropriate medical aid for an injured subject or a subject reporting an injury after a use of force has been applied (TBP: 6.06) and then:
 - 1. Immediately notify the on-duty supervisor or Patrol Lieutenant (if the on-duty supervisor is unavailable) of any use of force or discharge of a weapon. The supervisor or Patrol Lieutenant shall determine if an immediate investigation is required.
 - 2. Photographs of the subject will be taken as soon as possible after the use of force to document any injury or lack of injury.

3. Submit a Use of Force form to the Patrol Lieutenant prior to the end of shift describing the incident, the force used, and any medical aid rendered. The Use of Force form shall be in addition to any other required reports.

IX. OFFICE REVIEW

A. Review

1. The deputy's supervisor and the Sheriff or his designee shall review all reported uses of force to determine whether:
 - a. Office orders were violated;
 - b. Relevant Office policy was clearly understandable and effective to cover the situation;
 - c. Sheriff's Office training was adequate;
 - d. Sheriff's Office equipment was operated properly.
2. At least annually, the Sheriff or his designee shall conduct an analysis of use of force incidents to be made available to the public and to determine if additional training, equipment, or policy modifications may be necessary.

B. Internal Investigations

1. An internal investigation will be conducted on any firearms discharge (other than training or animal destruction), and any other use of deadly force by members of the Office. An internal investigation may be conducted on other use of force incidents if a violation of law or Office policy is suspected. In addition to the internal investigation, a criminal investigation shall also be conducted in any firearms discharge or other use of force incident where a deputy or other person is injured or killed and in any other circumstance where a violation of law is suspected. The criminal investigation may be conducted by another law enforcement agency with concurrent jurisdiction and the results may be presented to the grand jury for review.
2. Procedures for Deputy Involved Shooting Investigations are covered in Policy 6.4.

C. Assignment

1. Pending administrative review, any deputy whose actions have resulted in the death or serious bodily injury of another person, either through the intentional use of force or by accident involving a use of force or vehicle accident, shall be removed from line-duty assignment. This action protects both the deputies and the community's interest until the situation is resolved. This re-assignment is not considered punitive in nature.



Kendall County Sheriff's Office

Policy 6.2 Firearms Qualification

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 3.01, 3.02, 3.03, and 6.04.

I. POLICY

The Office's policy is to ensure that members are properly trained not only in the use of appropriate firearms and the circumstances of their use, but also in their safety and maintenance, regarding both on and off-duty weapons. Supervisors and the Office armorer shall rigorously enforce Office firearms standards. All personnel shall qualify at least annually with his or her sidearm and those used or carried both on and off-duty.

II. PURPOSE

To establish policy and procedures governing the care and maintenance of issued weapons and ammunition, the selection and use of holsters, off-duty weapons, firearms training, and qualification.

III. PROCEDURES

A. Authority

1. Sworn deputies who have the authority to make arrests and maintain the peace, are authorized to carry and use firearms as necessary in the performance of their duty, subject to the restrictions and guidelines of this order, the Office's use of force policy, and state and federal law.
2. Off duty, sworn deputies of this Office are encouraged to carry firearms, subject to the guidelines of this order, to protect themselves or another from imminent death or serious bodily injury in the event they must intervene in an incident off-duty before the arrival of on-duty deputies.

B. On-Duty Weapons, Issuance and Use (TBP: 6.04) – Only weapons issued by the Office or approved by the Sheriff will be carried or used while on-duty. The Office currently issues the Sig Sauer .9mm caliber Model P320, as the standard duty firearm for deputies.

1. The Administrative Sergeant shall issue Office weapons to authorized personnel.
2. Office firearms and ammunition are determined by the Sheriff based on the needs of the agency.

C. Shotguns

This Office issues Mossberg, Remington and Norinco make shotguns for duty use. Shotguns are assigned to patrol cars and individual deputies as appropriate.

1. All shotguns shall be carried with the magazine fully loaded with approved ammunition, chamber empty, trigger released, and safety off.
2. A minimum of 5 extra rounds of approved ammunition shall be carried with each shotgun.
3. All shotguns left at the Sheriff's Office shall be left in an unloaded condition, with chamber open and stored in gun vault or other designated location.

D. Patrol Rifles

Patrol rifles, e.g. AR-15, either 5.56 or .223, may be issued or used by deputies and supervisors who have received appropriate training and have maintained their required qualifications.

E. Off-duty or secondary weapons

1. Off-duty or secondary weapons, either revolvers or semi-automatic pistols, and their ammunition or reliable make as determined by the Office armorer, are purchased at the deputy's expense. Double-action revolvers of calibers no less than .38 but no greater than .357, and semiautomatic pistols of calibers no less than .380 but no greater than .45, are permitted for off-duty or secondary weapon carry. The armorer shall inspect and certify the secondary weapon and ammunition before it may be carried.

- a. Deputies shall qualify with the off-duty or secondary weapon at the annual qualification. Deputies are responsible for supplying their own ammunition for off duty qualification.
 - b. The Administrative Sergeant shall approve any concealed holster for an off-duty or secondary weapon.
 - c. The Administrative Sergeant shall maintain a record of all holsters and weapons used by each deputy.
2. Deputies may carry, while off duty, either an issued weapon or one purchased at deputy's expense, subject to this policy.
 3. Deputies should not carry weapons when consuming alcoholic beverages.
 4. Off-duty weapons shall be carried safely and concealed from public view.
 5. Deputies shall carry the Office badge and identification if carrying an off-duty weapon.

F. Office Ammunition (TBP: 6.04)

1. Only .9mm, 147 grain, jacketed hollow point factory ammunition manufactured by Sig Sauer, Winchester, Federal, Remington, or Speer will be used in Office weapons for on or off-duty use. No reloaded ammunition will be used except for practice. The Office will select and purchase on-duty ammunition for each qualification and old ammunition will be fired during qualification to ensure fresh ammunition is carried in on-duty firearms. Deputies are responsible for the purchase of ammunition for their off-duty weapon.
2. Only Winchester, Federal, Remington, or Speer factory 00 Buck and slug rounds will be used in Office shotguns.
3. Only Remington .223, 64-gram soft point ammunition will be used in Office patrol rifles unless otherwise authorized by the Sheriff.

G. Security of weapons

1. Deputies are responsible for the care, cleaning, and security of Office weapons issued to them, whether on or off duty. Deputies shall report any weapon malfunction to the Sheriff via the armorer.

2. Deputies are responsible for the safe and secure storage of issued weapons when off-duty in a manner that prevents theft or unauthorized access or use. Weapons not kept in a locked gun rack installed in the vehicle should be stored in the deputy's residence when off-duty.

H. Office Firearms Proficiency Deputy and Armorer

The Sheriff shall appoint at least one sworn member of the Office to be the Office Firearms Proficiency Deputy and Armorer.

1. The duties are as follows:
 - a. Schedule, supervise and maintain records on all firearms qualifications required by the Office.
 - b. Maintain non-issued Office weapons and associated equipment.
 - c. Inspect all weapons being returned to the armory to ensure they are clean and serviceable.
 - d. Repair or submit to a qualified gunsmith for repair all Office owned malfunctioning weapons.
 - e. Maintain records of issuance, care, and maintenance of Office and personally owned weapons and associated items used on-duty.
 - f. Issue Office ammunition.
 - g. Annually inspect and certify as serviceable both Office and personally-owned firearms that are authorized for on and off-duty use.
 - h. Inspect and authorize the use of holsters for off-duty use and for on-duty use if the deputy prefers to use a holster other than one issued by the Office.

2. The armorer shall maintain a record of all firearms which have been certified as safe and with which deputies have qualified. This record shall include the following:
 - a. Deputy's name and identification number.
 - b. Make and model of weapon.
 - c. Serial number of weapon.
- I. Modification of weapons
1. Office weapons shall not be modified or altered without written approval of the Office armorer except as outlined.
 2. Substitution of grips
 - a. Grips shall be of high-quality wood, rubber, or polyurethane and approved by the Office armorer.
 - b. Grips shall be the color of the natural wood, or plain black or brown and approved by the Office armorer.
 - c. Target-style grips, or any grips which interfere with the operation of the weapon are not authorized.
 - d. Long guns, both shotgun and rifle, shall be equipped with a sling, and the sling shall not be removed without approval from the Office armorer.
 3. Modification of privately-owned weapons designated by deputies as duty weapons.
 - a. Substitution of grips as outlined in 2.b above is authorized.
 - b. Trigger shoes are prohibited.

J. Firearms inspections

1. Annually, either the firearms instructor or the armorer shall thoroughly inspect each weapon during qualification on the range. Documentation of this inspection will be maintained by the Office firearms instructor. (TBP: 3.03)
2. Supervisors shall also inspect subordinate deputies issued firearms monthly to ensure that they are maintained in a clean and serviceable condition.
 - a. Firearms inspections shall include side arms, shotguns, authorized rifles, ammunition pouches, and holsters.
 - b. Ammunition shall be inspected to ensure that it is of Office issue, of correct quantity, and in serviceable condition.
 - c. Upon completion of monthly inspections, the supervisor shall forward a memorandum to the Sheriff that documents the following information:
 - i. The date the inspection was held.
 - ii. The name of each deputy inspected.
 - iii. The findings of the inspection.

IV. PROCEDURES - QUALIFICATION

A. Qualification rules

1. Deputies must qualify with any weapon they carry or use on-duty and off-duty at least annually or when they change weapons. (TBP: 3.01)
2. The firearms instructor or armorer shall always be in charge when deputies are on the firing range for qualification.
3. Only weapons and ammunition issued by the Office shall be used during qualifications, except for deputies who use their own weapons while on duty (which fire issued ammunition) or if qualifying with off-duty weapons.

4. Every deputy shall fire the regular firearms course approved by the Texas Commission on Law Enforcement.
5. Deputies who fail to qualify on their first attempt shall immediately attempt qualification a second time. Deputies who fail to qualify on the second attempt shall be placed in remedial training as soon as practicable and shall be removed from patrol or investigative duties until the standards expressed herein are met. Deputies who cannot qualify within fifteen days of the original qualification shall be subject to termination. (TBP: 3.01)
6. The armorer will maintain records of each deputy's firearms qualifications including:
 - a. The deputy's name and Identification Number
 - b. The date of qualification
 - c. The weapons(s) used during qualification
 - d. A description of the course of fire and score.
7. The armorer or firearms instructor shall inspect all weapons before firing to (1) ascertain that weapons are safe and (2) to ensure that weapons are properly maintained.

B. Shotgun

1. Every deputy must pass the shotgun qualification course before carrying an Office-issued shotgun.
2. The qualification course shall include:
 - a. Knowing how to load and unload the shotgun combat style.
 - b. Firing at least 10 shots, some from different positions.
3. Deputies shall qualify with the shotgun at least annually.

C. Patrol Rifle

Deputies who are trained and authorized to use the patrol rifles must qualify at least annually with the rifle on a TCOLE approved course of fire.

D. Firearms and Use of Force Instruction

1. All Office personnel shall, if duties require carrying firearms, receive familiarization instruction on their firearms before range qualification.
2. At least annually, personnel shall, if duties require carrying of a firearm, receive training in the mechanics of the weapon (stripping, lubricating, nomenclature, troubleshooting, and misfires), sound safety practices, and Office use of force policy. (TBP: 3.01)
3. Use of force and use of deadly force training will be conducted at least annually in conjunction with firearms use and firearms qualification. (TBP: 3.02)



Kendall County Sheriff's Office

Policy 6.3 Non-Lethal and Less Than Lethal Force

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 3.04

I. POLICY

In the interest of public safety, the Office provides deputies and detention officers with a range of non-lethal and less than lethal options. The Office's policy ensures that members are properly trained in the use of these tools and the circumstances of their use. Supervisors shall rigorously enforce Office weapons standards. All sworn personnel and detention officers shall qualify at least annually with Office non-lethal and less-than-lethal weapons. Deputies and detention officers shall not carry or use any non-lethal or less than lethal weapon where they have not received training and been qualified. (TBP: 3.04)

II. PURPOSE

To establish policy and procedures governing the issuance, training, care and maintenance, and qualification of non-lethal and less-lethal weapons.

III. GENERAL PROCEDURES

A. All uniformed deputies will carry at least one (1) intermediate, non-lethal weapon while on duty, and while off duty in the full or soft uniform.

B. Approved Weapons

1. Non-lethal and less than lethal weapons currently approved by the Office include:

- a. ASP Baton (personal issue for certified deputies only)
- b. Pepper Spray

- c. Less than Lethal Shotgun (with bean bag rounds) (Duty Issue certified deputies only)
 - d. Conducted Electrical Weapon (CEW) (Duty Issue for certified deputies and detention officers)
2. Office non-lethal or less than lethal weapons are determined by the Sheriff based on the needs of the agency. Deputies will not carry or use any weapon for which they are not qualified by the Office to use.

C. Security of weapons:

Deputies and detention officers are responsible for the care and security of Office weapons issued to them. Deputies and detention officers shall report any weapon loss or malfunction to the Sheriff via the armorer or supervisor.

D. Modification and maintenance of weapons

1. Office weapons shall not be modified or altered without written approval of the Sheriff.
2. Deputies are responsible for cleaning and maintenance of non-lethal or less lethal weapons that are issued to them.

E. Weapon inspections

1. Deputies shall inspect issued weapons at the beginning of each duty assignment to ensure they are in proper working order.
2. Supervisors shall inspect issued weapons at least monthly and shall document the inspections in a memorandum to the Sheriff indicating the weapon inspected and the results of the inspection.

IV. QUALIFICATION REQUIREMENTS

A. Required instruction and qualification

1. All Office personnel shall receive training with any non-lethal and less lethal weapons that they will carry. Training shall cover the mechanics of the weapon,

sound safety practices, and Office policy governing the use of the weapon and the use of force. Tactical considerations shall be a part of this training.

2. Deputies and detention officers will receive training and demonstrate proficiency (qualify) at least annually on all Office non-lethal or less lethal weapons systems. (TBP: 3.04)
3. Instructors for any non-lethal or less lethal weapon where the manufacturer recommends the instructors be certified before providing initial or refresher training shall be certified before providing the said training. (TBP: 3.04)

B. Qualification rules

1. The firearms instructor or armorer shall always be in charge when personnel are qualifying with non-lethal or less than lethal weapons.
2. The armorer will maintain records of each deputy's and detention officer's qualifications with non-lethal and less lethal weapons including:
 - a. The deputy's or detention officer's name and Badge/Identification Number
 - b. The date of qualification and weapon system qualified.

V. ASP BATON

- A. The Office authorizes the carrying and use of the ASP baton as the only striking weapon for deputies. All other forms of striking or punching weapons are prohibited, including but not limited to saps, blackjacks, slapjacks, nunchaku and similar sticks, and brass knuckles. Flashlights carried by deputies are not to be used as striking instruments, except as a last resort to protect the deputy from injury.
- B. Deputies who carry the ASP shall be trained and demonstrate proficiency in its use. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate and lesser levels are inappropriate or ineffective.
 1. The ASP should not be used to strike handcuffed individuals or to threaten or intimidate people.
 2. Deputies shall not raise the ASP above the head to strike a blow to a person's head.

- C. All uses of the ASP Baton will be immediately reported to a supervisor and documented in an incident report as well as a use of force report.

VI. OC PEPPER SPRAY

A. Authorization

1. Only deputies or detention officers who have completed the prescribed course of instruction on the use of OC are authorized to carry the device.
2. Deputies or detention officers whose normal duties/assignments may require them to make arrests or supervise arrestees may carry Office authorized OC while on duty.
3. Only water-based O. C. spray is authorized.

- B. Uniformed deputies and detention officers shall carry only Office authorized OC canisters in the prescribed manner on the duty belt. Non-uniformed deputies may carry OC in alternative devices as authorized by the agency.

C. Usage Criteria

1. OC spray is considered a use of force and shall be employed in a manner consistent with this agency's use-of-force policy.
2. OC may be used when:
 - a. verbal dialogue has failed to bring about the subject's compliance, and
 - b. the subject is actively resisting or has signaled his intention to actively resist the deputy or detention officer's efforts to make the arrest or control the prisoners threatening behavior.
3. Whenever practical and reasonable, deputies should issue a verbal warning prior to using OC against a suspect. In a detention environment, detention officers shall issue a verbal warning prior to using OC against the prisoner.
4. Once a suspect is incapacitated or handcuffed, the use of OC spray is not justified without the expressed authority of a supervisor or exigent circumstances exist (such as to prevent the subject from injuring himself or others and other means of control are ineffective or unavailable).

D. Usage Procedures

1. Whenever possible, deputies should be upwind from the suspect before using OC and should avoid entering the spray area.
2. A deputy or detention officer should maintain a safe distance from the suspect of between two and 10 feet.
3. A single spray burst of between one and three seconds should be directed at the suspect's eyes, nose and mouth. Additional burst(s) may be used if the initial or subsequent burst proves ineffective.
4. Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders or contaminate a public facility.

E. Effects of OC and Deputy Response

1. Within several seconds of being sprayed by OC, a suspect will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung pain and/or impaired thought processes.
2. The effects of OC vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed. Deputies or detention officers should also be prepared to employ other means to control the suspect to include, if necessary, other force options consistent with agency policy if he does not respond sufficiently to the spray and cannot otherwise be subdued.
3. Immediately after spraying a suspect, deputies or detention officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating and loss of consciousness. Upon observing these or other medical problems or if the suspect requests medical assistance, the deputy shall immediately summon emergency medical aid.
4. Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in custody.
5. Deputies or detention officers should provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax.
6. Air will normally begin reducing the effects of OC spray within 15 minutes of exposure. However, once the suspect has been restrained, deputies or detention officers shall assist him by rinsing and drying the exposed area.

7. Assistance shall be offered to any individuals accidentally exposed to OC spray who feel the effects of the agent.

F. Reporting Procedures

1. Accidental discharges as well as intentional uses of OC spray against an individual in an enforcement capacity shall be reported to the immediate supervisor as soon as possible.
2. A use-of-force report shall be completed following all discharges of OC spray except during testing, training, malfunction or accidental discharge.

G. Replacement

1. All OC spray devices shall be maintained in an operational and charged state by assigned personnel. Replacements for damaged, inoperable or empty devices are the responsibility of deputy or detention officer to whom they are issued.
2. Replacements of OC spray canisters shall occur when the unit is less than half full, as determined by weighing the canister.
3. OC canisters shall be inspected and weighed at the firing range during firearms qualification. A record of this fact shall be maintained by the appropriate agency authority.
4. Unexplained depletion of OC canisters shall require an investigation and written report by the supervisor to the respective Lieutenant.

VII. NON-LETHAL SHOTGUN

A. Authorization

1. Less-Lethal Shotguns may be issued to members of the Office who have been trained and demonstrated proficiency in the use of the weapon. These shotguns are identified by the Orange paint or tape around the stock and grip of the weapon. Care should be used in ensuring the appropriate weapon is selected for use.
2. The less-lethal shotgun may be loaded with any number of less-lethal munitions including bean bag rounds, rubber batons and rubber pellets. Deputies must be

qualified in the use of all munitions approved by the Office in order to be qualified with the weapon.

3. Deputies will not handle lethal shotgun ammunition around a less-lethal shotgun. Deputies will load only less-lethal munitions into the less-lethal shotgun, either at the start of shift or at the time of need, to ensure the use of proper munitions. Office approved less-lethal munitions will be carried in the munitions carrier on the stock of the weapon.

B. Less-Lethal Shotgun Use

1. Deputies may utilize the less-lethal shotgun when reasonably necessary and in a manner consistent with the Office's use of force policy. It is a use of force option that has potential risks but may be used as an alternative to the use of deadly force when time and opportunity permit.
2. Deputies should be aware of their surroundings and have a backup deputy present and prepared to transition to other force methods if the less-lethal shotgun fails to subdue a subject.
3. Where possible, deputies should inform other police personnel in the immediate vicinity that impact rounds will be deployed in order that the shot will not precipitate the use of firearms by other deputies.
4. Deputies shall deploy the less-lethal shotgun at the mid-section and lower extremities of suspects, never aiming for the head or upper torso.
5. In the event an individual is struck by a less-lethal round, deputies shall properly restrain the individual and transport them to a medical facility for examination.
6. All uses of the less-lethal shotgun will be immediately reported to a supervisor and documented in an incident report as well as a use of force form.

VIII. CONDUCTED ELECTRICAL WEAPON

A. Conducted Electrical Weapon

1. A Conducted Electrical Weapon (CEW) is used to electrically disrupt muscular control and allow deputies or detention officers to quickly subdue a resisting

subject without having to resort to the use of deadly force. The CEW is considered a less than lethal weapon.

2. There are precautions that must be observed as in the use of any weapon and it is our responsibility to monitor subject who have been controlled with the CEW for any medical problems.
3. The use of the CEW affords deputies and detention officers the opportunity of controlling individuals who are actively resisting without endangering themselves, the suspect, or the public.
4. It shall be the responsibility of supervisors of deputies and detention officers issued the CEW to ensure proper supervision, managerial controls, and compliance with this order.

B. Training and Qualification Procedures

1. Only personnel, who successfully complete the Office's training course and demonstrate the required proficiency in the use of the CEW, shall be certified and allowed to carry the CEW. All training and qualification for the CEW shall be conducted by certified instructors.
2. It shall be the responsibility of the Certified CEW Instructor to train and certify all eligible deputies and detention officers on the proper techniques and use of the CEW. Additionally, the CEW Instructor shall be responsible for compiling and analyzing data from incidents involving the use of the CEW to identify training related needs and issues.
3. In order to maintain proficiency in the use of the CEW, all deputies and detention officers certified to carry the weapon shall receive mandatory in-service training at least annually.

C. Carrying the CEW

1. Certified deputies or detention officers shall carry the CEW on their duty belts. The CED shall never be left unsecured. Only holsters approved by the Training Unit will be utilized. The CEW shall always be carried on the side opposite of the duty handgun.
2. Personnel issued the CEW shall be responsible for the proper maintenance and care of the weapon. This shall include periodically checking battery life and

expiration date of air cartridges, wiping away dirt and dust, and insuring the rubber stopper is secured on the data port.

D. Authorized Use of the CEW

1. The CEW may be utilized in situations when necessary to subdue a noncompliant subject when lesser means of control have not been successful, and the suspect or prisoner is physically resisting deputies. The act of verbal non-compliance shall not justify the use of the CEW weapon.
2. The CEW may be utilized to debilitate a subject who poses an immediate threat of serious bodily injury or death to himself/herself, the deputy, detention officer, or others.

E. Prohibited Use

1. Use of the CEW is strictly **prohibited** under the following circumstances:
 - a. When flammable gases or liquids are known to be near the subject.
 - b. Where the suspect is at an elevated location and there exists risk of serious injury or death from a fall. This includes proximity to deep water or other similar locations.
 - c. On visibly pregnant females, young children under the age of 14 or less than 100 pounds, the visibly frail or elderly persons over 65 or less than 100 pounds, unless deadly force is otherwise justified and the CEW is used as an attempt to avoid the use of deadly force.
 - d. On handcuffed prisoners, without the expressed authority of a supervisor or when exigent circumstances exist (such as to prevent the subject from injuring himself or others and other means of control are ineffective or unavailable).
 - e. On a subject who is visibly confined to a wheelchair unless it is objectively clear to prevent serious injury to himself/herself and/or if deadly force is justified.
 - f. On a subject in control of a vehicle.
 - g. On individuals with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy or epilepsy; or persons known to be wearing pacemakers or other biomedical devices sensitive to electrical current or known to have heart conditions.
2. No more than one deputy or detention officer should activate a CEW against a person at a time.

F. CEW Deployment

1. Prior to deploying the CEW, whenever reasonable and practical, verbal warnings shall be issued to the subject, to allow the subject the opportunity to comply with the deputy's or detention officer's commands.
2. Prior to deploying the CEW, the deploying deputy or detention officer shall announce the word "TASER" to alert others of the impending use of the weapon.
3. "Clear" shall be announced by the deploying deputy or detention officer after using the CEW and prior to affecting the arrest, to alert others that the weapon is no longer being deployed.
4. When activating a CEW, the deputy or detention officer should use it for one standard cycle and stop to evaluate the situation (a standard cycle is five seconds). If subsequent cycles are necessary, only the number and duration of cycles necessary to place the subject in custody will be used. Deputies and detention officers will be particularly alert for medical distress of the subject.
5. Deputies or detention officers should make every effort to avoid firing darts or directing the contact stun method at a subject's head, neck, front chest area or genitalia. Preferred targeting is the center mass of the subject's back. Where back targeting is not possible, deputies or detention officers should avoid chest shots unless deadly force would otherwise be justified.
6. The CEW direct contact stun method may be utilized as an alternative deployment method, when both probes fail to contact the subject and its effectiveness is reduced or the regular deployment method is either not possible or likely to be effective.

G. Post Deployment

1. Immediate Restraint. The subject will be restrained immediately to prevent additional resistance or injury. The subject will not be restrained in a manner that impairs respiration. If other restraints are unavailable, the subject may be handcuffed in front using a belt or strap to secure the cuffs to the body.
2. Medical Monitoring. Emergency Medical Services shall be requested to respond to all instances where the CEW has been deployed. The requesting deputy or detention officer shall monitor the subject until EMS personnel have arrived. In

situations where CEW use is a possibility, deputies should consider requesting EMS before use.

3. Supervisor Response. The on-duty supervisor or respective Lieutenant will immediately respond to the scene of any CEW use. The supervisor will review the circumstances of the use and conduct a preliminary investigation.
4. Removal of Probes. CEW probes shall be removed as soon as possible. CEW probes that are imbedded in a subject's skin (as opposed to just clothing) shall only be removed by EMS personnel, other medical personnel, and law enforcement personnel who are trained in the removal of the probes. Deputies shall not remove CEW probes that have struck a subject's head, throat, groin or any other sensitive area. CEW probes that have penetrated a person's skin shall be considered a biological hazard and shall be handled with the appropriate care.
5. All persons who have been subjected to a CEW activation should be monitored regularly while in police custody even if they received medical care. Anyone subject to CEW deployment showing any signs of physical distress shall be transported immediately to a medical facility.

H. Reporting and Investigation

1. A Use of Force Report shall be completed on all CEW incidents. Personnel must clearly articulate the reasons for the initial use and all subsequent cycle(s) in the Use of Force Report. This includes the actual or threatened use of the CEW by a deputy or detention officer.
2. The supervisor responding to the scene shall conduct an immediate preliminary investigation which should include:
 - a. Location and interview of witnesses (including other deputies);
 - b. Photographs of subject and deputies' injuries;
 - c. Photographs of cartridges/darts;
 - d. Collection of CEW cartridges, darts/prongs, data downloads, car video, confetti ID tags; and copies of the device data download.
3. Photographs of the subject shall be taken in all instances wherein a subject is injured or complains of being of injured as a result of the use of the CEW. Photographs should depict overall condition of the suspect, any injuries and the locations where the probes made contact. If there is no injury, it is discretionary.

4. All CEW deployments or discharges, including test firings, shall be recorded in a CEW log. A supervisor must sign a CEW discharge log verifying that the information contained therein is accurate. The presence of a supervisor during testing is not required.
5. Expended CEW cartridges shall be submitted to the Property Unit as evidence. The deputy shall then be provided with a replacement cartridge after showing the Administrative Sergeant a completed CEW Report signed by a supervisor.
6. The Sheriff may request an outside investigation by the Department of Public Safety when any of the following factors are involved:
 - a. A subject experiences death or serious injury;
 - b. A person experiences prolonged CEW activation;
 - c. The CEW appears to have been used in a punitive or abusive manner;
 - d. There appears to be a substantial deviation from training; and
 - e. A person in an at-risk category has been subjected to activation (e.g., young children; persons who are elderly/frail, pregnant women, and any other activation as determined by a supervisor).

I. Inspection

Supervisors shall, on a monthly basis, inspect their deputies CEW log and data port to determine if there have been any discharges since the previous inspection. Any undocumented discharges shall require the deputy to prepare a memorandum to the sheriff explaining the circumstances surrounding the discharge.

J. General Consideration

1. Deputies and detention officers must be aware of the limitations of the CEW and be prepared to transition to other force options as needed.
2. Deputies should also be aware that CEW cartridges have experienced firing problems in extremely cold weather.

K. Defense Against CEW Use

1. When a subject is armed with a CEW and attacks or threatens to attack a deputy, the deputy may defend himself when he reasonably believes it is immediately necessary to avoid becoming incapacitated and risking the possibility that the subject could gain control of the deputy's firearm. When possible, deputies should attempt to move outside the device's range (approximately 21 feet) and seek cover, as well as request back-up deputies to mitigate the danger.



	Kendall County Sheriff's Office	
	Policy: 6.4 Deputy Involved Shooting	
	Effective Date: 01/01/2015	Revised: 03/01/2019
	Approved:  Sheriff	
	Reference:	

1. POLICY

It is the policy of this agency that deputy-involved shooting incidents be investigated with the utmost thoroughness, professionalism and impartiality to determine if deputies' actions conform to the law and this agency's policy on use of force.

II. PURPOSE

It is the purpose of this policy to provide guidelines for the investigation of deputy-involved shooting incidents and to provide guidelines to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

III. DEFINITIONS

- A. Post-Traumatic Stress Disorder: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.
- B. Deputy-Involved Shooting Incident: A line-of-duty incident where shooting causes death or serious bodily injury to a deputy or other person.

IV. PROCEDURES

- A. Deputies Responsibility when involved in a Shooting Incident

Deputies involved at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and others, and

to preserve evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate:

1. Ensure that the threats to deputy safety and the safety of others are over;
2. Notify Communications of the shooting incident and request immediate assistance;
3. Secure and separate any suspect and witnesses;
4. Relay information on any fleeing suspects to communications and other field units and work with them to establish a containment area;
5. Request a supervisor and emergency medical services, if necessary, and any other assistance required immediately;
6. If injured, administer emergency first aid to himself/herself first. Then, administer basic first aid to victims, suspects and others, as necessary, pending arrival of emergency medical assistance;
7. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. **Do not open, reload, remove shell casings or in any other manner tamper with involved firearms.** Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects and suspect vehicles.

B. As time and capabilities permit before supervisory and other assistance arrives:

1. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured. Protect evidence from loss, destruction or damage that is likely to occur before backup can arrive. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence;
2. Record the names, addresses and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they saw the incident.

C. Supervisor Responsibilities

1. A supervisor shall be dispatched to the scene of the incident, and shall assume primary responsibility for protecting the scene and caring for involved personnel, until arrival of Criminal Investigations Unit.

2. Ensure the safety and determine the condition of the deputy, suspect(s) and third parties. Summon emergency medical service providers if not yet summoned for deputies, victims, suspects and third parties.
- D. If the deputy has been shot or otherwise injured in the shooting:
1. Ensure that a deputy accompanies and remains with the injured deputy at the hospital;
 2. Ensure that the deputy's family is notified on a priority basis and in person when possible. Ensure that they are assigned transportation to the hospital or other location where they are needed as soon as possible. Do not release the deputies name prior to the family's being notified;
 3. Assign a deputy to the family for security, support, control of the press and visitors, establishment of communications and related matters;
 4. Ensure that the clothing of deputies and other injured persons is collected for potential evidentiary purposes and that related equipment of the deputy's is safeguarded.
- E. The supervisor should contact Communications and advise them of the condition of the deputies and suspects and the exact location of the incident and request they immediately contact:
1. The Criminal Investigation Sergeant;
 2. The Sheriff, Chief Deputy, Patrol Lieutenant and CID Lieutenant;
 3. Crime Scene Search personnel;
 4. Public Information Officer;
 5. Police Chaplain or advocate;
 6. Police legal advisor or District Attorney's Office.
- F. Establish a Command Post and appoint a recorder to make a chronological record of all activities including any personnel who entered the crime scene. The recorder shall prepare a supplement report detailing their activities and observations and the original chronological record will be placed in evidence after the scene is cleared.
- G. Ensure all audio/video recording systems (including squad car video systems at the scene at the time of the incident) are stopped and secured to protect any evidence thereon.
- H. If the deputy is not immediately transported to the hospital, the supervisor shall briefly meet with the involved deputy.

1. Only minimal, preliminary questions should be asked about the incident. The deputies should be advised that a more detailed debriefing will be conducted at a later time. The supervisor must however obtain sufficient information to protect the scene and begin an investigation. At a minimum the supervisor should determine:
 - a. If any other suspects are at large and any descriptions;
 - b. Approximate number and direction of shots fired (to protect crime scene and ensure no other persons are injured);
 - c. Description and location of any known victims or witnesses;
 - d. Description and location of any known evidence; and
 - e. Any other information necessary to ensure deputy and public safety and to assist in the apprehension of at-large suspects.
- I. During any period where the involved deputy is required to remain on the scene, but has no immediate duties to fulfill, the deputy should be taken to a quiet area away from the scene of the incident. The deputy should be advised not to discuss details of the incident with anyone at this point.
- J. The deputy should be advised that they may seek legal counsel.
- K. Any standard investigations that will occur concerning the incident should be discussed with the involved deputy. The investigations shall include a criminal and internal investigation.
- L. The deputy should be advised not to discuss the incident with anyone except a personal or agency attorney, union representative, or Office investigator, until the conclusion of the preliminary investigation.
- M. The supervisor will examine weapons of all deputies present at the time of the incident and ask if they are carrying any firearms other than their primary duty weapon. If so, these weapons will also be examined prior to leaving the scene by crime scene personnel.
- N. Criminal Investigation Unit shall determine whether the circumstances of the incident require that the deputy's duty weapon be taken for laboratory analysis. When the duty weapon is taken, the Investigator shall:
 1. Take custody of the deputy's weapon in a discrete manner after returning to the Sheriff's Office; and
 2. Replace it with another weapon, or advise the deputy that it will be returned or replaced at a later time, as appropriate.
- O. Involved deputies should notify their families about the incident as soon as possible. Where a deputy is unable to do so, an agency official shall personally notify his family, and arrange for their transportation to the hospital if needed.

- P. At all times, when at the scene of the incident, the supervisor should handle the deputy and all involved personnel in a manner that acknowledges the stress caused by the incident.
- Q. Once the scene is secure, if investigators have not yet arrived, the supervisor shall begin doing the following:
 - 1. Locate and secure in place the deputies weapon and shell casings;
 - 2. Locate and secure suspect's weapon and shell casings;
 - 3. Collect information about the suspect including name, address, age, and DOB;
 - 4. Locate and secure any clothing that may have been removed from the suspect or deputy by medical personnel;
 - 5. Attempt to determine the original shooting positions of the suspect and deputies.
- R. Upon arrival of investigators, the supervisor will brief the appropriate personnel on the details of the incident. The supervisor shall prepare the original basic offense report concerning the incident and prepare a detailed supplement report of his or her activities after being notified. The supervisor shall also complete an Office Use of Force Report on the incident.

V. Investigation

- A. Two different investigations may be conducted after a deputy involved shooting incident.
 - 1. If the deputy was shot at, injured, killed, or otherwise the victim of a criminal offense, a criminal investigation will be conducted to determine the identity of the suspect for subsequent prosecution.
 - 2. If a deputy shot at a suspect, an administrative investigation shall be conducted to determine compliance with Office policy.
 - 3. If a deputy shot at and hit a suspect, a criminal investigation shall be conducted to determine if the deputy is criminally culpable for his or her actions.
 - 4. These investigations, if both are required, may run simultaneously, with the criminal investigation taking precedence.

5. The Sheriff may request another agency conduct either investigation if circumstances warrant.
6. Investigators will be well versed in the issues of Garrity v. NY to avoid improper contamination of the criminal investigation.
7. Upon arrival of investigators, the scene will be turned over to their control. Investigators should first ensure the tasks itemized above have been completed. They shall then conduct their investigation to include:
 - a. Receive a general briefing and walk-through by the supervisory officer regarding the circumstances surrounding the shooting. The decision to conduct a walk through with the involved deputy at this time must be made based on:
 - i. The type of investigation being conducted
 - ii. The physical and mental state of the deputy
 - iii. The availability of the deputy's attorney
 - iv. The circumstances at the scene
 - b. Ensure that the overall scene and evidentiary items are photographed.
 - c. Ensure thorough inspection of the scene and proper collection of all items and substances of evidentiary value.
 - d. Obtain taped statements from the suspects. Ensure that notification is provided to next-of-kin of injured or deceased suspects.
 - e. Locate and identify witnesses.
 - f. Conduct the interview in a private location away from sight and hearing of agency members and others who do not have a need and a right to the information. Advise the deputies not to discuss the incident with anyone except a personal or agency attorney, union representative or Office investigator until the conclusion of the preliminary investigation.
 - g. Be cognizant of symptoms of post-traumatic stress, to include time and space distortions, confusion, hearing and visual distortion and emotional impairment, including shock. (Defer tape-recorded interviews if these symptoms are evident.) Take any weapon fired by the deputies into custody and handle it as evidence.
 - h. Contact the Medical Examiner's Office and obtain autopsy of deputy and/or suspect if required.
 - i. The results of any criminal investigation conducted will be presented to the Grand Jury for independent review.

VI. Post-Incident Procedures

- A. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary investigations.

- B. All deputies directly involved in the shooting incident shall be required to contact an agency designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist shall advise the agency:
 - 1. Whether it would be in the deputies' best interest to be placed on administrative leave or light duty, and for how long;
 - 2. Where the deputies were relieved of their duty weapons after an incident, at what point they should be returned;
 - 3. What will be the best continued course of counseling. The agency strongly encourages the families of the involved deputies to take advantage of available counseling services.
 - 4. If placed back on full duty, and another deadly force situation presented itself in the first work shift, would the deputy be capable of defending themselves or another with the use of deadly force.

- C. Any agency investigation of the incident shall be conducted as soon and as practical.

- D. The agency should provide a general briefing to other agency members concerning the incident so that rumors are kept to a minimum.

- E. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Deputies shall refer inquiries from the media to a designated agency spokesperson, unless otherwise authorized to release a statement pertaining to the incident.

- F. In order to protect against crank or abusive calls, deputies should be advised to have phone calls answered by another person for several days if their names are released to the public.

VII. Daily Stress Recognition

- A. As post-traumatic stress disorders may not arise immediately, or the deputies may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.

- B. If a supervisor believes that stress may be disrupting the deputy's job performance or other life skills, the Sheriff should be informed immediately. The Sheriff may inject the deputy into a Behavioral Cause investigation or refer the deputy back into counseling.



Kendall County Sheriff's Office

Policy: 7.1 Constitutional Safeguards

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 7.04

I. POLICY

The federal and state constitutions guarantee every person certain safeguard from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. The Office expects deputies to observe constitutional safeguards. The Office further expects that deputies understand the limits and prerogatives of their authority to act. Respect for the civil liberties of all persons shall be the paramount concern in all enforcement matters.

II. PURPOSE

The purpose of this general order is to define the legally mandated authority for the enforcement of laws, to establish procedures for ensuring compliance with constitutional requirements during criminal investigations, to set forth guidelines concerning the use of discretion by deputies, and to define the authority, guidelines and circumstances when deputies should exercise alternatives to arrests and pretrial confinement.

III. PROBABLE CAUSE AND REASONABLE SUSPICION

A. Probable Cause

1. Searches and arrests are based on the existence of probable cause. According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within their [the arresting officers'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

A deputy must have probable cause to make an arrest or conduct a search.

2. When a deputy has enough probable cause, he or she may arrest a person, conduct a search of the person, record the suspect's fingerprints, take the person's photograph, and detain him. The aim of an arrest on probable cause is to make a formal charge. While in some cases, formal charges may not be filed for any number of reasons, deputies should only make a custodial arrest if a formal charge is anticipated.

B. Reasonable Suspicion

1. Reasonable suspicion involves a standard less than probable cause, generally defined by the courts as a circumstance or collection of circumstances that would lead a trained, experienced officer to believe that criminal activity may be afoot.

A deputy must have reasonable suspicion to temporarily detain a person.

2. When a deputy has reasonable suspicion that a person is armed, he or she may undertake a pat-down of a suspect's outer clothing for weapons and record the circumstances of the encounter. The aim of a detention based on reasonable suspicion is to resolve an ambiguous situation and determine if criminal activity is occurring.

IV. AUTHORITY AND DISCRETION

A. Law-enforcement authority

State law invests peace officers with authority to prevent and detect crime, apprehend criminals, safeguard life and property, preserve the peace, and enforce state and local laws and ordinances.

B. The use of discretion by deputies

1. While deputies have the authority to arrest an offender under many circumstances, deputies seldom can arrest individuals for every offense they observe. Deputies must prioritize their activities to provide the highest level of service to their community. As a result, they must often use discretion in deciding the level of enforcement action based on the circumstances.
2. Office policy gives deputies procedures to follow for common or critical enforcement tasks. Office policies and procedure are to be followed unless unusual or extreme circumstances dictate another course of action. In these cases, deputies shall make reasoned decisions in their discretion based on good judgment, experience, and training. It is up to the individual deputy to consider

the relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

3. Most persons a deputy will contact during their shift are typically law-abiding people who have made a mistake or error in their behavior. In many of these cases there are underlying circumstances that contributed to those mistakes or decisions. Deputies are encouraged to exercise understanding and compassion when deciding to take enforcement action, and consider how they, or a member of their family, would like to be treated in similar circumstances.
4. Deputies should understand that their decisions regarding arrests and searches are in all cases subject to review by their supervisors.
5. Supervisors shall observe and review the activities of deputies and counsel them as needed regarding the use of discretion.

C. Alternatives to arrest/pre-arraignment confinement

1. Deputies are encouraged to arrest suspects for all felony offenses and those major misdemeanor offenses where a victim was injured, property was stolen or damaged, or the public or an individual was placed at risk of great harm.
2. After an arrest has been made in these circumstances, if pre-arraignment detention is not advisable due to the suspect's health, age, infirmity, or family situation, the deputy should contact a supervisor for disposition. A supervisor can authorize a field release if the individual is known or proper identification is present.
3. In misdemeanor criminal cases where there is no victim or property loss, where an individual or the public was not placed in danger of great harm, and in traffic offenses, deputies may occasionally be faced with situations where formal action is not advisable. In such cases, deputies may elect to exercise alternatives such as the issuance of citations, referral to a social service agency, or simply to give a warning.
4. In determining whether a citation should be used, the deputy shall:
 - a. Decide whether the offense committed is serious,

- b. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors,
 - c. Make a judgment as to whether the accused poses a danger to the public or himself.
- 5. Deputies often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the deputy a better solution to the problem will be achieved by use of alternatives to enforcement, he or she should refer the person to an appropriate social services agency.
- 6. The use of warnings may sometimes provide a solution to a problem and may enhance the public perception of the Office. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the deputy shall consider:
 - a. The seriousness of the offense,
 - b. Whether a victim was injured or had property damaged by the offender,
 - c. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors,
 - d. The likelihood that the violator will heed the warning.

V. PROTECTION OF INDIVIDUAL RIGHTS

- A. Deputies will always act to preserve and protect the rights of all persons.
- B. Deputies making arrests will ensure suspects are informed of the rights if they intend to question them about an offense. *Miranda* warnings are required and shall be administered prior to any “custodial interrogation.” Deputies are expected to understand the requirements of Code of Criminal Procedure 38.22 before taking any statements from suspects.
 - 1. The following represent examples of situations that are not “custodial” and do not require *Miranda* warnings.
 - a. Investigatory stop and frisk,

- b. Questioning during a routine traffic stop or for a minor violation; to include driving while intoxicated (DWI) stops until a custodial interrogation begins,
- c. During voluntary appearances at the police facility,
- d. When information or statements are made spontaneously, voluntarily and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require *Miranda* warnings.)

2. Administering Miranda.

- a. Miranda warnings shall be read by deputies from the card containing this information to all persons subjected to custodial interrogation.
- b. Deputies shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be questioned only when they have knowingly and intelligently waived their rights. Threats, false promises or coercion to induce suspect statements are prohibited.
- c. Waivers of the Miranda rights must be performed affirmatively.
- d. Deputies arresting deaf suspects or those suspects that appear to have limited proficiency in English shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.



	Kendall County Sheriff's Office	
	Policy: 7.2 Field Interviews, Stop and Frisk	
	Effective Date: 01/01/2015	Revised: 03/01/2019
	 Approved: Sheriff	
	Reference: 7.07	

I. POLICY

The Kendall County Sheriff's Office expects and encourages deputies to conduct field interviews. Field interviews are important contacts with individuals that aid in preventing and investigating crime. Deputies are expected to gather information with proper observance of constitutional safeguards. Strict constitutional guidelines exist that protect both the civil rights of all persons and the need of deputies to obtain information crucial to the reduction and prevention of crime.

II. PURPOSE

To clearly establish the difference between a Field Interview and an Investigative Detention or Stop. To assist deputies to determine when field interviews and frisks for weapons are necessary and useful, and to establish procedures for conducting both safely. (TBP: 7.07)

III. DEFINITIONS

A. Field interview (consensual encounter)

A brief interview of a person to determine the person's identity and gather information or to resolve the deputy's suspicions about possible criminal activity or determine if they have information about a criminal offense. Field interviews require voluntary cooperation of the subject. A field interview contrasts with a detention or stop which is based on reasonable suspicion of criminal behavior.

B. Frisk

A "pat-down" search of outer garments for weapons.

