

General Order

Houston Police Department



ISSUE DATE:

November 4, 2015

NO.

100-01

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 100-01, dated November 8, 1994

SUBJECT: INTERNAL DIRECTIVES

POLICY

Employees shall abide by all internal directives of the Houston Police Department. Internal directives are written policies and procedures established by the Chief of Police and published in the form of General Orders, Special Orders, Circulars, and Roll Call Training Bulletins. Violation of internal directives may be cause for disciplinary action.

This General Order and all internal directives apply to all employees, classified and civilian, unless it is otherwise indicated in the directive or it is obvious from the directive's content.

800
900

Information and Records
Civilian Personnel

Numbering

The Inspections Division shall give each General Order a concise title and a unique number containing the series designation and the specific number of the subject within that series. An example of a series and subject number is 100-01, in which "Internal Directives" is a subject within the series "Organization."

Revisions

Personnel involved in the creation and revision of General Orders shall adhere to all established procedures published by the Inspections Division including, but not limited to, the following:

- a. All employees, other than Inspections Division personnel, requesting a new General Order or revision of an existing General Order shall first seek authorization to begin such a project from their assistant chief through the chain of command. The Chief of Police or a designated supervisor in the Employee Representative Council may also authorize an employee to begin a General Order project.
- b. Once authorized to begin, employees shall contact the Inspections Division for instructions. Inspections Division shall coordinate and process the General Order creation or revision.
- c. Divisions that are affected by a policy or that have expertise in a policy area are expected to perform much of the necessary staff work needed to revise such

1 GENERAL ORDERS

The General Orders are a collection of written orders of the Chief of Police that establish the policies and procedures of the Houston Police Department as authorized by section 34-23 of the City of Houston Code of Ordinances. Changes and exceptions to the General Orders may be made or approved by only the Chief of Police. Discipline for violations of the General Orders shall be administered as outlined in the department's *Corrective Action Manual*.

General Order Series

Series Number Series Title

100	Organization
200	Administration
300	Personnel Management
400	Equipment and Uniforms
500	Arrest and Detention
600	Operations
700	Evidence Control

policy. When necessary, the assistant chief of Professional Standards Command shall coordinate the delegation of policy revision projects among the various commands.

After processing the creation or revision of a General Order, the Inspections Division shall submit it to the Chief of Police via the chain of command for approval.

Issuance and Distribution

After the Chief of Police approves and signs a General Order, it shall be published and distributed in the following manner:

- a. The Office of the Chief of Police shall date and distribute the General Order. The effective date of a new or revised General Order shall be the date of issuance, unless otherwise noted.
- b. The Inspections Division shall upload the General Order to the *Documents in General* section of the department's Intranet Portal.
- c. The Inspections Division shall also upload the General Order to the Document Tracker, which is accessed via the *Applications Menu* on the department's Intranet Portal. Employees shall be notified of documents pending their review using the department's email system. For this reason, both classified and civilian employees shall check their departmental email on a daily basis when at work.
- d. All employees are responsible for checking the Document Tracker on a frequent basis to read and understand the posted material.
- e. The use of the Document Tracker for the distribution of General Orders and Circulars does not replace the responsibility of sergeants to read the documents at roll calls and to ensure their

subordinates are reading the General Orders and Circulars in a timely manner.

- f. Because the Houston Police Department does not provide employees complete sets of the General Orders in hard copy, employees may access the department's Intranet Portal and download the General Orders onto an electronic device and then print complete sets at their own expense at a non-HPD facility. The department shall not reimburse employees for the printing of General Orders.
- g. Cadets shall be provided an electronic copy of the General Orders.

Effect of General Orders

No legal right not already provided by state law, City Ordinance or Civil Service Commission rule is conferred by the General Orders. The failure by one employee to follow a General Order does not abrogate or excuse any misconduct on the part of another employee.

2 SPECIAL ORDERS

A Special Order is a written order, authorized pursuant to section 34-23 of the City of Houston Code of Ordinances, issued by the Chief of Police and relating to departmental personnel assignments.

Special Order Series

Series Number	Series Title
1000	Personnel
2000	Temporary Personnel Assignments
3000	Permanent Personnel Assignments
4000	Promotions
5000	Reserved
6000	Reserved
7000	Reserved

Numbering

The Office of the Chief of Police shall give each Special Order a concise title and a unique number containing the series number, the order of issuance, and the date. For example, the number 4005-092915, indicates the Special Order is within the "Promotions" series, it was the 5th in the series issued that year, and it was issued on September 29, 2015. No internal numbering of subject topics is necessary for a Special Order.

Issuance and Distribution

The Office of the Chief of Police shall date and distribute Special Orders. The effective date of a Special Order or any revision shall be the date of issuance, unless otherwise noted. Special Orders shall remain in effect until the date stated or until specifically superseded.

3 CIRCULARS

A Circular is an informational document issued by the Chief of Police to announce legal matters, specific events, personnel openings, and other information that must be communicated departmentwide.

Circulars may also be used to announce policy or procedural changes pending the addition, update, or revision of the appropriate General Order or Standard Operating Procedure. A Circular that announces a policy or procedure is superseded by the later issuance of the General Order or Standard Operating Procedure on that subject.

Numbering

The Office of the Chief of Police shall place a unique reference number on all Circulars. That number shall contain the date of issuance and the order of issuance. For example, the number 15-0820-199 indicates the Circular was issued in 2015 on August 20 and was the 199th one issued that year.

Distribution and Archiving

The Office of the Chief of Police shall distribute Circulars. The Inspections Division shall upload all issued Circulars to the *Circulars* section of the department's Intranet Portal. In addition, the Inspections Division shall upload all policy-related and other notable Circulars to the department's Document Tracker. The Inspections Division shall also be responsible for saving Circulars into an electronic format that is searchable by title, subject, or keyword. Employees may contact Inspections Division for assistance in locating a specific Circular.

4 ROLL CALL TRAINING BULLETINS

Roll Call Training Bulletins are used to educate employees on a specific subject such as equipment usage, officer safety, or new court decisions and shall be accompanied by a supporting lecture, video, or discussion.

Publication

Only the Chief of Police shall approve the publication and issuance of a Roll Call Training Bulletin. A request for the development of such a bulletin may be initiated at any level within the department and shall be directed to the Training Division.

Dissemination

It shall be the responsibility of the Training Division to provide training coordinators with instructions needed to ensure that the material in the bulletin is properly presented to all employees. Training coordinators also shall act as liaisons with the Training Division by supplying possible training topics.


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

July 31, 2019

NO.

100-03

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 100-03, dated July 28, 2015

SUBJECT: DEFINITIONS OF TERMS

POLICY

All department directives shall conform to the following terminology and definitions, unless a different definition is provided with the directive.

This General Order applies to all employees.

1 GRAMMATICAL USAGE

Gender. Use of a specific gender is inclusive of all genders.

Plurality of Words. The singular includes the plural and the plural includes the singular.

Tense of Words. The present tense includes the future tense.

2 ACRONYMS AND INITIALISMS

The following acronyms and initialisms are commonly used in department jargon.

ADR	Alternative Dispute Resolution
APC	Administrative Personnel Committee
AVL	Automated Vehicle Location
AWOL	Absent Without Leave
AWOP	Absent Without Permission
B&F	Office of Budget and Finance
B&T	Burglary and Theft Division
CAD	Computer Aided Dispatch
CED	Conducted Energy Device
CFS	Call for Service
CIO	Central Intake Office
CJIS	Criminal Justice Information Services
CODIS	Combined DNA Index System
COH	City of Houston
CPTED	Crime Prevention Through Environmental Design
CSL	Compensable Sick Leave
CSMART	Court System Management and Resource Technology
CSU	Crime Scene Unit (in the Houston Forensic Science Center)
DA	District Attorney
DIMS	District Attorney Intake Management System
DNA	Deoxyribonucleic Acid
DOJ	U.S. Department of Justice
DPS	Texas Department of Public Safety

DRT	Differential Response Team
ECD	Emergency Communications Division
ERC	Employee Representative Council
FBI	Federal Bureau of Investigation
FMLA	Family and Medical Leave Act
FTE	Full Time Equivalent
GPS	Global Positioning System
HCSO	Harris County Sheriff's Office
HEC	Houston Emergency Center
HMEPS	Houston Municipal Employees Pension System
HPD	Houston Police Department
HPOPS	Houston Police Officers' Pension System
HRISC	Houston Regional Intelligence Service Center
IAD	Internal Affairs Division
ID	Identification
IOD	Injured on Duty
MCD	Mobile Computing Device
METRO	Metropolitan Transit Authority of Harris County, Texas
MSP	Modified Sick Leave Plan
NCIC	National Crime Information Center
N-DEx	National Data Exchange
NIBRS	National Incident-Based Reporting System
NIMS	National Incident Management System
NLETS	National Law Enforcement Telecommunications System
NOCC	Narcotics Operations Control Center
NPC	NeuroPsychiatric Center
P-Card	Purchasing Card
PD	Personal Day
PHRS	Personal Hours
PIP	Positive Interaction Program
PPS	Police Personnel System
PRD	Personal Radiation Detector
PRE	Police Roll Call and Equipment
PTO	Paid Time Off
RDO	Regular Day Off
RMS	Records Management System
SAP®	Systems Applications and Products
SETCIC	Southeast Texas Crime Information Center
SI	Supervisory Intervention
SOP	Standard Operating Procedure
SOSP	Strategic Officer Staffing Program
SRG	Special Response Group
SWAT	Special Weapons and Tactics
TCIC	Texas Crime Information Center
TCOLE	Texas Commission on Law Enforcement
TDL	Texas Driver License
TLETS	Texas Law Enforcement Telecommunications System
TMS	Talent Management System
TxDOT	Texas Department of Transportation

3 DEFINITIONS AND TERMINOLOGY

Assistant Director. A civilian supervisor equivalent to the rank of an assistant chief.

Assistant Manager. A civilian supervisor equivalent to the rank of a lieutenant.

Beat. An area within a district assigned to officers for patrol purposes.

Bilingual Officer. Officers who have obtained department bilingual certification.

Business Day. For department purposes, any day in which normal business operations are conducted at Houston City Hall. This is considered to be Monday through Friday and excludes weekends and City Council declared holidays. Hours vary, but typically cover the period from 9 a.m. to 5 p.m.

Calendar Days. All days in a given time period including weekends, holidays, and days off.

Calendar Year. A twelve-month period starting with January 1 and ending with December 31, and which has 365 days in non-leap years and 366 days in a leap year.