C. Reasonable suspicion

Articulable facts that, within the totality of the circumstances, lead a deputy to reasonably suspect that criminal activity has been, is being, or is about to be committed. The reasonableness of a deputy's actions will be determined by reviewing the totality of circumstances known to the deputy at the time he or she takes the action.

D. Detention (Stop)

An involuntary detention of a subject for a brief period for the purpose of investigating the actions of the individual. In order to make the stop, the deputy must have reasonable suspicion to believe that criminal activity is afoot and that the person to be detained or stopped is involved. A stop is an investigative detention. The following characteristics may, under the proper circumstances, give rise to reasonable suspicion for a stop. This list is not all-inclusive nor is the presence of any one of these circumstances alone always enough for reasonable suspicion.

1. Deputy has knowledge that the person has a criminal record.
2. A person fits the description of a wanted notice.
3. A person has exhibited furtive conduct such as fleeing from the presence of a deputy or attempting to conceal an object from the deputy's view.
4. The appearance, behavior, or actions of the suspect suggest that he is committing a crime.
5. The time of day or night is inappropriate for the suspect's presence in an area.
6. The deputy observes a vehicle that is like that of a broadcast description for a known offense.
7. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.
8. The suspect is in a place proximate in time and location to an alleged crime.
9. The suspect is carrying an unusual object, or his clothing bulges in a manner consistent with concealing a weapon.

IV. FIELD INTERVIEW PROCEDURES

A. Making the field interview or stop: overview

1. A deputy may conduct a field interview at any time if an individual is willing to speak with the deputy. A field interview requires voluntary cooperation from the subject. In the absence of probable cause to arrest or reasonable suspicion to justify an actual investigative detention or stop, the individual may discontinue the interview at any time and leave. The person may also refuse to produce identification or otherwise identify himself. The individual does not have to answer any questions or provide any information.
2. In court, should a field interview result in an arrest, the deputy must justify his intrusion by describing "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Articulable facts and circumstances derive from:
 - a. Firsthand observations.
 - b. Information from informants or members of the community.
 - c. "Collective knowledge" or information shared by several deputies.
 - d. Reasonable inferences made by the deputy from information known to the deputy.

B. Place of the interview

1. As a rule, field interviews may be conducted anywhere the deputy has a right to be, including:
 - a. County-owned or controlled property, normally open to members of the public.
 - b. Areas intended for public use or normally exposed to public view.
 - c. Places to which a deputy has been admitted with the consent of the person empowered to give such consent.
 - d. Places where circumstances require an immediate law enforcement presence to protect life, well-being or property.
 - e. Areas where a deputy may be admitted pursuant to a lawful arrest or search warrant.
 - f. Any other area in which a deputy may effect a warrantless arrest.
2. Field contacts shall not be done to coerce a person to leave an area or place where he or she has a legitimate right to be and where no violation of law has occurred.

C. Conduct of Interviews

1. Deputies shall clearly identify themselves and, if not in uniform, display identification.
2. As noted above, a person interviewed by the deputy may discontinue the interview at any time. To repeat, during a routine field interview, persons shall not be detained in any manner against their will nor shall they be required to answer questions or respond in any manner if they choose not to do so. The fine line drawn between a field interview and a detention or stop must be strictly observed. Since the distinction between an interview and a detention depends to a great extent on whether, under the circumstances, the subject perceives that he is free to leave, deputies shall comply with the following guidelines:
 - a. All requests during the interview should be phrased with neutral or optional words, such as "may," "would you mind," etc.
 - b. The duration of an interview should be as brief as possible unless prolonged by the subject.
 - c. During the interview, deputies should confine their questions to those concerning the suspect's identity, place of residence, and other matters necessary to resolve the deputy's suspicions.
 - d. Miranda warnings are not required during field interviews. The warnings are not required until custodial questioning takes place.
3. The success or failure in obtaining information beneficial to crime analysis and criminal investigation will depend upon a deputy's ability to put individuals at ease and establish a rapport. However, during a field interview, if the person should ask whether he must respond, or indicate that he feels compelled to respond, the deputy shall immediately inform him (or her) of the right to refuse, as well as the right to leave.
 - a. When a person refuses or ceases to cooperate during an interview, the refusal itself cannot be used as the basis for escalating the encounter into a detention.
 - b. Individuals cannot be compelled to answer any questions during field interviews.

V. INVESTIGATIVE DETENTION OR STOP (and Frisk when warranted)

- A. The legal authority to conduct an investigative detention or stop (and frisk when warranted) is based in Federal and State constitutions as interpreted by court decisions.
- B. Investigative detentions may involve two distinct acts. The first is the actual detention or stop which is based on reasonable suspicion. A second component

may be a frisk of the detainee for weapons. The frisk must be justified by the deputy's reasonable fear for his safety during the detention. The safety concern must arise from the conduct of the detained person, not from safety concerns in general. For example, a frisk could not be justified solely on the claim that "all drug dealers are dangerous." Not every detention will result in a frisk. Examples of safety factors justifying a frisk may include but are not limited to:

1. The type of crime suspected, particularly those involving weapons.
2. When the deputy must confront multiple suspects.
3. The time of day and location of the stop.
4. Prior knowledge of the suspect's propensity for violence.
5. Any indication that the suspect is armed.
6. Age and sex of the suspect (deputies shall exercise caution with very young or very old people or persons of the opposite sex).

C. Manner of conducting a frisk

1. Ideally, two or more deputies will conduct the frisk, one to search and the other to provide protective cover.
2. The minimally intrusive nature of a frisk permits the suspect to be searched while standing, or with hands placed against a stationary object, feet spread apart, which is the preferred method.
3. When frisking, deputies shall search only the external clothing for objects that reasonably could be weapons and remove them.
 - a. Retrieval of the weapon may give probable cause to arrest. If so, deputies may then conduct a complete custodial search of the suspect incident to arrest.
4. If, during a lawful detention based on reasonable suspicion, the deputy conducts a frisk and feels an object whose contour or mass makes its identity as contraband immediately apparent, pursuant to the plain touch doctrine, it may be withdrawn and examined.
5. If the suspect is carrying a bag, purse, suitcase, briefcase, sack, or other container that may conceal a weapon, deputies shall not open it but may place it beyond the subject's reach for the duration of the stop.

D. Protective search

1. Under some conditions, the protective search or the search for weapons may be extended beyond the person detained. This search occurs most often involving

vehicles. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all the following elements present:

- a. A lawful detention as defined herein, or a lawful vehicle stop.
- b. A reasonable belief that the suspect(s) poses a danger.
- c. A frisk of the subject must occur first.
- d. The search must be limited to those areas in which a weapon may be placed or hidden.
- e. The search must be limited to an area which would ensure that there are no weapons within the subject's immediate grasp.
- f. If the suspect has been arrested and restrained or removed from immediate access to the vehicle, a search of the vehicle cannot be made for protective reasons. A search may be made of vehicle if other exceptions to a search warrant exist.

E. Period of detention

1. Investigative detention - as with field interviews - must be conducted as quickly as possible. Once the detaining deputy determines that the basis for reasonable suspicion no longer exists, the person detained shall be immediately released. Should the suspicion be reinforced with additional information or the deputy develops probable cause, the period of detention could be lengthened.

VI. DOCUMENTING THE INTERVIEW OR STOP

For purposes of successful prosecution and defending actions to the public, all field interviews and investigative detentions must be recorded. The following methods will be utilized:

- A. Patrol deputies will record all field interviews in their entirety on the in-car audio video systems. Deputies will attempt to position the vehicle or camera in a position to record the interview. If not possible, the use of the audio portion is required.
- B. If an interview or investigative detention results in an arrest, the arresting deputy will clearly detail the reasonable suspicion that led to the interview or detention in the narrative of the arrest report as well as maintaining the audio/video recording as evidence.
- C. Deputies not equipped with in-car or portable audio/video recording systems will obtain a service number and create an incident report entitled "Field Interview" and record the reasonable suspicion and details of the interview or detention. The report will be forwarded through the deputy's supervisor to the records unit.



Kendall County Sheriff's Office

Policy: 7.3 Arrests with and Without a Warrant

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 7.02, 7.03

1. POLICY

Short of the application of force, an arrest is the most serious action a deputy can undertake. An arrest can cause repercussions throughout a person's life, even if eventually found not guilty or never brought to trial. The most important legal question facing a deputy at the time of an arrest is the existence of probable cause: without probable cause, the arrest is illegal and the evidence of criminality that was obtained because of the arrest is inadmissible. Deputies shall accordingly exercise critical judgment in making arrests. Critical judgment includes consideration for bystanders, the time, place, and location of offenses, and the use of force in making the arrests. Deputies shall consider alternatives to arrest consistent with their law-enforcement mission.

II. PURPOSE

To define the authority of deputies to arrest and the mechanism for making arrests with and without a warrant.

III. DEFINITIONS

- A. Arrests – A person is arrested when he has been placed under restraint or taken into custody by an officer or person executing a warrant of arrest, or by an officer or person arresting without a warrant. An arrest is supported by probable cause.
- B. Probable Cause – According to the U.S. Supreme Court, “Probable cause exists where the facts and circumstances within the arresting officers’ knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is

being committed” and that the person to be arrested committed it. A deputy must have probable cause to obtain a warrant or make a warrantless arrest.

IV. DUTIES

- A. The duties to arrest, definitions, requisites, issuance, scope, authority, and execution of arrest warrants are outlined in Chapter 15 of the Texas Code of Criminal Procedure.
- B. It is the duty of every deputy to execute an arrest warrant in the manner provided by law, by the guidelines established in this procedure, and by adhering to each respective unit’s standard operating procedures. A deputy does not refuse to execute a valid warrant on other than legal grounds.
- C. It is the duty of every deputy to seek an arrest warrant in the manner provided by law, by the guidelines established in this procedure, and by adhering to each respective unit’s standard operating procedures. An arrest warrant shall be sought as soon as practical for violent crimes when the danger or threat to the public requires immediate action, rather than filing the case at-large.

V. DISCRETION

- A. Deputies shall demonstrate discretionary judgment. Discretion shall be applied reasonably and shall be guided by the oath of office, the limits of authority as established by law, the decisions and interpretations of the courts, the policies of our Office, and the oral instruction provided by field supervisors.
- B. Deputies shall not make arrests or take any enforcement action based in whole or in part by a person’s sex, race, creed, color, age general or assumed attitude, ethnic or natural origin, economic status, disabilities, or sexual orientation.

VI. GENERAL PROCEDURE / ARRESTS WITH A WARRANT

- A. Unless assigned as an investigator, deputies will obtain supervisory approval before applying for an arrest warrant for any individual.
- B. Upon completion of an affidavit and warrant, all deputies shall have the documents reviewed and approved by a supervisor prior to requesting judicial approval.
- C. If a warrant approval is refused by any judge, the affidavit and warrant shall not be taken to any other judge without additional information proving probable cause being added to the affidavit.

- D. A deputy shall not alter any information on an arrest warrant in any manner after a magistrate has issued it.
- E. A deputy 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:
 - 1. Issue in the name of "The State of Texas",
 - 2. Specify the name of the person whose arrest is ordered, or provide a reasonable description if the name is not known, state that the person is accused of a named offense, and
 - 3. Be signed by a magistrate whose office must be named in the warrant.
- F. A deputy shall execute a valid arrest warrant as provided by law and office policies. If the arrest warrant lacks proper form, the deputy shall not execute the warrant, but shall return the warrant to the magistrate who issued it.
- G. If a deputy has any question about the details or validity of an arrest warrant, he shall attempt to verify the information before making an arrest under authority of that warrant.
- H. Any decision to send regional or statewide messages concerning a warrant will be made by a supervisor or the investigator assigned to the case.
- I. When executing an arrest warrant, the deputy need not have actual possession of the warrant. However, the deputy announces to the person being arrested the arrest is made pursuant to a warrant; and
 - 1. If the deputy has the arrest warrant in his possession, he exhibits it to the arrestee; or
 - 2. If the deputy does not have the arrest warrant, he informs the arrestee of the offense charged against him.
- J. Deputies may enter a third party's residence to execute an arrest warrant:
 - 1. With consent to search from the resident or person having control of the property, or
 - 2. With a search warrant for that residence in order to enter and make the arrest, or

3. While in fresh pursuit of the wanted person.

VII. WARRANTS ORIGINATING IN THE STATE

- A. A deputy may execute a misdemeanor or felony arrest warrant issued by any court within the State of Texas any place within the county jurisdiction of the Kendall County Sheriff's Office providing:
 1. The place is a public place;
 2. The deputy is in a place he has a lawful right to be;
 3. The place is the residence of the person named in a felony warrant or is where the deputy has probable cause to believe the person is presently living;
 4. The place is a private place or residence named in a search warrant, provided the deputy has the search warrant in his possession; and
 5. If the warrant is issued by a mayor of an incorporated city or town in a county other than Kendall County, the warrant is properly endorsed, according to Chapter 15, Article 15.07, of the Texas Code of Criminal Procedure.
- B. Deputies do not execute arrest warrants outside the county jurisdiction of the Kendall County Sheriff's Office, unless:
 1. The deputy is in "hot pursuit" of the person to be arrested, or
 2. The deputy is acting in conjunction with an officer of the jurisdiction where the warrant is to be executed.

VIII. WARRANTS FROM OTHER JURISDICTIONS

- A. If a deputy has knowledge that another Texas law enforcement agency holds a valid arrest warrant for a person, the deputy may arrest that person. If a deputy makes an arrest on a warrant from another Texas law enforcement agency, the deputy shall:
 1. Arrest the defendant. Notify the agency holding the warrant that this office executed the warrant and give the location of the arrestee.
 2. The Sheriff's Office shall hold the arrestee as the magistrate prescribes, until releasing the arrestee to the custody of the department holding the warrant.
 3. If the department holding the warrant cannot take custody of the arrestee within 10 days after the execution of the warrant, or if that department at any

time indicates that it will not take custody of the arrestee, the arrestee may be released from our custody.

IX. OUT OF STATE WARRANTS

- A. Deputies may execute a felony arrest warrant issued by a court outside the State of Texas.
- B. Deputies do not execute out of state misdemeanor arrest warrants.

X. CHANCE ENCOUNTERS

- A. Whenever a deputy lawfully stops or otherwise detains and identifies a person, he may concurrently initiate a record check to determine whether any arrest warrant is outstanding against that person.
- B. To conduct a records check, a deputy may detain a person who he has lawfully stopped for a reasonable period. For a routine record check by radio, telephone, teletype, or computer terminal, the detention should not exceed a reasonable amount of time. However, detention may be extended, but no longer than necessary, if the deputy has a reasonable suspicion that a warrant is outstanding.
- C. The person may be required to wait in the deputy's vehicle, in his own vehicle, or in some other convenient place.
- D. The person may be frisked if the deputy can articulate a reasonable fear for his or her safety.

XI. PLANNED EXECUTION OF ARREST WARRANTS

- A. Prior to executing an arrest warrant, the deputy in charge shall notify his/her chain of command.
- B. The arrest warrant may be executed at any time of the day or night. It may be executed at any place, public or private, where the individual named is reasonably believed to be located. Deputies need not execute the warrant at the first possible opportunity but may choose the time and place. Factors to be considered in determining the time and place include:
 - 1. If the location is a third-party residence, absent exigent circumstances or consent, a search warrant is obtained and possessed before entering the premise. If consent to enter the premises to search for the wanted person is granted, deputies will thoroughly document the consent.

2. Knowledge of the individual's whereabouts and likely movements; and
 3. Consideration of safety and security of the arrestee, the deputies, and third persons.
- C. Execute when resistance is least expected and best controlled.
 - D. A deputy may serve the warrant at any place, public or private, where the individual named is reasonably believed to be living or be located (subject to third party private location rule.)
 - E. A deputy shall not use force to enter private premises to execute a misdemeanor arrest warrant.
 - F. When entering a private premise, deputies announce their identity and purpose and demand admittance. When exigent circumstances exist which unduly jeopardize the safety of the deputies, other persons, or the security of the person sought, the deputies need not announce their identity or purpose before entering to execute a felony warrant.
 - G. When deputies are refused entry after demanding admittance or when exigent circumstances exist, the deputies may forcibly enter the premises to execute a felony arrest warrant, if the location is a place the deputy has probable cause to believe the actor is living.
 - H. If a deputy must make a forcible entry, the deputy shall enter the premises by the least forceful means possible under the circumstances. Although entry may necessarily include breaking a door or window, a deputy must strive to inflict as little damage as possible to the premises.
 - I. Whenever a deputy must forcibly enter private premises to execute a felony arrest warrant, the deputy in charge of the operation shall have enough deputies present and take other appropriate measures to protect the safety and security of all persons present. To identify the group as deputies, at least one fully uniformed deputy will lead the entry into the premises.
 - J. After forcibly entering private premises to execute a felony arrest warrant, deputies 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 deputies. Deputies shall also control any object that may be used as a weapon. A deputy may frisk any person who the deputy reasonably suspects may have a weapon concealed upon his person.
 - K. A deputy shall leave the premises as secure as possible, e.g., leaving it in the hands of a responsible person or by locking all doors and windows.

XII. EXECUTION OF LOCAL WARRANTS BY OTHER JURISDICTIONS

- A. Whenever another law enforcement agency within Texas holds a prisoner on a warrant from this office, this office shall either pick up the prisoner within 10 days or notify the holding agency to release him.
- B. Whenever an out-of-state department notifies this office that the out-of-state department has executed a felony arrest warrant held by this office, and is holding the person arrested, this office shall immediately pursue extradition proceedings.

XIII. WARRANTLESS ARREST

- A. The authority to arrest without a warrant is entirely statutory. A deputy's good faith does not justify an invalid arrest. Any deputy who acts outside his authority in making a warrantless arrest may be subject to both civil and criminal liability.
- B. A deputy makes a warrantless arrest only if he/she has enough personal knowledge or reliable information to constitute probable cause upon which an arrest warrant could be issued, if time permitted.
- C. Deputies exercise discretion in the use of their authority to arrest without a warrant.
- D. Deputies make warrantless arrests only by the authorities listed in this procedure.
- E. Deputies make warrantless searches and seizures only by the authorities listed in this procedure.

XIV. WARRANTLESS ARREST AUTHORITIES

A. State Statutes

- 1. Alcohol Beverage Code
 - a. Chapter 101, Article 101.02 Any Violation of Alcohol Beverage Code
- 2. Code of Criminal Procedure
 - a. Chapter 8, Article 8.04 Dispersing Riot
 - b. Chapter 14
 - (1) Article 14.01 Offense within View

- (2) Article 14.02 Within View of Magistrate
- (3) Article 14.03(a) (1) Suspicious Places and Circumstances;
- (4) Article 14.03(a) (2) Assault - Bodily Injury;
- (5) Article 14.03(a) (3) Violation of Protective Order - May Arrest;
- (6) Article 14.03(a) (4) Family Violence - Bodily Injury;
- (7) Article 14.03(a) (5) Interference with an emergency call; and
- (8) Article 14.03(a) (6) Confession of a felony.
- (9) Article 14.03(b) Violation of Protective Order - Shall Arrest.
- (10) Article 14.04 Fleeing Felons

c. Chapter 18, Article 18.16 Preventing Consequences of Theft

d. Chapter 51, Article 51.13 Uniform Criminal Extradition Act

3. Health and Safety Code

a. Chapter 462, Section 462.041 Chemically Dependent Person

4. Parks and Wildlife Code

a. Chapter 11, Article 11.0191 Any Violation of Parks and Wildlife Code

5. Transportation Code

a. Chapter 543, Section 543.001 Any Violation of Transportation Code

B. Rights of Deputies

1. Where an arrest may be lawfully made without a warrant, a deputy making an arrest is justified in adopting all the measures which he/she might adopt in cases of an arrest under a warrant, except the deputy making the arrest without a warrant may not enter a residence to make the arrest unless:
 - a. A person who resides in the residence consents to the entry; or
 - b. Exigent circumstances require the deputy making the arrest enter the residence without the consent of a resident or without a warrant.

XV. ESTABLISHING PROBABLE CAUSE

- A. To establish probable cause, the deputy does not need the amount of evidence required to prove beyond a reasonable doubt a person is guilty of committing an offense. Only that amount of evidence which reasonably shows a person probably or most likely committed an offense is required.
- B. A deputy may consider all the lawfully acquired information available to him/her at the time of the arrest regardless of its admissibility at a trial.
- C. Though a deputy may not rely solely on reasonable suspicion to justify an arrest, he/she may use this factor as an initial step in establishing probable cause.
- D. When immediate action is required, a deputy may make an arrest even though he/she is unable to determine the offense which has been committed. There may be a difference in the reason for arrest and the charge to be filed. A deputy is not required to know all the legal matters involved in determining with which offenses the offender is to be charged.
- E. A deputy, making an arrest at the request of another deputy is entitled to rely on radio broadcast information and assume the deputy requesting the arrest has probable cause for the arrest. When one deputy makes an arrest at the request of another deputy, its validity is determined by whether the information known to the requesting deputy is enough to establish probable cause.
- F. When information from an informant is necessary to establish probable cause, a deputy:
 - 1. Explains his/her reason(s) for believing the informant to be reliable and the underlying circumstances from which the informant concluded the offense was committed, and a person committed the offense.
 - 2. A deputy seeks some confirmation of the information he/she receives from a victim or witness:
 - a. A deputy determines the victim or witness was able to observe and remember what happened;
 - b. Directly observable results of an offense can serve as partial confirmation of the commission of the offense; and
 - c. When the circumstances suggest the victim's or witness' allegations may be untrue, a deputy investigates further before making an arrest. The more doubt a deputy has about the victim's or witness' veracity, sincerity, or ability to perceive, the more he/she needs to confirm the information.

XVI. SELECTIVE ENFORCEMENT

- A. Under certain circumstances in misdemeanor cases, for good cause consistent with public interest, a deputy may decide not to arrest even though probable cause exists. Factors which the deputy may properly consider in determining not to arrest are as follows:
1. The victim must positively state he/she is not interested in prosecuting the offender because:
 - a. He/she desires restitution only;
 - b. He/she is in a continuing relationship with the offender (i.e., employer-employee);
 - c. He/she is in a family-type relationship with the offender; or
 - d. The actual injury done to persons or damage done to property is minimal.
 2. The offender can be released to the custody of another agency which specializes in handling the type of case in which he is involved (i.e., Armed Forces Police).
 3. The arrest would result in greater harm to the victim than would non-arrest.
- B. When the offense is a felony and circumstances as outlined above exist, the deputy contacts the CID supervisor and the CID supervisor determines whether the offender is booked or released.

XVII. DELAY IN MAKING AN ARREST

- A. A deputy may, in order to avoid the use of force, delay making an arrest until a more appropriate time if by so doing he/she does not jeopardize the eventual arrest.
- B. A warrant is obtained if a misdemeanor is committed in a deputy's presence or view and he/she does not arrest at the time the offense is committed.
- C. A warrant is obtained if a felony is committed in a deputy's presence or view and he/she does not arrest the offender as quickly as is reasonably possible under the circumstances. Delay is reasonable when it avoids the necessity of overcoming resistance by the offender and when it is necessary for the safety of the deputy or others.
- D. A warrant is obtained when the offender is committing a continuing offense and the facts establishing probable cause are known to the deputy over a period of

time. In all cases where a deputy has knowledge of a continuing offense, a warrant of arrest is obtained.

- E. A warrant is obtained for a felony or breach of the peace committed out of a deputy's presence or view whenever he/she has reasonable time and opportunity to procure one. Such action is unnecessary when obtaining a warrant would result in:
 - 1. The loss or destruction of evidence;
 - 2. The escape of the offender; or
 - 3. Bodily injury to the deputy or others.

XVIII. INFORMING PERSONS TO BE ARRESTED

- A. Deputies shall, under normal circumstances, inform persons about to be arrested of the following:
 - 1. The deputy's intention to take the person into custody;
 - 2. The reason for the arrest;
 - 3. The authority for the arrest; and
 - 4. The person's rights as per the Miranda Warning prior to custodial interrogation.
- B. When an arrest situation makes it impractical to inform a person of an impending arrest, deputies are not required to provide arrest information. Situations where it would be impractical or unnecessary to provide arrest information include:
 - 1. When the person is in the act of committing the offense;
 - 2. When the person is fleeing from the scene of the crime;
 - 3. When the deputy or others would be endangered; or
 - 4. When the arrest would be imperiled.
- C. When not in uniform, a deputy displays his/her identification and identifies himself/herself as a Sheriff's deputy as soon as the situation permits.
- D. Deputies read WARNING TO ARRESTEE OR SUSPECT rights card to offenders taken into custody, including juveniles, prior to questioning regarding the offense for which they are arrested and in accordance with Chapter 38.22 of the Texas Code of Criminal Procedure.

XIX. WARRANTLESS ARRESTS OUTSIDE A DEPUTY'S JURISDICTION

- B. Although deputies are discouraged from making arrests outside their jurisdiction, deputies may make warrantless arrests in compliance with state law. Deputies who are outside their jurisdiction may arrest, without warrant, a person who commits an offense within the deputy's presence or view, if the offense is a felony, breach of the peace, or violation of Chapter 42 or 49 of the Texas Penal Code.

- C. Any deputy making a warrantless arrest outside his/her jurisdiction shall notify the law enforcement agency of proper jurisdiction. The law enforcement agency shall take custody of the prisoner and arraign the prisoner before a magistrate in compliance with state law.

XX. POST-ARREST PROCEDURES

- A. Injury before or during arrest
 - 1. If a person receives an injury before or during an arrest and either requests medical attention or, in the deputy's judgment, medical attention is needed, deputies shall transport the suspect or arrange for his or her transportation to the hospital for an examination before booking.

XXI. RELEASE FROM ARREST

- A. Deputies may encounter a circumstance where probable cause develops to arrest a person for an offense, only to find out shortly thereafter that the person under arrest did not commit a crime, or that the event was not a crime. It is imperative, then, that the deputy end the arrest process and release the person as soon as possible.

- B. If the arresting deputy determines that probable cause no longer exists to arrest a suspect, and the deputy is satisfied that the person under arrest either did not commit the crime or that the crime did not occur, then the deputy shall release the suspect.
 - 1. When a deputy releases a subject from arrest, he or she shall return the person to the place of the arrest, if the location is safe. The deputy shall not release the person along the roadside. If a vehicle has been towed, the vehicle shall be returned to the operator/registered owner unless it is required as evidence, or some other legal authority allows custody of the vehicle.

2. Upon releasing a person in this manner, the deputy shall immediately contact the on-duty supervisor and advise him or her of the incident.
3. The deputy shall document in an incident report:
 - a. The date and time of arrest.
 - b. The person arrested (name, address, date of birth, race).
 - c. The location of arrest.
 - d. Probable cause for the arrest and the specific charge(s).
 - e. The location and time of release from arrest and whether the person was transported.
 - f. The reasons or discovery of information which led the deputy to release from arrest.
 - g. Any witnesses to the alleged crime, or to the fact the person arrested was allegedly involved.
 - h. Whether force was used in making the arrest, and if so, the nature of any forced used and the consequences (including medical aid).

XXII. IMMUNITY FROM ARREST

A. Legislative immunity

1. Members of the United States Congress are exempt from arrest when Congress is in session, or when they are on the way to or from congressional business, except for traffic summonses.
2. Members of the Texas Legislature are exempt from arrest during a legislative session (or allowing for one day for every 20 miles such member may reside from the place where the legislature meets before the beginning or after the ending of any session) except in cases of treason, a felony, or a breach of the peace.

B. Diplomatic immunity

1. While a person claiming diplomatic immunity may present any number of identification papers, the only one that is indicative of the level of privilege and

immunity is a card issued by the U.S. State Department. The holder's level of immunity will be indicated on the card. If a person claiming immunity does not possess this card and the incident involves a criminal offense, deputies may detain the person either at the scene or at the Office long enough to verify official status.

2. Upon exhibiting proof of diplomatic immunity, persons shall be released upon being stopped for a misdemeanor traffic violation. If questions arise about this procedure, or if an arrest for a felony is necessary, call and advise the U.S. State Department Office of Security (202-647-4415, days, or 202-647-1512, nights and weekends).
3. When encountering a criminal suspect who claims diplomatic immunity, deputies shall first take reasonable measures - including pat-downs or other legal searches - to ensure safety to the public or other deputies. Verification of the diplomatic claim shall take place after a danger has been neutralized. A criminal investigation shall proceed as if no valid diplomatic immunity claim has been made. Interviews, interrogations, seizures of evidence, or issuance of warrants shall proceed per Office procedure. In a criminal investigation, the Sheriff shall remain in contact with the State Department.
4. Regardless of the claim of immunity, in any case where deputies arrest or detain foreign nationals, the suspects shall be advised of their right to have their consular officials notified. In some cases, this notification is mandatory. Note: the list of countries which require mandatory notification of consular officials if one of their citizens has been arrested is extensive. The State Department shall be contacted for guidance.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.4 Searches Without Warrants

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 7.07, 10.14, 10.15

I. POLICY

In order to ensure that constitutional rights are protected, deputies will obtain search warrants upon probable cause in all appropriate criminal cases except for the following circumstances. Searches without a judicial warrant are strictly limited to those circumstances where the courts have granted deputies limited exceptions. One of those exceptions was described in Policy 7.1, where, if during an investigative stop, a deputy has reasonable suspicion that an individual may be armed with a weapon - the deputy may conduct a limited pat-down of the individual's clothing to protect the deputy. Other exceptions to the search warrant requirement are provided in this policy.

Search warrants are discussed under Policy 7.5

II. PURPOSE

To establish guidelines for searches incident to arrest and other searches without a warrant.

III. SEARCH INCIDENT TO ARREST

- A. The general rule is that a reasonable search may follow a valid arrest. The deputy has the authority to make a search which may extend to articles carried by the suspect and to the suspect's immediate surroundings. The purpose of this search is to remove any weapons from the arrested person which could be used against the deputy while in custody, to remove any items that might facilitate an escape, and to prevent the destruction of any evidence by the arrested person.

- B. A search incident to an arrest must occur in such a way that it and the arrest are part of a continuous, uninterrupted transaction. The search must be made as soon as practical after the arrest.

- C. A deputy making a search incident to an arrest may search only the following permissible places:
 - 1. The entirety of the person being arrested.

 - 2. The area within the immediate control of the person being arrested into which the suspect might reach for a weapon or for evidence.

- D. Accessories carried by the suspect may be searched incident to a full custodial arrest for they are within the area in which the defendant might reach to grab a weapon or an item of evidence.

- E. Vehicles may be searched contemporaneous with the arrest of the occupant or driver only if:
 - 1. The arrested vehicle occupant is unsecured and within arm's reach of the passenger compartment at the time of the search, or

 - 2. The deputy has a reasonable belief that *evidence related to the crime of the arrest* is located within the passenger compartment.

 - 3. Once an occupant has been secured and is unable to effectively reach the passenger compartment, the authority to search the vehicle for safety reasons is removed. Deputies may conduct a search of a vehicle passenger compartment in such circumstances if other warrantless search exceptions apply or by obtaining a search warrant.

- F. Strip searches
 - 1. Strip searches shall not be conducted of persons arrested for traffic violations or Class C or B misdemeanors unless the deputy has an articulable, reasonable suspicion to believe that the person is concealing a weapon or contraband. Reasonable suspicion may be based on, but is not limited to, the following criteria:
 - a. Nature of the offense,

- b. Arrestee's demeanor and appearance,
 - c. Circumstances of the arrest or evidence of a major offense in plain view or during the arrest,
 - d. Arrestee's criminal record, particularly a history of narcotics offenses or violence,
 - e. Detection of suspicious objects beneath the suspect's clothing during a search incident to an arrest.
2. Strip searches shall be performed by persons of the same sex as the person arrested and at the jail or lock-up where the search cannot be observed by persons not physically conducting the search. No strip searches will be conducted in the field.
 3. In every case, the on-duty or on-call supervisor must review the need and expressly authorize the strip search.
 4. When authorized by the supervising authority, strip searches may be conducted only in the following manner:
 - a. In conformance with approved hygienic procedures and professional practices,
 - b. In a room specifically authorized for this purpose,
 - c. By the fewest number of personnel necessary and only by those of the same sex,
 - d. Under conditions that provide privacy from all but those authorized to conduct the search.
 5. Following a strip search, the deputy performing the search shall submit a written report to the supervisory authority that details, at a minimum, the following:
 - a. Date and place of the search,

- b. Identity of the deputy or detention officer conducting the search,
- c. Identity of the individual searched,
- d. Those present during the search,
- e. The identity of the approving supervisor,
- f. A detailed description of the nature and extent of the search.

G. Body-cavity searches

1. Sheriff's office personnel do not conduct body cavity searches other than an individual's mouth. If a deputy has reasonable cause to believe a body cavity search is needed to detect weapons, drugs, or other contraband, the following procedures apply:
 - a. The on-duty supervisor is notified,
 - b. A search warrant is secured,
 - c. The detainee is transported to an appropriate medical facility,
 - d. The search is conducted by the on-duty emergency room physician, while deputies stand by to take control of any evidence and provide security to the physician conducting the search,
 - e. Body cavity searches are documented in the deputy's arrest report and will detail the deputy's justification for such search, the approving supervisor's name, the location and persons present during the search, and the results of the search. A copy of the report and warrant is forwarded to the Patrol Lieutenant for review and filing.
2. Prior to transporting the prisoner to the medical facility, the deputy shall inform the prisoner of his or her intention to conduct a body-cavity search thus giving the prisoner the opportunity to voluntarily surrender the suspected contraband.

IV. OTHER WARRANTLESS SEARCHES

A. Consent Searches

A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search. Note that the deputy doesn't have to

have reasonable suspicion nor probable cause to request a consent search: he or she may merely ask for permission from someone with control over the item or premises. If that person grants permission, the search may take place. The sole justification for a consent search is the existence of knowing, intelligent, and voluntary consent.

1. Consent searches must observe the following rules:

- a. Generally, the person granting consent must use, access, or control the property. A person having use, access or control of only a part of a jointly-owned property can only give consent for a search of that part.
- b. If two people have joint ownership of property, either may give consent. If possible, have all the consenting parties present sign a written permission-to-search form. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed, except for search of a vehicle which would be allowed.
- c. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, unless the tenant has been evicted or has abandoned the property.
- d. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.
- e. A parent may consent to a search of premises occupied by a child under the age of majority if the parent also has access to the premises. If a dependent child is present and is over the age of majority, he or she may legally object to the search of an area that is jointly owned or possessed.
- f. An employee cannot give valid consent to a search of his employer's premises unless he has been left in custody of the premises.
- g. An employer may generally consent to a search of premises used by employees, except premises used solely by another employee (e.g., a locker).
- h. Consent must be given voluntarily. If a deputy requests consent from a person under circumstances which a reasonable person would consider coercive, the search would not be consensual, and the deputies should seek a warrant. The deputy will have the burden of demonstrating voluntariness.

- i. A person who initially gives consent may withdraw it at any time. Deputies shall then secure the premises and seek a warrant if probable cause exists.
- j. Refusal to give consent, alone, justify further law-enforcement action or establish probable cause.
- k. The scope of a consent search is limited to the area for which consent has been given, and within this area deputies may search only into areas where the objects sought could reasonably be hidden.

2. Documentation of Consent Searches

- a. Although verbal consent is valid, deputies should carry and use the Voluntary Consent to Search form. The form should be completed and signed by the consenting parties. All Consent to Search Forms shall be forwarded to the Records Unit for filing.
- b. If a person gives verbal consent but refuses to give written consent, deputies should consider the severity of the case along with viable options (i.e., obtaining a search warrant or some other exception to the search warrant requirement) before proceeding with the search.
- c. If a deputy proceeds to search on verbal consent, it should be remembered that the burden of proof is always on the government.
- d. Deputies will not only have to prove the consent was voluntary, but that it was given (deputy's word against defendant). Deputies should attempt to take additional steps to eliminate this argument (i.e., tape record the verbal consent, have an impartial third party witness the consent by signing the form).
- e. Deputies should make every effort to minimize conditions which could be offered as "threat or intimidation"; such as:
 - i. Number of deputies present (especially in uniform);
 - ii. Amount of force used to detain or arrest - i.e., displaying firearms, use of handcuffs, etc.;
 - iii. Language and tone of voice used in requesting consent;
 - iv. Other non-verbal communications.

B. Emergency searches

1. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."
2. Deputies may make a warrantless search of any person or anything, whether personal belongings, vehicles, or buildings, anytime they have a probable cause to believe it is necessary to save a life, prevent injury, or prevent the destruction of evidence.
3. Deputies who observe criminal activity occurring inside a private place from outside the private place may not always be able to secure a proper warrant in a timely manner and will adhere to the following guidelines:
 - a. If the offense is a misdemeanor, deputies will not enter unless:
 - i. Valid consent is given by a person with apparent authority to grant such permission, or
 - ii. There is reason to believe there is an immediate need to protect the safety of some person inside the location.
 - iii. Circumstances where alcohol and/or illegal drugs are present, and the health and safety of minors is a legitimate concern.
 - b. If the offense is a felony, deputies will not enter unless:
 - i. Valid consent is given by a person with apparent authority to grant such permission.
 - ii. There is probable cause to believe the destruction of contraband or other evidence is imminent if it is not immediately recovered, or
 - iii. There is reason to believe there is an immediate need to protect the physical safety of some person inside the location.
 - c. Where deputies enter private property under felony circumstances as described above, and misdemeanor violations are also observed, they may take appropriate action regarding all criminal conduct regardless of the kind of offense or the age of the individuals engaged in any criminal or status offense.
4. If deputies enter premises with probable cause to believe that critical evidence may be destroyed or removed unless immediate action is taken, they may enter

without a warrant, secure premises, and obtain a search warrant before proceeding further unless they have obtained consent to search, or some new circumstances arise necessitating another warrantless search.

C. Plain view

A plain-view seizure is, technically, not a search. To make a plain-view seizure of property (contraband, fruits, or instrumentalities of the crime), two requirements must be met:

1. From a lawful vantage point, the deputy must observe contraband left in open view; and
2. It must be immediately apparent to the deputy that the items he or she observes may be evidence of a crime, contraband, or otherwise subject to seizure.

D. Plain feel

During a lawful frisk (stemming from a lawful stop); if a deputy detects an object that he immediately recognizes as contraband or other criminal evidence, then the object may be seized. Threatening items such as weapons may always be removed during frisks. Non-threatening items may be removed only if their contraband or evidentiary nature is immediately apparent.

E. Abandoned property and open fields

A search warrant is not required for property that has been abandoned.

1. To constitute abandoned property, three conditions must apply:
 - a. Property was voluntarily abandoned,
 - b. The abandonment was not a result of police misconduct,
 - c. Property was discarded outside the area in which someone has a reasonable expectation of privacy.

2. Open fields are not protected by the Fourth Amendment, but deputies must distinguish them from curtilage, searches of which require a warrant. Curtilage is the area of a dwelling which is necessary, convenient, and habitually used by the family for domestic purposes. The extent of curtilage of a private residence is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation. Note that under some circumstances, surveillance (e.g., aerial surveillance) of activities within curtilage may take place without a warrant.

V. VEHICLES

- A. In recent years, the U.S. Supreme Court has modified and expanded the conditions under which deputies may search vehicles. Preferably, deputies shall search vehicles under the authority of a warrant whenever enough time exists to obtain one. Nevertheless, warrantless searches of vehicles may take place under several conditions and circumstances. It is imperative that deputies understand the different types of vehicle searches and their limitations.

B. Definitions

1. For the purposes of this section, a motor vehicle is any vehicle operating or capable of being operated on public streets or highways, from trucks to automobiles to mobile homes. A vehicle that has been immobilized in one location for use as a storage facility or home is not a motor vehicle for Fourth Amendment purposes.
2. For the purposes of this section, a search is an examination of a motor vehicle with an investigative motive, that is, to discover evidence or to examine the vehicle identification number (VIN) to ascertain ownership.

C. When warrantless vehicle searches may be performed

1. As noted earlier, warrants shall be obtained to search vehicles, if feasible, unless an emergency exists. Any vehicle that has been disabled with little chance of its being driven away shall be searched with a warrant. In all other cases, vehicles may be searched without a warrant with the following limitations:
 - a. With a warrant, a search may extend anywhere within the vehicle, unless limited by the warrant itself,
 - b. When probable cause exists, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle,

- c. When consent has been obtained from the driver, deputies may search the vehicle subject to any limitations specified by the consenting person. Consent shall be obtained in writing, if feasible,
- d. Searches incident to the arrest of an occupant shall be limited to any area within reach of the arrestee. The area within reach is deemed to be the passenger compartment. The trunk, engine compartment, and any locked compartments shall not be searched unless immediately accessible to the suspect. (See Section III above for a fuller treatment of searches incident to arrests and restrictions. Once an individual is restrained or removed from the immediate area of the vehicle, the authority to search the area within reach is removed.)
- e. Frisks for weapons shall be confined to the passenger area. Any place not immediately accessible to the occupants, such as a locked glove compartment, shall not be frisked. If the contents of a container are immediately accessible to the subject, a closed container may be searched for weapons. Note that a deputy can order the suspect from the vehicle and frisk both the suspect and the vehicle,
- f. An entry into the vehicle to examine the VIN or otherwise determine ownership must be limited to these purposes.

D. Containers within the vehicle

1. Procedures for unlocked containers

- a. In a probable cause search, containers may be opened wherever found in the vehicle,
- b. When the passenger area is searched incident to an arrest, containers within the passenger area may be opened,
- c. During a consent search, containers may be opened provided that the terms of the consent either so permit or reasonably imply permission,
- d. The abandonment doctrine does apply to containers thrown from a vehicle by a suspect.

2. Procedures for locked containers

- a. Under most conditions, locked containers shall be opened under a warrant unless one of the following circumstances has been met:

- i. Consent has been given.
- ii. Probable cause exists to search the vehicle and the object of the search might be found in the container.
- iii. Inventory, only if a key is present.

E. Conduct of the vehicle search

1. When possible, searches of vehicles shall be conducted contemporaneous with the stopping or discovery of the vehicle. Generally, vehicle searches shall be conducted as soon as reasonably possible.
2. When possible, deputies shall avoid damaging a vehicle or its contents, and shall minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner.
3. As vehicles may contain sharp or pointed objects, and perhaps even syringes or other materials with body fluids on them, deputies shall take precautions to minimize exposure to communicable diseases.

F. Vehicle Inventory Search

While not a search for evidence or contraband, a vehicle inventory may be conducted if the vehicle is to be impounded. Vehicle impound procedures are provided in Policy 7.16.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.5 Search Warrants

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 7.06

I. POLICY

The federal and state constitutions guarantee every person the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. Supreme Court decisions regarding search and seizure place the responsibility on the police to ensure that person's Fourth Amendment rights are protected. Deputies shall scrupulously observe constitutional guidelines when conducting searches and always remain mindful of their lawful purpose. Search warrants are one of the most valuable and powerful tools available to law-enforcement officers. Because of the potential harm to members of the community, the risks to officers' safety and to the Office image in the community, deputies shall have a thorough knowledge of the legal requirements in obtaining and executing search warrants.

II. PURPOSE

The purpose of this general order is to establish guidelines and procedures which deputies must follow when conducting searches and seizures.

III. DEFINITIONS

- A. 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 or commanding him to search for and photograph a child and deliver to the magistrate any of the film exposed pursuant to the order.
- B. Search Site: The premises to be searched, as explicitly stated in the search warrant.

- C. Lead Investigator: The investigator primarily responsible for the investigation, and preparing, planning, and implementing the search warrant.
- D. ERT Commander: The officer responsible for planning and supervising tactical operations to include dynamic entry and other tasks requiring special weapons and tactically trained officers.
- E. Protective Sweep: Quick and limited search of premises incident to an arrest or service of a warrant performed in order to identify persons and weapons in plain view or other dangers to deputies or others. Deputies must be able to articulate a reasonable basis for conducting a protective sweep.
- F. Curtilage: Curtilage usually refers to the yard, garden, or piece of ground which adjoins a private residence. While the term has no absolute definition that applies under all circumstances, the curtilage of a private residence, for instance, is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation.

IV. PROCEDURES - GENERAL

A. State Law

1. Chapter 18 of the Texas Code of Criminal Procedure controls the use of search warrants in Texas. It states that a judge or magistrate may issue a search warrant if the following circumstances exist:
 - a. There is probable cause to do so; and
 - b. There is a complaint on oath supported by an affidavit.
2. Search warrants may be issued for the search of or for specified places, things or persons, and seizure there from of the following things as specified in the warrant (see Texas Code of Criminal Procedure 18.02):
 - a. Weapons or other objects used in the commission of a crime,
 - b. Articles or things the sale or possession of which is unlawful,

- c. Stolen property or the fruits of any crime,
- d. Any object, thing, or person including documents, books, records, paper, or body fluids constituting evidence of a crime.

B. Supreme Court decisions

1. The Supreme Court of the United States issues decisions which must be used as guidelines in conducting searches. Because the Fourth Amendment to the Constitution prohibits unreasonable searches and seizures, deputies bear the burden of proving that the search was reasonable. The court will examine reasonableness according to the answers to these questions:
 - a. Was there probable cause to issue the search warrant?
 - b. Was the scope of the search appropriate?