Central Police Complex. The Police Department buildings and property located at or adjacent to 61 Riesner Street.

Chain of Command. The line of authority extending from the Chief of Police through a single subordinate at each level of command.

Citizens. Persons not employed by the Houston Police Department.

City. There are two common ways of referring to the city of Houston. When the word *City* is capitalized, it refers to the entities that govern the city (e.g., City of Houston Legal Department, City Council, City property). When the word *city* is in lower case, it refers to the city of Houston as a geographic location.

Civil Service Commission. For classified employees, this term refers to the Police Officers' Civil Service Commission of the City of Houston. For civilian employees, this term refers to the City of Houston, Municipal Employees' Civil Service Commission.

Civilian. A civilian employee or that which pertains to a civilian employee.

Civilian Employee. An employee of the Houston Police Department who is classified as a municipal employee of the City of Houston.

Classified Employee. An employee of the Houston Police Department who is classified as an officer in accordance with Chapter 143 of the Texas Local Government Code.

Command Staff. An advisory board to the Chief of Police consisting of all members of the Executive Staff and all division commanders.

Commander. An employee holding the rank of commander or higher (or civilian equivalent) and supervising a detail, unit, division, office, or command.

Commanding Officer. An officer assigned to exercise authority over one or more organizational units of the department.

Department. Unless otherwise noted, when used as a stand-alone word, "department" (lower case) refers to the Houston Police Department.

Deputy Director. A civilian supervisor equivalent to the rank of executive assistant chief.

Designee. All mid managers and above can appoint an official acting position or a designee to perform in their stead when they are unavailable. The term is assumed with these positions and therefore does not need to be stated.

Detail. A group of employees assigned a specified mission; usually a group within a larger organizational unit of the department.

Dispatcher. An employee assigned to Emergency Communications Division with responsibility for receiving and assigning calls for service.

District. A geographic area within the city limits containing police beats.

Division Commander. An employee holding the rank of commander (or civilian equivalent) and supervising a division.

Employee. Without any limiting word or phrase, employee refers to both classified and civilian employees of the Houston Police Department.

Employee Performance Rating. A supervisor's evaluation of a subordinate employee's ability to perform assigned tasks.

Executive Staff. An advisory board to the Chief of Police consisting of all executive assistant chiefs; all assistant chiefs; the directors of the Offices of Legal Services, Budget and Finance, Public Affairs, Technology Services, and Planning & Data Governance; the Chief of Staff; and the HPD City Council Liaison.

Exempt Employee. Employee designated by the City of Houston Human Resources Department as exempt from overtime compensation under the Fair Labor Standards Act.

Extra Employment. Any employment engaged in while off duty. This definition includes unpaid police-related work done for a charitable or nonprofit organization. A.k.a. extra job.

Incident Report. An official written account of an incident, offense, or situation (either brought to the attention of or seen by an employee) that is assigned a unique incident number by the department.

Incident Report Title. The identifying title of an offense, complaint, or incident used in an incident report.

Indefinite Suspension. Involuntary removal of an employee from employment with the department and the City of Houston after the probationary period.

Inspection. The regular or periodic examination of personnel regarding appearance, uniforms, equipment, duties, or operations according to standards established by General Orders or standard operating procedures.

Intranet. The internal computer network linking department microcomputers to each other and to the department mainframe computer. This is a closed system accessible only through department computer terminals. This is not to be confused with the Internet. See General Orders 400-13, **Police Computer Systems** and 400-19, **Microcomputer Regulations**.

Intranet Portal. The department's internal website for accessing applications, division web pages, department directives and forms, and other data and information available on the department's local/wide area computer network, the contents of which are proprietary. The use of this network or its contents is regulated by various department General Orders and other policies concerning computer access and use of information.

Jail. A place for the confinement of persons accused or convicted of a crime.

Length of Service. The time calculated from the date of employment by the City of Houston. Previous City of Houston service shall be added when calculating length of service. See General Order 300-03, **Seniority**, for additional information.

Longevity. The elapsed time a person has been an employee of the City of Houston.

Longevity Pay. An amount of compensation based on years of service and as authorized by state law, City Council, and/or the applicable Meet and Confer Agreement.

Manager. A supervisor holding the rank of commander or civilian equivalent. When used as a job title denotes civilian status.

Marked Vehicle. A police vehicle with recognizable police decals displayed and exposed emergency equipment.

May. When appearing in written policies or procedures in a directive or instructive statement, the word *may* indicates a permissive or discretionary course of action.

Medical Examiner. The person empowered by state law to investigate and determine the cause of death of a person.

Mid Manager. A supervisor holding the rank of lieutenant or civilian equivalent.

Minimum Staffing Levels. The staffing levels below which operation of the department would create an undue burden to on-duty staff and jeopardize the delivery of necessary police services.

Nonexempt Employee. An employee who is eligible for overtime compensation. This includes either a civilian employee whose job classification is covered by FLSA overtime rules and has been designated as such by the City of Houston Human Resources Director and the Civil Service Commission, or a classified employee who holds the rank of sergeant or below.

Off Duty. The status of employees when they are free of the responsibility to perform their routine duties.

Office. An organizational unit of the department supervised by a deputy director.

Officer. An employee who is classified in accordance with Chapter 143 of the Texas Local Government Code. Without any limiting word or phrase, *officer* refers to any or all classified employees of the Police Department.

Official Identification. Written identification issued by the department containing the employee's name and photograph.

On Duty. The status of an employee who is scheduled and present for department duties.

Order. A written or oral instruction or directive issued by a supervisor to a subordinate.

Out of Service. The status of an employee not available for service calls.

Out on Traffic. The status of an officer who is temporarily engaged in a traffic stop but is maintaining radio communication.

Overtime Compensation. Compensation in the form of pay or time off for time worked in excess of an officer's regular shift or a civilian employee's workweek and in accordance with federal and state statutes, the City of Houston Code of Ordinances, and the applicable Meet and Confer Agreement. This does not apply to exempt employees.

Paid Time Off (PTO). For officers, PTO incorporates and replaces the sick and vacation leave banks and specifically excludes the compensatory time off bank and holiday leave.

Pay Period. A 14-calendar-day period beginning at 0500 hours on the Saturday in the week before a department payday Friday and continuing through 0459 hours on the Saturday in the week following that payday Friday.

Permanent Extra Employment. Extra employment lasting more than 30 *calendar days*.

Personal Day (PD). Incentive leave for officers, carrying no cash value, given under the department's Meet and Confer Agreement.

Personal Hours (PHRS). Incentive leave for officers, carrying no cash value, and given under the department's Fitness and Training Program.

Personal Leave. A general term that refers to any and all types of leave for employees.

Personal Leave Hours. Specific leave hours granted as a special incentive to civilian CSL participants who used no more than 16 hours of sick time during the preceding full benefit year. See General Order 900-01, **Absence from Duty – Civilian**, for more information.

Phase Down Program (PDP). A program with varying options for retirement in which officers who are eligible for retirement extend the payment of their accrued leave. See also General Order 300-35, **Phase Down Program** and the Meet and Confer Agreement.

Plainclothes Officer. Generally refers to an officer who is not normally required to wear a department uniform while on duty.

Police Headquarters. The Houston Police Department Edward A. Thomas Building and property located at 1200 Travis Street.

Police Officer. This is a term interchangeable with the words *peace officer* and *officer*.

Police Station. A facility serving as the command center for a patrol division or patrol related function.

Police Storefront. A neighborhood or business park location staffed by patrol division personnel who provide police services to the community.

Police Work Room. An area in a nonpolice facility where officers may complete paperwork.

Positive Discipline. Department discipline requiring approval by the Chief of Police in which an officer may elect to forfeit accrued hours from his PTO bank instead of receiving a disciplinary suspension. The number of hours forfeited must equal the number of department work hours in the time period of the disciplinary suspension based on the officer's regular assigned shift.

Post. A fixed location an employee is assigned for duty.

Posting. Publication of a job vacancy or an anticipated job vacancy on the Employee Services Division's or City's job posting announcement.

Primary Division. The HPD division responsible for investigating the most serious offense involved in a criminal investigation. When multiple offenses occur that are of equal offense classification according to the Texas Penal Code, the primary division shall be determined by which offense occurred first.

Proactive. Used to describe an investigator or a group of investigators who work covertly in response to complaints of criminal activity. Investigations conducted in this manner are considered proactive and are usually conducted by undercover investigators.

Probationary Period. The period of time officers are evaluated on their ability to perform the duties for which they were employed in accordance with Chapter 143 of the Texas Local Government Code. Also, the period of time civilian employees are evaluated on their ability to perform the duties for which they were hired in accordance with City of Houston civil service regulations.

Procedure. A method of carrying out a specific function.

Promotion. A change in the employment status of an employee to a position of higher classification.

Rank. An employee's classification or job title.

Reactive. Used to describe an investigator or a group of investigators who react to deal with a situation, violation, or offense. Investigations conducted in this manner are considered reactive.

Red Book. City issued calendar used to record personal leave for employees and to document minimum staffing levels for each particular day and shift.

Regular Assigned Division. The division to which an employee is regularly assigned according to the Employee Services Division's records. This does not include a temporary assignment.

Regular Day Off. Any of the days in a given week an employee is not regularly scheduled to work.

Relieved of Duty. The status of an employee who is not required or permitted to perform regular assignments.

Resignation. Voluntary departure of an employee from employment with the department and the City of Houston prior to retirement.

Responsible Division. The HPD division responsible for investigating a particular type of offense (e.g., Homicide Division is responsible for murder investigations and Vehicular Crimes Division is responsible for traffic fatality investigations).

Retirement. The status of an employee who has ended employment with the department and the City of Houston and who is eligible to receive a pension. Eligibility varies based on the employee's pension system and number of years of service to the City of Houston and, in some cases, the employee's age.

Secondary Division. An HPD division, other than the primary division, responsible for part of a criminal investigation.

Selection. The process of choosing an individual to fill a vacant employment position.

Senior Executive Staff. An advisory board to the Chief of Police consisting of all executive assistant chiefs.

Senior Police Officer. An officer who is classified as a Grade IV officer.

Shall. When appearing in written policies or procedures in a directive or instructive statement, the words *will* or *shall* indicate a mandatory or required course of action. The words *will* or *shall* carry the same power as a direct order.

Shift. The working period of a group of employees scheduled to be on duty during approximately the same time of day. Also, a period of time an individual employee is expected to be present for duty. A regular assigned shift is usually 8 or 10 hours in duration.

Shift Commander. This term usually refers to a lieutenant in charge of a shift. However, this definition may include a sergeant in charge of a shift when the lieutenant is absent.