C. Exceptions to search warrant requirements are discussed in Policy 7.4.

V. PROCEDURES – OBTAINING A SEARCH WARRANT

- A. Prior to obtaining a search warrant, patrol deputies should consult an Office supervisor for review of the probable cause and approval to seek a search warrant. This review may be conducted by telephone if necessary. If the supervisor approves the warrant application, the supervisor shall notify the CID Lieutenant immediately and inform the CID Lieutenant of the circumstances surrounding the offense and the need for the warrant.
- B. The approving supervisor will oversee the warrant execution. While the lead investigator or deputy may develop the case information, construct the affidavit, obtain the warrant and seek assistance from SWAT if needed, the approving supervisor is responsible for the proper and safe execution of the warrant including compliance with this policy.
- C. Essential legal requirements:
 1. To obtain a search warrant, a deputy must show probable cause to believe that specific evidence, contraband, or fruits of a crime may be found at a place.

2. The deputy shall carefully document in an affidavit specific facts that constitute probable cause. Two kinds of facts must be considered:
 - a. The facts from which the officer concluded that the person or thing is probably located at the place to be searched,
 - b. The facts which address the reliability of the source of the officer's information.
3. The court considers only those facts presented in the warrant and affidavit. Conclusions and suspicions are not facts. Facts must be recent.
4. Apart from the deputy's personal knowledge or observations, facts may derive from a reliable informant.
5. Reliability of facts is established by:
 - a. Personal observation or knowledge by an officer;
 - b. Eyewitnesses who have first-hand knowledge;
 - c. Informants (if proven reliable or corroborated by personal observation of an officer).

D. Affidavits

1. The accuracy of the affidavit is vital to the validity of the search warrant. On the designated form, deputies shall provide the information listed below.
2. The affidavit shall include the following elements:
 - a. A detailed description of the place, thing, or person to be searched,
 - b. A description of the things or persons to be searched for,
 - c. A substantial allegation of the offense in relation to which the search is to be made,

- d. An allegation that the object, thing, or person to be searched constitutes evidence of the commission of the offense,
- e. Material facts which would show that there is probable cause for issuing the search warrant,
- f. Facts that establish probable cause and that the item to be seized is at the location to be searched.

E. Language of the warrant

1. Only the things specified in the search warrant can be seized (for a discussion of exceptions to this, such as plain-view seizures and searches incident to arrest, see Policy 7.4). The warrant shall specify the areas to be searched and shall be precisely stated. If deputies wish to search a home and its surroundings, the affidavit must specify a "premises" search and its curtilage and must identify outbuildings, garages, as appropriate.
2. If motor vehicles to be searched are on the premises, the warrant shall so specify.
3. If searches of specific persons (other than frisks) are to be included during the search, the warrant shall so specify. If the warrant states that all persons present shall be searched, then probable cause to do so must be justified in the affidavit.
4. The items to be searched for shall be precisely described. If an item to be searched for may be dismantled (e.g., firearms), then the warrant must specify the search for parts, pieces, or components of the item.
5. If deputies anticipate searching for and seizing computers or similar, complex technology, then experts must be consulted to determine the appropriate language to list in the affidavit and for outlining appropriate guidelines in the warrant for seizure of hardware and software.
6. If deputies believe it is in the best interest of officer safety or that evidence may be destroyed if advanced warning is given and wish to utilize a "no-knock" warrant execution, the reasons for that belief should be clearly explained in the affidavit. The magistrate should be requested to review and authorize the no-knock entry.

VI. PROCEDURES – EXECUTING A SEARCH WARRANT

A. When a search warrant must be executed

1. A deputy is required to execute a warrant within the limitations imposed by statute. If it has not been executed during that time, the deputy shall void the warrant and return it to the magistrate who issued it.
2. A deputy may execute a search warrant either during the day or at night. The time of day selected to execute the warrant should take into consideration the likelihood that specific individuals will or will not be present. (Example: children or elderly.) Officer safety will also be considered in determining when to execute a warrant.

B. Preparing to execute the warrant

1. Before executing the warrant, the Criminal Investigation supervisor shall review the warrant and the affidavit; and brief the search team deputies on the procedures to be followed. The supervisor shall ensure that the entire warrant process is documented. Written reports shall be supplemented with photographs or videotape, if available and appropriate.
2. All members of the search team shall be in uniform or wear a clearly marked jacket with "SHERIFF" in large letters on the front and back.
3. All members of the search team shall wear protective body armor during the execution of all warrants.

C. Gaining entrance to premises

1. Prior to execution of the warrant, the lead investigator shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed. The lead investigator shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.
2. The search team shall first deploy around the premises to be searched, ensuring that all exits are covered. Uniformed deputies shall be the most visible members of the search team and shall conduct the initial entry.

3. In most cases the deputy shall do all the following before entering the premises to be searched:

- a. He or she must announce his presence as a law-enforcement officer,
- b. The deputy must announce that his purpose is to execute a search warrant,
- c. The deputy must wait a reasonable time either to be admitted or refused admission to the premises.

4. When entrance is refused

If the deputy is refused entrance after a reasonable time, he may force his way into the premises using force applicable to the circumstances. "Reasonable time" in this context depends on the circumstances. A refusal may be expressed or implied. A refusal can be implied in two circumstances:

- a. No one has admitted the deputy within a time in which it would be reasonable to expect someone to let the deputy in if he or she is going to be admitted at all,
- b. The deputy waiting to be admitted sees or hears suspicious circumstances, such as flushing toilets or footsteps running away from the door, which indicate that someone might be concealing or destroying evidence or trying to escape.

5. No-knock or exigent entry

In some circumstances a police officer may enter the premises to be searched without announcing his or her presence and purpose before entering. The judicial authority issuing the warrant may add a no-knock entry provision to the warrant. If not, the decision to make a no-knock entry may be made by the on-scene supervisor based on facts that would lead him or her to believe that an announcement would result in:

- a. Bodily harm either to the deputy or to someone within the premises to be searched,
- b. The escape of the person to be searched or arrested,

c. The destruction of evidence.

6. If circumstances require a no-knock or exigent entry, then the first deputy to cross the threshold into the premises shall announce that law-enforcement officers are executing a warrant. Deputies shall also command the occupants to take the appropriate action to ensure their safety, such as "Sheriff, search warrant, get down."

D. Conduct of the search

1. Upon entry, the occupant shall be given a copy of the search warrant.
2. The supervisory deputy shall ensure that a protective sweep of the site is performed immediately.
3. Once all the evidence being searched for is located, the search must cease at that point.
4. Deputies shall not use a search warrant to conduct a fishing expedition, i.e., if the search warrant is for a television, or large item, small places such as jewelry boxes may not be searched.
5. A deputy may seize only the property listed in the warrant with two exceptions:
 - a. The other evidence is reasonably related to the offense for which the search warrant was issued,
 - b. It is property which the deputy knows or has probable cause to believe is evidence of another crime.
6. Large amounts of cash and currency taken as evidence shall be verified by a supervisor and be processed according to Office policy.
 - a. Deputies should exercise reasonable care in executing the warrant to minimize damage to property. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured,

b. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.

7. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or in the absence of the same, left in a conspicuous location at the site.

E. Searches of persons found on premises

1. A person's presence on the premises to be searched with a warrant does not, without more, give rise to probable cause to search that person beyond a frisk for deputy's safety.

2. A warrant to search the premises for contraband does carry with it the authority to detain the occupants of the premises while a search is being conducted. If the search of the premises gives rise to probable cause to arrest the detainee, he or she may be arrested and his or her person searched incident to arrest.

3. A person on the premises may be searched if the deputy has probable cause to believe that items listed in the warrant are concealed on the person. Mere presence on premises does not constitute probable cause.

VII. PROCEDURES: High Risk Warrant Execution

A. A High-Risk Warrant is any situation where it is likely that any special obstacle to the safe, effective execution of the warrant is present, the location has been fortified or deputies may meet armed resistance and/or deadly force. This suspicion should be corroborated by intelligence information (i.e., CCH, C.I. statements, history of location, Detective's personal knowledge).

B. High Risk Search Warrants will utilize deputies with tactical training or with the assistance of the Kendall County Emergency Response team for entry and the securing of the premises.

C. The Supervisor in charge of the warrant's execution will notify the CID Lieutenant and will provide a copy of the warrant and affidavit.

- D. Upon notification to the CID Lieutenant, he shall order or conduct the following:
1. A scouting report of the location;
 2. Formulate a plan of execution;
 3. Notify the appropriate number of deputies required and when/where they are to report;
 4. Use of on-duty patrol deputies should be coordinated with the on-duty supervisor to avoid depleting manpower.
- E. Warrant Execution briefing will be held. The warrant execution briefing will include the supervisor in charge of the warrant's execution, the lead investigator, the CID Lieutenant, Boerne Police Communications Supervisor, and will include all deputies participating in its execution or who will be at the scene.
1. They shall detail procedures for executing the warrant to all team members in a warrant service briefing. The plan briefing shall be conducted by both the Lead Investigator and will include but not necessarily be limited to the following:
 - a. The specific items subject to the search as defined in the warrant and any available information on their location,
 - b. Information concerning the structure to be searched and surroundings, to include floor plans where available, mockups, photos, and diagrams of the location identifying entrances, exits, obstructions, fortifications, garages, outlying buildings, suspect vehicles, and all other points of concern,
 - c. Suspects and other occupants who may be present at the location—incorporating photos or sketches whenever possible—with emphasis on suspect threat potential, as well as the presence of children, the elderly or others who may not be involved with suspects,
 - d. A complete review of the tactical plan to include the staging area, route of approach; individual assignments for entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners, and post-execution duties such as securing the location and conducting surveillance on the site for additional suspects,
 - e. Personnel, resources, or armament necessary for gaining entry, safety and security of deputies, or for conducting the search,

- f. If a joint agency task force operation, all officers participating in the warrant service shall be present and identified as members of the warrant service team,
 - g. Contingency plans for encountering hazardous materials, canines, booby traps, fortifications or related hazards; measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities.
 - h. Procedures for exiting the location under emergency conditions.
2. The entry team shall always include uniformed deputies who shall be conspicuously present where the warrant is served. All non-uniformed deputies shall be clearly identified as law enforcement officers by a distinctive jacket or some other conspicuous indicator of office.
 3. All members of the search team shall wear body armor or ballistic vests as designated by the lead investigator.
 4. Prior to execution of the warrant, the lead investigator shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed.
 5. The lead investigator shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.
 6. The lead investigator shall ensure that the entire search warrant execution process is documented until the search team leaves the premises.

F. Entry Procedures

1. If an advance surveillance team is at the target site, radio contact shall be made to ensure that the warrant can be served according to plan.
2. The search personnel shall position themselves in accordance with the execution plan.
3. An easily identifiable deputy shall knock and notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he or she is a Sheriff's deputy and has a warrant to search the premises, and that he or

she demands entry to the premises at once.

4. Following the knock and announce, deputies shall delay entry for an appropriate period based on the size and nature of the target site and time of day to provide a reasonable opportunity for an occupant to respond (normally between 15 and 20 seconds). If there is reasonable suspicion to believe that the delay would create unreasonable risks to the deputies or others, inhibit the effectiveness of the investigation, or would permit the destruction of evidence, entry may be made as soon as practicable.
5. Once the entry has been made and the scene secured, the lead investigator will perform the search as required in Section VI. D above.

VIII. PROCEDURES - Return of the search warrant

A. After a deputy has finished a search, he or she shall perform the following:

1. Note the date of execution on the search warrant.
2. The deputy must make an inventory of all the property seized and leave a copy with the person in charge of the premises.
3. Within three days following the execution of the search (excluding Saturdays, Sundays, or legal holidays) make return of the warrant to the magistrate who issued the warrant, the following:
 - a. The search warrant,
 - b. The affidavit,
 - c. Either the inventory of articles seized or a notation that nothing was seized during the search.

B. Responsibility for property seized

1. All property seized must follow a rigorous chain-of-custody procedure. Documentation must appear in all narrative reports pertaining to the chain of custody of any items seized.
2. Deputies shall place evidence in the property room or locker reserved for the purpose prior to the end of shift.

3. Observe the property and evidence procedures as detailed in Policy 12.1.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.10 Prisoner Restraints

Effective Date: 01/01/2015

Replaces:

Approved:

Sheriff

Reference: 10.01

I. POLICY

The deputy's responsibility for the safe custody of prisoners permits some discretion in the use of handcuffs and restraining devices. The Office requires deputies to observe their own safety and that of the people they transport by carefully utilizing restraints on prisoners (except children) who must be taken to a jail or other location. See also Policy 7.11, Transporting Prisoners.

II. PURPOSE

To establish guidelines for the use of handcuffs and other restraining devices.

III. PROCEDURES – ARRESTED PERSONS

A. General

- Deputies shall handcuff all arrested persons unless the application of handcuffs will aggravate or cause injury due to age, infirmity, physical condition or prior injury. If a prisoner is not handcuffed, they shall be transported in a vehicle with a prisoner cage and two deputies shall conduct the transport. Deputies must be able to justify exceptions without unduly risking safety.

B. Handcuffs

- In most circumstances safety concerns mandate that arrested subjects should be handcuffed. Deputies must be able to justify exceptions without unduly risking safety. Some possible exceptions are:

- a. Children under 10 years of age;
 - b. Pregnant females;
 - c. Handicapped or disabled suspects; or
 - d. Elderly suspects.
2. Normally, deputies shall handcuff a subject with the hands in back, but he may choose to handcuff hands in front due to the suspect's handicap or disability. If handcuffed in the front, deputies should attempt to secure the handcuffs to the body by use of a belt if possible.
 3. When a suspect is handcuffed, deputies will double lock the handcuffs. This will help ensure prisoner and deputy safety. Double locking reduces the chance of picking the lock or of the handcuff accidentally tightening, further restricting circulation.
 4. Deputies shall apply the handcuffs according to recognized professional standards, always striving to avoid hard strikes to wrists with handcuffs and over-tightening of handcuffs.
 5. Individuals will not be handcuffed to any portion of a police vehicle or fixed object within the vehicle during transport.

C. Body Belt

The body belt allows the deputy to handcuff the prisoner in front, yet restricts the movement of the prisoner's arms and hands. The body belt will be used when the deputy deems it appropriate.

D. Ankle Shackles

Ankle shackles shall be used by deputies when transporting any prisoner they have reason to believe might be an escape risk or when circumstances deem it appropriate.

E. Plastic Handcuffs

Plastic handcuffs shall be used when deputies take several prisoners into custody, or when a prisoner requires multiple restraints. Deputies must understand that, once applied, plastic handcuffs can only be removed with a knife, scissors, or other cutting instrument.

F. Hobble Technique

1. The hobble technique refers to the use of a hobble device to secure a prisoner's feet while in transport in a police car. It involves looping a rope around the prisoner's ankles and then extending the other end of the device onto the door jam and then shutting the door, thus holding the prisoner's feet in place.
2. The hobble device should only be applied to a prisoner's legs when the deputy feels that the prisoner poses an imminent threat of physical harm to himself or another with the use of his feet or legs, or when the prisoner attempts to damage the inside of the patrol car during transport.

IV. PROCEDURES – PERSONS NOT ARRESTED

- A. If deputies have a reasonable suspicion that an individual has been involved in a violent offense or is armed, handcuffs may be applied to potential suspects while deputies investigate an incident. Deputies should be able to articulate the reasons for their safety concern. Persons not arrested but who are subject to investigative detention may be restrained under the following circumstances.
1. Suspects shall be handcuffed only as long as necessary to accomplish the investigative goal,
 2. Handcuffing of suspects shall be accomplished with minimal discomfort to the suspect,
 3. Deputies shall limit the number and type of restraints used on the suspect to what is reasonably necessary to accomplish the investigation.
- B. If an individual is handcuffed or otherwise restrained for deputy safety reasons during an investigation and later released, deputies shall document their actions in an offense or incident report and include the reasons deputies handcuffed the

individual, the approximate length of time of the restraint, and the results of the investigation.

V. SPECIAL CIRCUMSTANCES

A. Restraint prohibitions

1. Deputies shall not place subjects in a prone position with the hands and ankles bound from behind with handcuffs, belts, or other devices.
2. As soon as any suspect who is lying on his or her stomach has been handcuffed, deputies shall roll the suspect onto his or her side, or place the suspect in a sitting position. Suspects shall never be transported in a prone, face down position.
3. Intoxication, recent use of drugs or alcohol, the presence of a head injury, obesity, physical disability, and recent exertion are all circumstances that can increase difficulty breathing when restrained. All suspects will be monitored during custody and transport for indications of medical problems and medical treatment obtained if required.



	KENDALL COUNTY SHERIFF'S OFFICE	
	Policy 7.11 Prisoner Transportation	
	Effective Date: 01/01/2015	Revised: 03/01/2019
	Approved:  Sheriff	
	Reference: 10.01, 10.10, 10.12	

1. POLICY

Transporting prisoners is a potentially dangerous function, a constant requirement and a frequent activity. Therefore, it is the policy of the Kendall County Sheriff's Office to take the necessary precautions while transporting prisoners to protect the lives and safety of deputies, the public, and the person in custody. The arrested person should be immediately after arrest taken to the Kendall County Jail for booking and release to the jail staff.

II. PURPOSE

The purpose of this policy is to establish procedures to ensure that prisoners are transported safely.

III. PROCEDURES

A. General

1. Unless no other type of vehicle is available, all prisoners shall be transported in secure, caged vehicles.
2. In no case shall a juvenile known or believed to be under the age of 17 years transported with adults suspected of or charged with criminal acts.
3. A maximum of two (2) prisoners may be transported by a single unit deputy in a patrol unit, provided the patrol unit is equipped with a cage. In cases where there will be more than two (2) prisoners being transported, additional patrol units will be required to make the transportation.

B. Searching the prisoner

1. The transporting deputy shall always search a prisoner before placing him or her into the vehicle. Deputies must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting deputy shall conduct a search of the prisoner each time the prisoner enters custody of the deputy. Absent exigent circumstances, a female deputy should search a female prisoner or suspect. Exigent circumstances include, but are not limited to circumstances involving deputy safety, safety of the suspect or any other person.
2. When handling and searching prisoners, deputies shall remain mindful of the Office's infectious diseases exposure control plan and shall use personal protective equipment when necessary.
3. Any items removed from the prisoner prior to transport will be securely maintained and returned to the prisoner or turned in to the booking officer upon arrival at the location of detention for placement in the prisoner's property. (TBP: 10.10)

C. Searching the police vehicle

The transporting deputy shall search the vehicle immediately before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Further, after delivering the prisoner to his or her destination, deputies shall again search the police vehicle to ensure that the prisoner did not hide contraband or other evidence. (TBP 10.01)

D. Transport equipment

1. Most marked vehicles are equipped with a metal or plastic screen separating the front and rear compartments. Normally, these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.
2. Vehicles used for transporting prisoners should be checked for proper security measures and any contraband at the beginning of each shift and before transporting prisoners.

E. Positioning of prisoners in the transport vehicle

1. When a deputy transports a prisoner in a caged vehicle, the prisoner shall be positioned in the rear seat and secured with seat belts. Prisoners shall be handcuffed with their hands behind their backs, palms outward, except for the exceptions detailed in Policy 7.10.
2. When a single deputy transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with his or her hands behind the back, palms outward. A single deputy shall never transport two or more suspects in a non-caged vehicle unless directed by the on-duty supervisor.
3. If more than one deputy transports prisoners in a non-caged vehicle, the following procedures shall be observed:
 - a. One deputy shall position him or herself in the rear of the transporting vehicle behind the driver with the prisoner (seat belted) on the rear passenger side,
 - b. In a situation where more than one prisoner is transported by two deputies in the same vehicle, the prisoners shall be positioned on the front and rear passenger side (seat belted) and the assisting deputy should always position himself behind the driver's seat in order to see the prisoners and protect the driver.
4. Deputies shall not transport prisoners who are restrained in a prone position. Doing so increases the risks of medical complications.

F. Control of prisoners while transporting: Observation and Medical Assistance (TBP: 10.12)

1. During custody and transportation, deputies shall continually observe the prisoner, even when it becomes necessary to allow the prisoner the use of a toilet.
2. If a prisoner appears lethargic, particularly after an active confrontation with deputies, or appears unresponsive, immediate medical help may be necessary. Observe the suspect carefully and if the deputy is in any doubt about the prisoner's health, summon medical assistance immediately. Deputies should ask an apparently ill prisoner if he or she wishes medical assistance.

3. The transporting deputy shall advise the receiving deputy of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's medical or mental health state.
4. Prisoners shall not be left unattended at any time during transport apart from situations in Section G. below.

G. Stopping to provide law enforcement services while transporting

1. When transporting a prisoner, the transporting deputy shall provide law-enforcement services only when:
 - a. A need exists for the transporting deputy to act immediately in order stop or prevent a violent act and prevent further harm to a victim,
 - b. A person has been injured and assistance is required immediately.
2. In all the above situations, the transporting deputy shall always ensure that the prisoner is secured and protected.
3. Under no circumstances shall a deputy transporting a prisoner engage in a pursuit.

H. Escape

If a prisoner escapes while being transported, the transporting deputy shall observe the following procedures:

1. Request assistance immediately from the jurisdiction the deputy is in at the time of the escape. The transporting deputy shall immediately provide dispatch with the following information:
 - a. Location;
 - b. Direction and method of travel, and means of escape,
 - c. Name, physical description of escapee,
 - d. Possible weapons possessed by the escapee,

- e. Pending charges.
- 2. Try to recapture the escapee as soon as possible.
 - a. The transporting deputy shall submit a written report to the Chief Deputy as soon as practicable explaining the circumstances of the escape.
- 3. Prisoner communication
 - a. The transporting deputy shall not allow prisoners to communicate with other people while in transit unless the situation requires it. The deputy shall use his or her judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

I. Arrival at destination

When transporting prisoners from one facility to another, upon arriving at the destination, the transporting deputy shall observe the following procedures:

- 1. Firearms shall be secured in the designated place at the facility being entered. If there are none, secure firearms inside the locked trunk of the police vehicle.
- 2. Restraining devices shall be removed only when directed to do so by the receiving facility or when the deputy is sure that the prisoner is properly controlled and secure.
- 3. The proper paperwork (booking sheet, arrest report, property form, etc.) shall be submitted to the receiving facility and, in situations that require it, the deputy shall ensure that proper signatures are obtained on paperwork to be returned to the Office.

J. Sick/injured prisoners and medical facilities

- 1. At any time before, during, or after the arrest that the prisoner is injured or becomes sick, the deputy shall seek medical attention immediately. Medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before arrival there.

2. The transporting deputy shall use discretion in applying restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be incapacitated, restraining devices may not be appropriate. As a rule, do not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.
3. If the prisoner refuses treatment, the prisoner shall be asked to sign a Medical Refusal or notation of such on a hospital release form. Have the attending physician or a nurse sign the form as witnesses. If the prisoner refuses to sign the form, obtain two witnesses to the refusal (hospital staff, another deputy, or fire/rescue personnel). The form must be given to the jail during booking.
4. If the prisoner must be admitted to the hospital, the deputy shall release the prisoner only after consulting the on-duty supervisor. The supervisor shall observe the following procedures to ensure control of the prisoner:
 - a. If the prisoner is admitted and the prisoner was arrested for a felony, arrange for guards. Request the presence of a magistrate and arrange for the magistrate's transportation to the hospital so that bail can be set.
 - b. Assist the magistrate in arraigning the prisoner, if necessary, or stand by while the magistrate issues a warrant.
 - c. Serve the warrant, if one has been issued. If the magistrate will not release the arrestee on personal recognizance, then maintain the guard until the prisoner makes bond or the case is filed.
 - d. The supervisor shall brief every deputy on the duties of guards and shall ensure that guards have radios.
 - e. The supervisor shall ensure that guards are checked periodically and relieved as necessary.
 - f. The prisoner shall always be kept under observation and, normally, restraining devices shall be used. Deputies shall consult with medical personnel concerning the use of restraining devices.

K. Special transport problems

1. Transport of prisoner by deputy of different sex than prisoner.
 - a. When transporting a prisoner of one sex by a deputy of another sex, an additional deputy may be requested to accompany the transport.
 - b. At a minimum the transporting deputy shall:
 - i. Contact the dispatcher by radio and request that the time and odometer mileage be logged.
 - ii. Go directly to the destination by using the shortest practical route.
 - iii. Upon arrival at the destination, contact the dispatcher by radio and request that the time and the odometer reading be logged.

L. Prisoner with disabilities

1. When transporting a prisoner with disabilities, the transporting deputy shall request help when needed to complete the transport conveniently, comfortably, and safely for both the prisoner and the deputy. The deputy may request the dispatcher to contact the fire department or ambulance for assistance in transporting. The transporting deputy shall take whatever special equipment or medicine is necessary for the prisoner.
2. With a disabled person in custody, the transporting deputy must use common sense. When the disability is such that no danger of escape or injury to the prisoner or deputy exists, then restraining devices may be inappropriate.
3. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.
4. Transportation of dangerous/security-risk prisoners. When a prisoner is considered dangerous or a security hazard, the courtroom security personnel shall be notified before the transport takes place in order to plan how best to minimize any chance of escape, or injury to the prisoner or anyone else.
5. Office personnel have an obligation to provide a “reasonable accommodation” for disabled prisoners. This obligation requires deputies to ensure disabled prisoners

are not subjected to the possibility of injury or handling of a disrespectful nature during arrest and transportation procedures.

M. Restraining devices

1. When prisoners are restrained during transport, the following procedures shall be followed unless circumstances require an alternate method.
 - a. A single prisoner shall be handcuffed with both hands behind his or her back.
 - b. Leg and waist belt restraints may also be used in order to minimize the risk of injury or escape.
 - c. Under no circumstances shall a prisoner be handcuffed to a part of the transport vehicle itself, such as the floor post, protective screen barrier, etc.
 - d. Deputies shall use ankle shackles or plastic handcuffs to immobilize legs when transporting any prisoner that might pose an escape risk.

N. Documentation

Deputies shall document all prisoner transports and shall note any unusual circumstances or events in the arrest report. Deputies shall document the circumstances of any apparently ill or injured prisoners and their medical treatment. Deputies will give names (and badge numbers, as appropriate) of personnel from and to whom the prisoner was released or transferred.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.12 Juvenile Offenders/Procedures

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 10.02, 10.03

I. POLICY

This Office is committed to the development and perpetuation of programs for prevention and control of juvenile delinquency. In dealing with juveniles, deputies will use the least coercive methods among available alternatives, consistent with preserving public and officer safety, order, and individual liberty. Among factors to consider in making juvenile dispositions is the nature of the offense, the offender's age, circumstances and record, availability of rehabilitation programs, and juvenile probation or court recommendation for diversion.

II. PURPOSE

To establish guidelines and procedures for handling juveniles who need protection, in violation of status offenses and those charged with criminal offenses.

III. DEFINITIONS

- A. Child (Juvenile): A person who is ten years of age or older and less than seventeen years of age.
- B. Conduct in Need of Supervision: Conduct, other than a traffic offense, that violates the penal laws of the state punishable by fine only, or violations of municipal ordinances, failure to attend school, and runaway.
- C. Delinquent Conduct: Conduct, other than a traffic offense (except DWI) that violates the penal laws of this state or the United States punishable by imprisonment or confinement in jail.

- D. Delinquent child: A child who has committed a delinquent act or an adult who had committed a delinquent act prior to his or her 17th birthday.

- E. Intake officer: A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the criminal process, or petition the court. An intake officer is normally a juvenile probation officer.

- F. Juvenile court: The Court designated under Family Code 51.04 to exercise jurisdiction over juvenile proceedings within the county. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.
 - 1. All juvenile offenses occurring in Kendall County are heard in Kendall County Court at Law located at the Kendall County Courthouse.

- G. Juvenile Processing Office: The office or location within the Sheriff's Office or school facility, approved by the Juvenile Court, for the temporary detention of juveniles while deputies complete required activities prior to releasing the juvenile to a parent or transferring the juvenile to the Juvenile Detention Center. The Kendall County Law Enforcement Center is the approved Juvenile Processing Office for the Sheriff's Office.

- H. Referral to Juvenile Court: The referral of a child's case to the official, including the intake officer, designated by the Juvenile Board to process children within the Juvenile Justice System.

- I. Responsible or Suitable Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custody of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.

- J. Status Offender: A juvenile who is charged with an offense that would not be a crime if committed by an adult such as curfew and runaway.

IV. PROCEDURES – General (TBP: 10.02)

A. Overview

1. All members of the Sheriff's Office shall cooperate with juvenile justice authorities and their support activities.
2. Juveniles have all the same constitutional rights as do adults and all requirements for protection of those rights apply to juveniles as well as adults. Additional rules are prescribed by the Texas Family Code. All Sheriff's Office personnel are responsible for following the Family Code and this order. (TBP 10.02a)
3. Deputies who detain juveniles should first determine if the juvenile is alleged to have been harmed or to be in danger of harm. Those in need of immediate medical treatment will be transported to an appropriate medical facility under the same guidelines as adult prisoners. The Department of Protective and Regulatory Services is to be contacted immediately if there is an indication that the juvenile cannot safely be released to a responsible or suitable adult and the juvenile does not meet criteria for transport to the Detention Facility.
4. A child under ten (10) years of age who is taken into custody for committing a criminal offense cannot be detained for investigative purposes without permission from the child's parent, custodian or guardian.
 - a. If permission is not granted, the child is released to the custody of a parent, custodian or guardian, with a copy of the report sent to CID.
 - b. If a parent, custodian or guardian cannot be located, the child is returned to the Juvenile Processing Office. The deputy shall prepare the appropriate reports, documenting how he determined the age and identity or attempted to determine the age and identity of the underage child and the actions taken in attempting to locate a parent, custodian or guardian. Copies of the reports are routed to CID.

B. Handling of juvenile offenders - general

1. A juvenile offender shall be handled with firmness and respect.
2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record. The juvenile justice system emphasizes confidentiality of records and the privacy of an adjudicatory

hearing. Where appropriate, deputies shall reasonably try to keep juveniles out of the criminal justice system.

3. The taking of a juvenile into custody is not an arrest except for the purpose of determining the validity of taking the juvenile into custody or the validity of a lawful search.
4. All investigative detentions and enforcement actions involving juveniles will be documented, either by use of a written warning, citation, or incident report. If a written warning or citation is issued and the circumstances of the contact are recorded on the form, no incident report is required. If no written warning or citation was issued, an incident report will be generated to document the contact and actions taken. If possible, all contacts with juveniles will be recorded as best possible on the in-car audio/video system.

C. Authority for Taking a Child into Custody

1. A juvenile may be taken into custody in the circumstances listed in 52.01 of the Family Code, by a Directive to Apprehend as outlined by 52.015 of the Family Code, by an arrest warrant as outlined by Chapter 15 of the Code of Criminal Procedure, or without a warrant if the deputy has probable cause. 52.01 of the Family Code specifies that a child may be taken into custody by a law enforcement officer when a child engages:
 - a. In conduct that violates a penal law of this state or a penal ordinance of any political subdivision of this state,
 - b. In delinquent conduct or conduct indicating a need for supervision, or
 - c. In conduct that violates a condition of probation imposed by the Juvenile Court
2. This section also authorizes deputies to release a juvenile with a warning in lieu of custody. If the child is released with a warning it is necessary to forward a copy of the warning to the parent. In making the decision to handle the juvenile either informally with a warning or formally by referral to the Juvenile Court, the deputy shall consider the following:
 - a. Seriousness of offenses,
 - b. Prior record of child,

- c. Child's age,
- d. Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated,
- e. Degree of wrongful intent, violence, premeditation, knowledge of violation.

D. Enforcement Alternatives

1. Deputies dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include the following, listed in order of severity:
 - a. Release without further action, release with verbal warning, referral to parents or responsible or suitable adult, or informal counseling with contact of parents or responsible adult;
 - b. Field release with written warning or citation, limited custody and station house warning, detention under non-secure custody, and release to parents with or without referral to Juvenile Probation; and
 - c. Detention and secure custody, with transfer to detention center and referral to Juvenile Probation.
2. Enforcement criteria for the use of these alternatives is provided below:
3. Even when a juvenile is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.
4. In all cases where a juvenile is believed to have committed a violation, regardless of the disposition, deputies shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances of the contact.

V. ENFORCEMENT CRITERIA

- A. The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.
1. Release without further action, release with verbal warning, and referral to parents or responsible or suitable adult or informal counseling with contact of parents or responsible adult.
 - a. Appropriate in incidents where no violation was determined or where the violation was very minor, and deputies explained the law and consequences:
 - i. No property damage or personal injury was involved,
 - ii. No prior record,
 - iii. May include contact with parent if appropriate. Examples of these incidents include, but are not limited to curfew violations, minor liquor law violations, and disorderly conduct.
 - b. If a non-traffic citation is issued, the juvenile's parents may be contacted by telephone from the scene and advised of the offense and disposition. If the parents cannot be contacted, deputies will make a copy of the citation and forward the copy to the Patrol Lieutenant for mailing to the parents. On it, the deputy shall give a complete description of the circumstances of the contact.
 - c. If deputies detain a juvenile for a non-traffic offense and decide not to issue a warning or citation, deputies shall complete an incident report and forward it to the Patrol Lieutenant for mailing to parents.
 2. Field release with written warning or citation, or limited custody and station house warning, detention under non-secure custody and release to parents with or without referral to Juvenile Probation.
 - a. Deputies may elect to transport the youth home, make personal or telephone contact with the youth's parents or guardians to provide them with information and counseling on their child's actions, or take the youth into custody and transport the youth to the Juvenile Processing Office until he is released to a parent or guardian.
 - i. Appropriate when the nature of the incident is of a more serious or potentially serious nature than in section 1 above;

- ii. there was property damage or minor injury not amounting to a felony;
 - iii. the youth involved is fully aware of the seriousness or potential seriousness of his actions and/or is acting in alliance or collusion with others to commit such acts;
 - iv. the youth fails to cooperate or to positively respond to police intervention and direction;
 - v. the youth's parents or responsible or suitable adult have apparently failed to provide appropriate control and supervision.
 - b. Deputies may elect to file a referral to the Juvenile Probation Office depending on the nature of the offense and prior history of the offender.
- 3. Detention and secure custody, with transfer to detention facility and referral to Juvenile Probation. Deputies may file delinquency charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples in section 2 above.
 - a. Deputies should file delinquency charges against juveniles when they commit:
 - i. acts that if committed by an adult would be felonies;
 - ii. delinquent acts involving deadly weapons;
 - iii. serious gang-related offenses;
 - iv. delinquent acts involving serious assault;
 - v. delinquent acts while on probation or parole or when they have charges pending against them;
 - vi. delinquent acts as repeat offenders or when they have refused to participate in diversion or intervention programs; or
 - vii. when it has been determined that parental or other adult supervision is ineffective.
- 4. Status Offenses. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile and other relevant factors, a deputy may release a juvenile to his parents, guardian or other responsible adult.
 - a. Juveniles taken into custody for status offenses should be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the deputy, the juvenile poses a physical risk to the deputy or others.

- b. Deputies shall pay attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.
- c. Juveniles taken into custody for status offenses shall be held in non-secure custody as provided by state law and for the briefest time necessary to conduct identification, investigation and related processing requirements to facilitate their release to a parent or responsible or suitable adult or transfer to a juvenile facility.
- d. Transportation of a juvenile in a caged vehicle is not considered secure custody.
- e. Status offenders and other juveniles taken into temporary non-secure custody for status offenses should not be fingerprinted or photographed for purposes of record.
- f. Status offenders in temporary custody shall not be placed in a holding area with adult suspects and shall also be under constant visual supervision; afforded reasonable access to toilets and washing facilities; provided food if in need of nourishment to include any special diets necessary for health or medical purposes; provided with reasonable access to water or other beverages; and allowed reasonable access to a telephone.

VI. JUVENILE PROCESSING

A. Searching and Transportation of Juveniles (TBP 10.02 b, c, d)

1. No juvenile under 17 shall be transported in the same vehicle with adults suspected of or charged with criminal acts.
2. Juveniles are searched and transported in the same manner as adults' in compliance with Policy 7.11 Prisoner Transportation.
3. Deputies will double lock and check the handcuffs for tightness. Deputies will check the handcuffs if there is a complaint that they are too tight.
4. A deputy transporting a juvenile will notify the dispatcher that the deputy will be transporting a juvenile along with the juvenile's gender. The deputy will also notify the dispatcher of their location and mileage on the vehicle upon initiating the transport and the deputies ending mileage and location upon

arrival at the deputy's destination. The deputy should monitor the prisoner during the transport for any medical issues.

5. Recording and video equipment should be activated during transport.

B. Actions when taking a juvenile into custody:

1. A person taking a child into custody shall advise the juvenile of his/her constitutional rights when appropriate (Per Policy 7.1 Constitutional Safeguards).
2. Without unnecessary delay and without first taking the child elsewhere, the deputy does one of the following:
 - a. Release the juvenile to a parent, guardian, custodian, or other responsible or suitable adult;
 - b. Bring the juvenile before an official of the Juvenile Probation Office;
 - c. Take the juvenile to a detention facility designated by the Juvenile Court or Probation;
 - d. Take the juvenile to a medical facility if the juvenile is believed to be suffering from a serious physical condition or illness that requires immediate treatment;
 - e. Take the juvenile to the Intoxilyzer Room if in custody for an offense requiring a breath specimen, but the juvenile must be taken to one of the above-mentioned locations upon completion of the intoxilyzer;
 - f. In cases of truancy, immediately take the juvenile to the proper school official within the appropriate public or private school;
 - g. Take the juvenile into protective custody if the deputy believes the juvenile is in danger of harm; or
 - h. Release the child with no further action pending.

C. Notifications:

1. The arresting deputy shall make a reasonable effort to notify the juvenile's parents or guardians of the fact that the child has been taken into custody. In the case of protective custody, the notice must be written as prescribed by the Texas Family Code.
2. Notification of the parents or attempts at notification shall be documented in the arrest report.
3. The arresting deputy shall notify Juvenile Probation as soon as practicable when a child has been taken into custody. A copy of the incident report and case file shall be forwarded to Juvenile Probation within 10 days.

D. Designated Juvenile Processing Area: (TBP 10.02 e, and 10.03)

1. A juvenile may be detained in a holding area certified by the Juvenile Court. The Kendall County Sheriff's Office approved Juvenile Processing Office is the Law Enforcement Center, to include the juvenile waiting room.
2. Juveniles are detained under the following conditions:
 - a. At no time is a juvenile placed in a jail cell designated for the holding or incarceration of an adult.
 - b. At no time will a juvenile who is in custody be left unsupervised in the Sheriff's office.
 - c. All juveniles held in the Sheriff's office are out of sight and sound of adult prisoners.
 - d. No juvenile is held in custody longer than is reasonable to investigate, prepare a case, or to await the arrival of a parent or guardian, unless placed by Juvenile Probation in a detention facility.
 - e. At no time will a juvenile be held in a Juvenile Processing Office longer than six hours. If not otherwise released, the juvenile may be taken to the Juvenile Detention facility after authorization from Juvenile Probation, within 6 hours of an arrest.

E. Taking a Runaway into custody

When probable cause exists that a juvenile has run away from home, the deputy shall perform the following:

1. Verify status as runaway
2. Take the child into custody.
3. Release the juvenile to a parent, guardian, legal custodian, or other person acting for a parent. If a parent cannot be located, take the juvenile to the Sheriff's office and contact the Juvenile Probation Office for instructions.
4. A deputy will remain with the juvenile in the Sheriff's office until disposition is made.
5. Notify Communications to remove the runaway report from the computer system.
6. In any event, deputies shall complete incident reports for any runways taken into custody.
7. Out-of-town runaways - take the child into custody and verify runaway status with the other jurisdiction. If a detention order is on file, follow the instructions for serving a detention order.
 - a. Notify the intake officer of the juvenile court of the action taken. The intake officer will then determine what the next step will be. The deputy shall:
 - i. Follow the intake officer's instructions for detention or child placement.
 - ii. Notify parents that the child is in custody.
 - iii. If the child is to be released and the parents cannot respond within a reasonable period, then contact Juvenile Probation.

F. Taking a Truant into Custody

1. When custody occurs because a juvenile is reported truant by school officials, the juvenile shall be taken into custody and delivered to the appropriate school personnel and released.
2. The deputy shall complete an incident report which includes the name of the person notifying the parent of the truancy and the name of the person to whom the juvenile was released.

VII. PROTECTIVE CUSTODY

- A. A law enforcement officer may take protective custody of a child without a court order for the following reasons and no others:
 1. Upon discovery of a child in a situation of danger to the child's physical health or safety when the sole purpose is to deliver the child without unnecessary delay to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is presently entitled to possession of the child.
 2. Upon the voluntary delivery of the child, by the parent, managing conservator, guardian, caretaker, or custodian who is entitled to possession of the child.
 3. Upon personal knowledge of facts which would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a court order.
 4. Upon information furnished by another which has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and there is no time to obtain a court order.
 5. Upon personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a court order.
 6. Upon information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a court order.

B. Emergency Treatment for Juveniles

1. In the absence of the responsible parent or guardian, deputies are expected to immediately take custody of any juvenile found to need emergency medical care and to see that the juvenile is taken to an emergency hospital for treatment.

C. Procedures to Take Custody of The Juvenile

1. When it is found that a juvenile has been injured or is ill to the extent that immediate emergency care is necessary to protect the physical well-being of the juvenile and no responsible parent or guardian can be found, the below listed procedures are followed to obtain the necessary medical care in an expedient manner:
 - a. The deputy takes custody of the juvenile either in person or requests an ambulance and orders the juvenile taken to the nearest competent emergency hospital.
 - b. The deputy utilizes all available resources to immediately contact a parent or guardian (school officials, etc.).
 - c. The deputy then causes the immediate notification of the Child Protective Services office of the circumstances at hand and furnishes the Child Protective Services office the following information:
 - i. Name, race, and date of birth of the juvenile,
 - ii. Parent's name and address if available,
 - iii. What hospital the juvenile has been taken to,
 - iv. What efforts have been made to contact the child's parents or guardian,
2. Follow-Up Investigation:
 - a. The deputy conducts a follow-up investigation at the receiving hospital, being sure to explain the circumstances at hand to the proper hospital representative.

- b. The Criminal Investigation Division is available to take over hospital follow-up investigations when it becomes apparent that such investigations will be criminal in nature.
- c. The Criminal Investigations Division will follow-up if it becomes apparent that the child's injury is due to criminal conduct on the part of any person.

D. Persons Who May Consent to Medical Treatment:

The Texas Family Code allows any of the following persons to consent to medical, dental, psychological, and surgical treatment of a child when the person having the right to consent as otherwise provided by law cannot be contacted and that person has not given actual notice to the contrary:

1. A grandparent, adult brother or sister, adult aunt or uncle of the child; an educational institution in which the child is enrolled that has received written authorization to consent from the person, an adult who has actual care, control, and possession of the child and has written authorization to consent from the person having the right to consent.
2. A peace officer who has lawfully taken custody of a minor, if the peace officer has reasonable grounds to believe the minor needs immediate medical treatment, or
3. Any court having jurisdiction over the child.

VIII. INVESTIGATIVE PROCEDURES

A. Custodial Interrogation of Juveniles

1. Custodial interrogation of juveniles by Sheriff's office employees shall adhere strictly to procedural requirements established by the Texas Family Code and relevant court rulings.
2. An investigator interviews the juvenile. The investigator explains to the juvenile the procedures that will relate to their case. The investigator may, at his/her discretion, allow other persons to be present during the interview. An attorney representing the child is allowed if requested by the child.

3. The interrogation of a juvenile is completed within a reasonable time or terminated if the juvenile requests the interrogation be terminated.

B. Written/Recorded Statements:

Deputies will follow the procedure outlined below while taking written statements/confessions from juveniles:

1. Written and recorded statements taken from juveniles who are in custody are taken in compliance with the Texas Family Code.
2. A magistrate, outside the presence of law enforcement officers, first warns the juvenile.
3. The written or recorded statement is taken in a Juvenile Processing Office.
4. If the statement is written, the deputy then returns the juvenile and the statement to the magistrate.
5. If the statement is recorded, the deputy returns the juvenile and the recorded statement to the magistrate only if the magistrate requests the recorded statement after it is completed.
6. The magistrate will review the statement with the juvenile outside the presence of deputies.
7. The juvenile is then allowed to sign the written statement in the magistrate's presence.

C. Fingerprinting and Photographing Juveniles:

1. Fingerprints and photographs of juveniles are maintained separately from those of adults.
2. Fingerprints and photographs of juveniles are destroyed as directed by the Texas Family Code.

3. Fingerprints are taken to comply with state reporting requirements. All juveniles placed in custody for cases classified as class “B” misdemeanor or higher are fingerprinted and photographed. These records are maintained at the Juvenile Probation Department and the CR-43J is sent to the Department of Public Safety.
4. If latent fingerprints are found during the investigation of a case and the law enforcement officer has probable cause to believe that they are those of a child, unless otherwise prohibited by law, the deputy may fingerprint the child regardless of the age or case for purpose of immediate comparison with the latent fingerprints.
5. Disposition of Fingerprints Taken: If the comparison is negative the fingerprint card and other copies of the fingerprints taken are destroyed immediately. If the comparison is positive and the child is referred to the Juvenile Court, the fingerprint card and other copies of the fingerprints are filed locally and with the State. If the child is not referred to the Court the fingerprints taken are destroyed immediately.

D. Required Notification of Schools

1. Deputies that arrest or take into custody an individual that, because of age, may be enrolled in a primary or secondary school, as provided by Chapter 52, Family Code shall;
 - a. Attempt to determine if the individual is a student.
 - i. If the individual is known to or believed to be enrolled in a school described above, and
 - ii. The child’s alleged offense is an offense under section: 19.02, 19.03, 19.04, 19.05, 20.02, 20.03, 20.04, 21.08, 21.11, 22.01, 22.011, 22.02, 22.021, 22.04, 22.05, 22.07, 28.02, 29.02, 29.03, 30.02, or 71.02, Penal Code, or
 - iii. The Unlawful Use, Sale or Possession of a Controlled Substance, Drug Paraphernalia, or Marijuana, as defined by Chapter 481, Health and Safety Code; or
 - iv. The Unlawful Possession of any of the Weapons or Devices listed in Section 46.01(1)-(14) or (16), Penal Code; or a Weapon listed as a Prohibited Weapon under Section 46.05, Penal Code; or
 - v. Any felony offense.
 - b. If the individual meets these requirements the deputy or investigator assigned shall give oral notification to the Superintendent or the designee

of the public-school district within 24 hours after the arrest or detention of a child, or on the next school day.

- c. Written notification shall be mailed within seven (7) days after the date of oral notification to the appropriate school official, marked "Personal and Confidential" on the mailing envelope.

2. The complete text of this responsibility is found in Article 15.27 Code of Criminal Procedures.

E. Juvenile Records (TBP 10.02f)

1. Family Code requires local law enforcement records and files concerning a juvenile to be kept separate from adult files and records and prohibits them from being sent to a central state or federal depository except as specified in the Family Code. Juvenile detention reports will be separated from adult arrest reports as required by the statute.
 - a. Records or files that are required or authorized to be maintained under laws regulating operation of motor vehicles and records that list a juvenile as the victim of a criminal offense are specifically exempt from the file separation requirement.
 - b. Reports of missing juveniles are specifically authorized to be entered into TCIC and NCIC.
2. Code of Criminal Procedure authorizes information on juveniles to be included in a local system for the purpose of investigating or prosecuting the criminal activities of criminal combinations. This information may be released to another criminal justice agency, a court, or a defendant in a criminal proceeding pursuant to the discovery. The record must be destroyed no later than two years after its collection if the juvenile has not been charged with criminal activity.
3. The preservation and destruction of Juvenile Records is the responsibility of the Criminal Investigation Division. Juvenile records will be kept under lock and key and access will be limited to investigators.
4. Release of Information on juvenile offenders may only be made pursuant to:

- a. A written request under the Texas Public Information Act, Government Code Chapter 552 to the Sheriff's Office as approved by the District Attorney;
- b. The Sex Offender Registration Act, Code of Criminal Procedures Chapter 62. The request must be made in writing and will be responded to by the Sheriff's office.
- c. Code of Criminal Procedures Article 15.27 notice to schools of specified offenses committed by students. These notices will be made by assigned investigators.



	Kendall County Sheriff's Office	
	Policy: 7.13 Domestic Violence	
	Effective Date: 01/01/2015	Revised: 03/01/2019
	Approved:  Sheriff	
	Reference: 7.08	

I. POLICY

The Kendall County Sheriff's Office assigns domestic or family violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership in the community in responding to domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, Office personnel responding to a domestic disturbance call shall (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and, (4) help participants contact appropriate agencies to help prevent future occurrences.

II. PURPOSE

To define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, describe measures to end violence and protect victims.

III. DEFINITIONS

- A. Assault: Intentionally, knowingly, or recklessly causes bodily injury to another including the person's spouse or threatens to cause imminent bodily injury to another including the person's spouse. This definition is not all inclusive as family violence may also entail aggravated circumstances, sexual assault, as well as other offenses. See Chapter 22 and 25 of the Texas Penal Code.

- B. Domestic violence shelters/programs: Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.

- C. Family abuse: Any threat or act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person's family or household member.
- D. Family or household member:
1. Spouses, residing in the same home or not.
 2. Former spouses, residing in the same home or not.
 3. Persons who have a child in common, whether they have ever been married or resided together.
 4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters half-brothers and half-sisters regardless of whether they reside in the same home with the suspect.
 5. Parents-in-law, children-in-law, brothers- and sisters-in-law regardless of whether they reside in the same home with the suspect.
 6. Persons related or not, who cohabit or who previously cohabited with the suspect, and any children of either who then resided in the same home as the suspect.
 7. (See Sections 71.003, 71.004, and 71.005 of the Family Code.
- E. Protective order: A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, plus other measures. A protective order may be valid up to two years. Types of protective orders:
1. Emergency protective order
 2. Protective order
 3. Temporary Ex-Parte Orders: an order that is issued without the person who committed family violence present; a person subject to an order (the actor) who violates an ex-parte order may not be arrested unless it is established the actor had been served with the order prior to the commission of the act(s) violating the

order. If a deputy arrives, and the actor is not aware of the order, the deputy may assist the protected person in informing the actor subject of the existence of the order. The deputy shall then remain at the scene until the actor has complied with any wording that requires him or her to leave the residence. If the order does not require the actor to leave, the deputy shall remain at the scene while the protected person gathers necessary items to leave. See Texas Family Code Chapter 83 for additional information.

IV. PROCEDURES – GENERAL RESPONSIBILITIES

- A. Office personnel shall refer victims of domestic violence or serious bodily injury crimes to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs), and shall provide victims with the name, address and telephone number of the District Attorney and the investigating law enforcement agency. Where possible, deputies shall help victims directly access referral agencies.
- B. Office personnel shall be trained about domestic violence and its impact. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding deputies. Deputies are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

V. PROCEDURES – PATROL RESPONSIBILITIES

- A. Arrival at the scene
 - 1. Obtain all available information from the dispatcher before arrival.
 - 2. When possible, deputies should wait for back-up help, discuss a strategy, and approach the dispute scene in pairs.
- B. Avoid the use of sirens and other alarms in the vicinity of the scene. The suspect might be dangerous and could turn a weapon on arriving deputies.
- C. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each deputy should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, deputies should remain within sight of one another, if possible.

- D. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
- E. Deputies must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.

1. Initial contact with occupant(s):

- a. Identify selves as Kendall County Deputies by name, explain your presence, and request entry into the home (when conditions permit). Ascertain identity of complainant and ask to see him or her and any other person at the home.
 - b. Deputies shall not accept statements from any disputant or witness that the call was a mistake without investigating further. Deputies shall not leave without interviewing the complainant.
 - c. If entry is refused, deputies must explain that they must make sure there are no injured persons inside. If no one responds to knocking, deputies shall try to establish voice contact by shouting for an answer.
 - d. Refusal of entry or no response to a knock at the door may require a forced entrance only if deputies have a reasonable belief that the safety of people inside is in jeopardy.
 - e. Deputies may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent. However, the other, if present, may legally object. Once a party refuses consent, deputies must obtain a warrant to search or articulate another exception to the warrant requirement.
 - f. A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If both are present, either one may legally object. Once a party refuses consent, deputies must obtain a warrant to search or articulate another exception to the warrant requirement.
- F. Deputies may also make a warrantless entry to conduct a search if an emergency exists. Deputies must have a reasonable belief that such an emergency does exist (example: deputies believe that someone, perhaps the victim or a child, needs emergency assistance).

2. Deputies shall evaluate the following elements when considering a warrantless entry:

- a. The degree of urgency involved, and the time required to get a warrant.

- b. The possibility of danger to others, including deputies left to guard the site.
- c. Whether the suspected offense is serious or involves violence.
- d. Whether deputies reasonably believe that persons may be armed.
- e. Finally, deputies are reminded that they have a lawful right and duty to investigate any situation which they reasonably believe to be an emergency.

3. Once inside, establish control by:

- a. Inquiring about the nature of the dispute.
- b. Identifying disputants
- c. Being aware of potential weapons in surroundings.
- d. Determining if persons are in other rooms, whether children or adults, and the extent of any injuries (these persons should be separated from the parties involved and kept out of hearing range, so their status as possible witnesses won't be compromised).
- e. Protect the victim from further abuse. Separate the victim from the suspect and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph the victim's injuries if possible.
- f. Ascertain whether a protective order has been violated.
- g. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If appropriate, seize weapons for evidence.
- h. Transporting family/household members to the hospital, safe shelter, or magistrate.

4. Deputies shall transport victims to a safe location as they wish or as the circumstances require.

5. If a complainant seeks deputies help in entering his or her residence to obtain personal property, the deputy must determine that the complainant has lawful authority to do so; must advise all parties that they are accompanying the complainant to obtain items for immediate personal (or children's) use; that the deputies function is to maintain order; that any dispute over property is a matter for the courts to decide.

G. Interviewing all disputants

1. Ensure safety and privacy by interviewing the victim in a place separate from the suspect, if identifiable.

2. Critical to the success of the interview is the deputy's manner. Deputies must listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals.
3. Deputies shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.
4. If possible, separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.) Although the disputants may be separated, deputies shall remain within sight and hearing of each other.
5. After the parties have given their statements, the deputies should ask about details for clarification, and summarize the stated accounts (which allows the parties to point out anything that might be misrepresented).
6. Be aware that parties may make excited utterances which may have evidentiary value. Record these utterances when practicable and note them in your report.

H. Interviewing the victim:

Ascertain the following information from the victim:

1. What happened.
2. Any injuries, who caused them, and what weapons or objects were used.
3. Relationship to suspect.
4. Any threats made against victim or others.
5. Forced sexual contact against victim's will.
6. Any court cases pending against suspect or any protective orders in effect.
7. Is suspect on probation or parole.
8. Did suspect threaten others, particularly children, damage property, or hurt pets.

I. Interviewing witnesses:

1. Interview any witnesses to the incident--children, other family members, neighbors--as soon as possible.

2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. If witnesses provide information about prior assaults, document them to help establish a pattern.
4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

J. Collection of Evidence

Deputies should ensure they treat a family violence offense with the same seriousness as other criminal offenses and conduct a preliminary investigation in the same manner to include:

1. Collecting any physical evidence or calling Crime Scene personnel to do so.
2. Photograph any damages or injuries received by any parties.

VI. PROCEDURES - ARRESTS

- A. Deputies may make an arrest without a warrant if they have probable cause to believe that the individual has committed an assault resulting in bodily injury to a member of the person's family or household. Further, with domestic violence incidents, the Office promotes a policy of arrest when the elements of an appropriate offense are present.
- B. If deputies cannot identify a predominant physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident. Further, deputies shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.
- C. In cases where the conditions of a protective order have been violated, deputies shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") are violated then the deputy shall arrest the violator if probable cause exists.

- D. Deputies making arrests for family violence may petition for an emergency protective order if requested by the victim or if the department believes there is a significant danger of future assaults.
- E. If children are involved in the incident, deputies shall contact the on-call Child Protective Services worker if a child is abused or neither parent can reasonably look after the child's safety and well-being (neglect is a separate, reportable offense).
- F. In determining probable cause, the deputy shall not consider:
 - 1. Whether the parties are married or living together, or their race, sex, ethnicity, social class, or sexual orientation.
 - 2. Whether the complainant has not sought or obtained a protective order.
 - 3. The deputy's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
 - 4. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
 - 5. That the complainant has not begun divorce proceedings.
 - 6. Assurances of either disputant that violence will stop.
- G. Factors favoring the decision to arrest
 - 1. Arrest is the most appropriate response when these factors are present:
 - a. Serious, intense conflict.
 - b. Use of a weapon.
 - c. Previous injury or damage.
 - d. Previous court appearance against the offending party.
 - e. Previous attempt to sever the relationship.
 - f. Previous calls for law enforcement help.
 - g. When a felony has occurred.
 - h. Evidence of drugs or alcohol use at the assault.
 - i. Offenses committed with the deputy present.

- j. Valid warrants on file for other crimes.
- k. A protective order has been violated.
- l. Aggressive behavior toward anyone, pets, or any other threatening behavior.

H. Making the arrest:

1. Arrest the suspect if he or she is present, apply handcuffs, inform him or her that the decision to arrest is a law enforcement one, and transport securely to the jail/magistrate.
2. If the suspect is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a "be-on-the-lookout" message describing the suspect if necessary and arrange for an arrest warrant.
3. If an arrest must be made because a protective order has been violated, verify its validity by:
 - a. Examining the victim's copy, if available.
 - b. Having communications search TCIC or contact the jurisdiction that issued the order to confirm its currency.

I. If the abusive person is not arrested

1. Complete an incident report and advise the victim an investigation by CID personnel will occur.
2. Advise the victim of the importance of preserving evidence.
3. Explain to the victim about protective orders and how to obtain them and offer to help the victim obtain them later.
4. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers.
5. Regardless of whether an arrest is made, the deputy shall provide the "Notice to Adult Victims of Family Violence" to the victim that explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency.

6. Assure the victim that the Kendall County Sheriff's Office shall assist in future emergencies and explain measures for enhancing his or her own safety.

J. Gathering evidence:

1. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.
2. The victim's account of injuries sustained should be corroborated by a physician if possible.
3. When feasible, take photographs of injuries.
4. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
5. Collect evidence according to the same principles as applied to any crime scene.
6. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime.
7. Obtain statements from the victim, particularly noting any excited utterances that bear on the incident.

K. Documenting the incident

1. All incident reports on domestic violence shall follow general reporting procedures.
2. Include in all reports of domestic violence:
 - a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor.
 - b. Victim will complete a Family Violence Supplement Form, to be turned in by the reporting deputy.
 - c. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
 - d. The victim's statements as to the number of prior calls for law enforcement assistance.

L. The disposition of the investigation.

1. In any case involving domestic violence thoroughly document probable cause to arrest.
2. If an arrest is not made for domestic violence the incident must still be documented, where either no probable cause existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, deputies shall note:
 - a. What referral information was given.
 - b. The name of any counselor contacted.
 - c. Why no arrest was made, nor any warrant issued.
3. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services
4. Regardless of whether an arrest is made, the deputy shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency.

M. Arrests of law enforcement personnel

1. If the predominant physical aggressor or abuser is an employee of this agency, the responding deputy shall summon the field supervisor, who shall in turn notify his or her chain of command.
2. The scene shall be secured, and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's Office weapon may be evidence of an offense.
3. The on-call investigator shall be summoned who shall begin an internal criminal investigation:
 - a. If probable cause to arrest exists, the investigator shall arrest and gather evidence (including taking photographs) consistent with this general order.

- b. The assigned investigator shall work with the responding patrol deputy to ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken. The responding patrol department shall assist in obtaining an emergency protective order.
 - c. The investigator shall speedily present the case to the District Attorney.
4. Upon termination of the criminal investigation, the Chief Deputy may assign a deputy to undertake an internal administrative investigation into the incident consistent with Policy 2.4. The Chief Deputy may suspend the employee pending the outcome of the investigation.
- a. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and identification to the property officer.
 - b. If the internal administrative investigation supports a violation of agency policy, the Sheriff shall take appropriate action. Further, if the investigation confirms that domestic violence occurred, the Sheriff may require counseling, psychological evaluation, demotion, or termination of employment.
 - c. Federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use of, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons or threats of force may therefore be unable to maintain their certification.
 - d. Note that deputies who are the subject of a protective order shall not carry firearms. Deputies who are the subject of a protective order shall turn in all agency-issued weapons.

VII. PROCEDURES – ISSUING AN EMERGENCY PROTECTIVE ORDER

A. Emergency protective orders (EPO) (domestic violence)

1. The EPO aims to protect the health or safety of a victim of domestic violence. It is issued only if the offender is arrested. The judge or magistrate who arraigns the offender after the arrest may issue the EPO on the magistrate's own initiative, upon request of the victim, the guardian of the victim, a peace officer, or an attorney representing the state. If a deputy has at least a reasonable belief that an assault has occurred and there exists probable danger of further abuse, the deputy shall request the judge or magistrate to issue an EPO:

- a. If circumstances make it impossible or inappropriate for a deputy to obtain the EPO, the deputy shall advise the victim that he or she can request an EPO directly from a magistrate or the District Attorney.
 - b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.
 - c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, or possessing a firearm, and provide other relief.
2. A deputy can petition for an EPO by telephone or in person.
 3. The EPO remains in effect for up to 61 days but not less than 31 days. The victim can petition for a permanent protective order before the expiration of an EPO.
 4. The offender is served with a copy of the order at the time of arraignment. The victim will be contacted and informed that an EPO has been issued and will be provide with a copy and informed of its requirements.
 5. A copy is also delivered to Boerne Police Department Communications Center or the law enforcement agency for the jurisdiction where the victim resides.

B. Protective Orders from Other States:

Deputies shall enforce protective orders from other states or possessions of the United States as if they were issued in Texas. This applies to all orders in which the respondent has received notice and opportunity to attend a protective order hearing. Enforcement of out-of-state protective orders does not require that they be registered in Texas. If deputies are unable to verify an outstanding protective order, they must nevertheless honor it. Deputies cannot arrest for violation of the order, however, if the violator has not been served with it.



	Kendall County Sheriff's Office	
	Policy: 7.14 Vehicle Operation	
	Effective Date: 08/01/2014	Revised: 03/01/2019
	Approved:  Sheriff	
	Reference: 7.15, 7.20 & 7.24	

I. POLICY

All personnel operating department vehicles shall exercise due regard for the safety of all persons. Protection of life is the paramount goal of the Sheriff's Office. No task, call, or incident justifies disregard of public safety. Further, the public expects its law-enforcement officers to demonstrate sound judgment and exemplary driving skills. All department personnel who operate department vehicles will comply with safe driving procedures outlined herein with attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be used consistent with both legal requirements and the safety of the public and department personnel.

II. PURPOSE

To establish procedures governing the operation of Sheriff's Office vehicles.

III. DEFINITIONS

- A. Emergency driving. Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Emergency driving with emergency lights and siren activated allows officer to disregard certain traffic regulations but officers must still drive with due regard for the safety of the officer and others.
- B. Emergency equipment. Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.

- C. Normal or routine driving. That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road."

IV. GENERAL PROCEDURES FOR ALL RESPONSES (TBP: 7.15)

A. General

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets and many people observe an officer's actions. Each deputy must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the Transportation Code authorizes officers to disregard traffic regulations. Both the operator and the department, however, are not released from civil liability for failure to use reasonable care in such operation.

B. Routine operation

1. In case of accident or damage to any department vehicle, the driver shall immediately request the on-duty supervisor to investigate.
2. Accidents involving members of this department will be investigated by the Sheriff's Office, unless the accident results in injury or death to any party, then DPS should be requested to work the accident. Drivers shall also write a memorandum detailing the circumstances.
3. Drivers shall report any found damage or other non-accident damage to their supervisor immediately and document the damage in an incident report.
4. Vehicles used in routine or general patrol service shall be conspicuously marked unless being used for covert patrol operations.
5. Unmarked cars shall not be used in any pursuit but may be used for patrol. They may be used to stop vehicles provided they are equipped with emergency lights and a siren.
6. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights and alley (side) lights on the rooftop light bar. Hazardous warning lights may be used at any time the department vehicle is parked where other

moving vehicles may be endangered. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner which will blind or interfere with the vision of operators of other approaching vehicles.

7. Seat belts and shoulder straps shall be worn by all passengers during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible. (TBP: 7.20)
 - a. Exception: When approaching an incident scene or a call where the deputy believes that a rapid exit from the vehicle may be required, the officer may release the seat belt.
8. Any young children transported in a police vehicle will be transported in the manner prescribed by the Transportation Code using Infant/Child car seats when necessary.

C. Inspection (TBP: 7.24)

1. Before each duty assignment, deputies shall check their vehicles for cleanliness, operability, and all required equipment. Deputies shall also ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and gas. Any deficiencies should be reported to the supervisor.
2. Deputies shall check the safety features of the vehicle before assuming duty. The check shall include (but not be limited to) all lights, brakes, siren, horn, and steering. Deputies shall also check tires for tread wear and proper inflation.
3. Deputies shall examine their vehicles at the beginning and end of their shifts for damage. Deputies shall report any damage immediately to the on-duty supervisor.
4. Deputies shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others. Rear seats shall be thoroughly checked.
5. Deputies who discover a department vehicle in need of repairs shall immediately inform the on-duty supervisor.
6. If, in the opinion of the Sheriff, vehicle damage resulted from abuse or neglect caused by a deputy, disciplinary action may result.

7. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle which affects its operation.
8. Deputies are responsible for maintaining the cleanliness of the interior and exterior of their assigned vehicle. During periods of inclement weather when department vehicles cannot be washed regularly, the driver must ensure that headlight and tail-light lenses are kept clean, insofar as circumstances permit.
9. No deputy or employee shall operate any department vehicle which he or she believes to be unsafe.

D. Driving rules

1. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.
2. A department vehicle shall not be left unattended with the engine running nor shall the vehicle be left unlocked when the deputy has left it to handle other business.
3. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle and shall govern the operation of the vehicle accordingly.
4. Deputies responding to certain crimes-in-progress may discontinue the use of the siren upon approaching the location of the occurrence. While this is allowed by Texas law and this policy, deputies shall understand that to do so means that they are no longer operating in a manner that would warn other traffic and should remember that they still have a duty to drive with due regard to other motorists and pedestrians.
5. Emergency driving to the scene of a motor vehicle accident is permissible only when an emergency exists, when specific information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.
6. Upon approaching a controlled intersection or other location where there is possibility of collision because of traffic congestion, the emergency driver shall

reduce the speed of the vehicle, stopping completely if necessary, before entering and traversing the intersection. When faced with a red traffic signal or stop sign, the deputy shall stop his or her vehicle and ensure by careful observation that the way is clear before proceeding through the intersection.

7. Regardless of the seriousness of the situation to which the deputy is responding and excepting circumstances that are clearly beyond the deputy's control, he or she shall be held accountable the way he or she operates the vehicle.
8. At the scene of a crime, a motor vehicle crash, or other incident, a department vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the emergency lights and four-way flashing lights shall be used to warn other drivers approaching the location.
9. Operators of department vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way.

V. PROCEDURES FOR EMERGENCY DRIVING

A. General

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although a deputy may receive information that leads him/her to respond to a call with emergency lights and siren activated, in the many cases a deputy discovers, upon arrival, that an emergency response was not justified.
2. 546.005 of the Transportation Code states that the exemptions to driving laws granted to emergency vehicle operators "does not relieve the operator from the duty to drive with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others." Recognizing that protection of human life is paramount; the responding deputy must remember that his or her objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others.

B. Response Codes

1. Calls for service are classified as Code 1 or 3 depending on circumstances. Code 3 calls are authorized by a field supervisor or the responding deputy,

subject to the considerations discussed below. The codes are defined as follows:

2. Code 1 responses are utilized for any situation regardless of apparent urgency where the preservation of life is not a consideration. Units responding to Code 1 calls shall respond to the location without delay, complying with all traffic regulations and shall not use emergency warning devices.
3. Code 3 responses are authorized for any emergency where the preservation of life is a consideration. Primary and support units responding to Code 3 calls shall proceed rapidly to the location of the emergency by the most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned deputy.
4. Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade assigned response codes. Field supervisors shall closely monitor all Code 3 calls and shall respond if necessary.

C. Examples of Code 3 Calls

1. The primary assigned deputy and initial backup shall respond Code 3 to those calls for service which indicate a crime involving violence is in progress or where the suspect is armed, and all other requests alleging an implied or immediate threat to the safety of a person. Some felonies-in-progress that do not apparently involve violence are dispatched as Code 3. Examples of Code 3 calls (not all inclusive) include:
 - a. A deputy who needs urgent help.
 - b. A burglary in progress.
 - c. A robbery in progress.
 - d. A confirmed serious-injury or fatal accident or hit/run.
 - e. A riot or large disturbance with fighting or injuries or damages occurring.
 - f. An apparent homicide.
 - g. A confirmed fight or an assault-in-progress with weapons.
 - h. A sex offense in progress.
 - i. Domestic dispute with an assault in progress, or just occurred with a suspect still present.
 - j. An in-progress suicide attempt.

D. Deputy's response to call

1. Upon arrival at the scene of a call, the responding deputy shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 3 can be slowed or cancelled.
2. All units responding to robbery-in-progress and burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, deputies shall discontinue the use of the emergency warning lights. Deputies are reminded that upon deactivation of a siren and flashing lights, their response ceases to be an emergency and they must comply with all posted speeds and traffic control devices.
3. In situations requiring a silent response, e.g., alarms and prowler calls, deputies shall respond as rapidly as possible, obeying all traffic laws and signs.
4. Deputy-initiated response.
 - a. When, in the opinion of the deputy, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary enforcement, the department authorizes an emergency response.
 - b. Examples include:
 - i. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents, or disasters).
 - ii. As a visual signal to attract the attention of motorists being stopped for traffic violations, or to warn motorists of imminent dangers.
 - iii. Responding to Code 1 calls, where the deputy has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as Code 3.
 - iv. Where because of location, distance to be traveled, or traffic conditions, the deputy determines that emergency operating conditions are essential in order to provide an appropriate response.
 - v. In response to a deputy's emergency request for assistance.
 - vi. For pursuit, see Policy 7.15

E. Use of emergency warning devices in non-emergencies

1. Deputies shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, deputy, and the public.
2. Deputies may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other deputies, such as using emergency lights to protect disabled motorists or when department vehicles are used as protective barriers.



Kendall County Sheriff's Office

Policy: 7.15 Vehicle Pursuits

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: 7.13, 7.14, 7.18 & 7.19

I. POLICY

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing deputies and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

Deputies shall comply with all applicable portions of Policy 7.15 when involved in vehicle pursuits.

II. PURPOSE

To establish procedures governing the operation of Sheriff's Office vehicles, with special attention to emergencies and pursuits.

III. DEFINITIONS

- A. Abandon Pursuit. A voluntary withdrawal from a pursuit by the primary vehicle driver, the secondary vehicle driver, or by the supervisor.
- B. Boxing in. A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction or to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.
- C. Caravanning. Direct participation in a pursuit by Office vehicles other than the primary and authorized support vehicles.
- D. Emergency driving. Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation.

- E. Emergency equipment. Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.
- F. Mobile Video Recording: (MVR). A recording device that records video and/or audio of a police event from a fixed camera mounted in a police vehicle.
- G. Normal or routine driving. That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road."
- H. Paralleling. Operating an emergency vehicle on streets or a route parallel to the pursuit route.
- I. PIT (Precision Immobilization Technique) maneuver. A controlled deliberate contact with the rear of a fleeing vehicle by an agency vehicle with the intention of spinning the vehicle in a predetermined direction to bring it to a stop.
- J. Primary pursuit vehicle. Normally the Office vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.
- K. Pursuit. An active attempt by a deputy in an authorized emergency vehicle to apprehend a suspect, who is fleeing or evading apprehension, provided the deputy reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high-speed driving or other evasive maneuvers. Pursuits shall be conducted only with activated emergency equipment and under circumstances outlined in this order. An attempt to stop a vehicle that is not fleeing, or attempts to stop a vehicle that is refusing to stop while still obeying traffic control devices and not exceeding the speed limit by more than ten miles per hour is not a pursuit.
- L. Ramming. Deliberate contact with a violator's vehicle by an agency vehicle to force the violator's vehicle off the roadway.
- M. Risk. The degree of danger or hazard to the public or deputies.
- N. Roadblock. Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.
- O. Supervisor: the supervisor assigned or assuming control of a pursuit situation.
- P. Support vehicles. The second or additional Office vehicles, participating in the pursuit, which follows the primary pursuit vehicle at a safe distance and helps the primary one once the suspect vehicle has stopped, or which can assume the primary role if circumstances dictate.
- Q. Terminate Pursuit. Discontinuing the pursuit of a fleeing vehicle because of hazardous conditions or environmental factors as evaluated by the deputy in the primary vehicle or the supervisor.

IV. EMERGENCY VEHICLE OPERATION UNDER TEXAS LAW

A. In operating an authorized emergency vehicle, the operator may:

1. Park or stand, irrespective of state or local regulations.
2. Proceed past a red or stop signal or stop sign, after slowing as necessary for safe operation.
3. Exceed a maximum speed limit, except as provided by an ordinance adopted under Section 545.365, if the operator does not endanger life or property, and
4. Disregard a regulation governing the direction of movement or turning in specified directions.

B. These privileges may only be exercised when:

1. Responding to an emergency call,
2. Pursuing an actual or suspected violator of the law,
3. Responding to but not returning from a fire alarm,
4. Directing or diverting traffic for public safety purposes, or
5. Conducting a police escort.

C. Except as outlined in the exemptions listed below, a member of this agency who is exercising the listed privileges afforded to emergency vehicles under Texas law shall use, at the discretion of the operator audible or visual signals.

D. Exemptions to use of emergency lighting and equipment. A police officer may operate an authorized emergency vehicle for a law enforcement purpose without using the audible or visual signals if the officer is:

1. responding to an emergency call or pursuing a suspected violator of the law with probable cause to believe that:
 - a. knowledge of the presence of the officer will cause the suspect to:
 - i. destroy or lose evidence of a suspected felony;
 - ii. end a suspected continuing felony before the officer has obtained enough evidence to establish grounds for arrest; or
 - iii. evade apprehension or identification of the suspect or the suspect's vehicle; or
 - iv. because of traffic conditions on a multi-lane roadway, vehicles moving in response to the audible or visual signals may:
 - a) increase the potential for a collision; or
 - b) unreasonably extend the duration of the pursuit

V. PROCEDURES FOR PURSUITS (TBP: 7.13)

A. Justification for pursuit:

1. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intentions to avoid apprehension for a felony or misdemeanor offense, other than Penal Code 38.04 Evading Arrest or Detention, which would result in jail, by refusing to stop when properly directed to do so. Pursuit may also be justified if the deputy reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
2. Pursuits will not be initiated for class C traffic offenses alone.
3. The decision to initiate pursuit must be based on the pursuing deputy's conclusion that the immediate danger to the deputy and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
4. In deciding whether to initiate pursuit, the deputy shall take into consideration:
 - a. road, weather and environmental conditions;
 - b. population density and vehicular and pedestrian traffic;
 - c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
 - d. the seriousness of the offense; and
 - e. the presence of other persons in the police vehicle.

B. Primary deputy responsibilities

1. The deputy's primary responsibility in a pursuit is the safe operation of the vehicle. Only marked vehicles with emergency equipment shall pursue.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment.

3. The deputy shall notify the dispatcher of the following:
 - a. The location of the deputy and the suspect's vehicle;
 - b. The direction of travel;
 - c. The license number (and state) of the suspect's vehicle;
 - d. The description of the suspect's vehicle;
 - e. The reason for the pursuit.
4. The deputies will, to the best of their ability, keep the dispatcher informed of the location and direction of travel.
5. Whenever the risk to the public or the deputy outweighs the immediate need to apprehend the suspect, the deputy will terminate the pursuit.

C. Supervisor's responsibilities

1. Officers shall not continue a pursuit or assist in a pursuit unless immediate authorization for the pursuit is received from the managing supervisor – if one is on duty.
2. Supervisors shall carefully consider the facts and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of others by a continuous evaluation of the following at the time of the initiation and continuation of the pursuit:
 - a. Time of day and day of the week
 - b. Lighting conditions
 - c. Vehicular and pedestrian traffic
 - d. Type of roadway
 - e. Condition of the roadway (e.g. dry, wet, paved, gravel, icy)
 - f. Weather conditions (e.g. clear, overcast, rain, fog)
 - g. Condition of the emergency vehicle and the condition and type of the fleeing vehicle
 - h. Driving ability of the officer
 - i. Speeds of the emergency vehicle and the fleeing vehicle
3. Supervisors shall respond in all situations to the scene of any arrest resulting from the pursuit to control the scene
4. The on-duty supervisor shall monitor the pursuit by ensuring compliance with Office policy, directing deputies to join or abandon pursuit, re-designating primary

and support pursuing vehicles if necessary, approving or directing pursuit tactics, and terminating the pursuit.

5. The on-duty patrol supervisor shall monitor the pursuit and may respond to the location of the stopped suspect. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.
6. No more than two Office vehicles may pursue a fleeing suspect without the specific authorization of the on-duty supervisor. In authorizing additional Office vehicles to pursue, the supervisor shall consider:
 - a. The nature of the offense;
 - b. The number of suspects;
 - c. The number of deputies currently participating as primary or support vehicles;
 - d. Any injuries or property damage already sustained as a result of the pursuit;
 - e. Any other clear, articulated facts that would justify the assignment of additional Office vehicles.
7. After the incident, the supervisor shall critique the pursuit with all the deputies' involved and review the Vehicle Pursuit Supplement.
8. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing deputies of the Office for the duration of the pursuit.
9. The supervisor may direct the use of tire-deflation devices, as appropriate. (See Tire Deflation Devices below).

D. Supporting deputy responsibilities

Normally the first back-up unit to respond shall help the primary deputy in pursuing the suspect and making the arrest. The secondary pursuing deputy, if possible, should broadcast the progress of the pursuit and controlling the pursuit tactics. By handling these communications responsibilities, the primary deputy can focus attention on the pursuit driving.

E. Dispatcher's responsibilities

1. Communications personnel shall notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
2. Record all pertinent information about the pursued vehicle.
3. Advise all other officers of the pursuit and the information given by the pursuing deputy. Assist in directing back-up units to strategic locations.
4. Alert all other nearby law-enforcement agencies of the pursuit and information given by pursuing deputy when appropriate.
5. Query MVD, TCIC, and NCIC for license data and any warrants.

F. Rules of pursuits

1. Deputies shall not intentionally parallel, ram, bump, collide, or box in a fleeing vehicle nor shall deputies pull alongside such vehicles to force them off the road or into an obstacle. Pit maneuvers by members of this Office are not attempted during a pursuit.
2. Caravanning is prohibited. Only two Office vehicles (excluding the supervisor) shall participate in a pursuit at any time unless specifically authorized by a supervisor.
3. Deputies shall not fire their weapons from a moving Office vehicle.
4. If the on-duty supervisor orders the pursuit to end, then the primary and supporting pursuing deputies shall cease immediately. Also, the pursuing deputy shall end the pursuit if at any time during the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.
5. The use of a stationary or rolling roadblock is prohibited. (TBP: 7.18)
6. When accompanied by civilian passengers, deputies shall not pursue.

7. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall use a different siren-sound selection, if circumstances and safety permit. The use of different siren-sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.
8. In case of pursuit, should the suspect drive in a direction opposite to the flow of traffic, the pursuing deputy shall not follow the suspect in the wrong direction but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel. The pursuing deputy may be able to follow the suspect on a parallel road. Deputies will not drive the wrong way on an expressway, an expressway exit, or entrance ramp, divided highway or street designated for one-way traffic.
9. Deputies involved in a pursuit shall not try to overtake or pass the suspect's vehicle.
10. Intersections are a source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, deputies shall:
 - a. Slow and enter the intersection at a reduced speed and only when safe, when all other vehicles are aware of the deputy's presence.
 - b. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the deputy is requesting the right of way and does not absolutely have the right to run a red traffic light or stop sign.
11. Tire Deflation Devices (TBP: 7.19)
 - a. With the approval of a supervisor monitoring the pursuit, deputies who have been trained in the use of Tire Deflation Devices are authorized to deploy the devices when conditions are appropriate.
 - b. Deployment must be made in safety and in an area that is free of obstructions for at least 100 yards in each direction.
 - c. Deployment is made per manufacturer's instructions always keeping the deploying deputy safe from possible vehicular danger.
 - d. The device must be retracted prior to Office vehicles running over them.
 - e. Deputies deploying the device will notify on coming Office vehicles of the deployment location so that they may slow to avoid running over the devices.

G. Out-of-jurisdiction pursuits

1. Pursuits beyond the local jurisdiction require the direct approval of the on-duty supervisor and, if approved, shall be conducted according to this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request help.
2. Once the pursuit has entered another jurisdiction, if officers from that jurisdiction enter the pursuit, Kendall County Deputies shall cease their emergency driving (unless circumstances require their continued pursuit), turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices.
3. If officers from another jurisdiction pursue a suspect into our jurisdiction, Kendall County Deputies may enter the pursuit as a secondary vehicle only and only if the other agency specifically requests help and the on-duty supervisor approves our participation. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.
4. When the fleeing suspect is apprehended in another jurisdiction, the pursuing deputy shall take the arrested person before a judicial officer of that jurisdiction. The deputies shall then go before our local magistrate to obtain a warrant and ensure that a teletype is sent to the apprehending jurisdiction as soon as possible, acting as a detainer.
5. When a fleeing suspect from another jurisdiction is apprehended within the county, the apprehending deputy shall take the arrested person before the Justice of the Peace. The on-duty supervisor shall confer with the other jurisdiction to determine which shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective magistrate.

H. TERMINATING PURSUITS

1. This order has noted the necessity for a pursuing deputy to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the deputy can make.
2. Deputies shall discontinue a pursuit under the following circumstances:
 - a. The on-duty supervisor orders it.
 - b. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.

- c. The pursued vehicle has outdistanced the pursuing deputy such that its location is not known.
 - d. A person has been injured during the pursuit and no medical or Office personnel are able to provide help.
 - e. The pursuing deputy perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect at the time.
3. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the deputy shall stop, give his or her location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to help. The pursuing deputy should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing officers. Should the individual stop and remain in the vehicle, deputies will not rush the vehicle. Appropriate felony stop procedures should be used.

VI. FOLLOW-UP REQUIREMENTS (TBP: 7.14)

The on-duty supervisor shall ensure that all participating deputies document their involvement in the pursuit whether the suspect was stopped or not. The initiating deputy will complete an Office Vehicle Pursuit Supplement. Other deputies involved will prepare a supplemental report documenting their participation. Reports shall be completed before the end of the deputy's tour of duty.

- A. The supervisor shall collect and secure all video of the pursuit and shall review the pursuit for compliance with policy and forward all documentation to the Patrol Lieutenant for review.
- B. The Pursuit Report with supervisory review will be forwarded to the Patrol Lieutenant. The Chief Deputy will also review the report and determine compliance with policy. The Chief Deputy will inform the supervisor of his findings. Should a policy violation be identified, the Chief Deputy will direct an investigation be conducted as necessary.
- C. Annually, the Sheriff will cause an analysis of all vehicle pursuits occurring during the previous year to be conducted. The analysis will be designed to determine if the current policy is being followed, whether any changes are needed in the current policy, and any training needs of the Office.



	Kendall County Sheriff's Office	
	Policy: 7.16 Vehicle Impoundment/Inventory	
	Effective Date: 01/01/2015	Revised: 03/01/2019
	Approved:  Sheriff	
	Reference:	

POLICY

A motor vehicle is an important piece of personal property that must be properly managed and supervised if it enters police custody. Abandoned vehicles constitute a public nuisance, a hazard to traffic, and members of our community view their removal as an essential police service. Likewise, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes. When towing is performed at an owner's request, the owner will be given the option of specifying a towing company. The Office will select a tow company in other cases. Deputies will also specify a tow company if there is a traffic hazard and an individual's tow company cannot arrive in a timely manner.

I. PURPOSE

To establish procedures for towing and inventory of vehicles.

II. AUTHORITY TO TOW

A. Accident:

1. Any vehicle involved in an accident shall be removed to the shoulder of the road or elsewhere as soon as possible after deputies have obtained necessary investigative information. Vehicles shall be removed from the shoulder without unnecessary delay.

2. Vehicles may be removed to the shoulder of the road or other legal parking spot which does not obstruct or impede vehicle travel on the roadway. Deputies shall only use Office vehicles to push cars off the roadway in emergency situations.

3. If the procedure above is not possible and a traffic hazard results, the deputy may order towing of the vehicle at the owner's expense.
4. Vehicles may be impounded if the vehicle is needed for purposes of the investigation following a vehicle crash. Such cases may but do not necessarily involve custody of the operator.
5. Following motor vehicle crashes, a deputy may request impoundment when the operator is unwilling or unable to take charge of the vehicle, and
 - a. The vehicle cannot be legally parked and sufficiently secured at the scene, or
 - b. There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.

B. Emergency:

Any vehicle found illegally parked in the vicinity of a fire, traffic accident or area of emergency which creates a traffic hazard or interferes with the necessary work of police, fire, or other rescue workers may be towed on a deputy's orders at the owner's expense. Vehicles being used by radio, T.V. and press are exempt unless they obstruct police, fire, rescue operations, or create an unreasonable traffic hazard.

C. Impeding/Danger to traffic

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except in cases of mechanical breakdown or accident. If a disabled vehicle is not promptly removed and creates a traffic hazard, the deputy may order the vehicle towed at the owner's expense. (545.305 Texas Transportation Code)

D. State/county/municipal vehicles:

Paragraphs A, B, and C above shall not apply to any vehicle owned or controlled by the state or a local unit of government while engaged in construction or highway maintenance.

E. Blocking driveway or parking area:

Any deputy discovering or having report of any motor vehicle, trailer, or other vehicle blocking a driveway or parking area, or obstructing or interfering with the movement on any driveway or parking area without the land owner's permission may order the vehicle towed at the owner's expense. (545.305 Texas Transportation Code).

F. Unattended traffic hazard/violation of law:

Deputies may tow any unattended motor vehicle found on a public street or grounds that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law. (545.305 Texas Transportation Code).

G. Unattended vehicle:

Whenever any motor vehicle is left unattended for more than 48 hours upon any right of way of a designated county, state, or federal highway, the deputy may order it towed at the owner's expense. (683.002 Texas Transportation Code).

H. Abandoned vehicle:

1. Whenever any motor vehicle is abandoned upon public property, the deputy may order it towed at the owner's expense. (683.001 Texas Transportation Code).
2. A vehicle may be presumed to be abandoned if it lacks either a current license plate or a valid state inspection, and it has been left unattended on public property (other than an interstate or primary highway) for more than 48 hours.

I. Removal from private property:

1. No removal shall be ordered from private property.
2. Property or business owners may act immediately to have vehicles towed which are occupying a lot, area, space, building or part thereof without their permission.

J. Evidence/crime involvement

1. Upon supervisory approval, vehicles that are of an evidentiary value or involved in the commission of a crime shall be towed at the request of the deputy to an approved impound lot at Sheriff's Office expense.
2. Impoundment of stolen vehicles or suspected stolen vehicles is appropriate when the following circumstances exist:
 - a. The owner cannot be contacted,
 - b. The owner is contacted and cannot or will not respond in a reasonable amount of time, or
 - c. Immediate removal is necessary for safety reasons or purposes of safekeeping,
 - d. Deputies should document reasonable efforts to contact owners with means readily available. Towing of reported stolen vehicles is at the owner's expense.

K. Prisoner's vehicles

1. Vehicles belonging to arrested persons, if left at the scene of the arrest may be at substantial risk of theft or damage to the vehicle or personal property contained therein. It is therefore the policy of this Office to tow all prisoner's vehicles to an impound lot at the owner's expense for protection of the vehicle, unless:
 - a. There is a friend or relative at the scene, and the arrestee wishes to release the vehicle to them, they possess a current driver license, and the arrestee consents to the release either in writing or on the audio/video in-car recording system.
 - b. The arrestee agrees to lock and leave the vehicle in a legal parking space, where a parking violation will not occur before arrangements can be made to recover the car.
2. The deputy may tow the vehicle if he or she believes the above methods of vehicle release would not properly protect the vehicle or its contents.

3. A vehicle shall be towed if a subject is arrested and one of the following circumstances exists:
 - a. The vehicle was used in a crime;
 - b. The vehicle contains evidence of a crime that cannot be processed at the scene.
4. Deputies should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.
5. A “hold” may be placed on any vehicle impounded for evidence for such period necessary to complete evidence collection.
 - a. Holds on vehicles must be approved by an agency supervisor;
 - b. Investigating deputies shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.

L. Impoundment for Forfeiture:

Deputies may impound a motor vehicle with the intent of initiating forfeiture proceedings when the vehicle is used in the commission of a crime as specified by state law. Deputies should contact the CID Lieutenant or CID Sergeant before initiating forfeiture proceedings and shall follow forfeiture procedures as provided by this agency.

III. TOWING PROCEDURES

- A. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance, (e.g., not as a form of punishment, or as a means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained).
- B. When impoundments are ordered, the operator and any passengers should not be stranded. Deputies shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided transportation.

- C. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the appropriate reporting document.
- D. Deputies shall know under which provisions (subparagraphs A-L above) and laws the vehicle shall be towed.
- E. If possible, use the vehicle owner's or operator's choice of towing company.
- F. If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the deputy shall ask the dispatcher to send a rotation wrecker.
- G. In an emergency involving major traffic congestion due to a disabled vehicle, the deputy shall so notify the dispatcher and shall request a rotation wrecker.
- H. If the vehicle involved in an emergency is larger than the normal passenger vehicle or pickup size, the deputy shall so advise the dispatcher who has a separate list of specially equipped wrecker services.
- I. Dispatchers shall log each instance of calling a tow service. The dispatcher shall log the time he or she called the tow service.
- J. When the wrecker arrives on the scene, the deputy shall advise the dispatcher of time of arrival and any other subsequent problems.
- K. Dispatchers shall be notified of all requests to tow vehicles by deputies or owners of private property.

IV. INVENTORY

A. Authority and purpose:

1. A motor vehicle inventory is an administrative procedure designed to protect vehicles and their contents while in Office custody. The purpose of the inventory is to protect the owner's property and to protect the Office against claims and possible dangers. Inventories may be conducted without a warrant or probable cause when:
 - a. The vehicle has been lawfully seized or impounded;

- b. Inventories will be conducted before towing the vehicle for violations, safety reasons, or other purposes as defined by law.