Should. When appearing in written policies or procedures in a directive or instructive statement, the word *should* indicates a strong suggestion of a course of action and a concerted effort ought to be made to complete the task, but it is not mandatory.

Specialized Unit. An HPD unit requiring unique training and having a primary responsibility other than responding to calls for service and designated as such by the Chief of Police. This includes, but is not limited to, Mounted Patrol, Patrol Canine Detail, Bomb Squad, Special Weapons and Tactics (SWAT) Detail, and Marine Unit.

Straight Time. A wage-rate calculation including base and longevity pay only.

Supervisor. An employee having supervisory responsibilities, either temporarily or regularly, over another employee.

Supervisory Intervention (SI). A nonpunitive corrective action as defined in the department's current *Corrective Action Manual*.

Supplemental Incident Report. A report made in addition to and relating to an original incident report. A.k.a. supplement.

Suspension. The status of an employee temporarily relieved of duty for disciplinary reasons.

Temporary Assignment. An assignment outside an employee's regular assigned division normally lasting 30 *calendar days* or less unless otherwise approved.

Temporary Extra Employment. Extra employment spanning 30 *calendar days* or less.

Termination. Involuntary removal of an employee from employment with the department and the City of Houston during the probationary period.

Tour of Duty. The period of time an employee is assigned to a regular duty assignment while remaining in the same rank.

Undercover. Used to describe an investigator or a group of investigators who use an assumed name or other identity disguise to gain the trust of a suspect for the purpose of obtaining information about illegal activity in order to effect an arrest.

Uniform Standards Catalog. A catalog of equipment and uniforms approved by the Chief of Police.

Uniformed Division. A division in the department in which all or a portion of the officers are required to wear the department's *official classified uniform* during normal on-duty operations.

Uniformed Officer. An officer required to wear a recognizable police officer's uniform while on duty.

Uniformed Services. All uniformed divisions excluding the administrative and support personnel assigned to such divisions.

Unmarked Vehicle. A police vehicle with no recognizable police decals and no exposed emergency equipment.

Unscheduled Leave. A leave event is unscheduled, regardless of leave type, if the leave is requested less than 24 hours prior to the start of the leave being requested unless there is an open position in the Red Book or approved by a supervisor.

Wagon. A marked police unit, truck, or van used to transport arrested persons from one location to another.

Wagon Call. An assignment issued for a police officer to convey or move individuals or property from one place to another.

Will. When appearing in written policies or procedures in a directive or instructive statement, the words *will* or *shall* indicate a mandatory or required course of action. The words *will* or *shall* carry the same power as a direct order.

Work Card. A form on which officers record their daily work activity (e.g., tickets issued, arrests made, and investigations carried out).

Workday. For department purposes, when referring to an employee this typically refers to one of the days of the week that is not one of the employee's *regular days off* and not an observed City Council declared holiday. *Workday* can also refer to the number of hours in an employee's assigned shift. When referring to an organizational unit of the department *workday* refers to any day in which normal operations for the unit are conducted.

Wrecker. A vehicle designed and equipped to tow another vehicle from one location to another.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

January 31, 2012

NO.

100-06

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 100-06, dated December 15, 2009

SUBJECT: DEPARTMENT MISSION, VALUES, ETHICS, AND GUIDING PRINCIPLES

POLICY

The department shall seek to state its mission, values, ethics, and guiding principles and to adhere to these standards and communicate them to its employees. The Houston Police Department shall design and evaluate its activities on the basis of these standards. The conduct of all employees shall be compatible with the stated mission, values, principles, and ethics.

This General Order applies to all employees.

1 DEPARTMENT MISSION

The Houston Police Department was established by the citizens of the city of Houston and exists to provide services to the citizens and residents of the city of Houston. The department's mission statement describes both the fundamental reasons for existing and general activities in which the department shall engage.

The mission of the Houston Police Department is to enhance the quality of life in the city of Houston by working cooperatively with the public to prevent crime, enforce the law, preserve the peace, and provide a safe environment.

2 VALUES

Preserve and Advance Democratic Values

All employees shall uphold this country's democratic values as embodied in the U.S. Constitution, state law, and city ordinances, and shall dedicate themselves to the preservation of liberty and justice for all.

Improve the Quality of Community Life

All employees shall strive to improve the quality of community life through the provision of superior and equitable services.

Improve the Quality of Work Life

All employees shall strive to improve the working environment for the department's employees by engaging in open and honest communication and demonstrating a genuine concern for one another.

Demonstrate Professionalism

All employees shall engage in behavior that is beyond ethical reproach and reflects the integrity of police professionals.

3 GUIDING PRINCIPLES

The guiding principles of the Houston Police Department are as follows:

- a. Life and individual freedoms are sacred.
- b. All persons should be treated fairly and equitably.
- c. The role of the police is to resolve problems through the enforcement of laws and not through the imposition of judgment or punishment.
- d. The neighborhood is the basic segment of the community.
- e. Because law enforcement and public safety reflect communitywide concerns, the police must actively seek the involvement of citizens and residents in all aspects of policing.

- f. The fundamental responsibility of the department's employees is to provide quality services to the citizens and residents of the city of Houston.
- g. The department's employees are its most valuable asset.
- h. Employee involvement in department activities is essential for maintaining a productive working environment.
- i. Employees shall be treated fairly and equitably in recognition of basic human dignity and as a means of enriching their work lives.
- j. The department and each of its commands, offices, and divisions shall strive to reflect the ethnic and cultural make-up of the community it serves.

4 LAW ENFORCEMENT CODE OF ETHICS

It is expected that all employees' conduct be compatible with the department's Law Enforcement Code of Ethics as follows:

As a law enforcement officer, my fundamental duty is to serve mankind; 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 people to liberty, equality, and justice. I will keep my private life unsullied as an example to all; 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 laws of the land 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, 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession...law enforcement.

5 OATH OF OFFICE

Classified employees shall conduct themselves in accordance with the Oath of Office to which each officer has sworn as follows:

I, (Name), do solemnly swear that I will faithfully execute the duties of police officer of the city of Houston, Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state and city, so help me God.

See General Order 200-33, **Oath of Office and Promotional Oath**, for additional information.

6 RELATED GENERAL ORDERS

200-08, **Conduct and Authority**
200-33, **Oath of Office and Promotional Oath**



Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 9, 2019

NO.

100-07

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 100-07, dated January 10, 2012

SUBJECT: STANDARD OPERATING PROCEDURES

POLICY

Standard operating procedures (SOPs) shall be followed by all commands, divisions, offices, and units performing like tasks and functions in order to ensure uniformity of police services. All Command Staff members shall develop and issue SOPs for all functions performed under their direct command. All employees are responsible for knowing, understanding, and following the SOPs applicable to their assignment.

This General Order applies to all employees.

DEFINITIONS

Standard Operating Procedures (SOPs). Written directives for a command, office, division, or unit. SOPs carry the same authority as the General Orders.

Written Directive. Any department approved written document used to articulate to employees certain expectations and restrictions to their duties, performance, and conduct.

1 DEVELOPING, COMPILING, AND ISSUING SOPS

Command Staff members shall adhere to all of the following when developing, compiling, and issuing SOPs:

- a. All SOPs shall be developed in compliance with the SOP Guidelines and related resources available on the HPD Intranet Portal.
- b. Division and unit level SOPs require review and approval by the concerned assistant chief.
- c. Command and office level SOPs require review and approval by the Executive Staff member assigned to the concerned command or office.
- d. Command Staff members shall ensure the Office of Technology Services has the current electronic version of their respective SOPs for placement on the HPD Intranet Portal, unless a commander determines the SOPs for his command or division should not be on the Portal.
- e. Command Staff members shall ensure the Risk Management Division has the most current electronic version of their respective SOPs.

SOP Review and Update

In November of each year ending in an odd number, all Command Staff members shall review and, if necessary, update the SOPs under their direct command to ensure consistency with

laws, ordinances, policies, and responsibilities. However, an SOP can be updated prior to the odd-numbered-year review, if needed. See section 2, *Policy Conflicts*, for additional requirements.

Any new or revised SOPs require approval as stated above.

2 POLICY CONFLICTS

Laws and ordinances always take precedence over department policy. A *written directive* supersedes any prior conflicting *written directive*, unless stated otherwise.

Each Command Staff member shall keep apprised of new laws, ordinances, and policies affecting their areas of responsibility. If a change affects an SOP, the Command Staff member shall revise the concerned SOP.

3 SOP ACKNOWLEDGMENT

Within two days after transferring to or assuming a new assignment, each employee shall read the current SOPs applicable to the employee's assignment. Supervisors shall ensure that each employee under their direct supervision is shown how to locate the SOPs applicable to the employee's assignment on the HPD Intranet Portal or the division's server. If after reading the applicable SOPs an employee has any issues, concerns, or questions, the employee shall meet with his supervisor to address these matters. Each employee shall sign an *Acknowledgment of Receipt and Review of Standard Operating Procedures* form, which is available on the HPD Intranet Portal.

The original *Acknowledgment* form shall be kept by the originating command, office, or division in accordance with General Order 800-12, **Records Retention**.

4 SOP RECORDS

It is the responsibility of each command, office, or division producing an SOP to retain all of its current and historical SOPs in accordance with General Order 800-12, **Records Retention**.

SOPs related to evacuations carry a retention period of three years. All other SOPs carry a retention period of "until superseded plus five years." The retention schedule for each command, office, or division shall include an entry for SOPs.

Each command, office, or division is responsible for responding to subpoenas and open records requests to produce their respective current or historical SOPs.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

March 16, 2020

NO.

200-01

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-01, dated February 7, 2012

SUBJECT: REQUESTING LEGAL OPINIONS

POLICY

Requests for legal opinions from the Harris County District Attorney's Office, the City of Houston Legal Department, or the County Attorney's Office may be made by only the Chief of Police, the Deputy Director of Legal Services, or their designees.

This General Order applies to all employees.

1 REQUESTING LEGAL OPINIONS FROM ENTITIES OUTSIDE OF HPD

Employees needing legal opinions from entities outside the department shall submit a written request via their chain of command to the Chief of Police. The request shall contain the following information:

- a. Analysis of the problem
- b. Background information
- c. Possible solution(s)
- d. Expected result
- e. Request for official legal opinion

The Office of Legal Services shall evaluate the request and advise the Chief of Police. Upon review, the Chief of Police, the Deputy Director of the Office of Legal Services, or their designees may request a legal opinion from the appropriate official.

The above policy does not apply to the everyday practice of an officer contacting the appropriate office in furtherance of filing charges on a suspect.