B. Inventory vs. search:

1. An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory but a vehicle search.
2. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked shall not be inventoried. Deputies are reminded of the "plain view doctrine" and the limitations upon the authority to search incidental to a lawful arrest.
3. A vehicle inventory report shall be completed whenever a deputy assumes responsibility for towing a vehicle. An inventory shall be completed at the location where the vehicle was seized unless reasons of safety or practicality require the inventory to take place later.
4. Before the vehicle is removed, deputies shall obtain the signature of the tow truck driver on the inventory report and provide the tow driver a duplicate copy of the report.

C. Inventory procedures:

1. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature.
2. The scope of the inventory includes all open and closed containers and compartments and any locked containers or compartments if the deputy has a key. Locked or sealed items shall not be forcibly entered if doing so will damage them. Locked items that are not searched will be noted on the Impound report. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may reasonably be found.
3. Deputies shall not force open a vehicle's trunk or glove compartment to inventory the contents if a key is not available.

4. Any evidence, contraband, fruits or instrumentalities of a crime discovered during an inventory shall be handled per evidence procedures.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.20 Patrol Operations

Effective Date: 07/01/2014

Revised: 03/01/2019

Approved:


Sheriff

Reference: 7.01

I. POLICY

Patrol is the primary activity of law enforcement. Patrol includes much more than driving through neighborhoods looking for evidence of criminal activity. The Kendall County Sheriff's Office expects deputies to conduct patrol vigorously to enforce traffic and criminal laws, answer complaints, conduct investigations, promote community-relations activities, and prevent crime.

II. PURPOSE

To define and outline general procedures for patrol operations. Procedures for handling specific calls for service are presented in the Patrol Standard Operating Procedures.

III. ORGANIZATION AND ADMINISTRATION

- A. The Patrol Division is commanded by the Patrol Lieutenant and is comprised of deputies assigned to both the Patrol and Traffic functions under the direct supervision of sergeants. The sergeants report to the Patrol Lieutenant.
- B. The Patrol Division operates on a 24 hour, 7-day week schedule, including holidays. (TBP: 7.01)
- C. Patrol Division Responsibilities:
 - 1. Responsible for the preliminary investigation of calls for police services, accident investigation, traffic enforcement, crime prevention, those duties which by their very nature require the actions of a deputy, and assignments which may be given by a commanding deputy.

2. Composed of designated shifts, each under the command of a sergeant or other designated supervisor who reports to the Patrol Lieutenant.
3. Responsible for primary service related to traffic operation, including, but not limited to, traffic enforcement, accident investigation, designated traffic direction and control, and assignments that may be properly given to them.

D. Divisional Personnel Staffing

1. Patrol Staffing

- a. Personnel are distributed among four patrol shifts. The Patrol Lieutenant assigns personnel to shifts based upon distribution of calls for service, and Office manpower needs.
- b. Minimum staffing for patrol functions for shifts with seven sworn deputies is five sworn deputies. Minimum staffing for patrol functions for shifts with less than seven sworn deputies is four sworn deputies.
- c. Personnel work (12) twelve hour shifts, in an (84) eighty four-hour pay period.
- d. Personnel assigned to the Patrol division have rotating days off.

E. Assigned Personnel Levels by Shift

1. Day Shift Staffing Levels:

- a. One Sergeant
- b. One Corporal
- c. Five Deputies

2. Night Shift Staffing Levels:

- a. One Sergeant
- b. One Corporal
- c. Five Deputies

F. Patrol Districts

- 1. The Kendall County Sheriff's Office currently operates with three patrol districts, A (Boerne area), C (Bergheim area), and B (Comfort area). Deputies are assigned to an area by their respective Sergeants.
- 2. On an annual basis, the Office will review call for service and activity in each sector to determine any redrawing of sectors that may be necessary.

IV. PROCEDURES – CONDUCT WHILE ON PATROL

- A. Deputies shall acquaint themselves with the geography of their patrol assignment, and particularly the location of highways and traffic hazards. Deputies shall also become familiar with the names and addresses of habitual criminals and law violators, first aid stations, hospitals, fire and rescue stations, magistrates, general district and county courts, medical examiners, public and private social service agencies, and any other public or private officials that prove helpful in the administration of their duties.
- B. Deputies shall promptly respond to all calls dispatched to them. Calls which appear to be a risk to the physical well-being of a person take precedence over calls which are reporting danger or loss of property. In all cases, when dispatched to a call, the deputy will respond directly and expediently.
- C. Deputies shall remain in their sector to respond to calls for service in that area unless otherwise directed by dispatch.
- D. Deputies shall initiate investigations into suspicious activities to prevent criminal activity. Patrol Deputies are responsible for the Preliminary Investigations of criminal offenses occurring in the county.
- E. When a deputy observes a violation of the law, subject to the authority and discretion discussed in policy, he or she shall either (1) warn and release, (2) arrest, or (3) issue a summons to the violator to appear before the court having jurisdiction.

- F. Without exception, deputies transporting non-Office civilians (non-employees) shall notify the dispatcher of the transport. The report shall include the point of origin, vehicle odometer reading, and the destination. Upon arriving, the deputy shall so notify the dispatcher and give the odometer reading. The communications operator shall log the information and record the time of each notification.

- G. To the capabilities of their training and qualifications, deputies shall provide general and emergency assistance to motorists. Assistance includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Deputies shall, within reason, ensure that the requested service is provided in a timely fashion. If, after arranging for assistance, the deputy is unable to remain with the motorists until help arrives, he/she shall take the necessary steps to provide safety to the motorists or arrange for transportation. If the need arises, deputies may transport a motorist to a place of safety.

- H. During a twelve hour shift, deputies are allowed one 45 minute meal break during the first half of their shift, and one 45 minute meal break during the second half of their shift. The second meal break shall not be taken during the last hour of the shift. Meal breaks may not be combined into one extended meal break. Deputies will receive clearance from dispatch for their meal breaks. Dispatch may hold non-emergency calls for sector deputies on meal breaks; however, calls for service take priority over meal breaks. Supervisors will monitor all deputy's activities to ensure compliance with these times and will make sure extended periods of inactivity do not occur.

- I. No more than two marked units, excluding the supervisor, will be parked in public view at the same location for breaks.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.21 N-Code Program

Effective Date: 11/15/2017

Revised:

Approved:

Sheriff

Reference:

I. POLICY

This policy establishes a set of alternative methods for the traditional field response of non-emergency/non-criminal requests for police services.

II. PURPOSE

The N-Code Program is a process designed to relieve an officer of the responsibility for submitting a written report on assigned calls when certain criteria or conditions exist. However, this program does not relieve officers of their responsibility to take and keep notes of any police action in which they are involved. In order to clear from a call for service officers will use the proper N-Code as listed below. Officers **DO NOT** obtain a case number for a report that is to be N-Coded.

III. PROCEDURES

- A. The N-Code Program consists of a series of N-Code numbers and pre-scripted messages outlining the specific criteria or conditions for use.
- B. Reports involving any type of criminal offense must be completed on an incident report. Typically, an incident report should only be used for reporting criminal offenses, those incidents where a police report is required, or other major incidents that are non-criminal in nature but are of such magnitude that need to be documented in a police report.
- C. Remarks added to the comments box on the call for service sheet are encouraged for clarification when needed and for future research.
 - 1. No slang, abusive, indecent, profane, or vulgar language may be used in the notes section, except when the language is a quotation and is essential to the investigation, a part of the offense, or related to the officer's action.

2. Due to NCIC/TCIC regulations, criminal histories may not be cut and pasted into the note section of the call for service sheet. Additionally, no vehicle registrations or personal history obtained from any type of CJIS search should be put or pasted into the notes section.
3. The following is a list of information a deputy may include when adding a narrative in the notes section of the calls for service sheet:
 - a. Name(s) of person(s) involved.
 - b. Person's age.
 - c. Vehicle year, vehicle model, color, description.
 - d. Insurance provider and phone number (not to include policy number).
 - e. Estimated amount of property damage or loss.
 - f. Citation number (this number is usually listed on the front of the notice).
 - g. A narrative of the incident and action taken.
4. The following will not be entered when adding notes to the call for service sheet:
 - a. Names of juvenile suspects or juvenile victims.
 - b. Child Abuse/Neglect suspects, victims or Reporting Person's names.
 - c. Sexual Assault victims' names.
 - d. Private identifying information (SSN, account numbers, TDL number, etc.)

IV. N-CODE NUMBERS AND PRE-SCRIPTED MESSAGES

- A. **N-Code 1**: No Such Address - Found no such address or location – Effort was made to locate complainant – Call back by dispatcher unsuccessful.
 1. While no comment is necessary when using this N-Code, deputies may include what actions were taken to verify that no such address existed.

- B. **N-Code 2**: Occupant Did Not Call - Occupant stated he/she did not call; Determined no problem or incident occurred; Call back by dispatcher unsuccessful.
1. While no comment is necessary when using this code, deputies may include the name of the person contacted and actions taken to verify the lack of a necessity for a police response.
- C. **N-Code 3**: No Complainant - Unable to locate a complainant; No evidence an incident had taken place; or case number created in error.
1. While no comment is necessary when using this code, deputy comments may include the measures the deputy took to locate a complainant or ascertain an offense did not take place.
 2. This N-Code is not to be used on any self-generated On-Site Activity calls that are created by the deputy.
- D. **N-Code 4 BC**: Commercial Burglar Alarm - Building physically secure; No apparent evidence of criminal activity for alarm notification.
1. To be used for any commercial location, other than a panic alarm. If a deputy is physically unable to check the building/premises, then reasons will be documented in the notes section.
- E. **N-Code 4 BR**: Residential Burglar Alarm - Building physically secure; No apparent evidence of criminal activity for alarm notification.
1. To be used for any residential location, other than a panic alarm. If a deputy is physically unable to check the residence/premises, then reasons will be documented in the notes section.
- F. **N-Code 4 G**: Government Alarm – Building/premises physically secure; No apparent evidence of criminal activity for alarm notification.
1. To be used on any location that is designated as a government location. If a deputy is physically unable to check the residence/premises, then reasons will be documented in the notes section.

- G. **N-Code 4 PC**: Commercial Panic Alarm - All occupants safe; No apparent evidence of criminal activity for alarm notification.
1. While no comment is necessary when using this code, deputies may include the name of the person contacted and actions taken to verify the lack of a necessity for a police response.
- H. **N-Code 4 PR**: Residential Panic Alarm - All occupants safe; No apparent evidence of criminal activity for alarm notification.
1. While no comment is necessary when using this code, deputies may include the name of the person contacted and actions taken to verify the lack of a necessity for a police response.
- I. **N-Code 4 IW**: Inclement Weather False Alarm - False alarm caused by severe weather conditions. No further action is required.
1. If a deputy is physically unable to check the building/premises, then reasons will be documented in the notes section.
- J. **N-Code 5**: Return Call - Added return call to previously written report.
1. Only the officer who handled the original call can use this N-Code number. Comment section shall contain the original case number that was used.
- K. **N-Code 6**: Outside Agency Case - No action taken – Proper jurisdiction notified or advised complainant to notify proper jurisdiction.
1. A report is written whenever any action is taken, such as complainant/witness interviewed, evidence handled, etc.
- L. **N-Code 7**: Cancelled by the dispatcher - Cancelled by Dispatcher/Dispatcher Supervisor.
1. This N-Code is used solely by the dispatcher/dispatch supervisor, e.g., when the call is canceled by the complainant or when an officer receives an internal assignment such as transporting witnesses or prisoners, making notifications for the Investigations Division, a special assignment or traffic assignment, or when the call is already being handled by another officer.

M. **N-Code 8 PB**: Patrol-by - Patrol-by given to officer by dispatcher or Field Supervisor.

1. If a decision by a Field Supervisor is made to assign a call as a patrol by, the Supervisor will assign themselves to the call sheet and then add comments/reasons for assigning the Patrol-by (e.g., was assigned to Patrol-by due to drug activity; unable to make the scene in reasonable time; recurring problem requiring only patrol by response, etc.)
2. Absent exigent circumstances, officers will patrol by the location during their tour of duty and upon completion get a time check from the dispatcher.
3. If action is taken on the patrol-by, the officer will request to be re-assigned under the original call sheet #. Comments shall then be entered by the officer.

N. **N-Code 8 SC**: Security Check - Security Check only.
Residence/Premises physically secure; No apparent evidence of criminal activity.

O. **N-Code 8 LM**: Loud Music - No loud music found; Decibel level < 85.

1. If a decibel level is taken within the legal limit, the deputy need only document the level in the notes section of the call sheet.

P. **N-Code 9**: Recovered Stolen Vehicle or Additional Info - Found missing person, recovered stolen vehicle, recovered property.

1. The notes section of the call sheet shall contain the original case number that will be used to write a supplement.
2. The officer assigned to the call must write a supplemental report under the original agency case number.

Q. **N-Code 10**: Cancelled by Field Supervisor - Field Supervisor cancelled the call.

1. The Field Supervisor will assign themselves to the call sheet and then add comments/reasons for cancelling the police response.

2. This N-Code is used only at the discretion of a field supervisor based on sufficient information about the call in question (i.e., chronic caller).
- R. **N-Code 11**: Civil Stand-by - Civil Stand-by. Exchange of children, property pick-up or other civil issue not requiring police action.
1. Successful stand-bys with no incident occurring require no comment.
 2. Stand-bys where exchanges are not successful of a disturbance takes place will require a report.
- S. **N-Code 12**: Assist the Public - Assist the Public. The officer provided minor assistance to the complainant for a non-criminal matter.
- T. **N-Code 13**: Animal Call - Miscellaneous animal call; no police action has taken
1. A brief description of the actions taken will be added to the comment section
- U. **N-Code 14**: Abandoned Vehicle - Vehicle abandoned on public street, including the interstates, or any dedicated street on city/county property
1. At a minimum, the officer shall list the license plate, color, and a description of the vehicle and reason for the call or action, e.g., "Vehicle, a maroon 2010 Dodge Ram TK, TXFD14001, was legally parked, but appeared to be sitting in same location for some time, unmoved. Vehicle stickered."
- V. **N-Code 15**: Assist EMS/FIRE - Assisted EMS/FIRE as requested.
- W. **N-Code 16**: Traffic Hazard - Traffic Hazard. Officer removed/eliminated hazard.
- X. **N-Code 17**: Blue Form Accident – No report required.
1. At a minimum, the officer shall list each operator's name and driver's license number and each vehicle's license plate number in the notes section of the call sheet.

Y. **N-Code 99**: Administrative Report - Administrative Report. Supervisor handling a complaint administratively.

1. This N-Code is used only by a supervisor when a call sheet has been generated for a complaint or other matter which is going to be handled administratively.

V. CALL FOR SERVICE REPORTING PROCEDURE FOR FIELD OFFICER

- A. On any call which would require a deputy with report responsibility to write an incident report, the deputy is relieved of the responsibility for submitting a report if the actions taken by the deputy consist entirely of one of the N-Code number statements that can be covered by the call for service. If the situation or condition is not entirely covered by an N-Code number statement, the deputy must submit a written report covering the incident.
- B. If the incident is one covered by an N-Code number statement, the deputy with report responsibility shall put the appropriate information in the comments field when required or desired and then assign the appropriate N-Code using the iPad, or the deputy may opt to write an incident report covering the call for service. When comments are to be entered, the comments will be entered first and then the appropriate N-Code will be applied by the deputy.
- C. After the deputy enters comments and/or applies the appropriate N-Code using the iPad, the deputy will clear the call by advising the dispatcher over the radio of the N-Code used and check back in service.
- D. Deputies will NOT use the iPad to clear themselves from a call for service after applying the proper N-Code. Only the dispatcher will clear deputies from calls or assignments.
- E. When applicable, a call sheet with the appropriate N-Code number and pre-scripted message, and call notes when applicable, is the deputy's official report of an incident. All Office rules, regulations, and procedures concerning reports are applicable to the N-Code Program. The deputy shall provide the call for service number when requested and advise the complainant that a brief computer-generated report will be available at the Records Office.

- F. If a deputy spends an extended period of time (i.e., over 1 hour) on a call, he/she should use appropriate discretion to determine whether an incident report or the proper N-Code is used or completed. Additionally, deputies are still required to submit a supplement report when assisting on a major felony case or are involved in any case where an arrest has occurred, evidence is handled, or witnesses are interviewed by the deputy.

- G. The use of the N-Code Program is designed to relieve a deputy of the responsibility for submitting a written report on assigned calls when certain criteria or conditions exist. It is not intended to be a general removal of a deputy's responsibility to serve the public by documenting incidents that require police action. Abuse of the N-Code Program and/or failure to write an incident report in those cases where a report is required will result in disciplinary action and may include loss of N-Code Program privileges.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.30 Traffic Enforcement

Effective Date: 01/01/2015

Revised: 02/27/2020

Approved:


Sheriff

Reference: 7.21, 7.22, 7.28

I. POLICY

Traffic law enforcement involves all activities or operations which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. It is the policy of the Kendall County Sheriff's Office that motor vehicle stops shall be performed professionally and courteously, and with a view towards educating the public about proper driving procedures while recognizing and taking steps to minimize the dangers involved in this activity for the deputy, the motorist and other users of the highway.

Overzealous enforcement, however, without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the Office and the community. The emphasis of a deputy's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic.

II. PURPOSE

It is the purpose of this policy to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the deputy and the motorist.

III. PROCEDURES

A. Legal Basis for Stopping Motor Vehicles

1. Deputies have legal justification for stopping a motor vehicle as provided by the Fourth Amendment to the U.S. Constitution. Without such justification, evidence of illegal activity discovered during the course of a stop may be inadmissible in court.

2. Deputies are prohibited from stopping vehicles under the guise of legal authority when in fact the stop is based solely on the deputy's prejudice concerning a person's race, ethnicity, sex, or similar distinction.
3. A motor vehicle may be stopped only for a period of time that is reasonable to issue a citation or conduct other legitimate police business.
4. Deputies should avoid arrests solely for minor vehicle infractions even if permitted by law when a citation in lieu of arrest is a reasonable alternative.
5. Deputies are reminded that they have full discretionary authority in the type of enforcement actions to be taken, subject to the guidelines contained herein. Deputies are encouraged to use good judgment, understanding and compassion in making a decision on the proper enforcement activity. (TBP: 7.28b)

B. Types of enforcement actions

1. Warnings - Deputies may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. In their discretion, deputies must recognize that a properly administered warning can be more effective than any other type of enforcement.
2. Traffic Citation - A traffic citation shall be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.
3. Physical arrest (TBP: 7.28d)
 - a. In compliance with Transportation Code 543.002, deputies may make a physical arrest and, if an arrest is made, shall take the violator before a magistrate when the deputy believes that:
 - i. the violator has committed a felony; or
 - ii. the violator has failed to stop at the scene of an accident involving property damage or committed any other violation where the punishment is greater than a fine only; or

- b. If the violator refuses to sign the citation, the deputy may:
 - i. Write “Refused to Sign” in the signature block and issue the citation to the subject; or
 - ii. “Instanter” the violator if JP is available, by having him follow the deputy to the appropriate JP Court, where the JP will make a final determination, or
 - iii. Make a physical arrest for refusal to give a written promise to appear under TRC 543.005 (Promise to Appear).

C. Handling special categories of violators

1. Speed and Open Container Violations – A violator may not be physically arrested, but must be issued a citation for offenses of Speeding or violation of the Open Container law.
 - a. A citation for the violation will be written and the violator will be offered an opportunity to sign the violation promising to appear in court.
 - b. If the violator refuses to sign the violation promising to appear, a custodial arrest of the violator can be made.
2. Juveniles - Juvenile traffic offenders are prosecuted in the respective Justice of the Peace Court. Juveniles over the age of 14 may be issued citations for offenses committed while operating a motor vehicle. Juveniles over the age of 10 may be issued citations for offenses on motorcycles, motorized scooters, or ATVs. Deputies issuing traffic citations to juvenile offenders shall question the juvenile to determine their ability to understand their conduct is a violation of the law, and shall advise them that a parent or guardian must accompany them when they appear before the court. Juveniles must appear in court with their parents, no prepayment is allowed.
3. Foreign diplomatic or other consular officials
 - a. Diplomatic immunity is granted by the United States Government. Generally, immunity may apply to diplomats, members of their families, and employees of diplomatic missions concerning acts performed in the course of their official duties.
 - b. Different levels of immunity exist. The burden is on the diplomat to claim immunity and show the appropriate U.S. State Department-issued credentials.

4. Members of Congress

- a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.
- b. If a member of Congress is stopped for a traffic infraction, upon presentation of valid credentials, he or she shall be released immediately. The deputy may then obtain a summons for the member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress or on official business.

D. Information regarding traffic summons

The citation shall be completed whenever a motorist is to be charged with a motor vehicle violation. Deputies shall advise drivers of the following:

1. The appropriate Justice of the Peace Court appearance schedule and contact information.
2. Provide the motorist with a handout from the Justice of the Peace Court explaining the fine amount and other information.
3. Answer the motorist's questions about the summons as thoroughly as possible.

IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

A. Speed violations

1. On public streets within Kendall County, a tolerance of five miles per hour is suggested. Deputies, under normal road and traffic conditions, would warn for speed violations up to five miles over the posted speed limit. This allows for speedometer calibration problems with the violator's vehicle.

B. Other hazardous violations

Citations may be issued for any hazardous violation which in the deputy's experience has caused accidents at the specific location.

C. Equipment violations

With only annual inspections required of vehicles, citations may be issued for any essential equipment defects which create a danger or hazard to the driver or others. Deputies shall not issue an expired inspection or registration citation until the 6th day of the month following the month the inspection expired.

D. Public carrier/commercial vehicle violations

In issuing a summons, consider traffic congestion, lack of parking, and carrier needs for delivery access. Repetitive violators shall be cited.

E. Multiple violations

Deputies may issue summonses for all appropriate violations. In the event of multiple violations, deputies may issue multiple citations for the most serious violations and warnings on others if appropriate.

F. Operate Motor Vehicle Without Driver License

1. If the operator of a stopped vehicle does not have a driver license, the violator should be issued a citation for the violation(s) and instructed to legally park the vehicle. You may offer the violator a ride or offer assistance for someone to pick up the vehicle, if time permits.
2. Attempt to identify the operator by some other form of identification, such as Texas ID Card, school identification card with photo, military identification card as examples. If you have reason to believe the driver does not have permission to drive the vehicle, contact the registered owner of the vehicle and verify the car has not been stolen.
3. Repeat offenders or persons with previous convictions may be arrested. Deputies should use good judgment before deciding to arrest or leave a person on the side of the road. For example, the driver has small children or elderly passengers in the vehicle, female driver alone should not be left stranded, elderly persons etc. Remember this is only a minor traffic offense.

G. Newly-enacted laws

The law usually does not provide for a grace period when new laws take effect. Deputies, though, may use discretion in observing a reasonable grace period before issuing a summons for the following:

1. A violation of a newly enacted traffic law.
2. Speeding violations in an area which the speed limit has been reduced.
3. Expired state license tags for approximately five days after their expiration.

V. TRAFFIC LAW ENFORCEMENT PRACTICES - GENERAL

Normal traffic enforcement involves patrol by deputies who observe and handle traffic violations during the performance of their duties.

- A. Area patrol involves traffic enforcement within the deputy's assigned area of responsibility.
- B. Directed patrol instructions can specify enforcement in an area, or at a specific location, depending on the nature of the hazard/violation.
- C. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location.
- D. Deputies are encouraged, when completing reports or doing other activities which will keep them out of service for a period of time, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind other drivers to comply with traffic laws.
- E. Objectives of traffic stops:
 1. The two primary objectives of any traffic stop are
 - a. to take proper and appropriate enforcement action; and
 - b. To favorably alter the violator's future driving behavior.

2. Achievement of these objectives requires the deputy to evaluate the violator's mental and physical condition when assessing the facts of the violation itself. In achieving these objectives, deputies must exhibit flexibility to minimize conflict or argument with the violator.

F. Stopping a Violator / Issuing a Citation (TBP: 7.28 c)

1. Rules to be followed in all traffic stops:
 - a. Be alert at all items for the unexpected.
 - b. Be absolutely certain that the observations of the traffic violation were accurate.
 - c. Present a professional image in dress, grooming, language, bearing, and emotional stability.
 - d. Be prepared for the contact by having the necessary equipment and forms immediately available.
2. Before making a vehicle stop:
 - a. Maintain a reasonable distance between the violator and the patrol vehicle.
 - b. Locate a safe spot to stop the vehicle.
 - c. Activate the emergency lights and, when necessary, the siren to signal the vehicle to stop.
 - d. Advise the dispatcher of the intention to stop the particular vehicle, and give the following information:
 - i. The location of the stop.
 - ii. The vehicle's license tag number and a description when necessary.

- e. The deputy shall position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle shall be positioned so that it will offer the deputy some protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle.
3. Additionally, when stopping a vehicle in which the occupant(s) is deemed to present a hazard to the deputy's safety, perform the following actions.
 - a. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before making the actual stop;
 - b. Train the unit's auxiliary lights (spotlight) on the occupant(s) of the vehicle when applicable;
 - c. When necessary use the vehicle's public address system to give instructions to the occupant(s) of the violator's vehicle.
4. Hazards
 - a. On multi-lane roadways, the deputy shall insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
 - b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the deputy shall direct him or her to move to a safer location. Deputies shall use the public address system to instruct violators to move to a safer location. If the deputy's oral directions and gestures are misunderstood, the deputy shall quickly leave the patrol vehicle and instruct the violator.
 - c. At night, deputies shall exercise caution in selecting an appropriate place for the traffic stop. Once the violator has stopped, to maximize deputy safety, use the spotlight and set the head lights for high-beam, and employ emergency bar lights and emergency flashers.
5. Approaching the violator (Left side Approach)
 - a. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the deputy, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drunk driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Follow these procedures unless circumstances dictate another reasonable method.

- b. After properly advising the dispatch of the traffic stop, location, and vehicle license number, the deputy shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
- c. The deputy shall approach from the rear of the violator's car, look into its rear seat, and stop behind the trailing edge of the left front door. On busy roadways, deputies should consider the option of approaching the vehicle from the passenger's side (right) for deputy safety. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the deputy can communicate with the violator, and at the same time keep all occupants of the vehicle in view.
- d. In cases where the violator's car has occupants in both the front and rear seats, the deputy shall approach to the trailing edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the deputy. From this position, the deputy can communicate with the violator and keep all occupants in view.
- e. In traffic stops made by two-deputy patrol vehicles, the passenger deputy shall handle all radio communications, write all notes, and act as an observer and cover for his or her fellow deputy.

6. Communicating with the violator

In transacting business with the violator, the deputy shall observe the following rules.

- a. Greet the violator courteously with an appropriate title, for example, "Good Morning, Deputy (state your name) with the Kendall County Sheriff's Office."
- b. Inform the violator what traffic law he or she has violated and the intended enforcement action (do not keep the violator in suspense).
- c. Ask for and accept only the violator's driver license and vehicle proof of insurance. If the driver offers money, the deputy shall refuse it and advise the driver of the illegality of the offer.
- d. If the driver has no driver's license, obtain another document of identification, such as Texas ID Card, Military Identification or Passport.

- e. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.
 - f. Complete the forms required for the enforcement action or give an oral warning, if appropriate.
 - g. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
 - h. Explain to the violator their signature is only a promise to appear, not an indication of guilt.
 - i. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
7. Conducting the transaction
- a. Return the violator's driver's license, proof of insurance, and a copy of the citation or warning, if given.
 - b. Release the defendant after he or she signs the summons, and receives a copy of the summons.
 - c. Assist the violator in safely re-entering the traffic flow.
 - d. Do not follow the violator.

VI. CITATION ACCOUNTABILITY

- A. Except for Animal Control violations, citations are issued electronically by use of the laptop located in the patrol vehicle or with electronic ticket writers.
- B. Citations are submitted to the appropriate Justice of the Peace electronically.
- C. Violations for animal control laws or ordinances will be issued by Animal Control officers using written citations.

- D. Animal Control Director is responsible for the security of written citation books and shall keep a log of all citation books issued, who the citation book was issued to and when the citation book is returned when completed.
- E. The Animal Control Director shall keep the written citation log book in a secure location within the Animal Control Director's Office.

VII. DWI/DUI ENFORCEMENT PROCEDURES

A. Laws

It is unlawful for any person to drive or operate any motor vehicle while under the influence of alcohol or while under the influence of any narcotic drug of any nature.

B. Responsibilities

Deputies shall be alert for suspected DWI offenders. Deputies shall use and document standardized roadside sobriety tests. Deputies must carefully document the behavior of the DWI beginning with observations of driving. Once the violator has been stopped, the deputy shall note the suspect's appearance, responses to stimuli, speech, admissions of drinking, or drug ingestion.

C. Breathalyzer

1. The security, care, and maintenance of the breathalyzer and all physical evidence obtained from it is every deputy's responsibility.
2. The breathalyzer is located at the Kendall County Law Enforcement Center.

D. Sobriety tests

1. Deputies shall administer a minimum of three field sobriety tests from the following list. The list names the most commonly administered tests.
 - a. Gaze nystagmus (only if properly certified).
 - b. Walk and turn.
 - c. One-leg stand.

- d. Reciting of alphabet.
 - e. 10 count.
 - f. Finger to nose.
 - g. Romberg balance testing.
2. If a deputy suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, he may require the operator to have a blood test performed in addition to testing for alcohol. Blood samples shall be analyzed by Department of Public Safety lab for evidence of alcohol and for various illegal, prescription, and over-the-counter drugs. Drugs include any substance when taken into the human body impairs the person's ability to operate a vehicle safely.
 3. The deputy shall make a full written report of the circumstances of the DWI arrest, formation of probable cause, and witnesses' observations.

E. Arrest

1. The arresting deputy shall perform the following:
 - a. Advise the arrestee that any person, whether or not licensed by Texas, who operates a motor vehicle in this state gives implied consent to have a sample of his blood or breath taken for a chemical test to determine the alcoholic content of this blood or for the presence of drugs if such person is arrested for DWI.
 - b. Advise the arrestee that he or she may elect to have either a breath or blood sample taken, when available, but not both unless the deputy suspects the presence of drugs. It is not a matter of defense for the driver in court that neither test was available.
 - c. If the arrestee refuses the available test advise him or her that unreasonable refusal of the test constitutes grounds for the revocation of the driver's license and that a separate charge shall be placed to which he or she will have to answer in court.

F. Blood test procedure

1. Blood draws based on a refusal are only obtained with a search warrant signed by a County Court or District Court judge.

2. After obtaining the search warrant, take the arrested person to a physician, registered professional nurse, graduate laboratory technician, or other technician designated by order of the court who shall withdraw blood for the purpose of determining its alcoholic content and drugs. Methodist Hospital in Boerne is suggested.
3. The arresting deputy shall also witness the doctor or technician taking the blood sample and ensure that an alcohol solvent is not used to cleanse the withdrawal location. The deputy shall initial the vial label before the doctor or technician seals the vial in the container. The initial shall be placed on the label where it does not interfere with the date written by the doctor or technician who took the blood sample.
 - a. The medical person taking the sample shall place his or her name and the name of the accused on the label of each vial with the date and time the blood was taken.
 - b. The arresting deputy shall take possession of the vial and seal it in the container designed to hold the vial.
 - c. The arresting deputy shall further perform the following:
 - d. Place the name of the arrested person, deputy's name, date and time of arrest on the container.

G. Breath analysis

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Division of Forensic Science. This may include the arresting deputy or anyone participating in the arrest. In the event the breathalyzer is inoperable or a licensed operator is not available, this test is deemed not available.
2. The type of equipment and the methods used to perform breath analysis shall accord with the regulations of the Division of Forensic Science.
3. The testing deputy shall issue a certificate of breath alcohol analysis which indicates that the test was conducted per the manufacturers' specifications, the equipment on which the test was conducted has been tested in the last six months and was found to be accurate, the name of the accused, the date, the time the

sample was taken from the accused, the alcohol content of the sample, and by whom the sample was examined.

H. Accident investigation

If the DWI suspect has been involved in a traffic accident, deputies shall also undertake the following:

1. Identify any witnesses who saw the suspect operating a motor vehicle.
2. Question the witness about the suspect's condition, actions, and statements immediately after the accident.
3. Establish a time lapse from the time of the accident to the time of arrest.
4. Question the witnesses and the suspect about what, if anything, the suspect ingested between the time of the accident and the deputy's arrival.

VIII. SPECIAL TRAFFIC PROBLEMS

A. Identification and referral of driver recommended for reexamination to the Department of Public Safety (DPS). During routine traffic law enforcement activities, deputies frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement he or she may take, the deputy shall notify DMV of these findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description of the disability noted. A driver deficiency report may be used for this purpose.

B. Pedestrian and bicycle safety

The Patrol Lieutenant shall review the traffic accident records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program. The Lieutenant may recommend to deputies enforcement measures including steps to:

1. Reduce or eliminate human environmental factors leading to accidents.

2. Reduce or eliminate the behavior, decisions, and events that lead to the accidents.

C. Off-road vehicles (including dirt bikes, motorized scooters, and ATVs)

1. Accidents involving off-road vehicles that do not occur on a public highway do not require a traffic accident report. If the responding deputy finds it convenient, he or she may complete an accident report and attach it to the offense report.
2. Any deputy observing an unlicensed off-road vehicle on the highways that cannot be operated legally on public highways shall order it removed and enforce appropriate laws.
3. Deputies shall enforce compliance with vehicle registration laws as they pertain to off-road vehicles.
4. Deputies shall enforce laws, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property, and pay close attention to recreational areas in Kendall County (Guadalupe River for example).

IX. ESCORTS

A. General rules

1. Deputies shall not provide emergency or non-emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned.
2. Deputies may provide escorts of vehicles with oversize or hazardous loads. These escort duties shall be conducted under the authorization of the on-duty supervisor. The supervisor shall coordinate the escort with the authority having control over the escorted vehicles. If the escort takes place on a state highway, state approval may be necessary.
3. Deputies may provide funeral escorts with marked vehicles. The escort duty shall be conducted under the authorization of the on-duty supervisor only. Further, the escort shall take place per an articulated plan approved by the on-duty supervisor.

B. Funeral escorts

1. Before conducting a funeral escort, deputies shall confer with the funeral home director to:
 - a. Plan the route to be taken to account for the most direct method, expected traffic density and anticipated obstacles.
 - b. Determine the circumstances of the escort to include which traffic lanes to use, speed of travel to the destination, and how to handle adverse weather.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.31 Traffic Accident Investigation

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:


Sheriff

Reference: 7.16

I. POLICY

The purpose of accident investigations is to determine the cause of an automobile crash and use the information to develop enforcement that will reduce accidents. Accident reports are used by the Department of Public Safety, the Department of Transportation at the state level and by the local entities to study the frequency of crashes at any given time, location, and the causes of the road conditions that existed at the time. The reports are also used to develop selective enforcement programs, engineering studies and to promote street and highway safety.

II. PURPOSE

The purpose of this policy is to establish guidelines for the proper handling of traffic accidents and for the collection and use of data that will reduce automobile accidents resulting in property damage, injury or death.

III. PROCEDURES

A. Accident reporting and investigation:

1. Texas Transportation Code requirements concerning the reporting of traffic accidents include:
 - a. TRC 550.026: The driver of any vehicle involved in an accident resulting in death or injury shall immediately notify law enforcement officials.

- b. TRC 550.062: A law enforcement officer investigating an accident resulting in injury or death or apparent property damage in the amount of \$1,000.00 or more shall complete and submit a report on the required approved form.
 - c. TRC 550.062: Deputies who investigate an accident for which a report must be submitted, either at the time of and at the scene of the accident, or thereafter and elsewhere by interviewing participants or witnesses, shall submit accident report by the end of their shift.
2. A deputy shall respond to and prepare a report of the accident involving any of the following:
- a. Death or injury;
 - b. Property damage in excess of \$1,000.00;
 - c. Hit and Run;
 - d. Impairment due to alcohol and drugs;
 - e. Hazardous materials;
 - f. Any accident involving county property, vehicles, equipment or facilities;
 - g. Any accident where either driver cannot produce a driver's license or proof of liability insurance.
3. Deputies shall also be assigned to respond to any accident involving disturbances between drivers/passengers or which create major traffic congestion as a result of the accident or where vehicles are damaged to the extent that towing is required. Patrol vehicles may be assigned to any other accident not listed above to assist persons involved with information exchange. Time permitting, deputies may investigate and report these accidents as supervisors direct.

B. Responding to the Accident Scene:

- 1. Deputies shall respond to minor accident scenes Code one (1) unless the dispatcher or supervisor directs otherwise;

2. The primary deputy and first assigned backup shall respond to major accident scenes Code three (3), where there exists injuries or major road/highway blockages or where information provided indicates the immediate need for a deputy to arrive on the scene;
3. The deputies responding shall park their vehicles as necessary to protect victims and the accident scene while still leaving room for ingress/egress for emergency vehicles.

C. Accident scene responsibilities

1. The first deputy to arrive at the accident scene shall perform the following:
 - a. Administer emergency medical care (basic life support measures) pending the arrival of rescue personnel;
 - b. Summon additional help as required (deputies, rescue, wreckers);
 - c. Protect the accident scene;
 - d. Preserve short-lived evidence (broken parts, skid marks);
 - e. Establish a safe traffic pattern around the scene;
 - f. Locate witnesses and recording key accident information;
 - g. Expedite removal of vehicles, persons and debris from the roadway except for fatal accidents.
2. The deputy assigned to an accident shall have the responsibility and authority to request assistance from any other officers as needed. The deputy becomes the primary investigating deputy in charge at the scene unless the supervisor deems it more appropriate to assign another deputy the responsibility.
3. In case of accidents that occur on private property, accident reports need not be filled out if property damage does not exceed \$1,000.00 unless the supervisor directs.

IV. PROCEDURES – ACCIDENT SCENE

A. Collecting information

1. At the scene of the accident, the investigating deputy shall gather appropriate information to generate a report. Information to be collected at the scene may include but is not limited to the following:
 - a. Interview principals and witnesses and secure necessary identity/address information;
 - b. Examine and record vehicle damage;
 - c. Examine and record the effects of the accident on the roadway or off the roadway and on private or public property;
 - d. Take measurements as appropriate;
 - e. Take photographs as appropriate;
 - f. Collect and process evidence;
 - g. Exchange information among principals.

B. Follow-up Activities

1. Follow-up activities which may be necessary include the following:
 - a. Obtain and record formal statements from witnesses;
 - b. Re-construct the accident;
 - c. Submit evidentiary materials for laboratory examination;
 - d. Prepare accident or offense reports to support charges arising from the accident.

2. In a particularly serious accident involving severe injuries, fatalities or multiple vehicles, it is the policy of the Kendall County Sheriff's Office to request assistance from the Texas Department of Public Safety.
3. At the accident scene, the deputy may take immediate enforcement action and issue a citation for observed violations. In death cases, the District Attorney may decide the appropriate charge(s).
4. If the investigating deputy concludes that the accident was caused by a person driving under the influence of intoxicants (DWI) and the defendant is still at the scene, the DWI arrest shall be made before transporting the person.
5. If the accident results in injuries or fatalities and the driver is believed to be under the influence of intoxicants (DWI), a blood draw will be administered to the driver during the arrest process. A search warrant signed by a County Court or District Court judge is obtained before any mandatory blood draw is obtained.
6. If the driver is transported to the hospital before the deputy arrives and the deputy later concludes that the driver was impaired by introduction of intoxicants (DWI), an arrest warrant shall be obtained. If the driver is hospitalized, the warrant will be served when the driver is released.
7. In other traffic-related investigations, when the deputy leaves the scene of the offense and later identifies an offender or offense, an arrest warrant may be obtained. The citation can be issued at the hospital after the accident scene has been processed.
8. In an accident involving a peace officer, fire fighter, or an emergency medical services employee, the investigating deputy should determine if the peace officer, fire fighter, or EMS employee was responding to an emergency and check the appropriate box on the accident report form.

C. Accident scene procedures

1. Upon notification of an accident, the deputy assigned shall proceed promptly depending on injuries. The patrol vehicle shall not be parked at the scene in a manner that will endanger other pedestrians or motorists. The deputy shall consider using the vehicle as a shield to protect the scene as well as him, herself or others. The deputy shall always leave the vehicle emergency lights on.

2. At all times when investigating an accident on the streets or highways, the deputy shall wear the approved reflector safety vest. Deputies shall use flares (available in each patrol vehicle) to create an illuminated warning pattern and alert other drivers. *Note that flares may be dangerous and inappropriate at accident scenes where hazardous materials are present. Also, deputies should use caution when using flares when severe droughts deteriorate vegetation on the side of roadways that could ignite fires.
3. In case of fire danger from leaking or ruptured gas tanks or where accidents may involve hazardous material, the on-scene deputy shall summon the fire department.
 - a. All patrol vehicles are equipped with a copy of the current emergency response guidebooks to aid in identifying vehicles carrying hazardous materials. The guidebook illustrates hazardous materials placards and identifies and describes the relevant hazard, appropriate emergency procedures and evacuation procedures.
 - b. Any deputy arriving at the scene of such an accident who observes hazardous material placards shall immediately summon the fire department. The Fire Chief will assume command of the incident involving hazardous materials and all deputies shall provide support as required. The investigation of the accident shall begin after approval by the Fire Chief.
4. Any property belonging to accident victims shall be protected from theft or pilferage and if owners are not present, it shall be taken into custody, tagged and held for safekeeping until the victim claims it.
5. Any person clearing a wrecked or damaged vehicle from a highway is required to remove any glass or other injurious substance dropped upon the highway. Where the quantity of accident debris is too great for the wrecker operator to accomplish, the Texas Highway Department or the County Road and Bridge Department shall be requested to the scene to assist. The fire department shall assist in washing off combustible substances.
6. If either driver is not present at the accident scene, do not assume that it is a hit and run unless further inquiry indicates the possibility. Perform the following actions if the incident appears to be a hit and run:
 - a. As soon as practicable, transmit the description of the vehicle and driver to dispatch, along with the direction of travel and time elapsed since the incident;

- b. Process the accident as a crime scene.

D. Accident report

1. A report shall be submitted on all accidents that occur on public property or publicly accessed private property within Kendall County if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1,000.00 or involves government operated vehicles). Public property is any highway, roadway, street, alley or public parking lot maintained by the state or county.
 - a. Publicly accessed private property is a private access way or parking area provided for a client of a business, but not residential property or private parking where a fee is charged for parking.
2. In the event of an accident that occurs on private property, an accident report may be submitted if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1,000.00 or involves government operated vehicles).
3. Accidents that do not meet reporting requirements may still be reported by the vehicle operators using the Texas Blue Form.

E. Disabled Vehicles

1. Deputies shall not push or tow any vehicle with a patrol vehicle;
2. Due to the risk of damage to radio and emergency equipment, deputies shall not connect jumper cables to a patrol vehicle to start other vehicles. A towing company will be requested to the scene if a vehicle needs to be jump-started with battery cables.
3. Deputies shall direct motorist who are low on gas to the nearest gasoline station. If the vehicle is completely out of fuel and no service station is available, the deputy will summon a towing service to the scene to assist the motorist.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.32 Alarm Responses

Effective Date: 08/15/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference: TBP 7.26

I. POLICY

Alarms are a means of notifying the local law enforcement agency that a robbery or burglary is in progress, when the use of a telephone is impractical or impossible. Deputies shall exercise sound judgment and proceed with extreme caution when answering any type of alarm call.

II. PURPOSE

To provide a coordinated procedure for responding to commercial burglary and robbery alarms and residential alarms. In these procedures banks and businesses may have a different business response procedure.

III. PROCEDURES

A. Robbery Alarms

When a robbery alarm from a bank or business has been activated, the telecommunications operator will dispatch two patrol units and advise which alarm has activated (teller window, commercial drive-in, vault, hold-up, etc.) if this information is available.

1. The units should respond as quickly and safely as possible without alarming any suspects who may be at the business/ bank. Deputies should position their units so as to be concealed from the interior of the location and allow themselves to observe as many sides and exits as possible.
2. Once the units have taken their positions they are to observe for a period of time looking for visible signs of trouble. If the deputies see no visible signs of trouble, then they may request the dispatcher to call the business. The deputy should request someone from that business to exit the building and meet with them at a specified location. A name, description of clothing and their title is extremely important to obtain.

3. When requested by the primary unit, the dispatcher will telephone the business and ask for the person in charge to meet with the deputy outside of the business. The dispatcher will not advise the call is coming from the Sheriff's Office and will only request to speak to the person in charge and explain to them to meet with the deputy at a specified location. If the dispatcher senses that there is a problem and the person in charge refuses to exit the building and meet with the deputies, it will then be treated as a possible Robbery in Progress.
4. If, at any time, it is verified that a robbery is actually occurring, appropriate action should be immediately taken.

B. General Burglar Alarms/Panic Alarms

The Sheriff's Office will respond to all alarms at businesses as well as private residences to assure that the location is secure and that no theft has occurred.