2 REQUESTING LEGAL OPINIONS FROM LEGAL SERVICES

Requests for legal opinions from the Office of Legal Services shall be made in writing by the affected division commander through the chain of command to the Chief of Police.


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 7, 2013

NO.

200-02

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-02, dated March 6, 2006

SUBJECT: EMPLOYEES FACING LEGAL ACTION

POLICY

Employees notified of any civil or criminal action pending against them as a result of their employment with the City of Houston, shall immediately inform the Chief of Police in writing. Employees shall also notify the Chief of Police in writing of any pending criminal action against them that is not a result of their employment with the City of Houston.

Officers shall notify the Chief of Police in writing of any civil action that arises from their actions at any extra employment or while taking action in their capacity as a peace officer.

This General Order applies to all employees.

1 PROCEDURES

When employees are notified that a civil or criminal action is pending against them as described in the above *Policy* statement, they shall notify the Chief of Police in writing. The employee's original letter along with copies of all documentation shall be immediately sent to the Chief of Police through the employee's chain of command.

A copy of the employee's letter along with the originals of any papers served on the employee shall be immediately hand delivered to the department's Legal Services. The employee should keep back-up copies of all papers.

The Chief of Police shall notify the City of Houston Legal Department so a response can be made within 20 *calendar* days, as required by law. Only the Chief of Police shall forward requests for representation or legal documents to the City Legal Department.

2 PENDING CRIMINAL INVESTIGATION

Employees who become aware they are under investigation for any criminal matter by any lawfully authorized agency other than the department's Internal Affairs shall immediately notify the Chief of Police in writing.

Employees charged with a crime shall monitor the status of their criminal charges and immediately notify Internal Affairs if there are any changes. Employees who are *relieved of duty* shall follow the procedures as outlined in General Order 200-03, **Investigation of Employee Misconduct**.

3 LEGAL REPRESENTATION IN CIVIL ACTIONS

Employees involved in civil actions resulting from their employment with the City, have the right to representation by the City Legal Department or an attorney of their choice.

Employees shall inform the Chief of Police of their choice of legal counsel in their notification letter. Employees shall use the *Notice of Legal Action* correspondence letter (available on the department's Intranet Portal) as an example of the written notification to the Chief of Police.

Employees shall include the following information in their notification letter to the Chief of Police: date, time, and method by which they were served; their shift, current assignment, regular days off, office telephone number, and department issued cellular telephone number; and an affirmative statement requesting City Legal Department representation or a statement that they will retain their own legal counsel and will not use the City Legal Department. Employees

shall submit copies of the citation and citation page with the notification letter.

4 NOTICE OF ARREST OR CITATION

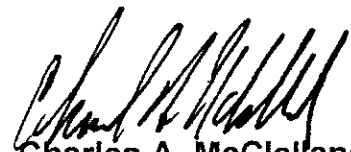
Employees who are the subject of an arrest action shall immediately notify the Command Center of their location and the charge. Employees shall notify the Chief of Police in writing upon their release from custody.

Employees receiving traffic citations shall immediately notify their assistant chief in writing via their chain of command and forward a copy of the citation with the correspondence.

5 RELATED GENERAL ORDERS

200-03, Investigation of Employee Misconduct

200-11, Employee Integrity Program



Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

February 21, 2012

NO.

200-03

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-03, dated March 1, 2011

SUBJECT: INVESTIGATION OF EMPLOYEE MISCONDUCT

POLICY

The department shall investigate all incidents of alleged misconduct brought to its attention. All employees, regardless of rank, assignment, or function, are required to cooperate in the investigation of complaints. The department's disciplinary system shall be governed in accordance with all applicable state and federal law and shall be guided by the *Houston Police Department Corrective Action Manual*.

This General Order applies to all employees.

DEFINITIONS

IAD Commanders. The commander of Internal Affairs Division/Central Intake Office (IAD/CIO), the assistant chief of the Professional Standards Command, the executive assistant chief of Strategic Operations, and the Chief of Police.

Reasonable Opportunity. This shall be generally construed as to allow sufficient time to locate counsel or a representative, review the interrogatories and related documents, and obtain advice. However, this always depends on time and circumstances.

Retaliation. Conduct or decisions that a reasonable employee would view as materially adverse and whose purpose or effect is to discourage employees from exercising their rights under policy or under the law. These rights include filing a complaint under policy; filing a complaint with an external government agency such as the Equal Employment Opportunity Commission (EEOC); assisting another employee in the filing of a complaint; providing information during an investigation or testifying in a legal proceed-

ing; or otherwise opposing conduct prohibited by policy.

Types of Complaints

Formal Complaint. A complaint in writing, signed and notarized by a complainant, or a complaint made by a peace officer.

Informal Complaint. Oral or unsigned complaint.

Classes of Complaints

IAD/CIO shall classify all complaints in accordance with the following:

Class I Complaints. Alleged violations of federal or state laws or local ordinances, or alleged use of excessive force (e.g., hitting, slapping, kicking, striking with an object, causing pain, or some other excessive force resulting in bodily injury). All Class I complaints shall be formalized and forwarded to IAD/CIO. If there are any questions as to how a complaint is to be classified, supervisors shall contact IAD/CIO.

Class II (D) Complaints. Complaints involving alleged violations of department policies or those that are not criminal in nature. The employee's immediate supervisor or another supervisor from the employee's division usually investigates these complaints.

Class II (X) Complaints. Expedited cases typically involving allegations administrative in nature (e.g., missed court or failure to qualify) and normally involving one employee.

Dispositions of Complaints

Exonerated. Incident occurred, but was lawful and proper.

Never Formalized. Complainant did not submit a formal sworn statement.

Not Sustained. The evidence was insufficient to either prove or disprove the allegation.

Sustained. Evidence is sufficient to prove the allegation. Any sustained allegation, regardless of its classification, may form the basis for disciplinary action.

Unfounded. Allegation is false or not factual.

1 CLASS II (X) INVESTIGATIONS

Expedited Class II investigations should be used when discipline is the most appropriate response to an employee's continued performance deficiency. The *Houston Police Department Corrective Action Manual* provides a list of administrative violations that may be resolved using an expedited Class II investigation and can be expanded to include misconduct when certain conditions are met.

Supervisors have broad discretion whether to resolve complaints using Supervisory Intervention (SI) or Class II investigations except when expressly limited. Discretion, to the extent that prudence and good order dictate, is encouraged. Likewise, it is encouraged to use expedited Class II investigations in circumstances, other than administrative type violations, when the employee acknowledges culpability and accepts responsibility for all of the alleged misconduct.

Usually, Class II investigations are conducted by the employee's immediate supervisor. If the immediate supervisor is the complainant or a person who has any personal involvement regarding the alleged misconduct, then any other supervisor within the division shall be assigned to conduct the Class II investigation.

2 EMPLOYEE PROCEDURES

All complaints coming to the attention of an employee shall be reported to the employee's immediate supervisor.

Retaliation in any form is strictly prohibited. Any employee found to have retaliated against any employee or non-employee shall receive disciplinary action up to and including indefinite suspension.

Employees who receive information about or observe incidents involving unnecessary or excessive use of force, misconduct, violations of criminal statutes, or abuse of authority by any other employee shall first take immediate action to protect citizens. Employees who receive such information shall report the incident to their immediate supervisor. If there is a need to protect the confidentiality of the information, reporting employees may bring the matter directly to IAD/CIO.

If a complainant is anonymous, the employee receiving the anonymous complaint must certify under oath the complainant was in fact anonymous.

3 SUPERVISOR PROCEDURES

First-line supervisors shall take an active role in the development, motivation, and when necessary, discipline of employees they supervise. Supervisors have broad discretion when implementing the disciplinary process.

All complaints (except those going directly to IAD/CIO) shall be referred to a supervisor. The supervisor shall record all complaints (except as specified in the following) including complaints from third party witnesses, and forward them as provided by this General Order. When receiving complaints, supervisors shall:

- a. Accept complaints from third party witnesses to an incident. Any third party

non-witnesses attempting to make a complaint shall be referred directly to IAD/CIO. The IAD/CIO commander may determine whether to accept a complaint from persons other than the aggrieved party.

- b. Accept and record phone-in complaints that involve allegations of serious misconduct (Class I). Other phone-in complainants shall be advised to make the complaint in person in order that a notarized statement can be obtained with the complaint. Supervisors may also advise complainants they can mail their notarized statement with specific details of the incident directly to IAD/CIO.
- c. Forward all mailed written complaints to IAD/CIO for processing.
- d. Record complaints on the *Issue Record Form* (IRF). Upon receipt and recording of complaints, supervisors shall immediately notify their commander.
- e. Immediately notify IAD/CIO, pursuant to General Order 300-32, **Processing Complaints and Employee Issues**, if they receive a Class I complaint under either of the following circumstances:
 1. The investigation of the complaint would be hindered by a delay.
 2. The complaint involves a felony or a breach of the peace that is occurring or just occurred.

If an involved employee is present at the complaint scene, supervisors shall not allow the employee to leave until authorized by IAD/CIO.

An employee's immediate supervisor or a supervisor discovering an infraction shall determine whether to proceed through the formal complaint process as a Class I or II complaint or as an SI.

When supervisors discover possible infractions by employees not within their command, they should consult with the employee's immediate supervisor or a supervisor within the employee's chain of command before initiating a Class II complaint.

Supervisors have the right, duty, and responsibility at any time to inquire as to the facts of a circumstance or situation in order to make management, operational, administrative, or organizational decisions. A 48-hour notice is not required before discussing the original infraction with an employee.

However, if the inquiring supervisor becomes the complainant in a Class I or II complaint, the same inquiring supervisor may not further investigate such alleged violation.

Additionally, if the inquiring supervisor becomes the complainant in a Class I or II complaint, the same inquiring supervisor may not participate in the process of recommending discipline for the violation.

Supervisors should keep in mind that job performance and productivity issues do not equate to disciplinary issues. Concerns regarding an employee's job performance and productivity, or lack thereof, should not be handled through the disciplinary process. Job performance and productivity issues should be addressed by implementing appropriate management techniques (e.g., scheduled and unscheduled job performance reviews). Discovered violations of department policy while addressing job performance or productivity concerns should be handled through the disciplinary process.

4 INVESTIGATIVE RESPONSIBILITIES

All Class I allegations against an employee shall be investigated by IAD/CIO, except by order of the commander of IAD/CIO.

All Class II allegations against an employee shall be investigated by the employee's division, unless otherwise determined by the commander of IAD/CIO.