1. The Sheriff's Office will treat all alarms as a valid alarm until it is determined that the alarm is false and deputies should use caution when responding to any alarm.
2. Deputies should carefully inspect the location when arriving and request additional deputies if they have observed any suspicious activity.
3. Deputies should check the entire exterior of the building to include windows and doors to assure they are secure. In addition to this, entry could be made from the roof which would give the appearance the location is secured when it is actually not.
4. If a key holder or owner of a business is responding, deputies will wait for their arrival and then enter the business to determine that nothing has been stolen. The owner should not be allowed to enter until the deputy(s) have secured the scene. There is not a set time frame for the owner to show up and will be handled on a case by case basis on whether the deputy will await their arrival.

C. Medical Alarms

The Sheriff's Office will not respond to medical alarms unless requested to by responding medical services. If requested to respond, deputies will respond in the same manner as a general burglar alarm or panic alarm.

D. Documentation

Documentation of every alarm call will be made in a call sheet or incident report. The deputy should document the alarm area, weather condition, if related, and any other pertinent information.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.40 Investigations

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:


Sheriff

Reference: 7.04, 7.05, 7.09, 7.10

I. POLICY

The primary purpose of an investigation is to collect facts leading to the identification, arrest, and conviction of an offender and to organize and present the facts for a successful prosecution. The single most important criterion which determines a successful investigation is correctly obtaining and handling information supplied by a victim or witness immediately after the crime. The Office expects deputies to treat investigations as a skill developed through training and experience, a skill that demands intelligence, logic, and discipline.

Not every preliminary investigation will result in the identification of a suspect, an arrest, or the recovery of property. The solution of crimes often is a function of the physical evidence left at the scene or information provided by victims and witnesses. Follow up investigations are therefore necessary. Because our resources are limited, prioritization of investigative resources is an unfortunate necessity. The Office will therefore strive to investigate those crimes that are the most serious in nature and those that have the highest likelihood of solution.

II. PURPOSE

To establish guidelines for the general conduct of preliminary and follow-up investigations.

III. PROCEDURES - PRELIMINARY INVESTIGATIONS

A. General

The preliminary investigation begins when the first deputy arrives at the scene of a crime (or a citizen requests help) and continues until a specialized investigator arrives and

assumes responsibility. Patrol deputies are responsible for the preliminary offense report in all cases unless specifically directed by a supervisor.

B. Caution

Deputies who first arrive at a possible crime scene must take care not to enter hastily. The crime scene may pose a threat to the deputy: an armed suspect may still be at the scene; toxic chemicals or infectious materials may be present; or evidence may be destroyed if the deputy enters. When practicable, deputies shall first note the total environment of the scene including, for example, whether doors and windows are open or closed, lights on or off, presence of odors, and the condition and circumstances of the victim.

C. After forming an impression of the entire scene and ensuring that no threat exists, the deputy shall proceed with the preliminary investigation which consists of, but is not limited to, the following activities:

1. Providing aid to the injured.
2. Defining the boundaries of and protecting the crime scene to ensure that evidence is not lost or contaminated. Erect barricade tape, rope, or cordon off the immediate crime scene. Record any alterations to the crime scene because of emergency assistance, the immediate necessity to handle evidence, or the actions of witnesses, victims, or suspects at the scene.
3. Determining if an offense has actually been committed and, if so, the exact nature of the offense.
4. Determining the identity of the suspect or suspects and making an arrest if it can be accomplished either at the scene or through immediate pursuit.
5. Furnishing other deputies with descriptions, method, and direction of flight of suspects, and other relevant information concerning wanted suspects or vehicles.
6. Determining the identity of all witnesses.
7. Collecting evidence. Patrol deputies who have been trained in collecting evidence will collect physical evidence to the limit of their ability and training. When additional evidence requires collection, is beyond the capabilities or

training of the deputy, or is evidence in a serious crime, the patrol deputy shall contact the Criminal Investigation Supervisor.

8. In domestic violence cases, obtaining written victim's statements from the victim.
9. Arranging for follow-up surveillance of the crime scene, if appropriate.
10. Accurately and completely recording all pertinent information on the prescribed report forms.

D. Supervisory responsibilities

1. The on-duty supervisor shall ensure that an adequate and complete preliminary investigation has been made and shall review, screen, and approve the deputy's preliminary report. Screening shall include a review of facts to ensure that all essential information is included, along with legibility, clarity, and completeness. Supervisors shall review, approve, and sign crime reports.
2. Supervisors shall limit access to crime scenes to those persons immediately and directly connected with the investigation. This rule applies to other deputies, other agencies, or members of the community, regardless of rank or position.
3. The supervisor shall authorize the call-out of a trained evidence technician or investigator, if appropriate.
4. The supervisor may enlarge the preliminary crime scene if necessary by assigning deputies to canvass the area for possible witnesses or suspects.

IV. ASSIGNMENT OF FOLLOW-UP INVESTIGATIONS

- A. All felony offenses and Class B and above misdemeanors shall be followed up by an investigator. The initial responding deputy is responsible for completing the original offense report with all details of the preliminary investigation included in the report. If the investigator is unable to respond to the scene, the report will be forwarded to the investigator at the end of shift.
- B. All other offenses will be investigated by the responding deputy unless otherwise directed by the on-duty supervisor. Should the responding deputy believe the follow-up investigation is either beyond their ability (either because of lack of expertise, shift assignment, or other reason) they will contact their supervisor for direction.

- C. The Supervisor and Investigations supervisor shall confer to determine follow up responsibility.

V. PROCEDURES: FOLLOW-UP INVESTIGATIONS

- A. All incident and offenses assigned by the CID Lieutenant or CID Supervisor shall be followed up by the investigator. The Sheriff may request other agencies to assist in, or assume responsibility for major offenses.
- B. A supplemental report must be prepared by each deputy or investigator who works on the case, but not necessarily for each occasion that he or she works on. The deputy or investigator shall maintain a case file to include supplemental reports.
- C. Deputies and investigators conducting follow-up investigations shall continue the investigation of criminal offenses until conclusion or until there are no additional workable leads that would likely result in the identification of a suspect or recovery of property. If the deputy's time is limited, follow-up of cases will be prioritized by seriousness of the crime and likelihood of identifying a suspect. Investigators shall consult with their supervisor for additional assistance if cases with workable leads are unable to be completed.
- D. Victims will be kept informed of the status of the case periodically and when the case is closed or suspended.
- E. Supervisors, both patrol and investigative, shall maintain a log of cases being worked by deputies under their command. Deputies, Investigators, and supervisors will keep the Sheriff informed of the status of significant criminal cases.
- F. A follow-up investigation consists of, but is not limited to, the following activities:
 - 1. For most non-criminal cases:
 - a. Interviewing complainants and witnesses,
 - b. Locating missing persons,
 - c. Determining if information or suspicious activity relates to criminal activity,
 - d. Distributing information to the proper persons or agencies,

- e. Locating lost property and returning same to the owner,
 - f. Investigating deaths, overdoses, suicides, and injuries to determine if a crime was committed,
 - g. Making necessary notifications or conducting necessary inspections,
 - h. Recording information.
2. For most Criminal Cases:
- a. Reviewing and analyzing reports of preliminary investigations,
 - b. Recording information,
 - c. Reviewing Office records for investigative leads,
 - d. Seeking additional information (from other deputies, informants, contacts in community, and other investigators/agencies),
 - e. Interviewing victims and witnesses,
 - f. Interrogating suspects,
 - g. Monitoring Social Media sites of potential suspects, victims, and witnesses for information related to the case,
 - h. Monitoring posted comments to on-line news stories about an offense,
 - i. Arranging for the dissemination of information as appropriate,
 - j. Planning, organizing, and conducting searches,
 - k. Collecting physical evidence,
 - l. Recovering stolen property,

- m. Arranging for the analysis and evaluation of evidence,
- n. Reviewing results from laboratory examinations,
- o. Identifying and apprehending the offender,
- p. Checking the suspect's criminal history,
- q. Consulting with the District Attorney in preparing cases for court presentation and assisting in the prosecution,
- r. Notifying victims and witnesses when their presence is required in court,
- s. Testifying in court,
- t. Arranging for polygraph examinations, if necessary.

VI. REPORT WRITING

A. Field notes - All formal reports begin with field notes. Field notes are important for the following reasons:

1. To create a permanent record of events,
2. To aid the investigation,
3. To ensure accurate testimony in court,
4. To protect the deputy from false accusations.

B. Formal reports shall include the following information:

1. Date, time of arrival at the scene,
2. Relevant weather or situational conditions at the scene upon arrival (e.g., a fire, crowd),

3. Circumstances of how the crime was discovered and reported,
4. Identity of other deputies or emergency personnel at the scene,
5. Physical evidence located at the scene and the deputies responsible for its collection,
6. Names, addresses, telephone numbers of victims or witnesses,
7. Results of interviews with the complainant, victim, or witnesses to include the identity or description of suspects,
8. Diagrams, sketches, photographs, or videotape taken at the scene, and the identity of the photographer or artist,
9. Recommendations for further investigation.

VII. SOURCES OF INFORMATION

- A. Informants - Information is available from many sources, e.g., members of the community who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in crime. These sources shall be kept in mind when conducting investigations and interviews. Deputies are cautioned to determine the motivation of people who provide information in order to evaluate it.
- B. Interviews and interrogation
 1. Field interviews

Field interviews are a productive tool and source of information for the Office. They shall be used only in the pursuit of legitimate enforcement goals. When used properly they can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals.
 2. Victim/witness interviews
 - a. Deputies must recognize the trauma/stress to which the victim or witness has been subjected and shall conduct the interview in such a manner as to reduce stress.

- b. The age, physical limitations, and credibility of witnesses shall also be considered when evaluating their information.

C. Interrogation of suspects

1. Custodial Statements and Confessions.

- a. *Miranda* warnings are required and shall be administered prior to “custodial interrogation.”
- b. The following represent examples of situations that are not “custodial” and do not require issuance of *Miranda* warnings:
 - i. Investigatory stop and frisk,
 - ii. Questioning during a routine traffic stop or for a minor violation; to include driving while intoxicated (DWI) stops until a custodial interrogation begins. During voluntary appearances at the law enforcement facility.
 - iii. When information or statements are made spontaneously, voluntarily and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require *Miranda* warnings.)

2. Administering Miranda.

- a. Miranda warnings shall be read by deputies from the card containing this information to all persons subjected to custodial interrogation.
- b. Deputies shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be interrogated only when they have knowingly and intelligently waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.
- c. Waivers of the Miranda rights must be performed affirmatively.
- d. Deputies arresting deaf suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency’s policy and state and federal law.

- e. Deputies arresting suspects who they believe may have limited English proficiency shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.

3. Invoking the Right to Silence

- a. When a suspect invokes his right to remain silent, all interrogation shall terminate immediately.
- b. Deputies may interrogate a suspect who has previously invoked his right to silence, if, after the passage of time, the suspect initiates communication with deputies. However, prior to questioning Miranda warnings shall be re-administered and a waiver obtained.

4. Invoking the Right to Counsel

- a. When a suspect makes reference to counsel but his intentions are unclear, deputies may question the suspect further to clarify his intentions. When a suspect invokes his right to counsel, all interrogation shall cease immediately.
- b. The suspect may not again be interrogated about the crime for which he is charged, other crimes, or by other deputies (from this or other agencies) unless the suspect's attorney is present at the questioning; or
- c. There has been a break in custody of more than 14 days and the individual is re-advised of his Miranda rights and indicates he is waiving his right to counsel (written waiver), or
- d. The suspect initiates new contact with the police. In this later case, Miranda rights must again be administered and a waiver obtained before any questioning may take place. Deputies shall also document and, if possible, obtain written verification that the suspect initiated the communication.

VIII. CONSTITUTIONAL REQUIREMENTS: GENERAL

- 1. All deputies are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge.

2. Compliance with constitutional requirements during criminal investigations:

- a. All deputies when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Deputies shall ensure that:
- b. All statements or confessions are voluntary and non-coercive,
- c. All persons are advised of their rights in accordance with this general order,
- d. All arrested persons are taken promptly before a magistrate for formal charging,
- e. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial.

IX. RELATIONSHIP WITH THE DISTRICT ATTORNEY

- A. All personnel shall respond to requests for appointments from the District Attorney, be on time, and have the subject for discussion ready.
- B. In every contested case, misdemeanor or felony, the deputy involved shall make an appointment with the District Attorney or his or her assistant to discuss the case before trial.
- C. During any investigation (or during planning for arrest or pretrial stages), any questions of law or criminal procedure shall be addressed to the District Attorney. Questions on law-enforcement procedures shall be addressed to the CID Lieutenant.
- D. The District Attorney may advise the Sheriff of any cases where a decision was made not to prosecute or where the case was dismissed because of mishandling or error by a deputy.

X. DISPOSITION OF CASES

- A. The investigator shall maintain files of all cases assigned to him or her. The file shall contain the original incident report, any supplementary reports, statements, photographs, lab reports, reports of disposition of any property stolen, confiscated,

recovered, or otherwise pertinent to the case, arrest reports, and anything else the investigator deems pertinent.

B. When the investigation is complete, the investigator shall close the case under (and include in the file a statement giving) one of the following labels:

1. Cleared by Arrest - An arrest has been made in this case.
2. Cleared by Juvenile Arrest – Case has been presented to court.
3. Exceptional Clearance - The identity and address or exact location of the culprit is known and sufficient evidence to obtain a warrant exists. However, due to some reason outside the control of the police, no arrest will be made. Examples: Complainant will not prosecute; District attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and no charges will be placed by the Office.
4. Unfounded - The offense did not really occur in the first place, although at the time of the original report, it was believed to have occurred. If the investigation has exhausted all leads, yet the possibility remains that new facts may come to light given future inquiry, the case shall remain open.
5. Pending Further Investigation - All leads have been exhausted. No further investigation is possible or practical until new leads develop.

C. The Criminal Investigation Supervisor shall approve the case closure.

D. Upon closing the case, the case file is forwarded to the records custodian for filing.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.41 Crime Scene Processing

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:


Sheriff

Reference: 12.02

I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. It is imperative, therefore, that each deputy carefully processes a crime scene not to overlook or contaminate or destroy evidence. Physical evidence appears in many shapes, sizes and forms, thereby necessitating various recovery, preservation, and submission techniques. The deputy or investigator shall be prepared to collect, identify, and package the evidence so that it will not be changed in form and value when it reaches the laboratory. The deputy collecting the evidence shall maintain a chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law.

II. PURPOSE

To establish responsibilities for deputies/investigators in processing crime scenes and to establish guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory.

III. DEFINITIONS

- A. Chain of custody - The chain of custody is the series of documented links between the time the evidence was obtained until presented in court. The links are deputies who handled the evidence, and where and when they did so.

- B. Exclusionary rule - The exclusionary rule requires that evidence seized or discovered in violation of the suspect's Fourth, Fifth, and Sixth Amendment rights cannot be admitted in court.
- C. Evidence - Any substance or material found or recovered in connection with a criminal investigation.
- D. Evidence Officer- The evidence officer is the employee designated by the Sheriff to have administrative oversight over all found or confiscated property which comes into Office possession.

IV. PROCEDURES - General crime scene processing

- A. Depending on the nature of the crime and the type of evidence present, patrol deputies will normally collect and submit physical evidence to the extent they have been trained and have the equipment to do so. Normally patrol deputies will collect and submit evidence on misdemeanor offenses and some felony offenses where a document and or video evidence is the only physical evidence present.
- B. The Office has several investigators trained and equipped to collect physical evidence. Patrol deputies will contact dispatch and request an Investigator when the offense is a felony, any sex crime, and child abuse, where photographs are needed, or where the evidence present is beyond the capabilities of the deputy's training or equipment.
- C. The deputy/investigator responding to a crime scene shall determine what equipment is needed for processing. The Office maintains a complete evidence collection kit to include a camera, film, sketching equipment, fingerprint recovery tools, blood recovery materials, tweezers, scissors, boxes, bags, envelopes, tape, marking tools, evidence tags, and materials for lifting impressions (footprints, tire tracks).
- D. The property and evidence form shall be used to document all property and evidence coming into custody of the office.
- E. Deputies and investigators shall use the following general order of processing the crime scene unless reason dictates otherwise.
 - 1. Before moving objects or collecting evidence at major crime scenes (except where necessary to help a victim, apply first aid, or handle a suspect), deputies will photograph the scene. Photographs should start at the edge of

the property and progress into the scene as needed to show the scene and relationship of the evidence present. Close up photographs of each piece of evidence will be taken with and without a measuring device in the picture.

2. At major crime scenes, investigators will also prepare a sketch of the scene. Sketches of any crime scene will be done if it will show relationships or locations of where evidence is collected.
3. Before collecting any item of evidence, take measurements.
4. Collect perishable evidence first. Perishable evidence such as fresh blood, blood-stained objects, physiological stains and tissue, or biological material shall be collected to submit the material to a lab.
5. If the immediate destruction of evidence is not a concern, work through the scene systematically, collecting in a logical sequence, trying to avoid disrupting other items of evidence.
6. Collect comparison samples: The forensic laboratory can only compare known items with those showing similar characteristics. Enough specimens or controls must be submitted for comparisons of such items of hairs, fibers, paint, glass, soil, and tool marks.
7. Once perishable and other evidence has been collected, fingerprints shall be identified and lifted where possible. If transporting evidence may damage or destroy the latent prints on it, then the evidence shall be processed for prints at the scene.
8. Taking overall measurements, obtaining wall, room, and building measurements is one of the last operations to be performed in processing the crime scene. The overall measurements are vital in the production of the final crime scene sketch but must be obtained last so as not to damage or destroy items of evidence.
9. Conduct a final organized search. Conduct a final, thorough search of the crime scene in case evidence may have been overlooked. Wherever possible, on a final search use a deputy who has not participated in processing the scene.

10. The investigator processing the crime scene shall list each item collected. Note the following information for each item:
 - a. A complete description of the item (including make, model, and serial numbers, if any);
 - b. The source (from whom or location from which the item was obtained); and
 - c. The name of the person collecting the item.
11. The deputy/investigator processing a crime/incident scene shall prepare a report giving an accurate account of events. This information shall be placed in a supplement to the offense/incident report.
12. All evidence shall be properly and prominently tagged or identified.
13. Deputies shall observe principles regarding the legal use of physical evidence. Deputies shall rigorously maintain the chain of custody of all evidence and shall always remain mindful of constitutional safeguards. If deputies are not scrupulous in observing these safeguards, then the exclusionary rule may prohibit key evidence from being introduced at trial and the case may be lost or dismissed.

V. PROCEDURES - Evidence and property control

A. Collection of evidence

1. When collecting evidence, the deputy shall use tongs or tweezers where possible. The deputy shall avoid touching the evidence with his hands or anything that might contaminate the item.
2. Deputies shall wear latex gloves while processing any crime scene. When collecting any tissue or bodily fluid evidence, deputies shall discard the gloves and put on a new set after collecting each separate evidentiary item.
3. In collecting evidence, deputies shall remain mindful about the possibility of contagion if the crime scene contains body fluids. Further, some evidence may consist of hazardous chemicals or waste products, explosives, or highly

combustible materials. The evidence officer in consultation with the supervisor shall decide the best disposition of such items.

B. Marking evidence

1. In many instances, marking and labeling evidence may represent a single process. In instances where the evidence is large, complete identifying data may be recorded directly on the evidence to include the deputy's name, date, time, location of recovery, item number, and case number.
2. In other instances, the small size or nature of the item collected will not permit complete information to be noted directly on the item. In these instances, the container or attached tag shall be marked with appropriate information.
3. The investigator or the deputy searching the crime scene shall mark similar items in the same place to save time and embarrassment in looking for the identifying marks when asked to identify the evidence in court.
4. Instruments which may be used for marking physical evidence include permanent markers (felt tip pens), scribes (diamond tip or awl), or where labels are used, ballpoint pens.
5. The deputy who collects the evidence shall mark it.
6. Each deputy or investigator shall develop his own identifying mark, normally his or her initials.

C. Packaging items of evidence

1. The deputy who collects the evidence shall choose a container suitable to the type of evidence for packaging. Considerations in choosing the proper container include:
 - a. The size and weight of the item,
 - b. Whether the item is moist or wet (which could rot or deteriorate if packaged in plastic or an airtight container for an extended time),

- c. Avoid any contamination of evidence by packaging all items separately,
- d. Pack the item to minimize interior movement within the package,
- e. Seal the package with evidence tape and initial or sign across the seal,
- f. Label the exterior of the package before placing the evidence within it.

2. Special circumstances

a. Weapons:

- i. No deputy shall, under any circumstances, personally retain custody of any found or confiscated weapon,
- ii. Deputies bringing weapons into custody shall inspect them to ensure their safe storage. All firearms shall be unloaded before storage, and
- iii. The recovering deputy or investigator shall check all confiscated or found weapons against NCIC/TCIC files.

b. Drugs and narcotics see Policy 12.2



KENDALL COUNTY SHERIFF'S OFFICE

Policy: 7.42 Eyewitness Identification

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:


Sheriff

Reference: 7.32

I. POLICY

Eyewitness identification is a frequently used investigative tool. This policy is designed to maximize the reliability of identifications, protect innocent persons, and to establish evidence that is reliable and conforms to established legal requirements. This procedure does not apply to situations where the suspect is known to a witness due to a previous encounter or encounters, and a single photo is used to link a known suspect to an offense.

II. PURPOSE

It is the purpose of this policy to establish guidelines for identification procedures. The procedures in this policy are applicable when a person is developed as a suspect in the incident under investigation.

III. TERMINOLOGY

- A. **Administrator.** The person charged with presenting a lineup to a witness.
- B. **Assigned Investigator.** The deputy 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 lineup.
- D. **Blind Manner.** The presentation of a photographic lineup 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 lineup.
- 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 lineup whose race, sex, age, height; weight, hair style, and general appearance resemble the suspect.
- H. **Folder Method.** A photographic lineup 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. **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.
- L. **Photographic Lineup.** A collection of photographs including a suspect photograph and filler photographs that are shown to a witness for the purpose of identifying and eliminating suspects.
- M. **Sequential Viewing.** An identification procedure in which photographs are shown one at a time to a witness.
- N. **Simultaneous Viewing.** An identification procedure in which all photographs are shown at the same time to a witness.
- O. **Suspect.** An individual who has been specifically identified by the investigation as possibly being the person who committed the crime.

- P. **Witness.** A term referring to a complainant, victim, eyewitness, or any other form of witness to an incident.

IV. GENERAL PROCEDURES FOR IDENTIFICATIONS

- A. The following is a list of acceptable identification methods, from most preferred to least preferred:
1. Photographic lineup conducted by a blind administrator;
 2. Photographic lineup conducted by a blinded administrator, using the folder method;
 3. Field identification procedures.
- B. Sequential viewing should be used rather than simultaneous viewing whenever possible. If simultaneous viewing is used, then the reason for this option should be documented in the assigned investigator's report.
- C. Because criminal investigations can vary drastically from one case to another, assigned investigators may be faced with a situation unforeseen by this procedure and there may be a need to deviate from this procedure. In those cases, assigned investigators must document, in detail, the circumstances causing the need to deviate from this procedure and what actions were taken.
- D. Identification of suspects by witnesses should supplement other investigative actions and/or evidence.
- E. The assigned investigator, prior to beginning the identification procedure, will determine if the witness has seen the suspect at any time since the crime occurred (whether in person, in newspaper, television reports, etc.). If so, the assigned investigator will contact the District Attorney's Office to determine if the identification process should continue.
- E. Before any identification procedures, the assigned investigator is responsible for determining if the witness is deaf or has limited English proficiency. If the witness is deaf or a person with limited English proficiency, unless the administrator is fluent in sign language or the witness's language, the assigned investigator must obtain the services of an interpreter. The interpreter shall sign the witness certification statement on obtaining consent of a deaf or person with limited English proficiency, to assist in the identification process. 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.

F. 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 appropriate identification form stating why the person was unable to sign the form.

G. Documentation of Lineups:

1. In all cases, the administrator will, at a minimum, document in a supplement report the details of the lineup presentation process and result, and return the supplement, the Lineup Form, and all original photographs and documents to the assigned investigator. Any deputies who witnessed the lineup will also write supplemental reports. If an interpreter is used, the identification of the interpreter will be documented as well as the assistance provided.
2. If the witness cannot read or write, the identification procedure should be video recorded. Audio recording is the preferred alternative. If neither method is employed, then the reason for not video or audio recording should be documented. The recording will be safeguarded and maintained in the case file.

V. PREPARING PHOTOGRAPHIC LINEUPS

A. The assigned investigator is responsible for:

1. Preparing the photographic lineup, including selecting the fillers and ensuring each of the photographs are numbered or lettered for later reference.
2. Obtaining a sworn law enforcement officer who is familiar with the contents of this policy and understands the lineup presentation process to act as an administrator of the lineup.
3. Preserving the photo lineup, whether identification is made or not, together with full information about the identification process for future reference, by safeguarding the photos in their original condition and the photographic lineup form.

4. In preparing the photographic lineup; the assigned investigator should:
 - a. If there is more than one suspect, include only one suspect in each lineup.
 - 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. Place a filler in the lead position, with the remaining photographs in random order. Place two blanks on the same type of photographic paper at the end (these will not be shown to the witness). If showing the same suspect to a different witness, if using the same filler photographs place a filler in the lead position, with the remaining photographs in a new random order.
 - f. Avoid multiple identification procedures in which the same witness views the same suspect more than once, and avoid using the same 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 used, cover any portions that provide identifying information about the subject.
 - i. Photos should be reasonably contemporary.
 - j. Do not use more than one photo of the same suspect.
 - k. 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 lineup presentation process.
2. Ensuring the photographic lineup is presented in a manner consistent with this policy.

3. Documenting the conduct and results of the lineup presentation in the manner approved within this policy.
4. Ensuring witnesses are not allowed to confer with each other before, during or after the identification procedure.
5. Returning all lineup materials and documentation to the assigned investigator.

VI. PRESENTING PHOTOGRAPHIC LINEUPS: DUTIES OF THE ADMINISTRATOR

- A. Assigned investigators should use a blind administrator whenever possible, and the assigned investigator should not be within hearing or view, or present in the same room at the time the lineup is conducted. If a situation occurs where a blind administrator cannot be used, the assigned investigator will document the reason in his report.
- B. If using a blinded administrator, the procedure must be conducted in a manner such that the administrator does not know either the position of the suspect in the array, or which person in the array the witness is looking at. In addition to the following the procedures listed below, the blinded administrator should not be in a position to view the photographs while the witness is viewing the photographs. The eyewitness should be the only person viewing the photographs.
- C. The administrator must not provide any feedback of any kind at any time during the procedure. If the witness asks whether they picked the right person, the administrator will respond that he or she is unaware of which photograph is a suspect and which are fillers and the administrator will state that it would compromise the case to inform a witness of the procedures results. Other persons present at the presentation must be instructed to not make any suggestive statements, or take any other actions that may influence the judgment or perception of the witness.
- D. The administrator provides the witness with a photographic lineup form; reads the instructions and admonitions verbatim from the form; obtains the witness' signature indicating they understand the procedure; signs the form as administrator; if the witness refuses to sign, documents that the witness was appropriately instructed; and, ensures that the witness understands the instructions before proceeding.
- E. If utilizing sequential viewing, the administrator: shows the witness the photographs in the order they were received from the assigned investigator, one at a time, and documents the order shown; retrieves the photograph from the

witness before providing a new one; and, allows the witness to see only one photograph at a time. If the witness identifies a suspect, the administrator must show the remaining photographs even if a witness has made an identification. If a witness asks why he or she must view the rest of the photographs, simply state that the witness is required to view all the photographs to assure objectivity and reliability. The administrator records the number or other identification of the photograph; the witness and administrator sign and date the photograph selected; and, the witness is asked for a statement of how confident they are about their identification. The administrator should conduct a follow-up interview, only after an identification is made to assess any relevant factors that support the identification, such as: special facial features, hair, marks, etc. The administrator must not allow a witness to re-review a photograph unless the witness specifically request to do so, and the witness must re-review all photographs rather than a specific photograph(s).

- F. If utilizing simultaneous viewing, the administrator shows the witness the folder and asks if they see the person who committed the crime. If the witness identifies a suspect, the administrator records the number or other identification of the photograph; the witness and administrator sign and date the photograph selected; and, the witness is asked for a statement of how confident they are about their identification.

- G. The administrator has the witness complete the witness portion of the photographic lineup form, including making sure the witness' confidence statement is documented in the witness' own words, regarding how certain they are of the identification; has the witness complete and sign the appropriate portion of the form; returns all files, photographs and forms to the assigned investigator; and, completes a supplement on the identification procedure.

VII. FIELD IDENTIFICATION PROCEDURE

- A. The use of field identification should be avoided whenever possible in preference for the use of a photographic 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:
 - 1. Supervisory approval should be obtained prior to any field identification. The deputy is responsible for ensuring the witness is able to understand the instructions given by deputies. If the witness is deaf, illiterate, or is a person with limited English proficiency, the deputy will provide for an interpreter or other assistance.
 - 2. Single suspect field identification shall not be used if there is adequate probable cause to arrest the suspect. The follow up unit will conduct a lineup at a later time, if necessary.

3. A complete description of the suspect should be obtained from the witness prior to conducting a field identification. If the witness states that he or she was unable to clearly see the suspect, a 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. Suspects should not be taken to the crime scene, or to the witness's home.
5. Field identifications should not be attempted after a prolonged period of time after the commission of a crime; two hours after the crime is an acceptable limit, but is not absolute.
6. Field identification should not be conducted when the suspect is in a patrol car, handcuffed, or physically restrained by police deputies, 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 subsequent photographic lineups.
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. Deputies should avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator will be avoided.
11. Witnesses should be reminded not to talk about the show-up to other witnesses until deputies or prosecutors deem it permissible.
12. The deputy conducting the show-up provides the witness with a field identification form; reads the instructions and admonitions verbatim from the form; obtains the witness' signature indicating they understand the procedure; signs the form as administrator; if the witness refuses to sign, documents that the witness was appropriately instructed; and, ensures that the witness understands the instructions before proceeding.

- B. The deputy conducting the show-up has the witness complete the witness portion of field identification form, including making sure the witness' confidence statement is documented in the witness' own words regarding how certain they are of the identification; documents the witness's response in the witness's own words; has the witness complete and sign the appropriate portion of the form; returns all files, photographs and forms to the assigned investigator; and, completes a supplement on the identification procedure. The documentation of the show-up should also include the time, date and location of the procedure, identities of persons present, and the outcome of the procedure.
- C. If an in-car video and audio recording system is active at the time of the field identification, it will not be stopped before or during the identification.
- D. Each deputy participating in the field identification will document their actions and any statements made in a supplement report.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.44 Sexual Offender Registration

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:

Sheriff

Reference:

I. POLICY

The Texas Department of Public Safety Sex Offender Registration Unit has implemented a guide to the registration of Sex Offenders residing in the state of Texas. Along with the Texas Department of Public Safety, The Kendall County Sheriff's Office ensures that the registration/verification process as envisioned and mandated by Texas Legislature, works to protect the citizens of Kendall County. Citizens of our county expect the office to be protective of their children by registering sex offenders and ensuring they comply with the terms of their court-imposed requirements. The Kendall County Sheriff's Office will meet those expectations by accurately registering sex offenders, conducting periodic compliance checks to ensure offenders are complying with their requirements, and prosecuting those who fail to do so.

II. PURPOSE

To define requirements for sex offender registrations and compliance checks according to Chapter 62 of the Code of Criminal Procedure. Registrants include: Any person with a reportable conviction occurring on or after September 1, 1970 shall have a duty to register for either Post 10-year, Lifetime or at time of discharge. This includes offenders who have been convicted or adjudicated for a Texas Offense that requires registration or a conviction for a non-Texas offense that contains elements that are substantially like an offense that requires registration in Texas. Including Out of state/country, Federal, Military and Tribal convictions.

III. PROCEDURES

A. Sexual Offender Registration

1. All Sexual Offender registrations/verifications are conducted by the Criminal Investigations Division.

2. Sexual Offender registrations require the following steps:
 - a. All first-time registrants will report to CID with their signed Pre-Release Notification, (CR-32) stating they are required to register as a sex offender with a list of required registration duties. They SOR Officer will complete the initial Texas Department of Public Safety Sex Offender registration form. (CR-35) A copy of their judgment and Criminal History (CCH) will be obtained for the offenders file.
 - b. DPS Sex Offender fingerprint cards are completed (CR-36)
 - c. Photographs are taken of the offender (including scars, marks, tattoos)
 - d. Photographs are taken of the offender's vehicle (if applicable)
 - e. An annual renewable Texas Driver's License or Texas Identification will be required within 30 days of registration.
 - f. A Texas SOR program receipt (CR-14) will be completed and given to the offender to keep on his person, identifying him as a sexual offender in the county of which he resides. Included on this card, is the offenders name, date of birth, physical address, registering agency and date completed.
 - g. All original registration forms and photographs are mailed to The Texas Department of Public Safety Crime Records Service for their review and entry into the online Sex Offender Registration.
 - h. All current registrants are only required to update their program receipt, Texas identification, and any changes in appearance, location, phone number, employment, vehicle, or online identifiers.
3. The Registration and notification from the Department of Criminal Justice, as well as the original offense information if necessary, is reviewed for the notifications to educational institutions and the public as currently required under the Code of Criminal Procedure. School Districts are notified by fax, and a notice in the newspaper may be used to notify residents if required. (Ex: if offender or victim is enrolled in public or private school or victim was under the age of 17 at the time of the offense).

B. Sex Offender Compliance

1. Under Chapter 62 of the CCP, Sex offenders subject to registration are also required to report periodically and at a length and frequency dependent upon the offense, number of convictions, or age at the time of the offense. All adult registrants will be required to register for Lifetime, Post 10 year or at the time of discharge. All Juveniles are required to register for ten years following their release from supervision, incarceration, parole, even if convicted as adults. Court Ordered registrants register based on a condition of probation or parole and not for a

reportable sex offense only for the duration of their state supervision. The frequency of the registration is Lifetime for Sexually Violent Offenses, Quarterly for a Sexual Violent Offender with two or more convictions and Monthly for Civilly Committed Offenders (sexually violent predators). The Kendall County Sheriff's Office shall maintain a schedule to ensure these offenders report as required and if an offender fails to report properly, shall investigate to determine if a violation has occurred.

2. At least annually, the Criminal Investigations Division personnel will locate the sex offender and update the offenders file with:
 - a. A new photograph, (if necessary)
 - b. A new photograph and license numbers of any vehicles the offender owns or has access to,
 - c. New employment information,
 - d. Any new descriptive information (weight, scars, tattoos, etc.)
 - e. Updated SOR receipt
 - f. An annual signed/dated copy of the Pre-Release Form stating the offender's registration duties
 - g. Copy of renewed Texas Identification and or Driver's License (not required for the Board/Court Ordered registrants)
3. If the offender cannot be located, an investigation will be conducted to determine if terms of registration have been violated and if so, a criminal case filed, and a warrant issued.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.45 Confidential, Drug, Investigative Funds and Audit

Effective Date: May 1, 2018

Revised: 03/01/2019

Approved:

Sheriff

Reference: TBP 7.12

I. Policy

It shall be the policy of the Kendall County Sheriff's Office to provide for the management, security, and accountability of funds that are used in confidential investigative practices to include the purchase of evidence, purchase of information and related expenses. The Criminal Investigations Division (CID) Lieutenant has primary responsibility for the management, security and accountability of confidential funds. An audit of the funds will be performed a least every six months by the Chief Deputy. (7.12)

II. Purpose

To establish guidelines for the management, security, and accountability of funds used in confidential investigative practices to include purchase of information, purchase of evidence and related investigative expenses.

III. Definitions

- A. Confidential funds, Drug/Narcotic Funds or Investigative Funds are synonymous and are defined as those monies that are used to purchase evidence, purchase information, and pay for other expenses in support of investigative processes.
- B. Confidential funds are those funds the source of which could be from the General Fund, Forfeiture Fund and/or both. Typically, the origin of these monies is through asset forfeiture.

IV. Procedures

- A. Confidential Funds, drawn from the County Asset Forfeiture Fund, will be requested by the Chief Deputy from the County Auditor for the sole purpose of being used in confidential investigative practices to include the purchase of information, purchase of evidence, or other related investigative expenses. The

Chief Deputy will transfer the funds received to the CID Lieutenant for management, security, and accountability of funds.

- B. Confidential Funds once received in the form of U.S. currency from the Auditor, will be placed in a locked safe in the office of the CID Lieutenant. Access to this locked safe will be limited to the CID Lieutenant. In emergency situations, the Chief Deputy or CID Sergeant will be granted permission to access these funds and execute a Confidential Funds Receipt from the law enforcement personnel requesting the funds.
- C. An electronic ledger will be filled out and maintained by the CID Lieutenant for all transactions. This ledger will be chronological and contain beginning balances and all transactions. Focus will be all expenditures and advancing of funds to Police personnel for the purpose of purchasing information/evidence and related investigative expenses. Dates, amounts, purpose of expenditure, case number, law enforcement personnel name, Confidential Source identifier (if applicable), etc. will be formally noted in the ledger.
- D. In the event that funds are advanced to an Investigator via Confidential Funds Receipt, the Investigator will have 24-hours to expend the funds or return the funds to the CID Lieutenant, who will note the return on funds on the electronic ledger. When funds are advanced to a CI by Office personnel, the expenditure of funds will be documented on a Voucher for Purchase of Evidence or Payment to a Cooperating Individual.
- E. The Chief Deputy will conduct an audit of the Confidential funds, Drug/Narcotic Funds or Investigative Funds account every six months.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 7.50 Civil Process

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:


Sheriff

Reference: 7.29, 7.30

I. POLICY

The office provides for the service of civil process issued by the Courts of Kendall County and the subordinate courts. Service of civil process is critical to the proper administration of justice. Therefore, it is the policy of the Kendall County Sheriff's Office to efficiently serve civil process in a timely manner and keep the issuing courts informed of the status of that process.

II. PURPOSE

The purpose of this order is to establish guidelines and procedures to be followed in the service of civil process.

III. CIVIL PROCESS PROCEDURES

- A. A Process Deputy is assigned within the Warrants Section. Civil Process will be served by all members of the Office when so assigned.
- B. All Civil Process that is forwarded to the Office for service will be sent to the Warrant Section Supervisor for recording and assignment.
- C. The Warrant Unit Supervisor will issue the process to the Process Deputy or other member of the office with an assignment sheet indicating when the process needs

to be served and any possible address for the subject. The supervisor shall then record the following information in the Civil Process Assignment Log:

1. Date and time received and assigned;
 2. Type of process and court issuing;
 3. Subject's name;
 4. Deputy assigned if not the Process Deputy.
- D. If the Process is not served, all attempts to serve process will be documented on the cover sheet with the deputy's initials and reason not served.
- E. If the Process has not been served within 15 days or within the time period specified in the Process, the assigned deputy will return the Process to the Warrant Supervisor for further instructions.
- F. If the Process is served, the deputy will so note the date; time and method served on the assignment sheet and return it to the Warrant Supervisor.
- G. The Warrant Supervisor is responsible for keeping the issuing court informed of when the process has been served or the status of the process.

IV. METHODS AND MANNER OF SERVICE

- A. If there is any indication that the individual may be armed or may in any way resist service of process, two deputies will make the attempt at service.
- B. If the Process is for Eviction or other action requiring the deputy to stand-by while certain actions are performed, two deputies will be assigned.
- C. All deputies serving Process will be in full Office uniform and shall not use covert methods or means to make service.
- D. If an individual resists service and flees, deputies shall not pursue if there is no criminal offense.

- E. Service is considered accomplished if the process is handed to the individual regardless of what the individual does with the notice afterward. Deputies cannot testify to whether the individual could read or understand the document only that it was delivered in hand.

- F. Deputies will serve civil process only between the hours of 6am and 10pm.

- G. Deputies will not attempt service at an individual's work locations unless there have been repeated attempts to serve the individual at home and the deputy believes the individual is avoiding service. Deputies will obtain supervisory approval before attempting service at the individuals work or school.

- H. All deputies assigned civil service will maintain records of the assignments and their current status.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 8.4 Handling Mentally Ill Persons

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:


Sheriff

Reference:

I. POLICY

It is the policy of the Kendall County Sheriff's Office to protect emotionally or mentally unstable person from harming themselves, others, or property. Police work brings deputies into contact with persons who are emotionally or mentally unstable. This instability may be due to any number of factors, including alcohol/drug dependency, emotional trauma, or some form of mental illness. Our primary concern in these cases is the safety and welfare of that person, the community, and the deputy. When a deputy has probable cause to believe that an emotionally or mentally unstable person presents an immediate threat of harm to them or another person, that person shall be taken into protective custody and transported to a facility where trained professionals can evaluate the emotional and mental status of that person.

II. PURPOSE

To provide deputies with guidance on the handling of calls involving the mentally ill.

III. PROCEDURES

A. Recognizing Abnormal Behavior

1. Mental illness is often difficult for even the trained professional to define in a given individual. Deputies are not expected to make judgments of mental or emotional disturbance but rather to recognize behavior that is potentially destructive and/or dangerous to self or others. The following are generalized signs and symptoms of behavior that may suggest mental illness although deputies should not rule out other potential causes such as reactions to narcotics or alcohol or temporary emotional disturbances that are situationally

motivated. Deputies should evaluate the following and related symptomatic behavior in the total context of the situation when making judgments about an individual's mental state and need for intervention absent the commission of a crime.

2. Degree of Reactions. Mentally ill persons may show signs of strong and unrelenting fear of persons, places, or things. The fear of people or crowds, for example, may make the individual extremely reclusive or aggressive without apparent provocation.
3. Appropriateness of Behavior. An individual who demonstrates extremely inappropriate behavior for a given context may be emotionally ill. For example, a motorist who vents his frustration in a traffic jam by physically attacking another motorist may be emotionally unstable.
4. Extreme Rigidity or Inflexibility. Emotionally ill persons may be easily frustrated in new or unforeseen circumstances and may demonstrate inappropriate or aggressive behavior in dealing with the situation.
5. In addition to the above, a mentally ill person may exhibit one or more of the following characteristics:
 - a. abnormal memory loss related to such common facts as name, home address, (although these may be signs of other physical ailments such as injury or Alzheimer's disease);
 - b. Delusions, the belief in thoughts or ideas that are false, such as delusions of grandeur ("I am Christ.") or paranoid delusions ("Everyone is out to get me.");
 - c. hallucinations of any of the five senses (e.g. hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors, etc.);
 - d. the belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time; and/or
 - e. Extreme fright or depression.

B. Determining Danger

1. Not all mentally ill persons are dangerous while some may represent danger only under certain circumstances or conditions. Deputies may use several indicators to determine whether an apparently mentally ill person represents an immediate or potential danger to himself, the deputy, or others. These include the following:
 - a. The availability of any weapons to the suspect,
 - b. Statements by the person that suggest to the deputy that the individual is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendo to direct threat that, when taken in conjunction with other information, paint a more complete picture of the potential for violence,
 - c. A personal history that reflects prior violence under similar or related circumstances. The person's history may be known to the deputy, or family, friends, or neighbors may be able to provide such information,
 - d. Failure to act prior to arrival of the deputy does not guarantee that there is no danger, but it does tend to diminish the potential for danger,
 - e. The amount of control that the person demonstrates is significant, particularly the amount of physical control over emotions of rage, anger, fright, or agitation. Signs of a lack of control include extreme agitation, inability to sit still or communicate effectively, wide eyes, and rambling thoughts and speech. Clutching one's self or other objects to maintain control, begging to be left alone, or offering frantic assurances that one is all right may also suggest that the individual is close to losing control,
 - f. The volatility of the environment is a particularly relevant factor that deputies must evaluate. Agitators that may affect the person or a particularly combustible environment that may incite violence should be considered.

IV. APPROACH AND INTERACTION – GENERAL GUIDELINES

- A. The following general guidelines detail how to approach and interact with a person who may have mental illnesses and who may be a crime victim, witness or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations. Deputies, while

protecting their own safety, the safety of the person with mental illnesses, and others at the scene should:

1. Recognize that these events are dangerous, and deputies must be prepared to protect themselves and others. The person may be suffering from mental instability, extreme emotions, paranoia, delusion, hallucinations or intoxication;
2. Remain calm and avoid overreacting, surprise may elicit a physical response, the person's "fight or flight" may be engaged;
3. Approach the individual from the front, be helpful and professional;
4. Provide or obtain on-scene emergency aid when treatment of an injury is urgent;
5. Check for and follow procedures indicated on medical alert bracelets or necklaces;
6. Indicate a willingness to understand and help, use active listening, and paraphrase responses;
7. Use the person's name and your name when possible, speak slowly, simply and briefly, and move slowly;
8. Remove distractions, upsetting influences and disruptive people from the scene;
9. Understand that a rational discussion may not take place;
10. Recognize that sensations, hallucinations, thoughts, frightening beliefs, sounds ("voices"), or the environment are "real" to the person and may overwhelm the person;
11. Be friendly, patient, accepting, and encouraging, but remain firm and professional;
12. Be aware that their uniform, gun, and/or handcuffs may frighten the person with mental illnesses and attempt to reassure him or her that no harm is intended;

13. Attempt to determine if the person is taking any psychotropic medications;
 14. Announce actions before initiating them;
 15. Gather information from family or bystanders;
 16. Use patience and communications to control, use physical force only as a last resort;
 17. Don't be afraid to ask direct questions about what the person is experiencing, e.g. "Are you hearing voices? Are you thinking of hurting yourself? Are you in need of something?"
- B. While each incident will be different when dealing with a person who may have mental illnesses, deputies should be aware that their own actions might have an adverse effect on the situation. Actions that deputies should generally avoid include:
1. Moving suddenly, startling the person, giving rapid orders or shouting;
 2. Forcing discussion;
 3. Cornering or rushing;
 4. Touching the person (unless essential to safety);
 5. Crowding the person or moving into his or her zone of comfort;
 6. Expressing anger, impatience, or irritation;
 7. Assuming that a person who does not respond cannot hear;
 8. Using inflammatory language, such as "mental" or "mental subject";
 9. Challenging delusional or hallucinatory statements;

10. Misleading the person to believe that deputies on the scene think or feel the way the person does.

- C. The Office shall provide training to all Office personnel. This training shall be provided to all newly hired personnel during their first week of employment, with refresher training given to all personnel at least every three (3) years.