The commander of IAD/CIO shall have the authority and discretion to assign the criminal aspects of a Class I complaint to the appropriate criminal investigative division for investigation.

The concerned employee and the complainant shall be notified in writing by the assigned investigator whenever a complaint has been received and filed. However, if an *IAD commander* designates the complaint confidential, the employee shall not be notified.

Internal Affairs Division

IAD/CIO shall serve as a fact-finding entity for investigations of employee misconduct. IAD/CIO shall classify all complaints brought to the attention of the department as either a Class I or II complaint.

IAD/CIO shall notify employees and complainants of the disposition of Class I and II complaints upon receiving the final decision from the Chief of Police. If a complaint is deemed confidential, notification shall be made at the discretion of an *IAD commander*. Division commanders shall notify employees and complainants of SI dispositions.

No employee, regardless of rank, assignment, or function, shall contact or interfere with IAD/CIO personnel or other department investigators regarding ongoing administrative or criminal investigations of any employee. Any inquiries regarding these matters shall be directed to the Professional Standards Command or Strategic Operations.

Confidential Complaint

The commander of IAD/CIO may designate a complaint as confidential and may restrict

access to the file of the investigation to only those persons deemed necessary. The assistant chief of Professional Standards Command, the executive assistant chief of Strategic Operations, and the Chief of Police shall be notified when a complaint is designated confidential. They may review any file at their discretion. The IAD/CIO commander may report any matter directly to the Chief of Police; however, the assistant chief of Professional Standards Command, and the executive assistant chief of Strategic Operations must be notified as soon as possible.

Progress Reports

At any time, the commander of IAD/CIO, the assistant chief of Professional Standards Command, or the executive assistant chief of Strategic Operations may require progress reports regarding any complaint against an employee being investigated by the department.

5 PREINTERROGATION PROCEDURES

If the complainant to an incident does not verify the complaint in an affidavit, an investigation may still be conducted. However, the employee cannot be required to respond to an interrogation.

Employees who are the subject of the following types of complaints may be required to respond to an interrogation.

- a. When a peace officer is the complainant. (No affidavit is necessary.)
- b. If a third-party witness of police misconduct is a complainant.

If employees inquire, they must be told the identities of all investigators taking part in their interrogation.

If the investigator or the employee intends to record the interrogation, prior notification must be given to the other party.

48-Hour Notice

Supervisors have the right, duty, and responsibility at any time to inquire as to the facts of a circumstance or situation in order to make managerial, operational, administrative, or organizational decisions. Therefore, a 48-hour notice is not required before discussing the original infraction with an employee.

The department shall provide employees with a 48-hour notice of the time and location of a meeting or hearing (including interviews and interrogations) that is administrative in nature. (See *Corrective Action Manual*, Part Three, section 1, subsections A., B., and C.)

Any employee under investigation for a Class II violation investigated at divisional level by an internal affairs investigator shall be required to receive only one Notice of Interrogation at least 48 hours prior to the first interrogation in any form. Any subsequent interrogation of the same employee on the same complaint or any extension or collateral issue related to the same complaint, shall require the employee be afforded a *reasonable opportunity* to consult with counsel or a representative before responding to such subsequent interrogations. A 48-hour notice may be voluntarily waived.

Supervisors and investigators shall follow the guidelines in the *Corrective Action Manual*, Part Three, section 1, subsections A., B., and C. If an investigator is conducting an investigation at the scene immediately after an incident occurred, the investigator may proceed with the investigation and furnish the concerned employee with written notification as soon as possible.

6 INTERROGATION PROCEDURES

Supervisor's Presence

Accused employees have the option of having their immediate supervisor present dur-

ing interrogations regarding investigations of non-criminal misconduct.

Counsel's Presence

Accused employees are not permitted to have counsel present during an interview regarding an investigation of non-criminal misconduct.

Accused employees are permitted to have counsel present during an interrogation regarding an investigation of criminal conduct.

Investigators shall not threaten employees with punitive action during interrogations. Investigators may inform employees that failure to truthfully answer reasonable questions directly related to the investigation or failure to fully cooperate in the investigation may result in punitive action.

Requirement to Answer Questions

Employees can be required to answer questions and are subject to discipline with measures up to and including indefinite suspension for refusal to answer questions. Any required statements may be used against employees in a disciplinary action or other civil proceeding.

Time, Place, and Length of Interrogations

Employees may be interrogated only during their normal duty hours, unless the Chief of Police or an *IAD commander* determines the seriousness of the investigation requires interrogation at another time. If employees are interrogated during a time other than their normal duty hours, they shall receive overtime for that period. The Chief of Police shall not hold employees responsible for normal duty time missed because of their required participation in an investigation.

Employees shall not be interrogated at their home without their permission. The interrogation shall not be unreasonably long and provision must be made for physical necessities.

Attorney General Letter

If a letter is sent to the Texas Attorney General, a copy shall be furnished to the employee under investigation at the time of the interrogation or at the time of issuance (if issued after the initial or subsequent interrogation).

Photographs Taken of Employees

An employee can be required to be photographed to aid in conducting investigations in which the identity of the employee is in question or when it is necessary for comparison with other photographs.

Polygraph Examinations

The Chief of Police may order an employee to submit to a polygraph examination in compliance with state law.

Submission to Examination

Employees can be required to submit to a medical or laboratory examination at the department's expense as part of an internal investigation.

7 DIVISIONAL ADMINISTRATIVE DISCIPLINARY COMMITTEE (DADC)

The DADC reviews all non-Class I investigations that result in a divisional discipline recommendation for category B or lower. The DADC reviews cases and either agrees or disagrees with the recommendation stated in Step Four of the Disciplinary Category Worksheet (*Corrective Action Manual*).

If the committee disagrees with the original recommendation, correspondence shall be attached to the file and the Disciplinary Action Unit (DAU) shall forward the investigation to the division for a final determination of discipline. The DAU shall follow all procedures as outlined in the *Corrective Action Manual*.

8 ADMINISTRATIVE DISCIPLINARY COMMITTEE (ADC)

The ADC shall review investigations of complaints submitted to it by the Chief of Police.

Upon completing the review of a complaint, the ADC shall submit a report to the Chief of Police documenting the sufficiency of the investigation and describing recommended disciplinary action.

9 INDEPENDENT POLICE OVERSIGHT BOARD (IPOB)

The Mayor's Executive Order 1-5, *Independent Police Oversight Board* describes the IPOB and its role within the department's internal investigations involving any of the following allegations or circumstances:

- a. Use of force.
- b. Discharge of firearms.
- c. Incidents resulting in serious bodily injury or death.
- d. Any other investigations requested and approved for review by the Chief of Police.

Each IPOB member and panel is purposed to review applicable internal investigations and make a written recommendation as to whether the investigative findings are accurate and complete. A panel or panel member who believes the investigation is inaccurate or incomplete, may request further investigation be conducted. The request shall be made in a manner prescribed by the department in compliance with the requirements of Executive Order 1-5.

Notwithstanding the authority vested within the IPOB, the Chief of Police or designee shall retain final authority over the outcome of internal investigations.

10 DISPOSITION OF CASE

Mid managers shall prepare a written recommendation on all sustained IAD/CIO investigations on employees under their supervision. Depending on the violation, the recommendation shall be forwarded through the offending employee's chain of command to at least the assistant chief level.

After the Chief of Police receives the file of a completed investigation in which IAD/CIO sustained an allegation, the Chief of Police may:

- a. Choose to sustain the allegation, impose the recommended discipline, or impose other disciplinary action. The Chief of Police shall forward the entire file to IAD/CIO for final processing.
- b. Resubmit the file to the ADC for further review and recommendations.
- c. Return the case to IAD/CIO or the investigating division for further investigation.

After the commander of IAD/CIO receives the final recommended disposition signed by the Chief of Police, the commander of IAD/CIO shall notify the employee of the disposition of the complaint in writing. The commander of IAD/CIO must ensure the final disposition of the case is entered into the Issue Tracking System.

If the recommended discipline is indefinite suspension, the Chief of Police shall have the affected employee relieved of duty by IAD/CIO personnel. The Chief of Police shall allow a meeting with the affected employee. At the meeting, employees shall be allowed to state their case before the Chief of Police makes a final decision.

The employee's division shall handle disciplinary suspensions of 15 *calendar* days or less. In those cases, employees shall be allowed to retain their HPD identifications, badges, and hat shields. The suspension

documentation shall instruct employees regarding any limitation of activities and use of credentials during the term of suspension.

All disciplinary suspensions of 16 *calendar* days or more shall be handled by IAD/CIO. In those cases, the HPD identification, badge, and hat shield shall be confiscated and stored in the Employee Services Division.

Relieved of Duty

The Chief of Police may relieve an employee of duty at any point during the course of a misconduct investigation, especially when allowing an employee to remain on duty may compromise the integrity of the department.

If any supervisor becomes aware of a situation requiring an employee be relieved of duty, the supervisor shall immediately contact IAD/CIO. IAD/CIO shall handle all cases in which an employee is relieved of duty and the commander of IAD/CIO shall determine the course of action to be taken.

When an IAD/CIO supervisor places an employee on relieved-of-duty status, the IAD/CIO supervisor (and the employee when practical) shall sign a letter explaining what is expected of the employee. A copy shall be given to the employee.

The IAD/CIO supervisor shall take custody of the following items from the employee:

- a. Official police identification
- b. Badge and hat shield
- c. Security identification
- d. Keys as defined in General Order 400-22, **Keys and Passwords**

These articles shall be sent to the Employee Services Division along with a copy of the *Relieved of Duty* letter.

The IAD/CIO supervisor shall notify the employee's commander of the relieved-of-duty status.

When an employee is relieved of duty, any leave requested by the employee must be approved by the commander of IAD/CIO prior to being scheduled by the regular assigned division. In addition, IAD/CIO shall be responsible for notifying the Administration and Regulatory Affairs Department relieved of duty desk of employees' relieved of duty status to ensure correct compensation and documentation of employment status.

Return to Duty

Upon notification by the Chief of Police, an *IAD commander* shall formally reinstate an employee who is relieved of duty. The IAD/CIO supervisor receiving the information shall prepare a *Return to Duty* letter advising the affected employee of his or her status.

Employees shall deliver their letters to the Employee Services Division in order to obtain their department issued property. A copy

of the reinstatement letter shall also be forwarded to the employee's commander authorizing the employee's return to work.

11 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

300-02, Transfer of Classified Employees
300-32, Processing Complaints and Employee Issues

400-02, Badges and Credentials

400-22, Keys and Passwords

600-42, Racial Profiling Prohibited

Executive Order 1-5, Independent Police Oversight Board. Effective 9-23-11.

Houston Police Department Corrective Action Manual

Meet and Confer Agreements (Classified and Civilian)



Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 27, 2021

NO.

200-04

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-04, dated October 20, 2020

SUBJECT: ASSISTANCE TO EMPLOYEES INVOLVED IN CRITICAL INCIDENTS

POLICY

The Houston Police Department is concerned about the well-being of all of its employees and recognizes that the psychological impacts of a critical incident may extend beyond the moment of the actual incident.

The department's Psychological Services Division provides post-critical incident intervention for any employee who sustains a serious injury, is exposed to a critical incident, causes death or serious injury to another, or for any other circumstance as determined by the Chief of Police. In addition, the Psychological Services Division provides voluntary counseling for employees and their family members including significant others.

This General Order applies to all employees.

DEFINITIONS

Critical Incident. A work-related event that is extraordinary in nature with an expectation of producing a significant reaction on the part of an employee. All officer-involved shootings resulting in death or serious injury to another person shall be considered a *critical incident*. An employee may be directly or indirectly involved with the *critical incident* and suffer a physical or psychological injury as a result.

Fitness-for-Duty Evaluation. A formal, specialized physical or psychological examination of an employee because of (1) objective evidence that the employee is unable to safely or effectively perform the essential functions of assigned job duties and (2) a reasonable basis for believing that the inability to perform may be attributable to physical or psychological factors.

Post-Critical Incident Intervention. A stress management session with a staff psychologist to provide support, education, and an informal assessment to reduce the probability of long-lasting psychological and emotional problems resulting from a *critical incident*. The intervention is also designed to screen for unusual circumstances (past or present) that could intensify the impact of a *critical incident* on an employee.

Restricted Duty. A duty assignment aimed at providing an officer who is involved in a *critical incident* the opportunity to obtain emotional and psychological support. The officer shall be assigned to an administrative assignment, in plain clothes, with limited citizen interaction while on *restricted duty*. Any employee, whether on or off duty, involved in an officer-involved shooting, shall immediately be placed on *restricted duty*.

1 DIVISION COMMANDERS' RESPONSIBILITIES

Division commanders shall be held accountable for ensuring that this General Order is followed and that the *Post-Critical Incident Checklist* form is completed. The *Post-Critical Incident Checklist* form is available on the department's Intranet Portal. These documents provide a framework for the procedures and the resources in place to promote employees' well-being and their return to full duty. In addition, the commander shall ensure that communication and collaboration between the commander, employees, and the divisions responsible for the assistance to the employees are appropriate and complete.

2 DUTY STATUS

Restricted Duty Status

Division commanders may authorize *restricted duty* status for any employee exposed to a *critical incident*, if it is in the best interest of the employee or the department. Any employee, whether on or off duty, involved in an officer-involved shooting, shall immediately be placed on *restricted duty* by the employee's division commander.

Officers on *restricted duty* shall be restricted to administrative assignments with limited citizen interaction. These assignments are intended to provide an opportunity for officers to obtain emotional and psychological support and other assistance. During *restricted duty* status officers shall also obtain refresher training and debrief with the Training Division's Patrol Tactics Unit. *Restricted duty* status is in no way punitive, but intended to protect the well-being of the employee.

Relieved of Duty Status

The Chief of Police, or designee, may order an employee relieved of duty if it is in the best interest of the employee or the department. If the employee is to be relieved of duty, the relief of duty and return to duty shall be handled by the Internal Affairs Division (IAD) in accordance with the guidelines set forth in General Order 200-03, **Investigation of Employee Misconduct**.

Extra Employment Restrictions

An employee shall not work any police-related extra employment during the entire period of *restricted duty* status.

3 POST-CRITICAL INCIDENT INTERVENTION

If an employee, whether on or off duty, is directly involved in an incident resulting in death or serious injury to another person, the employee shall contact the Psychological Services Division within two business days to schedule a *post-critical incident intervention* session. The employee's appointment shall be no later than one week after the date of the *critical incident*. Additionally, an in-person follow-up session with the Psychological Services Division is required between 40 to 50 *calendar days* after a *critical incident*.

Employees who are injured in a *critical incident* shall call for an appointment with the Psychological Services Division upon or before returning to duty. Employees are not required to wait until returning to duty and are encouraged to call as soon as possible after the *critical incident*.

Additionally, the Psychological Services Division provides *post-critical incident intervention* sessions for employees indirectly exposed to a *critical incident*. Employees are encouraged to call the Psychological Services Division for an appointment if they are indirectly exposed to such an incident. Attendance at these sessions is not mandatory for employees, unless a supervisor determines it is in the best interest of the employee.

A department psychologist shall immediately notify an employee's division commander and the Administrative Personnel Committee (APC) should it be determined through a *post-critical incident intervention* session that the employee should be on or remain on *restricted duty* status.

A *post-critical incident intervention* is separate and distinct from a *fitness-for-duty evaluation*. This does not preclude supervisors and other employees from notifying APC regarding concerns about any employee's ability to perform the employee's job due to medical, physical, or psychological conditions as directed in General Order 300-05, **Workers' Compensation**.

Attendance

Employees shall be allowed to attend mandatory *post-critical incident intervention* sessions while on duty. If an employee must attend the mandatory session(s) during off-duty hours, the employee shall be given overtime compensation (or flextime if applicable) for the actual time spent in the session. The Psychological Services Division shall provide the employee written documentation of attendance at mandatory session(s). The employee shall give the documentation to the employee's division commander.

Attendance to subsequent or other non-mandatory sessions at the Psychological Services Division is confidential information and documentation of such sessions attended shall require a written and signed release from the employee.

4 TRAINING

As part of the *post-critical incident* review process, the division commander is responsible to ensure that the employee attends *post-critical incident* training at the Training Division.

Officers assigned to the Narcotics Tactical Team and the Tactical Operations Division SWAT Detail shall attend their respective division's post-critical incident training.

5 RETURN TO DUTY

An employee's return to duty from *restricted duty* shall only be authorized by the Chief of Police or designee. The division commander shall notify the Chief of Police, in writing through the chain of command, that the employee has completed the mandated requirements as outlined in this General Order. Before seeking an officer's return to duty, the employee's division commander,

or designee, shall consult with the Psychological Services Division and the Training Division regarding the employee's status for return to full duty. The completed *Post-Critical Incident Checklist* form will be placed in the employee's Division Personnel File when it is returned with the Chief of Police or designee's signature.

The employee's division commander, or designee, shall ensure the returning employee is integrated back into the work environment. The returning employee shall be assigned to work with another employee for a period to be determined by the division commander and the Psychological Services Division. This time period shall be no fewer than five workdays. The returning employee may continue to work with another employee at the direction of the division commander or Psychological Services.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

April 30, 2018

NO.

200-05

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-05, dated July 25, 1994

SUBJECT: EMPLOYEE PARKING REGULATIONS

POLICY

All employees shall adhere to the regulations outlined in this General Order regarding parking at the Edward A. Thomas Building (Police Headquarters), the Central Police Complex, City Hall, City metered parking spaces, the airports, and other official locations.

This General Order applies to all employees.

DEFINITIONS

Dismissal Pack. A correspondence packet containing a letter addressed to the concerned assistant chief or executive assistant chief from an officer requesting dismissal of a parking citation issued to the officer, a *Request for Parking Citation Dismissal Affidavit* form, an *Affidavit of Department Head* form, and the pertinent parking citation. Affidavit forms are available on the department's Intranet Portal.

Police Headquarters Parking Zone. The metered parking spaces in the 1000 through 1400 blocks of Louisiana, Milam, Travis, Main, and Fannin, as well as the metered parking spaces in the 600 through 1000 blocks of McKinney, Lamar, Dallas, Polk, Clay, and Bell.

1 RESPONSIBILITIES

It is the responsibility of all employees to ensure that their City and personal vehicles are properly parked in accordance with all laws and department guidelines. City of Houston vehicles shall not be parked in lots designated for the use of private vehicles.

For the Edward A. Thomas Building, the commander of the department's Security Operations Unit shall be responsible for assigning parking, issuing employee parking permits, authorizing the purchase and creation of parking signage, and enforcing parking regulations.

Within the Central Police Complex (a.k.a. 61 Riesner Complex), the Central Division commander shall be responsible for designating parking areas, issuing employee parking permits, assigning parking, authorizing the purchase and creation of parking signage, enforcing parking regulations, and issuing parking citations to or towing all illegally parked vehicles.

When employees resign, retire, or are terminated, they are responsible for returning any City of Houston and/or department parking permits either to the issuing division or to Employee Services Division as part of the established checkout process.

2 PARKING IN UNPAID METERED SPACES

Under City ordinance section 26-157(g), law enforcement officers who need to park in a City metered parking space while engaged in the performance of officially assigned duties of office are allowed an exemption from paying the meter. Officers who need to park in an unpaid metered space while engaged in the performance of officially assigned duties of office shall indicate their status by placing a City of Houston blue or yellow hang tag parking permit on the rearview mirror of their vehicle and may park for no longer than four hours. The vehicle shall not be parked in an unpaid metered space while the officer is working at his customary (regular assigned) office or job site.

The blue and yellow hang tag parking permits are issued by the City of Houston Administration and Regulatory Affairs Department, Park Houston Division. Blue hang tag parking permits illustrating the "scales of justice" are issued to officers whose primary work location is 1200 Travis. Yellow hang tag parking permits illustrating a "courtroom gavel" are issued to officers whose primary work location is *not* 1200 Travis. The "HT" number and barcode illustrated on the parking hang tag correspond to the employee number of the employee to whom it is assigned.

Officers displaying blue hang tag parking permits may park in unpaid metered spaces only if they are *outside* the *Police Headquarters Parking Zone*. Officers displaying yellow hang tag parking permits may park in unpaid metered spaces including those within the *Police Headquarters Parking Zone*.

Officers shall not park in an unpaid metered space for longer than four hours per City ordinance. A vehicle displaying a blue or yellow hang tag and parked for more than four hours in an unpaid metered space is subject to citation and the officer may be held responsible for the citation.

At no time shall employees park any vehicle in any of the No Parking Red Zones located near intersections or within 15 feet of a fire hydrant.