V. EMERGENCY APPREHENSION AND DETENTION

- A. HSC 571.003 defines "Mental illness" as an illness, disease, or condition, other than epilepsy, senility, alcoholism, or mental deficiency, that:
 1. substantially impairs a person's thought, perception of reality, emotional process, or judgment; or
 2. Grossly impairs behavior as demonstrated by recent disturbed behavior.

- B. HSC 573.001 empowers peace officers to take into custody a person, without a warrant, if the officer:
 1. has reason to believe and does believe that:
 - a. 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 enough time to obtain a warrant before taking the person into custody.
 2. A substantial risk of serious harm to the person or others under Subsection (a)(1)(B) 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. Based on the conduct of the apprehended person or the circumstances under which the apprehended person is found.
4. A peace officer who takes a person into custody 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.
5. A jail or similar detention facility may not be deemed suitable except in an extreme emergency.
6. A person detained in a jail or a non-medical facility shall be kept separate from any person who is charged with or convicted of a crime.

C. Juvenile Mentally Ill Patients

1. The emergency detention procedure for juveniles is the same as for adults.

VI. TAKING A PERSON INTO CUSTODY FOR EMERGENCY DETENTION

- A. If a deputy determines that an Emergency Detention is necessary, the following procedures will be utilized:
1. A minimum of two deputies should be present before any action is taken to take the subject into custody.
 2. Should a patient refuse a deputy entry into their home for the purpose of apprehending him, the deputy will not force entry unless a life is in immediate danger.

3. Take the person into custody and apply handcuffs for transport. Explain that handcuffs are necessary for everyone's protection. Use front cuff with belt restraint if possible. (If deputies believe the subject will not resist, inform the subject of your intentions beforehand and explain your reasoning. If deputies believe the subject will resist, immediate forceful action may be necessary to restrain the individual. Deputy Safety is paramount.)
4. Deputies are reminded that the use of force is authorized to the extent necessary to take the subject into custody.
5. Proceed to the mental health facility and turn the subject over to the center staff.
6. Complete an Application for Emergency Detention. The application should detail the actions of the subject that led you to believe he was a danger to himself or others.
7. Complete a Miscellaneous Incident Report detailing the event and a copy of the petition shall be attached to the report.
8. Consider providing the mental health facility with a copy of your vehicle AVR tape for review by the interviewing doctor.

B. Physically Ill Mentally Disturbed Persons

1. When a Mentally Ill person is also physically ill or injured requiring transport by ambulance, a deputy will ride in the rear of the ambulance with the person.

VII. CRIMINAL OFFENSES INVOLVING THE MENTALLY ILL

- A. Individuals who commit criminal acts but are believed by the deputy to be exhibiting symptoms of mental illness and that are an immediate danger to themselves or others should be taken into custody and taken to the mental health facility under an Application for Emergency Detention. The deputy will prepare an offense report providing all the details of the offense and the subject's behavior. Should the individual be determined to be competent after their evaluation, they shall be filed on for the offense and a warrant obtained for their arrest.
- B. Individuals who commit criminal acts and are believed by the deputy to be exhibiting symptoms of mental illness but there is no evidence that the person is an immediate danger to themselves or others:

1. If the offense is a misdemeanor, be released to a competent adult caregiver or booked into jail. If booked into jail, every attempt will be made to locate a caregiver and release the person to the caregiver on personal recognizance.
2. If the offense is a felony, the individual will be booked into jail and every attempt will be made to contact a caregiver. The individual will be required to make bond.
3. In cases of family violence, a supervisor or the Patrol Lieutenant should be consulted to determine an appropriate response.
4. In any case where a suspected mentally ill individual is booked into jail, they shall not be housed with other inmates. Every effort will be made to monitor their safety and process them as quickly as possible to remove them from the facility.
5. Suspected mentally ill, non-violent juveniles who are being cared for by a responsible person will not be detained unless a felony has been committed.
6. Suspected mentally ill, violent juveniles, or those who have committed a felony, will be transported to the mental health facility.

VIII. REPORTING

- A. If a criminal incident involving a mentally ill person is reported, all pertinent information involving the offense must be included in that report.
- B. Certain individuals may habitually display unusual behavior which is and may become well known to the Sheriff's Office. Whenever contact is made with these individuals, a Field Interview (FI) Card should be completed.
- C. Any information which is requested to be included into the Computer Aided Dispatch (CAD) regarding a mentally ill person who is a hazard to police officers should be accomplished in writing by a supervisor to the Communications Supervisor.

IX. REFERRALS TO MENTAL HEALTH FACILITIES

- A. When a Sheriff's Office employee receives a telephone call and the caller appears to be mentally disturbed or irrational:

1. Obtain the caller's name, telephone number, and address or location from where the individual is calling.
2. If the caller indicates that their or another life may be in danger, a deputy will be sent, and the on-duty patrol supervisor advised of the situation.
3. If the caller is not an immediate threat to themselves or others, a suggestion can be made to contact a local mental health center for assistance.
4. **Attempted Suicide:** When a deputy is dispatched to a call in which a person has attempted suicide or is threatening suicide, the deputy shall make certain that the immediate situation is stabilized. The deputy shall also attempt to locate a relative, close friend, or other responsible party that is available. The deputy shall then contact the appropriate mental health facility/provider for assistance and/or emergency detention. An Incident Report shall be completed regarding the attempted suicide.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 8.5 Missing Persons; Amber, Silver and Blue Alerts

Effective Date: 02/15/2016

Revised: 03/01/2019

Approved:

Sheriff

Reference:

I. POLICY

In accordance with policies established by the State of Texas to provide the means of notification of missing children, elderly, or the apprehension of individuals responsible for the serious injury or death of a law enforcement officer, the use of the Amber, Silver and Blue alert programs can and should be used when deemed necessary.

II. PURPOSE

The purpose of this chapter is to provide the guidelines to request, activate, disseminate and deactivate the alert programs available.

III. DEFINITIONS

A. Missing Juvenile – For reporting purposes of the Kendall County Sheriff's Office, a missing juvenile is defined as a person who is between the ages of ten years of age and seventeen years of age.

B. Missing Child

1. A child is defined as: A person under 18 years of age whose whereabouts are unknown to the child's legal custodian, and the circumstances of whose absence indicate that:

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;

b. The child voluntarily left the care and control of his legal custodian without the custodian's consent and without intent to return; or

- c. The child was taken or retained in violation of the terms of a court order for possession of or access to the child.
- d. A child, including a non-emancipated seventeen-year-old, who voluntarily leaves the care and control of their legal custodian without the custodian's consent and without intent to return, is not a missing child under the CCP, Chapter 63, if the custodian knows where the child is located.

C. Missing Person:

A report is taken immediately with no time lapse or arbitrary waiting period required before reporting an individual missing person whose disappearance is possibly not voluntary and;

1. 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 or,
2. Is in the company of another person or is in a situation the circumstances of which indicate that the missing person's safety is in doubt; or is not emancipated as defined by the law of this state.

IV. PROCEDURES – MISSING CHILD/PERSON (INCLUDING ELDERLY)

A. Initial Report

1. The responding deputy must gather as much pertinent information as quickly as possible in order to properly classify a missing person report and initiate proper response. This includes the following information:
 - a. Name, age and complete description of the subject and relationship of the reporting party to the missing person.
 - b. Time and place of last known location and the identity of anyone accompanying the subject and the identity of the last person(s) to have seen the subject as well as friends, relatives, coworkers or associates who were or may have been in contact with the subject prior to disappearance.
 - c. The extent of any search for the subject.

- d. Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior, patterns, habits, or plans.
- e. Whether the individual has been involved recently 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.
- f. The current physical condition of the subject and whether the person is currently on prescription medication.
- g. If the missing person is a child, inquiry should also determine if the child:
 - i. Is or may be with any adult who could cause him/her harm;
 - ii. May have been the subject of a parental abduction;
 - iii. Has previously run away from home, has threatened to do so or has a history of explainable or unexplainable absences for extended periods of time.
 - iv. The current custodial status of the child.

B. Preliminary Investigation

1. The preliminary investigation is intended to gather 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 in addition to the initial report:
 - a. A recent photograph
 - b. A complete and thorough search of the missing person's home and surrounding property as soon as possible.
 - c. Plans, habits, routines and personal interests of the subject including places frequented or locations of particular personal significance.
 - d. Indications of missing personal belongings, particularly money and other valuables.
 - e. Any suggestions of foul play or accident.
2. In the case of missing children, deputies shall be particularly cognizant of information that may suggest the potential for parental abduction or the possibility of stranger abduction, as well as:
 - a. The presence of behavioral problems;
 - b. Past instances of running away;
 - c. Signs of an abusive home environment or dysfunctional family situation;

- d. Whether the child is believed to be with adults who may pose a danger; and
 - e. 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.
 - i. If/when possible, officer should gain permission to search a missing child's school locker.
- C. The Kendall County Sheriff's Office will take a missing person report if the guidelines within this section are met. The entry to TCIC/NCIC will be Missing Person and or Missing Child.
- D. In the case of persons designated as "missing-critical", a supervisory officer may direct that:
- 1. The agency utilize the Amber Alert System or Silver Alert System.
- E. When the location of a missing child is determined, a deputy shall take possession of the child and deliver to a person entitled to possession of the child. The deputy can use reasonable force to do so. CCP ART.63.009

V. ENDANGERED MISSING PERSONS ALERT

- A. The Texas Department of Public Safety implemented the Endangered Missing Persons Alert Network as a means to assist law enforcement in the recovery of missing persons with an Intellectual Disability. Endangered Missing Persons Alerts typically resemble those alerts issued for abducted children (AMBER Alerts), using similar notification technologies (with the exception of EAS) to alert the public.
- B. The State Network has the ability to disseminate the Endangered Missing Persons Alert to any geographical area in Texas, based upon investigate recommendations. Not all activations are considered "statewide".

VI. ENDANGERED MISSING PERSONS ALERT PROCESS

- A. A requesting law enforcement agency must meet **all** the below criteria in order to activate the State Endangered Missing Persons Alert Network:
 - 1. Has the missing person been diagnosed with an Intellectual Disability and/or a Pervasive Developmental Disorder, including Asperger's Disorder, Autistic Disorder, Autism Spectrum Disorder, Childhood Disintegrative Disorder, Rett's Disorder or a Pervasive Developmental Disorder (Not Otherwise Specified)?

If the missing person has been diagnosed with an Intellectual Disability, law enforcement shall require a written diagnosis from a physician or psychologist licensed to practice within Texas, or certified by the Texas Department of Aging and Disability Services and/or Texas Department of State Health Services.

2. Is it confirmed that an investigation has taken place, verifying that a reasonable explanation for the missing person's disappearance has been ruled out and that the disappearance poses a credible threat to the health and safety of the missing person?
3. Is the Endangered Missing Persons Alert request being made within 72 hours of the missing person's disappearance?
4. Is there sufficient information available to disseminate to the public that could assist in locating the missing person? (Highway signs will be activated only if accurate vehicle information is available AND it is confirmed that the missing person was in the vehicle at the time of the disappearance).

VII. ENDANGERED MISSING PERSONS ACTIVATION PROCESS

A. The below procedures should be used by a law enforcement agency when requesting activation of the state's Endangered Missing Persons Alert network:

1. Fax the Endangered Missing Persons Alert Request Form to the State Operations Center (SOC), Texas Division of Emergency Management at (512) 424-2281 or (512) 451-2291.
2. Email available photographs of the missing person to the SOC at atsoc@dps.texas.gov.
3. Contact the SOC at (512) 424-2208 or (512) 424-2277 to ensure the Endangered Missing Persons Alert Request Form was received.
4. Ensure appropriate entries are made within the Texas Crime Information Center and National Crime Information Center (TCIC/NCIC).
5. Inform the SOC of any updates, to include when the missing person is located.
6. Endangered Missing Persons Alerts issued by the State Network have a maximum activation period of 24-hours. All requests for extension

must be accomplished on or before the last 23-hour reminder from the SOC.

VIII. AMBER ALERT

Texas Amber Alert Background

- A. The Texas Amber Alert is another resource to use in an attempt to return abducted children safely to their loved ones. The Texas Amber Alert Network will assist state and federal agencies in conjunction with Texas broadcasters to get information out as quickly as possible during the first crucial hours after a kidnapping.
- B. The Texas Law Enforcement Telecommunications System (TLETS) is a key part of the Amber Alert Network. The Amber Alert Network is administered by the Division of Emergency Management (DEM), Texas Department of Public Safety (DPS).

IX. AMBER ALERT ACTIVATION PROCESS

- A. The Texas Amber Alert is designed to work in coordination with local abduction alert plans and is not intended to supersede activation of local plans. To activate the Texas Amber Alert Network, the law enforcement agency with jurisdiction must determine that an abduction meets the following criteria:
 - 1. 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 (i) if abducted by a parent or legal guardian, was the abduction in the course of an attempted murder or murder? OR,
 - 2. 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:
 - a. someone unrelated and more than three years older,
or
 - b. another parent or legal guardian who attempted or committed murder at the time of the abduction?
 - 3. Is this child in immediate danger of sexual assault, death or serious bodily injury?

4. Has a preliminary investigation verified the abduction and eliminated alternative explanations for the child's disappearance?
 5. Is sufficient information available to disseminate to the public to help locate the child, a suspect, or the vehicle used in the abduction?
- B. If the answer to any one of the questions above is "NO", the incident does not meet the criteria for activation of the Texas Amber Alert. Deputies should utilize the Emergency Alert System found in Section IX as an alternate method.
- C. If the answer to the questions is "YES" then the deputy will fill in all sections of the Texas Department of Public Safety Amber Alert Information Form (MP-24). The form can be found and completed online on the DPS website.
- D. All data on the Amber Alert form (MP-24) will be completed. Deputies need to keep in mind that time is crucial in this type of incident and will not delay in completing the form.
- E. The Kendall County Sheriff's Office is provided with a user ID and a password.

USER ID: butch.matjeka@co.kendall.tx.us
PASSWORD: PinkFloyd*77

- F. Once all the information has been collected the deputy will transmit the Amber Alert Activation request.
1. Fax the AMBER Alert Request Form to the State Operations Center (SOC), Texas Division of Emergency Management at (512) 424-2281 or (512) 451-2291.
 2. Email available photographs of the missing child and suspect to the SOC at soc@dps.texas.gov.
 3. Contact the SOC at (512) 424-2208 or (512) 424-2277 to ensure the AMBER Alert Request Form was received.
 4. Ensure appropriate entries are made within the Texas Crime Information Center and National Crime Information Center (TCIC/NCIC).
 5. Inform the SOC of any updates, to include when the child or suspect is located.
 6. AMBER Alerts issued by the State Network have a maximum activation period of 24-hours. All requests for extension must be accomplished on or before the last 23-hour reminder from the SOC.

X. AMBER ALERT DEACTIVATION PROCESS

- A. Once the kidnapped child has been recovered, the abduction has been resolved, or law enforcement decides that the alert is no longer effective, the Texas Amber Alert Network must be deactivated. To deactivate the system:
 1. Notify DEM to cancel the alert; DEM will then be responsible for sending appropriate notification to the National Weather Service, the Texas Department of Transportation and other law enforcement offices.
 2. DEM will logon to the beyondmissing.com Internet site and edit the original submission to show that the child has been found or that the abduction has been resolved, or the alert cancelled.
- B. The Kendall County Sheriff's Office will be notified after 12 hours, 18 hours and 23 hours at which time we may request an extension. All extensions must be accomplished on or before the last 23-hour reminder from the State Operations Center.

XI. TEXAS AMBER ALERT PROCESS

- A. Upon verification of the activation request, DEM will issue an Amber Alert through the following process:
 1. Advise the National Weather Service via the Texas Warning System to issue an Amber Alert in the appropriate region or regions.
 2. Notify the Texas Department of Transportation's Traffic Management Center to activate electronic highway signs in the search zone to flash messages about the Amber Alert.
 3. Contact state and local law enforcement offices within the search zone and provide those offices with details of the abduction via TLETS.
 4. Notify the Texas Missing Persons Clearinghouse of the abduction.
 5. Notify the Governor's Office that an Amber Alert has been issued.

XII. SILVER ALERT

History

In response to legislation enacted September 1, 2007, the Texas Department of Public Safety implemented the Silver Alert Network as a means to assist law enforcement in the recovery of missing senior citizens statewide. 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.

A. State Silver Alert Criteria

All criteria must be met in order to activate the Network.

1. Is the missing person 65 years of age or older?
2. Does the senior citizen have a diagnosed impaired mental condition, and does the senior citizen's disappearance pose a credible threat to the senior citizen's health and safety? (Law enforcement shall require the family or legal guardian of the missing senior citizen to provide documentation from a medical or mental health professional of the senior citizen's condition).
3. Is it confirmed that an investigation has taken place verifying that the senior citizen's disappearance is due to his/her impaired mental condition, and alternative reasons for the senior citizen's disappearance have been ruled out?
4. Is the Silver Alert request within 72 hours of the senior citizen's disappearance?
5. Is there sufficient information available to disseminate to the public that could assist in locating the senior citizen? (Highway signs will be activated only if accurate vehicle information is available AND it is confirmed that the senior citizen was driving the vehicle at the time of the disappearance).

Note: Medical documentation required for activation of the state's Silver Alert Network should appear on physician's letterhead, indicating the impaired mental condition, date of diagnosis, patient's name, with physician's signature.

XIII. HOW TO REQUEST ACTIVATION OF THE SILVER ALERT NETWORK

- A. Requests for activation of the Network must come from a law enforcement agency.

- B. A requesting agency is required to take the following actions:
1. Fax the Endangered Missing Persons Alert Request Form to the State Operations Center (SOC), Texas Division of Emergency Management at (512) 424-2281 or (512) 451-2291.
 2. Email available photographs of the missing person to the SOC atsoc@dps.texas.gov.
 3. Contact the SOC at (512) 424-2208 or (512) 424-2277 to ensure the Endangered Missing Persons Alert Request Form was received.
 4. Ensure appropriate entries are made within the Texas Crime Information Center and National Crime Information Center (TCIC/NCIC).
 5. Inform the SOC of any updates, to include when the missing person is located.
 6. Endangered Missing Persons Alerts issued by the State Network have a maximum activation period of 24-hours. All requests for extension must be accomplished on or before the last 23-hour reminder from the SOC.

XIV. SILVER ALERT ACTIVATION

- A. Once DPS has confirmed that a request for activation of the Network meets the criteria noted above, TDEM immediately notifies the following for dissemination of information within the advisory area:
1. Local, state and federal law enforcement agencies
 2. Primary media outlets
 3. Texas Department of Transportation
 4. Texas Lottery Commission
 5. Independent Bankers Association of Texas
 6. TDEM remains in contact with the requesting agency if extensions beyond the initial 24-hour activation are required.

XV. SILVER ALERT DEACTIVATION PROCEDURES

- A. Once the elderly person has been recovered and the issue resolved or law enforcement decides that the alert is no longer effective, the Texas Silver Alert Network must be deactivated.

- B. Notify DEM to cancel the alert. DEM will then be responsible for sending the appropriate notification to the National Weather Service, the Texas Department of Transportation and other law enforcement offices.

XVI. BLUE ALERT

- A. The Blue Alert program is intended to speed in the apprehension of violent criminals who kill or seriously wound local, state, or federal law enforcement officers.
- B. Using media broadcasts and TXDOT's dynamic messaging signs, each Blue Alert will blanket the state with information identifying the vehicle of the suspected assailant which will hinder the violator's ability to flee the state and facilitate their speedy capture, helping eliminate the threat they would otherwise pose to Texas communities and other law enforcement personnel. This message will be broadcasted for a time limit of 24 hours.

XVII. BLUE ALERT CRITERIA

- A. A requesting law enforcement agency must meet all the below criteria in order to activate the State Blue Alert Network:
 - 1. A law enforcement officer must have been killed or seriously injured by an offender.
 - 2. The investigating law enforcement agency must determine that the offender poses a serious risk or threat to the public and other law enforcement personnel.
 - 3. A detailed description of the offender's vehicle, vehicle tag, or partial tag must be available for broadcast to the public.
 - 4. The investigating law enforcement agency of jurisdiction must recommend activation of the Blue Alert to the State Operations Center (Texas Division of Emergency Management).

DPS REQUEST FORM MP-24 (AMBER ALERT) DPS REQUEST FORM MP-25 (SILVER ALERT), AND DPS REQUEST FORM DEM-52 HAVE BEEN ADDED AT THE END OF THIS SECTION FOR YOUR REFERENCE.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 8.8 Narcan Administration

Effective Date: 11/15/2017

Revised:

Approved:

Sheriff

Reference:

I. POLICY

To help ensure the safety of Sheriff's Office personnel, every deputy will be issued one 4mg Narcan Nasal Spray of Naloxone Hydrochloride, herein referred to as Narcan. The Narcan is to be administered only to a deputy in the event of an accidental opioid overdose.

II. PURPOSE

To establish guidelines and regulations governing administration of Narcan Nasal Spray by deputies of the Kendall County Sheriff's Office. The objective is to treat any of our personnel who may experience an accidental opioid overdose.

III. DEFINITIONS

- A. Naloxone Hydrochloride (Narcan) – Narcan is an opioid antagonist drug which is used to counter the effects of an opioid overdose, for example heroin, morphine or fentanyl. Narcan is specifically used to counteract the life-threatening depression of the central nervous system and respiratory system.
- B. Opiate – An opiate is a controlled substance containing or compounded to be a derivative of morphine or morphine sulfate. The term opiate describes any of the narcotic opioid alkaloids found as a natural product in the opium poppy plant. Commonly encountered opiates in the police service include heroin, fentanyl, morphine, oxycontin, Percocet and Percodan.

IV. REQUIRED TRAINING

- A. Deputies will receive initial training from Kendall County Emergency Medical Services that will include an overview of patient assessment, administration of Narcan and follow up care.

V. ISSUANCE AND USE OF NARCAN

- A. Once a Deputy has received training in the use of Narcan they will be issued one individually sealed 4mg dose of Nasal Narcan Spray. It should be noted that Narcan is not a substitute for emergency medical care. It is also temperature sensitive and cannot be stored in temperatures below 59 degrees or above 104 degrees, therefore it cannot be left in a patrol unit it must be kept on the deputy's person.

VI. NARCAN COORDINATOR

- A. The Administration Sergeant will be the Narcan Coordinator. As a reminder, Narcan is still considered a controlled substance and was obtained under a standing order signed by a physician. The Narcan must be tracked and accountability measures are in place. If a deputy's Narcan Spray is used, damaged or lost this should be promptly reported to the Administration Sergeant, along with documentation of the occurrence.

VII. INDICATORS OF OPIOID OVERDOSE

- A. Indicators of an overdose include dizziness, loss of consciousness, slow or no breathing at all, lips and nails turn blue, pupils are restricted, does not respond to pain stimulus. If a deputy encounters any of these indicators they are to:
 - 1. Attempt to stimulate victim by shaking, providing pain stimulus through a sternum rub,
 - 2. Check the victim's airway, if there is still no response and an opioid overdose is suspect administer a 4mg nasal dose by placing the victim on their back and complete the following steps;
 - a. Observe universal precautions (Latex gloves)
 - b. Summon Emergency Medical Services and advise them of the situation.
 - c. Remove the Narcan Nasal Spray from its packaging by peeling back the tab with the circle.
 - d. Hold the Narcan Nasal Spray with the thumb on the bottom of the plunger and the first and middle fingers on either side of the nozzle.
 - e. Tilt the person's head back and provide support under the neck with the other hand. Gently insert the tip of the nozzle into one nostril until the fingers on either side of the nozzle are against the bottom of the person's nose.
 - f. Press the plunger firmly to give the dose of Narcan Nasal Spray.
 - g. Remove the Narcan Nasal Spray from the nostril after giving the dose.

- B. Once the dose of Nasal Narcan Spray has been administered complete the following steps;
1. Move the victim onto their side in the recovery position.
 2. Watch the victim closely.
 3. If the victim does not respond by waking up, to voice or touch, or start breathing normally, another dose of Nasal Narcan Spray may be required. If there is no improvement in the victim in two to three minutes administer a second dose of Narcan Nasal Spray.
- C. Things to expect from someone that has had Narcan Nasal Spray administered to them include;
1. Increased heart rate
 2. Nausea or vomiting
 3. Body aches
 4. Diarrhea
 5. Fever
 6. Runny Nose
 7. Sneezing
 8. Goose Bumps
 9. Sweating
 10. Yawning
 11. Nervousness
 12. Restlessness or irritability
 13. Shivering or trembling
 14. Stomach Cramping
 15. Weakness
 16. Increased blood pressure.
- D. Once the Narcan dose has been administered, deputies may dispose of the dispenser in a safe place. An incident report documenting the use of the Narcan Nasal Spray will be completed and forwarded to the Administration Sergeant for replacement.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 9.1 Radio Protocol

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:


Sheriff

Reference: 3.18, 9.01, 9.02, 9.03

I. POLICY

Accurate communication is essential in the operation of the Kendall County Sheriff's Office. The Boerne Police Department Communications Center provides 24-hour operation, designed to provide safety and security to Sheriff's Office personnel and respond to the needs of the public. It is essential that every step in our communication process be conducted concisely, effectively and properly.

II. PURPOSE.

To establish guidelines for the proper response to calls received through the 911 System.

III. DEFINITIONS.

- A. E 9-1-1: Enhanced 911 means when a 911 call is received, the address of the caller is displayed. The telephone number 911 is intended for emergency telephone communications to the Office.
- B. Call-Taker: Any employee who answers an E9-1-1 telephone call.
- C. Unknown 911: That a call has been received on the E9-1-1 System and the caller will not or cannot communicate verbally with the call-taker. The address and telephone number of the caller will generally be available.
- D. ANI: Automatic number identification and refers to the display on the call-takers screen of the caller's telephone number when the E9-1-1 line is answered.

- E. ALI: Automatic location identification and refers to the display on the call-takers screen of the caller's address when the E9-1-1 line is answered.

IV. GENERAL

- A. The Boerne Police Communications Center operates 24 hours a day and has 24-hour two-way radio communication with all members of the Sheriff's Office and other public safety agencies operating in the field.
- B. The Boerne Police Communications Center is a secure facility and no unauthorized personnel are allowed inside the facility without the express approval of a Communications Supervisor.
- C. Deputies will limit their access to the Communications Center to business related tasks and shall not take breaks, do reports, or otherwise visit personnel inside the Center.
- D. The Communications Center has an Emergency Back-up Generator for power and portable radios and cell phones for communications in the event of a power failure.
- E. The dispatch consoles have a recording system that records all telephone and radio transmissions and allows for immediate playback if necessary.

V. COMPLIANCE WITH FCC RULES AND REGULATIONS

- A. Employees will comply with FCC regulations relating to the use of radio communications systems.
- B. Employees will follow established guidelines and procedures as outlined below:
 - 1. Communications involving the protection of life and property shall be afforded priority,
 - 2. False calls, false or fraudulent distress signals, unnecessary and unidentified communications, and the transmission of unassigned call signals are specifically prohibited,

3. Employees shall monitor the frequency on which they intend to transmit for a sufficient period to ensure that their transmissions will not cause interference to others,
4. Duration of radio transmissions must be restricted to the minimum practical transmission time.

VI. RADIO COMMUNICATIONS

- A. Only English will be spoken. Clear, concise and controlled language will be used. Obscene, indecent, profane or slang language, horseplay and joking are not permitted.
- B. Units calling the station shall identify themselves by their assigned unit number. They should not continue the transmission until acknowledged by the dispatcher.
- C. Units will give their unit number when responding to the dispatcher.
- D. Deputies will not call for another employee by name unless their radio or unit number is unknown.
- E. Deputies will advise the dispatcher of their arrival on the scene of a dispatched call using proper radio etiquette.
- F. Upon arrival at a scene, deputies will notify the dispatcher if no other units are needed.
- G. If an incident is found to have occurred somewhere other than at the dispatched location, the deputy will update their location by radio or via message to dispatcher.
- H. Upon completion of a call, deputies will clear the call in the proper manner via radio and immediately go back in service.
- I. Lengthy transmissions should not be made on the radio system's primary channels. Long transmissions should be done over a secondary channel when available, or via a cell phone if available. Long transmissions should always be held to a minimum.
- J. Employees will not become engaged in an argument on the radio and shall not refuse to respond to a call for service without supervisor approval. Conflict between

a deputy and a dispatcher should be referred to the employees' immediate supervisors for resolution.

- K. Deputies shall refrain from seeking advice from a dispatcher regarding a point of law, enforcement action, or Office policy. Deputies should consult their immediate supervisor on these matters.

VII. EMERGENCY SITUATIONS

- A. Transmissions regarding emergencies (e.g., pursuits, serious crimes in progress, etc.) will be given priority over all other transmissions. Units not involved in the emergency will stay off the air until the situation has been resolved.
- B. When an "officer needs assistance" call is received, Communications will make a general broadcast to all units and assign two units and a supervisor.

VIII. MONITORING RADIO CHANNELS

- A. Field units will continuously monitor their primary channel, and if they scan other channels, they will not interfere with primary.
- B. Investigative, support and special unit personnel will monitor the patrol channel when they are in the field.
- C. Supervisors may monitor additional frequencies; however, they will remain available to their primary channel.

IX. RESPONSIBILITY OF SUPERVISORS

- A. Supervisors will carefully monitor and supervise the use of the radio to assist their deputies as needed.
- B. Supervisors are responsible for the radio conduct of their subordinates and should immediately correct improper radio procedures.
- C. When called upon by subordinates, supervisors will respond to any scene when requested.

X. CALL HISTORY

The following information will be created and maintained regarding each request for police services (call for service) and deputy self-initiated activity and will include:

- A. case or service number;
- B. date and time of request;
- C. name and address of complainant, if possible;
- D. type of incident reported;
- E. location of incident reported;
- F. identification of deputies assigned as primary and backup;
- G. time of dispatch;
- H. time of deputy arrival;
- I. time of deputy return to service; and
- J. disposition or status of reported incident.

XI. ASSIGNMENTS OF CALLS FOR SERVICE

A. Assignment of Priority Calls

1. Units Available/Units Not Available

- a. Calls for service shall be assigned to the in-service deputy responsible for the area in which the call is located. When area deputies are not available, a routine or non-emergency call will be held until they clear from the current call for service. Dispatch will advise the caller of the approximate time of arrival for the deputy. If an emergency call for service is received, the

nearest area deputy will be selected. Deputy safety and call priority will be the first consideration when selecting alternate area deputies.

- b. Supervisors will monitor dispatching of Priority One calls and ensure that deputies are, or quickly become, available to respond.

2. Backup Units

- a. Backups are assigned to ensure deputy safety, to help secure crime scenes, and to check the area for suspects. Most calls categorized as priority 1 will require a backup. The decision to send a backup on a routine or non-emergency call is decided on a call-by-call basis. However, supervisors or on-scene deputies may authorize the response of additional units if needed.
3. General broadcasts can be used for DWI's, auto theft information, warrant information, missing persons, serious weather, and to alert deputies of a pending call.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 10.1 Prisoner Processing / Jail Operations

Effective Date: 01/01/2015

Revised: 08/15/2015

Approved:


Sheriff

Reference: 10.10, 10.12, 10.14, 10.15

I. POLICY

It is the policy of the Kendall County Sheriff's Office to accept persons arrested in Kendall County by police officers and deputies from any law enforcement agency, for temporary and pretrial confinement. In addition, prisoners may be housed in the Kendall County Detention Center while waiting for transport to other county jails, state or federal corrections facilities. The Sheriff will maintain these facilities in a sanitary and safe manner, complying with state jail standards, to include medical and psychiatric care when needed.

II. PURPOSE

To provide for operational procedures for the Kendall County Detention Center and ensure the safety of prisoners housed therein.

III. GENERAL ISSUES

A. Supervision

1. The Sheriff shall assign an individual to serve as supervisor of the prisoner holding facility. Said individual shall be responsible for all aspects of the holding facility to include prisoner processing, record keeping, training, security, sanitation and maintenance, safety, and supervision.

2. Training

- a. All Sworn Peace Officers and Detention Officers charged with the responsibility of operating, maintaining or functioning within the detention

center will receive training in state jail standards and operations of the facility, including emergency evacuation and the use of all life safety equipment located in the facility area.

- b. All agency personnel shall receive basic training and in-service training as required on the application of physical restraints, searching and booking prisoners into holding cells, and other topics as required by the state jail commission.

3. Access to Facility (TBP: 10.06)

- a. Access to the Detention Center is limited to authorized personnel. Non-essential personnel that are allowed access to the Detention Center ensure their presence does not violate a detainee's privacy, impede facility operations or hamper the gathering of information to be used in court. Non-essential personnel are prohibited from entering the holding facility in emergency situations. Juveniles are prohibited from entering the facility at any time a prisoner is being held or is present.

- b. Any person, other than sworn members of the Office or other law enforcement agency, who enter the facility, will be accompanied by a detention officer while in the holding facility.

c. Privacy of Prisoner Records

Prisoner records are kept confidential unless release is required by law. Detention Officers are permitted to respond to inquiries regarding whether or not a specific person is being held, on what charges, and the bond amount if any. Detention Officers are permitted to answer inquiries regarding the various options of how an individual may be visited or released.

IV. SAFETY AND SANITATION

A. Fire Protection (TBP: 10.08)

1. The Detention Center is equipped with an automatic fire alarm system incorporating both heat and smoke detection systems. This system is inspected and approved in writing by the City of Boerne Fire Marshall or Fire Inspector.

2. A Dry Chemical Fire Extinguisher is located in the book-in area mounted on the wall next to the fire alarm pull box. Additional extinguishers are located in the control rooms and throughout the facility as required by the fire marshal or state jail standards.

B. Fire Prevention activities include:

1. No smoking or smoking materials, lighters, matches, etc. are allowed in the facility with the exception of items placed in prisoner's property.
2. Prisoners are searched completely prior to being placed in cells.
3. The facility is kept clean of loose debris, trash or lint.
4. Mattresses and Blankets are made of fire retardant materials.
5. Cells are cleaned and inspected before and after every prisoner.

C. Emergency Evacuation (TBP: 10.09)

1. An Emergency Evacuation Diagram is posted in the Book-in area.
2. Emergency Exit signs are posted above the Exit Doors
3. In the event of a Fire requiring evacuation, the prisoners are released from their cells and directed out the West Cell Block Door. The door release can be activated by Detention personnel in the control room. Prisoners will be directed to the fenced yard on the west side of the building. Priority should be on getting the prisoners out of the facility rather than security of the prisoners. High risk prisoners may be handcuffed if time and opportunity permits. If prisoners are going to be out of the building for an extended period, arrangements should be made to transfer the prisoners to an adjacent county jail facility.

D. Inspections (TBP: 10.18)

1. On every shift, the oncoming Shift Supervisor or Officer in Charge conducts an inspection of the Holding Facility. Fire alarm systems, emergency lighting systems, cell door operation and overall safety and security of the Detention Center will be visually inspected. Any defective equipment or facility issue will

be brought to the attention of the Jail Lieutenant immediately. This inspection will be documented in the daily jail log.

2. The Jail Lieutenant conducts routine inspections of the holding facility and booking area at least weekly, recording the appropriate information to document the activity. The inspection includes, but is not limited to, the following:
 - a. Cleanliness
 - b. Adequate Supplies
 - c. Medical Emergency kit
 - d. Adequate food
 - e. Fire/Smoke detectors operational (tested)
 - f. Video and audio monitors operational
 - g. Fire extinguisher access and within inspectional date
 - h. Pest/Rodent Infestation
 - i. Cells for Weapons and Contraband (with second officer)
3. Insects, rodents, or other vermin and pests are addressed by a qualified pest service which is maintained under contract to perform their service at least quarterly.
4. The Jail Lieutenant ensures the fire extinguisher is inspected quarterly.
5. The Jail Lieutenant ensures the Fire Alarm System is tested weekly.
6. Any deficiency note in any life safety systems will be addressed immediately. Any deficiency that cannot be repaired will immediately be brought to the attention of the Sheriff.

V. FACILITY SECURITY (TBP: 10.05)

A. Firearms and Weapons (TBP: 10.21)

1. Personnel will not permit any weapon inside the holding facility area under normal operational conditions. Weapons include firearms, batons, knives or similar devices commonly considered a weapon. Weapons may be secured in an appropriate lock box or secured in the deputy's vehicle trunk prior to entering the facility. Deputies may enter the facility with a weapon only when immediately necessary to gain control over a violent prisoner and/or protect another deputy when so doing.

2. Weapons (that are not contraband) that are not part of an investigation but are part of prisoner's property will not be placed in prisoner's property in the holding facility, but will be placed in the property room for safekeeping.
3. Deputies are allowed to keep their assigned CED (Conducted Energy Device) on their belt while in the holding facility.

B. Twenty four hour Supervision (TBP: 10.20)

1. All persons being detained in the Detention Center are monitored on a 24-hour basis by Detention Personnel through audio and visual display. At least every hour, the Detention Officer makes a prisoner check by visually observing the prisoner. This check is recorded for documentation in the jail log. If the Detention Personnel has any concern for the prisoner's well-being, the Detention Officer will query the prisoner. Patrol deputies may be summoned to check on a prisoner if needed.
2. Special watches are conducted on fifteen (15) minute intervals for those exhibiting special needs. These special watches are conducted by Detention Personnel and logged into the CAD system or jail log as a prisoner check.
3. The on-duty Detention Officer monitors the video monitors and sound activity occurring in the Detention Facility, listening for any distress inside the facility.
4. Video surveillance of the interior of the cells is limited to the front half of the cells for obvious privacy reasons. Prisoners are informed of this system upon being placed in the cell. Prisoners are also informed of how to request assistance while in the cells.

C. Entering a Cell with a Prisoner

Police and detention officers typically do not enter a cell with a prisoner. Occasionally there will be certain circumstances that will require police and detention officers to enter an occupied cell, these circumstances may include, but are not limited to the following:

1. A fight between prisoners,
2. To search the cell and/or prisoner(s) for contraband,
3. To check on an ill or injured prisoner,

4. To prevent a prisoner from injuring himself or others, or
5. To prevent a prisoner from damaging property,
6. Security check,
7. When it is necessary for a detention officer to enter an occupied cell the officer, when possible and practical, does so only with the assistance of another officer,
8. Except when actually engaged in the passing of items through the opening, the food/package access door on each cell is kept in the closed and locked position.

D. Key Control (TBP: 10.16)

There are several sets of keys to the cell block area available to personnel in the holding facility. These keys are maintained in the Control Room and are obtained from the on-duty Detention Officer.

E. Cell Block Security

1. The individual cell doors are kept locked except when someone is entering or exiting a cell.
2. All facility entry doors are kept locked except when someone is entering or exiting.
3. All doors to storage and holding rooms directly off of the booking area remain locked when not in use.

F. Holding Cell Inspections

1. Prior to placing an arrested person in an unoccupied cell the cell is searched for contraband and weapons. The officer making the inspection immediately reports the finding of any weapons or contraband to their immediate supervisor.

2. Prior to release and after the detainee has been removed from the cell, the cell is searched for contraband and or weapons. The detainee is also required to remove any trash from the cell and clean any intentional damage or mischief. Officers will also have the prisoner place the mattress back on the respective beds and remove any other personal items used by the prisoner such as personal hygiene items in an effort to bring the cell back to a usable condition for the next prisoner.

G. Tools

Occasionally it is necessary to bring tools into the Detention Center for repairs and routine maintenance. Personnel assigned to the Detention Center accompany any outside contractor to ensure the safety of both the contractor and detainees. Upon completion of any work, the Detention Center is completely inspected to ensure tools used in maintenance are not left in the holding facility.

H. Escape Procedures (TBP: 10.17)

In the event of an attempted escape from the Detention Center, the following measures are taken to thwart the attempt:

1. Detention Officers assigned to the control rooms monitor the closed circuit television which monitors activity in the Detention Center,
2. If a person is attempting to escape and the Detention Officer in the control room observes the person on the closed circuit television, the officer follows the below procedures in sequential order:
 - a. The control room Detention Officer announces the escape attempt on the internal intercom system of the facility; and
 - b. An immediate alarm is broadcast over the police radio. The field supervisor, and other resources as directed by that supervisor, responds immediately to the station to prevent the escape and/or assist the officer involved.
4. All available personnel respond and make every attempt to prevent the escape,
5. If the escapee is successful in their attempt, Boerne Police Communication sends a teletype broadcast to surrounding agencies. The teletype provides a physical description of the escapee, what the person was being detained for, whether or not the person is armed, and if there were any officer-related injuries,

6. Deputies attempting to prevent the escape may use what force is necessary, and provided for by State law in order to prevent the escape,
7. Once the escapee has been subdued, the Detention Officer provides notification via internal intercom and police radio an end to the alert. The field supervisor contacts the Sheriff,
8. The Jail Lieutenant completes, or causes to be completed, any documentation that is required as a result of the escape/attempt. This documentation includes, at a minimum:
 - a. Additional charges being filed against the escapee, when applicable.
 - b. Use of force report.
 - c. Follow up, or continuation of the original report.
 - d. Memorandum to the Sheriff.

VI. PRISONER PROCESSING

A. Prisoner Control and Security

1. Persons to be detained in the Detention Center are escorted into the facility through the door near the sally port.
2. All arrested persons are thoroughly searched for weapons and contraband. Any contraband located on the arrested person is considered evidence, is seized, and properly secured as evidence.
3. Upon arrival at the Detention Center, arrested persons are placed immediately into the temporary holding cell. No person is kept in the temporary holding cell without direct supervision in excess of one half hour (30 minutes).
4. All booking activity, including interviews, fingerprinting, photographing and similar actions is conducted while the arrested person remains in the booking area.
5. Prior to placing an arrested person in an unoccupied cell the cell is searched for contraband and weapons. (TBP: 10.18)
6. All prisoners will be safeguarded against any inappropriate activity by any employee or other inmate. Employees are prohibited from engaging in any form of physical contact with any inmate except as needed to properly perform the intake, management, or release of a prisoner. Employees will

make an immediate report to their supervisor of any accusation of any form of abuse by another employee or inmate. Any offense occurring in the Detention Center will be investigated and prosecuted as in any other circumstance.

B. Special Circumstances

1. The Detention Center is not normally equipped to provide treatment to persons under the influence of drugs or alcohol, and such persons should be detained in other facilities, such as Mental Health Facilities, Detoxification Centers, or Hospitals, when available. When these facilities are not available, special consideration should be given to ensuring that the potential for detainees to injure themselves or others is minimized. Such detainees should remain under close observation by facility staff.
2. Detainees who are under the influence of alcohol or drugs or who are otherwise violent or self-destructive will be:
 - a. handled by the arresting deputy and at least one other person until the detainee is placed in a cell;
 - b. be segregated, if possible;
 - c. remain under strict, close audio and video supervision with half hour physical checks, and
 - d. Locking belt restraints may be used to temporarily restrain a violent or suicidal prisoner. The individual will be allowed hourly restroom activity if so confined.
3. If the detention officer believes the detainee is intoxicated or on drugs to the degree they are in medical danger, the detention officer will advise the arresting officer to transport the detainee to the emergency room for evaluation.

C. Juvenile Detentions

1. If the child is detained and transported to the Kendall County Sheriff's Office, they are only detained in the area designated for Juvenile offenders. Under no circumstances is a child who is in custody placed or allowed access to the adult Detention Center or left unsupervised. All children held at the Sheriff's Office remain out of sight and sound of adult prisoners.

2. A child who is being held for a status offense is not to be detained in a secured area or any locked room. Status offenders are held in non-secured area, out of sight and sound of adult prisoners.

D. Strip Searches (TBP: 10.14)

1. Strip searches may be requested when deputies have reasonable cause to believe the prisoner(s) may be concealing a weapon, drug, or other contraband.
2. Before a strip search may be conducted, it must be approved by the on duty detention supervisor.
3. Two personnel are present during a strip search, one of which is a supervisor if available.
4. Strip searches are conducted by a member of the same sex as the person being searched.
5. When searching a female prisoner, if a female supervisor is not available, the search should be conducted by two female employees while a male supervisor waits outside the door within hearing distance.
6. Strip searches are conducted out of the view of any other person.
7. Employees conducting the search maintain a professional attitude and complete the search in a quick, yet thorough manner.
8. Strip searches are documented in the detention officer's report and will detail the officer's justification for such search, the approving supervisor's name, the location and persons present during the search, and the results of the search. A copy of the report is forwarded to the Jail Lieutenant and Chief Deputy for review and filing.

E. Body Cavity Searches (TBP: 10.15)

1. Sheriff's Office personnel do not conduct body cavity searches other than an individual's mouth. If an officer has reasonable cause to believe a body cavity search is needed to detect weapons, drugs, or other contraband, the following procedures apply:

2. The on duty police supervisor is notified;
3. A search warrant is secured;
4. The detainee is transported to an appropriate Medical facility,
5. The search is conducted by the on-duty emergency room physician, while officers stand by to take control of any evidence and provide security to the physician conducting the search,
6. Body cavity searches are documented in the deputy's arrest report and will detail the officer's justification for such search, the approving supervisor's name, the location and persons present during the search, and the results of the search. A copy of the report and warrant is forwarded to the Chief Deputy for review and filing.

F. Prisoner's Property (TBP: 10.10)

1. Arrested persons will surrender all personal property that is on their person. An itemized inventory of the property is made by the booking officer and printed for signature of the arrestee. The property is then cleaned, sanitized, and stored in a secured manner in the property lockers pending release of the arrested person. Money belonging to the prisoner is counted in front of the prisoner and in sight of the video camera.
2. Officers will take extra precautions to ensure that all items are taken from a prisoner that could be used to harm him/herself or others or those items which could be used as weapons against officers or other prisoners. These items include but are not limited to heavy work boots, shoe laces, high heeled shoes, and belts.
3. To lessen the opportunity for contraband to be concealed or for a prisoner to harm themselves, each prisoner is only allowed to wear one layer of clothing not including underclothing.

G. Intake and Medical Screening

1. All arrested persons are screened when admitted to the holding facility using the Intake Screening Form. The information obtained during this screen should contain, but is not limited to the following:

- a. Current health,
- b. Medications,
- c. Behavioral status, (including any indication, whether observed or self-professed homosexual, transgender, intersexual, or gender nonconforming individual),
- d. Current mental condition, possible indications of suicidal tendencies or thoughts,
- e. Prior criminal history for any violent offenses, sexual offenses, or hate crimes,
- f. Body deformities, scars, marks and tattoos.

2. Emergency contact information

- a. This information is recorded on the booking form along with the charges and property inventory. Any significant mental or medical problems are listed on the board for other officer's information. The Intake form is held in the booking file until the individual is released.

3. The holding facility is not intended for or equipped to handle arrestees who require immediate or sustained medical attention. Therefore:

- a. No prisoner shall be booked into the holding facility or otherwise held for interrogation or other purposes that has an injury or illness that requires hospitalization or attention of a health care professional. This includes obvious cases of injury or illness as well as situations in which arrestees:
 - b. Suffer from extreme alcohol intoxication or possible drug overdose;
 - c. Exhibit symptoms of severe mental disorder.
- d. If the severity of medical conditions is unclear or if a prisoner requests medical attention, he shall be transported as soon as possible to a medical facility for evaluation.
- e. If available, the arresting officer shall be responsible for transporting the prisoner to and security of the prisoner while at a designated medical care facility.
- f. Subsequent detention of such prisoners is permitted only if released from the medical facility and further detention would not aggravate the condition. The seriousness of the charges against the individual must also be evaluated.

4. If a detainee has been tested by intoxilyzer and the results register one or more times at or above 0.28 % blood alcohol content, the detainee is transported without delay from testing site to nearest medical facility. Transportation may be made by arresting deputy in patrol unit or by Ambulance if there are any signs of distress.

5. If the detainee shows signs of distress, psychosis, or any indication of suicidal tendencies, whether or not caused from alcohol or other drugs, the detainee will be transported to the nearest medical facility.
6. The detainee may not be processed into holding facility until after cleared to be held by a Medical or Mental Health provider.
7. Special precautions are sometimes needed to protect individuals from aggression while held in custody. Booking officers are responsible for ensuring the proper housing of prisoners to minimize potential conflict or aggression while in custody. Any questions regarding proper housing of prisoners should be directed to a supervisor.
8. Positive Identification of Prisoner

Upon completion of the booking process the booking officer will print a copy of the arrested person's booking photo. The prisoner's right thumbprint will be placed on the bottom right of this sheet. The prisoner will then be placed in a detention cell and the appropriate information noted on the board. The photo sheet will be placed in the arraignment package for use at time of release for positive identification.

9. Indigency Forms

- a. For Class B offenses and higher, (both Warrant and Non-Warrant) if the prisoner is in possession of their mental faculties and cooperative, they are requested to complete the Defendant's Financial Statement form. The prisoner should be informed that the form is needed by the Magistrate for arraignment. The form is not signed at this time but is signed in front of the Magistrate at arraignment. Do not indicate at this time that the form is required for the appointment of counsel or ask him if he wants counsel appointed, only that it is needed by the Judge for arraignment.
- b. When completed, the form is provided to the Jail Corporal who includes it in the Arraignment package.
- c. If the prisoner is neither in possession of their faculties, cooperative, or otherwise refuses to complete the form, the booking officer completes the name and CFS number on the Defendant's Financial Statement form, places a note on the form as to the difficulty, and provides the form to the Jail Lieutenant.

10. Fingerprints

- a. Those individuals being charged with a Class C misdemeanor or above require the State issue CJIS card and any supplemental cards as required.
- b. Those individuals being charged with a felony also require a FBI card.

11. Photographs

All individuals detained will have a current booking photo made.

12. Prisoner Intake Form

- a. All prisoners have a Prisoner Intake Form completed by the booking officer. All unusual information regarding the individual is recorded on the form. Any information regarding a prisoners special protection needs should also be noted. If there is any history or indication of depression or suicide potential it should be so noted.
- b. If the individual is other than a US citizen and has been arrested for a Class B Offense or higher, the individual should be asked if he wants his Consul notified. If so, the Arresting Officers will so notify his Consul and note the time and method of notification on the Prisoner Intake Form. If the individual declines, the officer should write "refused" in the Consul Contacted blank. In some cases, the consul must be notified regardless of the wishes of the prisoner. In those cases the Consul will be notified. The countries requiring notification are posted in the Booking area and instructions are found in the blue Consular Notification Book maintained in the Booking Area. (TBP: 10.22)
- c. When the individual is transferred to another jurisdiction or released to another agency, the Prisoner Intake Form will be taken with the prisoner and the receiving officer will sign the form and the white copy will be given to the other agency, the other copy will be returned and placed in the prisoner's jail jacket.

13. Arrest Reports

- a. All individuals detained will have an Arrest Report completed using the computerized offense and arrest report system.

- b. Arrest reports contain information about the offense and the probable cause to believe the person committed the offense or a reference to an offence report where such information is provided.
- c. Arrest reports are completed in the format provided in the computer system.

14. Housing Prisoners

- a. Upon completion of the booking process, the booking officer directs the arrested person to a holding cell. At no time are a male and female placed together within a single cell.
- b. All prisoners will be informed of the means of communication with staff within the jail and the video system prior to being placed in a cell.
- c. The following individuals will be housed according to classification:
 - i. Any individual with a prior history of a violent, sexual, or hate crime offense.
 - ii. Any individual who is observed or self-professes as a homosexual, transgender, intersexual, or gender nonconforming individual.
 - iii. Any individual who by actions or admission is potential victim for sexual abuse.
- d. Any prisoner, who admits thoughts of suicide or is believed by the arresting officer to be a suicide risk, should be housed with other prisoners if possible in order to deter preparation for any suicidal act. An exception is when the person may also be a potential harassment or assault victim if housed with other prisoners. In any case, where the officer believes the detainee may be a suicide risk, the officer will so note the "Special Watch" (see section V. B. 2.) on the booking and Intake forms and verbally inform the Communication section of the need for Special Watch procedures. Oncoming watch personnel for both patrol and Communications will be informed of the special watch prisoner.
- e. If any suicide indicators are present the following special procedures will be observed;
 - i. Removal of tie, belt, and shoelaces, and any other article which could be fashioned into a makeshift noose.
 - ii. Ensuring clothing and bedding cannot be torn and used as a noose.

- iii. Monitoring staff shall be informed of the Special Watch procedures for the prisoner.
- iv. Monitoring staff should query the prisoner if not clearly visible.
- v. Officers should conduct personal checks as often as possible and check for any damage to clothing, bedding or other materials which would facilitate suicide.
- f. If a separate cell is unavailable, or if subsequent arrests require doubling up prisoners that are listed above, a supervisor should be contacted and arrangements made to house prisoners at other agencies to ensure the individuals listed above are housed separately.

15. Mass Arrests

- a. In the event of a mass arrest occurs that exceeds the maximum occupancy of the holding facility, extra personnel are called in to assist with the processing of the arrestees.
- b. In the event of our facility exceeding maximum capacity, the detention supervisor or their designee calls adjacent counties and ask them if they can hold "x" number of prisoners for the Office until we make room in our facility.
- c. When an agreement is reached, the prisoner(s) is/are transported to the appropriate facility with a copy of all the booking paperwork.
- d. The transporting officer assists the other agency in booking the prisoner(s) into their facility.

16. Receiving Prisoners from Other Agencies

Prior to accepting prisoners from other agencies, either as temporary housing due to overloading of their facility, or for a warrant or warrantless arrest, the booking officer ensures the following:

- a. Positive identification of the detainee,
- b. Positive identification of the officer delivering the prisoner,
- c. Requesting officer required to provide telephonic or written confirmation of the reason for the incarceration. (Copy of Offense report, arrest report, warrant and bond information if any),

- d. Ensuring an offense has occurred and authority for arrest exists.
- e. Compliance with this policy pertaining to the holding facility must be met. Any compliance refusal result in denial of the booking.

17. Prisoner Identification System

- a. The Office utilizes a system for assigning an identification number and maintaining a criminal history file for each person under custodial arrest.
- b. A jacket number is a unique number that is assigned to a specific person.
- c. Jacket numbers are assigned in sequential order to each person arrested by members of the Office. The arresting officer creates the jacket/folder.
- d. Once a person has been assigned a jacket number all subsequent arrests concerning that person are referenced to their jacket number even though the arrest and case numbers will change with each new arrest.
- e. At the time of arrest, the arresting officer researches all applicable files to ensure that the arrested person does not have a previously assigned jacket number.
- f. Each CHF contains scanned documents specifically related to each incidental arrest of one particular person, including but not limited to:
 - i. Arrest reports
 - ii. Booking photographs
 - iii. Property inventory and disposition
 - iv. Fingerprint cards
 - v. State and federal criminal history transcripts
 - vi. The criminal history transcripts may be excluded from the CHF if they are immediately accessible through state or federal information systems. It is not necessary to have all arrest related documents in the CHF so long as cross-references point to the location of each document.

VII. MEDICAL AND HEALTH CARE OF DETAINEES (TBP: 10.12)

A. Medical Emergencies

1. Medical emergencies occur within the facility from time to time. On those occasions, the utmost care should be provided to the ill or injured arrested person; however extra caution is utilized.
2. Police personnel serve as the first responders to medical emergency calls inside the holding facility as well as Kendall County EMS when required. The on-duty supervisor will also respond.
3. Kendall County EMS will respond to assess the needs of the person and comply with their standard medical protocol for treatment and transport.
4. In some cases, the paramedics will recommend transfer by ambulance, and if recommended, a transport is conducted. If the person specifically requests to be transported to a medical facility via ambulance, such transport is conducted only if deemed medically appropriate by Kendall County EMS. The final determination of transport of the individual by ambulance rests with Kendall County EMS. Example: A person complains of minor bruising to the wrists and medical personnel identify there is no significant or life-threatening injury, the request to be transported via ambulance may be denied by EMS.
5. If Kendall County EMS medical attention is required but transport by ambulance is not needed, the on-duty supervisor will assign an officer to transport the individual to the medical facility. The supervisor will then determine whether the individual should remain in custody and be guarded or released using guidelines in section C. below.
6. Custodial transports necessitate the accompaniment of a uniformed officer. If the individual is not released from custody prior to transport, an officer will ride in the back of the ambulance with the prisoner to the hospital.

B. First Aid Supplies

A First Aid Kit is kept stocked in the Book-in area and is inspected weekly. Any officer using items from the First Aid Kit notifies the Jail Lieutenant of the items used.

C. Release due to Medical Reasons

1. All felony offenses and all violent misdemeanors may be transported to necessary medical facilities and guarded until released and returned to jail.

2. Non-Violent offenses classified as a class B or class A, may be released on “pending investigation” due to medical reasons by an on-duty supervisor if they have not been arraigned and there is no danger of continuing threat to another person. If they have been arraigned, contact the Magistrate and determine method of release. If a case has been filed and immediate care is not necessary, officers may transport the prisoner and return to the Detention Facility.
3. Arrested persons charged with class C warrants may be released by a supervisor with a court date if they have not been arraigned. If they have been arraigned, contact the Magistrate to determine type of release. A detailed incident report will be completed in either case to document the in custody arrest and decision to release.
4. If an arrested person is detained on another agency’s charge, that agency is contacted and advised to either make an immediate transfer or release charges.
5. Arrested persons released for medical priority purposes are notified that their case may be continued regardless of this release.

D. Medications (TBP: 10.13)

1. Prisoner’s medications will be maintained in their personal property.
2. Persons may be administered medications under the following conditions:
 - a. The medication is prescribed or required,
 - b. The name on the prescription is the arrested person,
 - c. The medication dosage is followed.
3. If medications are required, the timing of such medications will be provided shift supervisors and Jail Lieutenant who will create a schedule for notification. When a prisoner is scheduled for a medication, an officer will be called to dispense the medication according to the label on the container.
4. Persons requiring injections or other periodic medical procedures will be scheduled for a doctor or nurse to administer.

5. Documentation of the issuance of such medication is made by the officer administering the medication on the reverse of the prisoner's booking sheet in Communications. (or jail log)

E. Procedure for Hospital Duty

1. Detention Officers or Deputies supervising an inmate receiving treatment or confined to a hospital will follow the following procedures:
 - a. Inmate will remain shackled at all times, unless a medical procedure is being performed,
 - b. Inmates may also be handcuffed if considered dangerous,
 - c. If the officer needs to leave the room and a relief officer cannot be found, the inmate will be handcuffed to the bed,
 - d. Officers will always remain with the inmate until the time he is relieved by another officer or the inmate has posted bond or released outright,
 - e. At the major medical hospitals in San Antonio the security personnel should be notified of your presence and called for assistance.
2. Designated parking areas for law enforcement vehicles should be used.
3. Officers assigned hospital duty will conduct themselves in a professional manner at all times
4. Officers should not stop at any public place (store, gas station) while transporting inmates without the permission of a supervisor
5. Any issues with transportation should be addressed with a supervisor
6. Inmate's medical issues will not be discussed with anyone other than medical staff or KCSO supervisors.

VIII. PRISONER RIGHTS

A. Arraignment Procedures

1. All individuals detained have the right to be advised of their rights by a magistrate, informed of the charges against them, and have bail set.

2. Detention officers prepare Arraignment Packets each morning containing:
 - a. Defendant's Information Form,
 - b. Magistrate's Adult Warning,
 - c. Defendant's Financial Disclosure Form,
 - d. Request for Appointed Counsel,
 - e. Indigency Determination Form,
 - f. Copy of Offense and Arrest Report.

3. The Magistrate normally arrives and begins review of the Arraignment packets to determine if probable cause exists to hold the individual for trial. Detention officers will assist with arraignment.

4. The officer removes the detainees from their cell, one at a time to the holding cell, where the Magistrate arraigns the prisoner. The officer or employee assists the Magistrate in obtaining necessary information, if requested, and will sign as a witness to the arraignment. The officer or employee returns the detainee to their cell prior to moving another prisoner. In the event a detainee is believed to be a risk, two officers are used for arraignment.

5. The arraignment package is returned to the jail supervisor after arraignment.

6. If the detainee requests an appointed attorney and the Magistrate finds that the detainee is indigent, Detention officers will fax a copy of the Appointment of Counsel Request to the appropriate prosecutors' office where an attorney will be appointed.

B. Bonding Procedures

1. Cash Bond

Cash bonds are accepted on both City and County Charges according to the bond amount set by the magistrate. On city warrants, the defendant may pay a bond or the fine.

2. Attorney Bonds

Surety bonds may be accepted.

3. Writs

Writs for release of prisoners are accepted.

C. Access to Telephone

1. All cells have telephones in the cells for use by detainees. Officers should ensure detainees understand the usage of the telephones. Should detainees be unable to properly use the telephone in the cell, Communications personnel or an officer should attempt to lead them through the process. If they are still unsuccessful, an officer will move the prisoner to the holding/book-in cell and allowed to use the counter phone to make contact with a friend or relative under supervision.
2. Should a detainee abuse the telephone by making harassing telephone calls or calls to a crime victim, the telephone in the cell may be turned off and future calls made under officer supervision.

D. Access to Attorney (TBP: 10.07)

1. When detainee requests an appointed attorney and the Magistrate finds the detainee is indigent, the request for appointment of Counsel will be forwarded to the appropriate prosecution office. The Office will be notified by return fax of the appointed Attorney. This information is placed in the detainee's personal property. The detainee, if still in our facility, is provided with a small slip of paper with the attorney's name and phone number to facilitate contact.
2. Attorneys are permitted access to these persons at any time, 24 hours per day with officer availability. If an attorney elects to confer confidentially with their client the officer remains just outside the booking area.
3. If the attorney requires a private conference, the detention officer ejects the video tape cartridge recording the booking room and restarts the tape upon the conclusion of the conference. The prisoner is searched prior to being placed back into their cell.

E. Access to Consul

Detainees are asked their Citizenship. Should a detainee be other than U.S Citizenship, the detainee is asked by the booking officer if they wish their Consul to be notified. If so, the Consul is notified by detention officer using the list of Consuls

maintained. Notification or refusal is noted on the Prisoner Alert Notice. An individual's Consul is allowed to visit in the same manner as attorneys with the exception that they are not left alone with the subject.

F. Visitation (TBP: 10.07)

1. In order to assure the safest conditions for visitation, the arrested persons are brought out of their assigned holding cell, and directed to the temporary holding cell.
2. Visitors stand inside the booking area, under the direct supervision of the officer, to limit the possibility of contraband being passed. Personnel refrain from permitting packages or containers within the visitation area unless examined by the officer for contraband and weapons.
3. Visitation hours are Tuesday and Saturday, females from 1230 to 1330 and males 1330 to 1630 subject to officer availability. Nothing restricts the inclusion of additional visitation times based upon officer availability. Visits are limited to a maximum of 15 minutes. Emphasis should be placed on the fact that the Office does not have jailers and that an officer's responsibility is response to calls for service. Visitation is only allowed when officers are available.
4. A visitation log is maintained in the booking area. Visitors are required to be logged in and provide a valid Identification containing: Name, date of birth, and address.
5. Clergy and physicians are permitted access to these persons at any time, 24 hours per day with officer availability.

G. Meals (TBP: 10.19)

All arrested persons require daily nourishment. The district officer assures adequate meals are provided three times per day to the arrested person at or by 0700 hours, 1200 hours, and 1800 hours.

H. DWI Blood Tests

Suspects arrested for DWI have the right to request a Blood Test by a physician of their choice within two hours after their arrest per TRC 724.019. Individual should be allowed access to a telephone for this purpose as soon as possible if requested.

IX. RELEASE PROCESS

A. Release Documents

1. Detention Officers or Corporal conducts initial preparation of the release documents.
2. The releasing officer conducts final completion of the forms.
3. The forms are returned to Jail Lieutenant for filing.

B. Prisoner Identification (TBP: 10.11)

1. Prior to pulling a prisoner from a cell, the releasing officer will positively identify the prisoner by:
 - a. Comparing the book-in photo with the prisoner, or
 - b. Comparing the prisoner's fingerprint with that taken at book-in.
2. No prisoner will be released if there is any question about the prisoner's identity. The on-duty supervisor will be contacted if there is any question regarding the prisoner's identity.

C. Facility maintenance

1. Prior to release, the arrested person is held responsible for removal of any trash or disposable products and return of the cell to a ready condition.
2. Trash removed,

3. Mattress and blanket folded,
4. Toilet flushed.
5. The cell is then examined for damage and orderliness. If intentional damage or defacing of the cell is identified and able to be attributed to a specific person, appropriate charges are considered for such willful damage.

D. Property Return (TBP: 10.10)

1. Upon release of a detainee all property is returned. The detainee and the releasing officer compare the property being returned with the inventory on the Intake Form to ensure all property is accounted for. The detainee then signs the form stating the property is returned. If the detainee is being transported to another facility the property is given to the transporting officer and the officer signs for the property. Any property being held for evidentiary purposes is noted on the receipt. The Intake form is forwarded to the Jail Lieutenant with the release paperwork for filing.
2. Prisoners shall be requested to sign the receipt for their personal property after items have been compared against the original inventory log and found to be complete.
3. Any discrepancies shall be reported immediately to the on duty supervisor or the officer-in-charge,
4. Refusal of the prisoner to sign shall be noted by the releasing officer.
5. Items held as contraband or evidence shall be noted separately on the inventory report.

E. Release of Prisoner to another Agency

1. Prisoners being released to other agencies will be identified as required prior to release.

2. Detention Officers will prepare transfer requests and make necessary notifications for prisoners to be picked up by other agencies.
3. Detention Officers will prepare necessary documentation to accompany the prisoner. Transfers to other facilities will include:
 - a. Financial Statement and Request for Appointed Counsel,
 - b. Magistrates Warning,
 - c. Kendall County Jail Registration Form
 - d. Prisoner Alert Notice (notice of any mental, medical or security issues),
 - e. Courtesy Paperwork – copies of Warrant Confirmation, active holds, etc.
4. Officers picking up prisoners will be personally informed by the releasing officer of any physical or mental problems the prisoner may have. All of the prisoner's property will be signed for by the prisoner and provided to the transporting officer for safekeeping. (TBP: 10.10)

F. Transportation of Prisoner to another Agency

Officers transporting prisoners to other agency will ensure they:

1. Comply with the other agencies rules including locking up all weapons prior to entering the facility.
2. Ensuring the prisoner remains handcuffed until placed in a cell.
3. Provide the receiving agency with all necessary paperwork and prisoner's property.
4. Ensure they are provided with a copy of the Prisoner Alert Notice (PAN) and the receiving agency signs receipt for the prisoner on the PAN. A copy of the PAN is left with the receiving agency and the original is returned to the Jail Lieutenant for filing.



KENDALL COUNTY SHERIFF'S OFFICE

Policy 12.1 Property and Evidence Management

Effective Date: 01/01/2015

Revised: 03/01/2019

Approved:


Sheriff

Reference: 12.01,12.03, 12.04, 12.5, 12.06, 12.07, 12.08, & 12.09

1. POLICY

The purpose of Property and Evidence Management is to maintain property items coming into the possession of the Sheriff's Office in such a manner as to secure them from theft, loss, or contamination, and to maintain them for easy retrieval as needed. All property coming into the custody or control of any Deputy, regardless of classification, is placed in the Property Room no later than the end of the Deputy's tour of duty, unless disposed of in accordance with the EMERGENCY OPENING OF PROPERTY ROOM AFTER REGULAR BUSINESS HOURS section of this procedure. Personal lockers, files, or desks are not approved storage areas for property or evidence items.

I. PURPOSE

This procedure governs the custody and disposition of any property, except motor vehicles, that enters the possession of the Kendall County Sheriff's Office.

II. PROPERTY ROOM

- A. The Property Room is under the direct supervision of the Lieutenant assigned to the Criminal Investigations Unit. A civilian Evidence Officer, under the supervision of the Criminal Investigations Unit Lieutenant, will assume the responsibility of the day-to-day operation of the Property Room.
- B. The Property Room will be open to the public Monday through Friday from 0800 hrs. to 1600 hrs. and closed on Saturday and Sunday including County holidays.
- C. Deputies have access to property and evidence during hours the Property Room is open to the public ONLY through the Criminal Investigations

Evidence Officer or Criminal Investigations Lieutenant. Other Sheriff's Office personnel do not enter the Property Room unless escorted by the Criminal Investigations Evidence Officer or Criminal Investigations Lieutenant. During hours when the Property Room is closed, Deputies will secure property and evidence in the pass-through lockers located next to the Property Room in the main building of the Sheriff's Office.

- D. Other than the Evidence Officer and Criminal Investigations Lieutenant, all persons who are escorted into the property room will sign a Property Room Log, indicating the date and time of entry/exit, the person's name, and the purpose for entering the Property Room. Escorted personnel entering the property room will never be left alone inside the property room for any reason.
- E. Property or evidence is only removed from its storage location by the Criminal Investigations Evidence Officer or Criminal Investigations Lieutenant.

III. CLASSIFICATIONS OF IMPOUNDED PROPERTY

- A. Although currency and firearms merit special treatment, impounded property is classified into one of the following categories:
 - 1. Evidence - is property that comes into the custody of a Sheriff's Office employee when such property may tend to prove or disprove the commission of a crime, or the identity of a suspect, pursuant to an official criminal investigation. Evidence or assets seized for forfeiture are handled in the same manner as other evidence.
 - 2. Found property - is property of no evidentiary value, which comes into the custody of a Sheriff's Office employee, and whose rightful owner may, or may not, be known to the finder or the Sheriff's Office. Due diligence must be exercised to discover the rightful owner. If the owner cannot be located, the Sheriff's Office will dispose of the property in a time and manner prescribed by law.
 - 3. Safekeeping - is property of no evidentiary value surrendered to a Sheriff's Office employee, or taken by a Sheriff's Office employee, for temporary custody. This arrangement comes with the understanding that the property will be returned to the rightful owner(s), unless otherwise disposed of by the Sheriff's Office in a manner prescribed by law.
 - 4. Recovered property – is property that has been reported stolen and later recovered as evidence in a criminal investigation. Recovered property is treated as evidence if an ongoing investigation exists. Every reasonable attempt will be made to identify recovered property with the goal of returning the property to its rightful owner within the guidelines prescribed by law and this policy.

IV. PROPERTY BAGS

- A. Appropriately sized property bags will be used to impound found, recovered, safekeeping property and evidence.
- B. Weapons boxes will be utilized for each firearm impounded. This includes firearms within the same case number.
- C. When impounding property that is taken from different individuals under the same case number, separate property bags are used for the property from each person.
- D. Any reclassifications of impounded property must have prior approval by the Criminal Investigations Unit Sergeant.

V. DEPUTY RESPONSIBILITIES WHEN IMPOUNDING PROPERTY

- A. Deputies who are authorized to receive or confiscate property only do so if a legitimate police purpose exists.
- B. When impounding property:
 - 1. All BIOHAZARD material must be marked with stickers provided.
 - 2. Deputies needing to impound evidence that is wet or damp with body fluids must contact the Criminal Investigations Division so that the evidence can be placed in a drying chamber to dry before packaging. Avoid cross contamination with other evidence. Deputies impounding this same type of evidence will mark the evidence with biohazard stickers and place it in a locker.
 - 3. Place hypodermic needles in protective containers.
 - 4. Fixed blade knives must be boxed or covered in cardboard and taped prior to packaging.
 - 5. All narcotics and narcotic evidence, including paraphernalia is placed in the Property Room without exception. No narcotics, narcotic evidence, or paraphernalia is destroyed except pursuant to a court order or in accordance with the provisions of the Code of Criminal Procedure.

6. Any currency impounded will list all denomination amounts and a final total with the officer's signature noted on the property bag. The bag will remain sealed from time of impound to final disposition. The Evidence Officer will NOT verify the count.
 - a. Separate U.S. currency from foreign currency.
 - b. Separate counterfeit currency from legal currency.
7. Water and all other fluids of a non-evidentiary nature, such as water contained inside of drug paraphernalia commonly known as, a "bong" or a "water pipe," will be drained prior to being impounded. Open alcohol containers are not placed in the Property Room. Alcohol evidence should be photographed and documented in the Deputy's report. Closed alcohol containers that are classified as recovered stolen property may be placed in the property room only if the evidence is unable to be released to the owner at the time of recovery.

VI. SECURING PROPERTY/EVIDENCE

- A. All property/evidence waiting to be entered into the Property Room will be secured in the pass-through lockers or refrigerated lockers depending on the type of property impounded.
- B. All property/evidence will be placed in bags, boxes or protective containers depending on the size and type of property/evidence. Every evidence container will be secured with evidence tape provided, when possible, and initialed and dated by the Deputy entering the evidence.
- C. All fields on the property bag submitted must be completed. Additionally, the case number needs to be placed on **ALL** items associated with a property bag.
- D. When multiple items are included in a single property bag, Deputies will list each item in the container on the outside of the bag.
- E. When multiple property bags are needed for property/evidence, each property/evidence bag or container will contain an itemized list of the property/evidence inside.
- F. When impounding narcotics, each type of narcotic (cocaine, marijuana, etc.), is packaged separately. Narcotics are not packaged with any other type of evidence and are not packaged in the same container as paraphernalia.

VII. IMPOUNDING FIREARMS

- A. Deputies are responsible for the proper and safe handling of all firearms to be impounded.
- B. Loaded firearms, apart from jammed firearms, are not taken into the Property Room.
 - 1. Long Guns
 - a. Unload and secure chamber open with a tie when possible.
 - b. Empty all magazines, documenting the number of rounds present, place ammunition in a separate property bag and place ammunition in the property locker with the weapon.
 - c. Include make, model, serial number and unique identifiers on the weapons box.
 - 2. Handguns
 - d. Unload chamber and secure with a tie when possible.
 - e. Empty all magazines, documenting the number of rounds present, place ammunition in a separate property bag and place ammunition in the property locker with the weapon.
 - f. Include make, model, serial number and unique identifiers on the weapon box.
 - 3. Knives
 - a. If the knife is capable of being opened, secure the knife with a tie to prevent it from opening.
 - b. Secure all knives in knife boxes with a tie.
- C. Deputies unfamiliar with the unloading process of a firearm shall contact a supervisor.
- D. Jammed firearms are processed as follows:
 - 1. Place small firearms in weapon box marked "JAMMED – LOADED FIREARMS" and secure it in a locker. Note the firearm make, model, and serial # on the weapon box.
 - 2. Place large firearms in weapon box marked "JAMMED – LOADED FIREARM" and secure in a locker.

VIII. PROPERTY RESTRICTED FROM THE PROPERTY ROOM

- A. Unopened suspicious letters (will be handled by Fire Department Hazardous Material Unit).
- B. Chemicals, equipment, and paraphernalia used in clandestine laboratories for the manufacture of illegal narcotics (will be handled by DEA Unit)
- C. Motor vehicles and large motor vehicle parts (will be placed in external impound yard).
- D. Explosives, combustibles, fireworks and ammunition (except evidence). Containers that contain combustibles such as gasoline and butane are impounded in the Vehicle Storage area (will be handled by Fire Department Hazardous Material Unit)
- E. Body parts, human or animal (will be handled by Medical Examiner's Office or Animal Control).
- F. Property measuring over eight (8) feet in length/height or weighing over two hundred (200) pounds is taken to the Vehicle Storage area.

IX. EMERGENCY OPENING OF PROPERTY ROOM AFTER REGULAR BUSINESS HOURS

Deputies will contact the Evidence Officer or the Criminal Investigations Lieutenant to return to the office to open the property room after regular business hours under the following circumstances:

- A. Locker space is not available after normal business hours.
- B. Evidence impounded after normal business hours is too large to be placed in a property locker.
- C. Impounded cash is in excess of five thousand (\$5,000) dollars.
- D. Large amounts of weapons are seized and cannot be stored in the provided lockers.

X. RELEASING PROPERTY TO OWNER IN LIEU OF IMPOUNDING

- A. Property may be released to the owner or his representative at the scene of a recovery under the following circumstances:
 - 1. The property is recovered by the owner or his representative;
 - 2. The property consists of perishable foods or commodities; or
 - 3. The owner can positively identify the property. The method of identification and proof of ownership must be listed in the Deputy's report.

- B. In felony offenses, property consisting of evidence is processed and photographed prior to release.

- C. In misdemeanor offenses, if an arrest is made or a misdemeanor citation is issued, a photograph of the property is obtained prior to releasing the property.
 - 1. If an actor is booked, the photo is forwarded to CID.
 - 2. If a misdemeanor citation is issued, the photo is attached to the J.P. copy of the misdemeanor citation.

- D. When property is released at the scene, a Release of Property form is completed and forwarded to Criminal Investigations.

XI. TEMPORARY WITHDRAWAL OF PROPERTY FROM THE PROPERTY ROOM BY DEPUTIES AND OTHER AUTHORIZED PERSONNEL

- A. Deputies/Investigators may temporarily withdraw property from the Property Room for the purposes of presentation in court or for further investigation.

- B. Deputies/Investigators temporarily withdrawing property from the Property Room will:
 - 1. Request a temporary release of the property through the Evidence Officer or CID Lieutenant.
 - 2. Provide a copy of a subpoena duces tecum for the property, if applicable.

- C. If temporarily released property is permanently released by a Deputy or Investigator, the Deputy or Investigator assigned to the case will complete a Permanent Release of Property form and forward the form to the Evidence Officer.

- D. If temporarily released property is to be used for presentation in Court, the Deputy or Investigator will only release the property to an employee assigned to the court. The Deputy or Investigator will complete a Permanent Release of Property form listing the name of the court to which the property was released. The court employee will sign the form acknowledging receipt of the property. The releasing Deputy or Investigator shall ensure the Evidence Officer receives a copy of the release form.
- E. Temporarily released property is returned to the Property Room within fourteen (14) days unless permanently released to a court or submitted to a crime lab for analysis. If necessary, an approved extension, specifying the additional time required, is submitted to the Evidence Officer.
- F. Property not returned to the Property Room within the specified time is considered overdue.
 - 1. When property is overdue, a notice to return the property or submit an approved extension for the property within seven (7) days is sent to the Deputy or Investigator charged with custody of the property. A copy is sent to the Deputy's supervisor; and
 - 2. If there is no response to the overdue notice within seven (7) days, a second notice is sent to the Deputy or investigator with copies to the Patrol or CID Lieutenant respectively.
- G. Safekeeping Property:
 - 1. The Evidence Officer is authorized to release all safekeeping property, except for firearms.
 - 2. Firearms, regardless of their classification will be released only with the approval of the Criminal Investigations Sergeant or the CID Lieutenant.
- H. Currency classified as evidence that is no longer needed for prosecution and is not the subject of a legal asset seizure procedure may only be released by the Investigator assigned to the criminal case, with the approval of the Criminal Investigations Lieutenant. In his absence, the Criminal Investigations Sergeant will assign another Investigator to research the case and determine if the currency can be released.
 - 1. Investigators must record the name, date of birth, and method of identification used to identify the individual to whom the currency is released along with a brief justification for release.
 - 2. A Texas Driver's License, Texas ID, Military ID, or other form of photo identification (and number) may be used as a method of identification.

XII. RIGHT TO REFUSE

- A. Property/Evidence that is impounded and found to be in violation of this procedure may be rejected for correction.
- B. When items are found to be in violation of this procedure and rejected for correction, they will be returned to a Patrol supervisor.
 - 1. The Deputy and his/her supervisor will be notified by e-mail of the case number under which the property was impounded, and the violation committed.
 - 2. Upon notification, on his/her next regular shift, the Deputy will retrieve the property in question and correct the violation.
 - 3. Once corrected, the property will be placed in a pass-through locker.
- C. Repeated violations or single severe incidents will be addressed through the chain of command.

XIII. INSPECTIONS

For purposes of this manual, an inspection is defined as a brief, informal, usually unannounced, review of procedures, records, or facilities to ensure adherence to policy and established protocol.

- A. The Criminal Investigations Lieutenant will require an inspection of the Property Room at least every six months and forward the report of the inspection to the Sheriff.
- B. The inspection should concentrate on how the policies, procedures and practices are followed. This inspection should be conducted by a supervisor or other personnel not involved in the operation of the Property Room. The person inspecting the Property Room should become familiar with this policy and determine if these policies are being followed. The Inspection should include inspection of the security of the property room, the proper use of the sign in log, the proper and up to date processing of property, both intake and disposal, the cleanliness and orderliness of the Property Room, and any unusual circumstances. The inspection will also require the Evidence Officer to find a minimum of 6 items randomly selected by the person inspecting from the property log, to include at least one weapon, one drug and one money item.

XIV. PROPERTY INVENTORIES

- A. It is the policy of this office to receive and safely store evidence, found property and property for safekeeping; and to restore the property to the rightful owner, or otherwise lawfully dispose of the property in a timely fashion. The office uses the inspection and inventory process to ensure the integrity of this policy.
- B. For purposes of this manual, an inventory is defined as a physical inspection and verification of the presence of a property item maintained by the division against the agency's records.
- C. A sampling inventory of individual items stored in the Property Room at least once a year, anytime a personnel change is made in the property room, or when requested by the CID Lieutenant.
- D. The CID Lieutenant will assign a deputy not connected to the operation of the Property Room to assist and observe the inventory. The Evidence Officer or CID Lieutenant will conduct the inventory with the assistance of the assigned individual.
- E. Sampling will include the following - A complete inventory of all Guns, Drugs and Money and at least fifty (50) other items located inside the Property Room. The inventory should be conducted by creating a list of all the Guns, Drugs and Money that is shown by records to be in the Property Room, then locating the items in the Property Room. The final part of the inventory will be done in two parts. The first part will be done by randomly selecting the paperwork for 25 of the 50 items and locating them in the Property Room. The second part will be done by randomly selecting 25 more items in the Property Room and locating the item's paperwork to test the record keeping system.
- F. A copy of the Inventory Report is completed after each inventory and forwarded to the Sheriff. This report includes any discrepancies and lists any missing items. The CID Lieutenant decides if an investigation into the loss is warranted.
- G. Whenever any firearm, money or controlled substances are discovered missing, the CID Lieutenant is notified immediately, and an investigation initiated.

XV. PROPERTY DISPOSAL GUIDELINES

- A. Disposal of items held in the property room, other than abandoned property, is made in a manner authorized by statute and as provided in policy.

- B. The Evidence Officer disposes of no property item until receiving a release authorization from a court order, written instruction from the District Attorney's Office, or as authorized by statute.

- C. Upon receipt of a Court Order, the Evidence Officer disposes of property in the manner indicated in that order.

- D. Disposition of Property to be Destroyed
 - 1. Property of little or no auction value is disposed of in an appropriate trash receptacle except as otherwise directed below:
 - a. Papers of a sensitive nature will be shredded.
 - b. The contents of open alcoholic beverage containers are poured down the drain before disposing of the container in the trash.
 - c. Property of value (except firearms, money, ammunition, controlled substances, and hazardous materials) is sold at auction, destroyed, or designated for Office use.
 - d. Handguns, assault weapons, hunting rifles and shotguns are destroyed or designated for Office use.
 - e. Ammunition is disposed of through pre-approved, designated agencies or designated for Office use.
 - f. Controlled substances are burned or otherwise disposed as a hazardous waste material.
 - g. Hazardous materials are disposed through an authorized, pre-approved hazardous waste disposal firm.
 - h. Knives, clubs, BB or pellet guns, or other dangerous weapons are destroyed in the same manner as firearms.
 - i. All unclaimed money is deposited in the Kendall County General Fund, except rare coins or paper money that may be sold at public auction.

2. Disposition of Firearms

All firearms will be destroyed unless released to their rightful owner with one exception. Firearms that are scheduled for disposal that could be used by the Office may be converted to Office use. These weapons will become the property of the Office and not individual deputies and will be tracked and accounted for on inventories and audits. Destruction process will proceed as follows:

- a. The Evidence Officer ensures the recording of the make, model, serial number, and involved case report number in the property management computer system.

- b. The Evidence Officer destroys firearms authorized for disposal as necessary to conserve space and security of the weapon(s).
- c. All firearms are inventoried prior to destruction.
- d. The Evidence Officer updates the new status on all related documents and computer files.
- e. The Evidence Officer retains all written documentation of destruction.

3. Destruction of Ammunition

a. Office Use

- i. Surplus small arms and rifle ammunition may be retained by the Office for official use.
- ii. Ammunition retained for Office use is transferred to the Administrative Sergeant, who signs receipt for the items and maintains records of the inventory and use of such ammunition.
- iii. No ammunition of this nature is used for duty purposes.

b. Disposal

- i. The Administrative Sergeant has final discretion on the means of ammunition destruction and decides if the ammunition lends itself well to training or other range use.

4. Destruction of Narcotics/Controlled Substances

- a. The Evidence Officer destroys controlled substances and narcotic paraphernalia after receiving authorization for such disposal.
- b. If a controlled substance is evidence in a criminal case filed with the District Attorney destruction may not take place until the case is disposed and authority for disposal is given by the prosecutor assigned to the court. This authorization may be verbal and noted on the Request for Disposal form. Other controlled substances may be disposed of summarily by the Department.
- c. In the event a package shows indications of tampering (other than due to lab analysis), the Evidence Officer pulls the package out of the destruction process and presents it to the Sheriff. The Sheriff initiates an investigation, which may include reanalysis of the drug by the lab.
- d. A deputy accompanies the Evidence Officer while transporting the controlled substances to the disposal facility. Each attendee witnesses the destruction of the controlled substances and signs a statement to that effect. The contents of the statement comply with the Texas Administrative Code, Title 37, Rule 13.163.

5. Disposal of Hazardous Materials

The disposal of hazardous materials falls under several State and Federal statutes. In practice, most disposals are regulated by law. Whenever questions arise regarding the proper procedures for waste disposal, the Property Custodian consults with the Kendall County Fire Division's Hazardous Materials Unit for direction and assistance with disposal efforts.



SPECIAL ORDER 2015-01

TO: All Sheriff's Office Personnel
FROM: Sheriff Al Auxier
SUBJECT: Compliance with Best Practices
DATE: July 10, 2015

Effective this date, Sergeant Roger Baker will be responsible for ensuring the continued compliance with the Texas Law Enforcement Best Practices. As a result, Sergeant Baker will be required to develop a workable system to ensure continued compliance. Assisting Sergeant Baker with this will be Melody Henson and Lieutenant Butch Matjeka.

SPECIAL ORDER 2016-01

TO: All Sheriff's Office Personnel
FROM: Sheriff Al Auxier
SUBJECT: Sheriff's Office Armorer
DATE: April 11, 2016

Effective this date, Deputy Larry Drozd has been designated the Sheriff's Office armorer. Deputy Drozd will be responsible for the repair and maintenance of all firearms issued or approved to be carried by the Sheriff's Office. He will also be responsible for the annual inspection of those firearms.

SPECIAL ORDER 2016-02

TO: All Sheriff's Office Personnel
FROM: Sheriff Al Auxier
SUBJECT: Take Home Vehicles and Equipment
DATE: November 7, 2016

Effective this date, whenever a deputy is off-duty, all office issued equipment, i.e. (iPads, shotguns, rifles, etc.) SHALL NOT be left in the vehicle in plain view, regardless of whether or not they are in a locked holder. Whether the vehicle is stored at your home or left at the Sheriff's Office over your RDs, these items will be removed and secured safely out of sight.

If these items are stolen from your vehicle in violation of this order, you will be held responsible for the loss.

SPECIAL ORDER 2018-01

TO: All Sheriff's Office Personnel
FROM: Sheriff Al Auxier
SUBJECT: Compliance with Best Practices
DATE: November 12, 2018

Effective this date, Sergeant Kevin Klaerner will be responsible for ensuring the continued compliance with the Texas Law Enforcement Best Practices. As a result, Sergeant Klaerner will be required to develop a workable system to ensure continued compliance. Assisting Sergeant Klaerner with this will be Melody Hanson, Lieutenant Kevin Reser, and Lieutenant Butch Matjeka. This position is designated as the Sheriff's Office Best Practices Program Manager.

Al Auxier
Sheriff

SPECIAL ORDER 2019-01

TO: All Sheriff's Office Personnel
FROM: Sheriff Al Auxier
SUBJECT: Designated Sheriff's Office Armorer
DATE: April 15, 2019

Effective this date, Deputies Jared Moore, Jordon Dullnig and James Whitt have been designated the Sheriff's Office armorer. These Deputies will be responsible for the repair of all firearms issued or approved to be carried by the Sheriff's Office. They will also be responsible for annual inspections of those firearms.

Al Auxier
Sheriff

SPECIAL ORDER 2019-02

TO: All Sheriff's Office Personnel
FROM: Sheriff Al Auxier
SUBJECT: Designated Public Information Officer
DATE: March 4, 2019

Effective this date, Sergeant Kevin Klaerner has been designated the Sheriff's Office Public Information Officer. Any requests from the media for comments or interviews involving the Sheriff's Office or its employees will be directed to Sergeant Klaerner.

Al Auxier
Sheriff

SPECIAL ORDER 2020-01

TO: All Sheriff's Office Personnel

FROM: Sheriff Al Auxier

SUBJECT: Designated Public Information Officer

DATE: June 23, 2020

Effective June 23, 2020 the Kendall County Sheriff's Office Policy and Procedure Manual has been revised. Sections 8.1 Unusual Occurrences, 8.2 Civil Disturbances, 8.6 active Shooter, 8.7 Bomb Threats, 10.2 Prisoner Rape Elimination Act and 11.1 Courtroom Courthouse Security have been removed from the Policy Manual and will now be incorporated into an Operations Procedure Manual. Every employee will still be responsible for knowing the Policy and Procedure Manual and the Operations Procedure Manual. The Operations Manual will be placed into the "Deputy" drive on the network.

A handwritten signature in black ink, appearing to read 'Al Auxier', with a long horizontal flourish extending to the right.

Al Auxier
Sheriff