3 PARKING AT EDWARD A. THOMAS BUILDING

The Security Operations Unit's commander shall be responsible for the assignment and enforcement of parking in the 1200 Travis Garage and at any off-site Travis parking location. Parking in the Travis Garage shall be as follows:

- a. **Levels 2 and below.** Parking on these levels is for City vehicles and visitors.
- b. **Levels 3 through 8.** Parking on these levels is for employees with a Travis Garage hang tag parking permit. Floor 8 is also utilized for overflow visitor parking when spaces are available.
- c. **Named or Reserved Parking.** Parking spaces that are labeled with a name, office, or reserved parking signage are reserved 24 hours a day, 7 days a week. Employees shall not park in these spaces at any time unless it is their assigned parking space.

A division requesting permission for an employee or visitor to park in the 1200 Travis Garage shall make that request via email to hpdt.travisparkingrequest@houstonpolice.org. All of the following shall be included in each parking request:

- d. The date parking is needed.
- e. The approximate time for the visit (e.g., 8 a.m.-11 a.m.).
- f. Name of every visitor requesting parking.
- g. Name of the division requesting parking.
- h. A contact person's name and telephone number.
- i. A brief description of the reason for the request.

Due to the limited number of parking spaces in the Travis Garage, parking requests must be made well in advance to ensure availability. Last minute requests may be denied depending on space availability.

Only employees with ID access to the garage and the appropriate department-issued hang tag parking permit are allowed routine parking in the 1200 Travis Garage during day shift. Parking permits are not required in the garage between 3 p.m. and 5 a.m. or on weekends or holidays (3rd – 8th floors only). However, employees shall not park in spaces that are labeled with a name, office, or reserved parking signage unless it is their assigned parking space. Employees who are authorized to park in the 1200 Travis Garage are restricted to one parking space. Only one vehicle at a time per employee shall be allowed to park in the garage.

Visitors to 1200 Travis (including HPD employees either without or unable to present ID access to park in the Travis Garage) shall enter the garage from Polk Street and obtain a visitor sticker from the Security Operations Unit. Private vehicles shall be parked in only the areas for which they are authorized.

Street Parking Around Edward A. Thomas Building

Only official marked police vehicles may be left parked in the areas posted for "Marked" or "Police" vehicles on either side of the streets immediately next to and surrounding the Edward A. Thomas Building at 1200 Travis Street. No unmarked vehicle shall be parked in one of these areas.

Regulations regarding parking in unpaid metered spaces are outlined in section 2 of this General Order. Employees assigned to work at the Edward A. Thomas Building and who receive a parking citation within the *Police Headquarters Parking Zone*, shall be responsible for the citation. Dismissal requests for such citations shall not be forwarded through the chain of command.

Officers assigned to other stations and who conduct official business at the Edward A. Thomas Building, shall park at a metered space and follow the instructions outlined in this General Order.

Parking Violations at Edward A. Thomas Building

In an effort to prevent parking violations in the 1200 Travis Garage or surrounding the Edward A. Thomas Building, the following actions shall be taken against employees who violate the rules and regulations as set forth in this section and in applicable Security Operations Unit's standard operating procedures:

- a. **First violation.** A notice shall be sent to the employee's division commander to ensure counseling is conducted.
- b. **Second violation.** The employee's parking privileges shall be revoked and the assistant chief in the employee's chain of command shall be notified. The assistant chief shall determine if further action is warranted.

Employees who violate parking regulations at 1200 Travis may be subject to discipline.

4 PARKING AT CENTRAL POLICE COMPLEX

A system of signage and color coded hang tag parking permits shall be used to designate and control parking assignments at the Central Police Complex. Central Division shall maintain a detailed list of the individual parking assignments and the color coded hang tag system authorized by the Central Division commander.

Designated parking areas within the Central Police Complex include:

- a. **Lot G.** The enclosed parking lot directly east of 61 Riesner. This lot is restricted to HPD employees assigned to the Central Police Complex only. The department issued HPD identification (ID) card shall be used to restrict access to this lot. A blue hang tag parking permit shall be issued to employees' personal vehicles assigned to park in Lot G. Gold hang tag parking permits shall be issued to supervisors' personal vehicles assigned to park in Lot G.
- b. **Artesian Lot.** The large enclosed parking lot directly north of 33 Artesian. This lot is restricted to assigned pool vehicles (all divisions) and for the overflow of personal vehicles for which parking in Lot G cannot be found. Off-site officers arriving for court shall also have access to this lot and parking shall be reserved for their use. No hang tag parking permit is required for vehicles in this lot.
- c. **Riesner Parking Garage.** The covered parking garage immediately north of the Central Division gas pumps. Only HPD vehicles are authorized to park in the Riesner Garage.
- d. **Preston Lot.** The triangular island parking lot north of the Artesian Lot located in the fork of Preston Street and Washington Avenue. Fleet vehicles awaiting repair may be parked in this lot. No parking permit is required.
- e. **Lot B.** The small enclosed parking lot east of the Artesian Lot. A red hang tag parking permit shall be assigned to vehicles authorized to park in this lot.

- f. **Front Lot.** The open area of parking spaces directly south of and in front of the entrance to 61 Riesner. Parking in the Front Lot, a.k.a. the "Front Circle Drive," is controlled by signage for official police vehicles only.
- g. **East Carport.** The covered parking area east of the jail and south of the tire shop. Vehicles parked in this area require an orange hang tag parking permit.
- h. **West Carport.** The covered parking area west of the jail and south of the Central Division gas pumps. Parking is controlled by signage.
- i. **Lot M1.** The parking lot east of Houston Avenue under the Memorial Dr. overpass. Parking in this lot requires either a blue or gold hang tag parking permit.
- j. **Lot M2.** The parking lot west of Houston Avenue under the Memorial Dr. overpass. No parking permit is required.

5 PARKING AT CITY HALL

Parking curbside by City Hall or the City Hall Annex is prohibited. Vehicles parked in any of these areas shall be subject to tow.

6 PARKING AT THE DISTRICT ATTORNEY'S INTAKE OFFICE

Employees on official City business at the district attorney's intake office at 1201 Franklin may use unpaid metered parking spaces by displaying a City of Houston blue or yellow hang tag parking permit.

7 PARKING AT THE AIRPORTS

Use of Parking Facilities Over 24 Hours

The Houston Airport System maintains control and regulation of all parking facilities including revenue generating lots and City employee parking lots for both Intercontinental (IAH) and Hobby Airports.

The Houston Police Department participates in the City Official Business Parking (COBP) program, which eliminates the need for employees to use personal funds for airport parking while conducting official City business travel.

Employees traveling on official City business shall indicate on their *Appendix B* form if airport parking is needed during their specified travel dates. Upon approval, a COBP access card or hang tag parking permit shall be issued to the employee by his command office.

COBP access cards allow employees access to any ECOPARK facility and Airport Terminal Parking Garage located at both IAH and Hobby Airports. Employees shall swipe the COBP access card at any ECOPARK facility or Terminal Parking Garage entrance gate and park their vehicle in that area. Upon return from travel, employees shall again swipe the COBP access

card to exit the parking facility. No ticket stub or receipt shall be collected. The transactions will be electronically recorded and billed to the department's designated parking account. At the conclusion of the business travel, employees shall return the COBP access card to their command office along with the completed *Appendix D* form.

COBP hang tag parking permits allow employees to enter and exit the designated Police Parking lots at IAH and Hobby Airports. Employees shall display the barcoded hang tag parking permit at all times during their stay in the Police Parking lot. No ticket stub or receipt shall be collected. The transactions shall be electronically recorded and billed to the department's designated parking account. At the conclusion of the business travel, employees shall return the hang tag parking permit to their command office along with the completed *Appendix D* form.

If issued a COBP hang tag parking permit, the employee shall contact the appropriate Airport Division in advance and ascertain if adequate parking spaces will be available in the Police Parking lot during the employee's travel dates. If parking will not be available then the employee shall be instructed to use a COBP access card.

Employees who park their assigned take-home City vehicle with specialized equipment are reminded to properly secure their equipment at a safe location, either at home or at their division, when possible.

Employees are not permitted to park their personal or City issued vehicle in the Police Parking lots of either IAH or Hobby Airports while on personal travel.

Use of Parking Facilities Under 24 Hours

Employees who need to conduct City business at either airport and require less than 24 hours parking, shall call the airport (Hobby 713-845-6800 or IAH 281-230-6800) and receive authorization from the desk sergeant or higher ranking supervisor. The employee shall provide to the authorizing supervisor his name, employee number, cellular telephone number, division assigned to, reason for parking, and length of stay. Employees shall then be directed to an available parking space in the Police Parking lot at no charge. Parking is limited and for official on-duty use only.

8 RESTRICTIONS

Employees shall not leave their personal vehicles parked in any of the department's permit controlled parking lots for more than 16 consecutive hours unless otherwise authorized by their division commander.

Employees shall obey all stop signs, restricted parking signs, etc. posted at any authorized HPD parking facility.

In the 1200 Travis Garage, uncontrolled pedestrian traffic is inherently dangerous. Therefore, only specifically authorized employees shall be allowed to walk in the central area of the first floor breezeway. Other pedestrian traffic is strictly prohibited in the breezeway area extending from the vehicle entrance on Polk to the vehicle exit on Milam. Pedestrian traffic is allowed in the 1200 Travis Garage first floor breezeway only as follows:

- a. In the breezeway area between the parking garage elevators and the employee entrance to the main building.
- b. In the breezeway area next to the main building extending from the employee entrance to Dallas Street and Polk Street.

9 LOST OR STOLEN PARKING PERMITS

Lost or stolen hang tag parking permits shall be replaced as follows and according to guidelines outlined in General Order 400-18, **Responsibility for City Property**.

- a. Blue or yellow City of Houston hang tag parking permits shall be replaced by the City of Houston Administration and Regulatory Affairs Department, Park Houston Division.
- b. Hang tag parking permits for the 1200 Travis Garage shall be replaced by the Security Operations Unit.
- c. Hang tag parking permits for the Central Police Complex shall be replaced by the Central Division.

10 DISMISSAL OF PARKING CITATIONS ISSUED TO OFFICERS

Except as otherwise noted in this General Order, an officer who receives a citation for a parking meter violation while in the performance of officially assigned duties may request that it be dismissed by completing all appropriate sections of a *dismissal pack* and submitting the *dismissal pack* in a timely manner.

An officer who parked a vehicle in an unpaid metered space for more than four hours and received a citation may still request that the citation be dismissed if the officer was continuously engaged in the performance of officially assigned duties of office the entire time the vehicle was parked and the officer was not at his customary (regular assigned) office or job site.

In a *dismissal pack*, an officer's letter shall explain the reason the citation should be dismissed. The officer shall print his full name and employee number on the back of the citation along with a brief reason for the dismissal request (e.g., officer in CCL#5). The entire *dismissal pack* shall be sent through the chain of command to the officer's assistant chief. For those divisions that do not have an assistant chief in their chain of command, the *dismissal pack* shall be sent to the officer's executive assistant chief.

Upon approval, the assistant chief or executive assistant chief, as applicable, shall forward both affidavits and the parking citation to the Municipal Courts Parking Adjudication Office within 30 *calendar* days following the date on the citation. A hearing officer will review the request and determine whether the parking citation will be dismissed. The officer will be notified to appear at a hearing if necessary.

Any request to dismiss a parking citation not received within the 30-*calendar*-day time period shall be denied. If the dismissal is denied, the officer shall assume full responsibility for handling the parking citation.

11 TOWED DEPARTMENT VEHICLES

If a Houston Police Department vehicle is towed because it was illegally parked, the below procedures shall be followed.

- a. The employee responsible for the vehicle shall immediately notify his supervisor. If the supervisor is unavailable, the employee shall notify another supervisor in his division. The employee shall provide the supervisor all available information regarding the vehicle description and the date, time, and location of the tow.
- b. The employee's supervisor shall contact the concerned storage lot to arrange for the release of the vehicle in accordance with the storage lot's policies and procedures. The supervisor may contact the department's Auto Dealers Detail if he has any questions.
- c. The employee who parked the vehicle illegally may be responsible for any towing and storage fees.
- d. The concerned employee's division commander shall require the employee to submit written correspondence to the Chief of Police through the chain of command. The employee's correspondence shall thoroughly outline the reason for parking illegally and the circumstances surrounding the tow and release of the vehicle.

If an employee's personal vehicle is towed because of a parking violation, the employee shall be subject to the same penalties as any other citizen.

12 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

400-07, Vehicle Use and Assignment

400-18, Responsibility for City and Other Government Property

600-19, Police Headquarters Security

City of Houston, Code of Ordinances, Section 26-157



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

September 24, 2018

NO.

200-06

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-06, dated September 13, 2010

SUBJECT: POLITICAL ACTIVITIES

POLICY

This General Order provides guidelines for all employees to follow regarding involvement in political activities. It is not the intent of this General Order to restrict any employee's right to lawfully participate in the political process as a citizen of the United States.

This General Order applies to all employees.

1 INTERFERENCE WITH LAWFUL ACTS

Employees shall not prevent or obstruct any citizen from lawfully participating in the political process.

2 SEEKING ELECTIVE OFFICE

Any employee seeking elective office shall notify the Chief of Police of the employee's candidacy by submitting correspondence through the chain of command and include:

- a. In the correspondence a statement of understanding that no activities related to seeking elective office will be performed on duty or while wearing a department uniform.
- b. In the correspondence a statement of understanding that no City of Houston resources or materials will be used for seeking elective office.
- c. Separate correspondence prepared for the Chief of Police to the director of the City of Houston Human Resources Department on white interoffice bond paper advising the director of the employee's intent to seek elective office.

The director of the City of Houston Human Resources Department will review the correspondence to determine whether a conflict of interest exists. The director will notify the employee of the ruling in writing.

3 CAMPAIGNING AND PUBLIC COMMENTS

Employees who are on duty or wearing a department uniform shall not take an active part in any person's campaign for an elective position. This includes, but is not limited to, making political speeches, passing out cards or other political literature, writing letters, signing petitions, soliciting votes, or making public derogatory remarks about candidates for such elective positions.

Employees shall not use City equipment to engage in any political advocacy. This includes, but is not limited to, City owned or controlled copiers, computers, fax machines, and email systems. In addition, employees shall not use City equipment to blog, text, tweet, or post on social media for purposes of political advocacy.

Employees who are on duty shall not publicly announce opinions regarding any political matter that could be construed by any person as an official opinion of the Houston Police Department. Employees who are off duty shall not appear in a department uniform when expressing their personal political opinions or when representing any group. Employees shall not distribute or display flyers, posters, pamphlets, etc. in support or defeat of a proposition or candidate in or on City facilities.

Employees shall not use their office in any manner for the purpose of furthering their own or another's political campaign interests. Employees shall not appear in any political advertisement, whether in print or on video, wearing any portion of a department uniform (or any other uniform that resembles what is issued by the department).

Employees while wearing a department uniform shall not attend political rallies, functions, or events unless their presence is pursuant to official police business or an approved police-related extra employment. When an employee's presence in uniform at a political rally, function, or event is pursuant to official police business or an approved police-related extra employment, employees shall not publicly announce opinions or act in a manner that could be construed by any person as an official opinion of the Houston Police Department for or against a particular candidate or issue.

4 SEEKING PERSONAL PREFERMENT

Employees shall not solicit petitions, seek influence, or request the intervention of any person outside the Houston Police Department for purposes of personal preferment, advantage, transfer, advancement, promotion, or change of duty for themselves or for any other person.

5 RELATED GENERAL ORDERS

100-06, Department Mission, Values, Ethics, and Guiding Principles
200-08, Conduct and Authority
200-41, Use of Social Media and the Internet
300-15, Appearance and Grooming Standards – Classified



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 1, 2013

NO.

200-07

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-07, dated September 6, 1996

SUBJECT: GRANTS ADMINISTRATION

POLICY

The Houston Police Department shall apply for funds from external sources to enhance law enforcement and community service efforts.

Only the Mayor of the City of Houston or the Chief of Police may apply for, accept, decline, modify, or cancel a grant application. Also, the Chief of Police is the final authority on any action taken to satisfy grant application and receipt requirements.

This General Order applies to all employees.

DEFINITIONS

Division Grant Coordinator. A person appointed by a division commander to be responsible for the administrative and fiscal activities associated with grants and grant applications at the division level.

Grants Manager. The person responsible for the development, review, submission, and oversight of grant operations. This person is also responsible for monitoring all grant related activities to ensure compliance with applicable laws and guidelines established by the funding agency.

1 GUIDELINES

All grants accepted by the department shall be administered by authorized employees as outlined in this General Order.

Division Grant Coordinators

All divisions using or applying for grant funds shall designate a division grant coordinator. This person shall confer with the Of-

fice of Budget and Finance, Grants Section prior to completion of all grant applications.

Division grant coordinators shall complete grant related administrative and fiscal activities and forward all documentation to the Office of Budget and Finance, Grants Section for further processing. This includes, but is not limited to, all documentation developed for the purchase of equipment or supplies or the acquisition of professional services.

Division Commanders

Division commanders are responsible for all initial program planning, proposal development, program start-up activities, day-to-day program operations, and appointment of a division grant coordinator.

Division commanders are also responsible for administrative maintenance including the retention of accurate and up-to-date grant related records that consist of, but are not limited to, daily time sheets, overtime sheets, and inventory listing of equipment.

Written approval must be obtained from the Office of Budget and Finance prior to records destruction.

Office of Budget and Finance

The Office of Budget and Finance, Grants Section has oversight responsibility for all grants received by the department. The designated grants manager shall monitor all grants to ensure compliance with funding agency criteria and state and federal guidelines.

The Grants Section shall coordinate all internal and external department grant activities and serve as the primary contact with

all funding agencies regarding grant related activities. This will prevent duplication of effort and ensure all grants meet the financial and operational needs of the department. Coordination efforts shall include, but are not limited to:

- a. Serving as liaison with City Council, the Office of the Mayor, and all other City departments on matters relating to grants.
- b. Reviewing all documentation developed to satisfy grant requests and/or guidelines.

All documentation developed for or received from a funding agency shall be routed through the Grants Section for review and filing before being submitted to the Chief of Police.

The Office of Budget and Finance is responsible for the fiscal oversight of all grants received by the department. Oversight duties include, but are not limited to, review, approval, and processing of all requests for expenditures, supplies, professional services, and budget adjustments. The Office of Budget and Finance shall monitor all department grants to ensure compliance with:

- c. The federal Office of Management and Budget policies regarding cost principles, and administrative and audit requirements.
- d. Grant spending plan.
- e. Financial obligations and encumbrances.

- f. All City of Houston administrative procedures and guidelines.

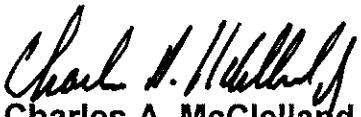
The Office of Budget and Finance is responsible for obtaining the actual funds associated with grants. The Office of Budget and Finance personnel shall establish the necessary relations with other City departments and outside entities to ensure timely receipt of grant monies.

The Office of Budget and Finance is responsible for all budgeting and accounting matters for grants acquired by the department. That office shall serve as the primary Police Department contact with the City of Houston Finance Department, the City of Houston Administration & Regulatory Affairs Department, and the City Controller regarding all grant related accounting and budgeting matters.

The Office of Budget and Finance shall provide technical assistance to division commanders and division grant coordinators in all financial matters. This assistance shall include the preparation of purchase requisitions, grant financial adjustments, and any other documentation needed to acquire funding. This will ensure timely acquisition of grant funds and will determine records retention periods in conjunction with the funding agencies' requirements. The Office of Budget and Finance shall verify the final disposition of records with the funding agencies.

2 RELATED GENERAL ORDER

800-12, Records Retention


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 9, 2019

NO.

200-08

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-08, dated May 15, 2015

SUBJECT: CONDUCT AND AUTHORITY

POLICY

Officers, regardless of rank or assignment, while in the state of Texas are required to take prompt, effective, and appropriate police action with respect to violations of the law coming to their attention. Officers shall adhere to this policy, whether they are on or off duty, unless doing so would compromise the safety of an employee or citizen.

Employees are held accountable for the manner in which they exercise the authority of their office or position. Reasonableness and sound judgment shall dictate the actions of all employees along with the boundaries of authority provided by federal, state, and local law, and the policies and procedures of the Houston Police Department.

Certain provisions of this General Order may not be applicable in undercover police assignments specifically authorized by supervisors in accordance with divisional standard operating procedures. However, in determining such applicability, officers shall be strictly accountable for justifying their actions. Violations of this policy may result in discipline up to and including indefinite suspension.

This General Order applies to all employees.

1 CONDUCT AND BEHAVIOR

Personal Conduct

Employees shall exhibit professional conduct at all times and shall not engage in any activity, including unlawful activity, that would degrade or bring disrespect to the employee or the department.

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.

Employees shall not join, participate with, or frequent any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

Association with Criminals and Others

Employees shall not knowingly commence or maintain a relationship with or associate with convicted criminals or any person who is under criminal investigation, indictment, arrest, or incarceration by any criminal justice agency, excluding traffic or municipal ordinance violations.

Employees shall avoid regular or continuous association with any person possessing a notorious reputation in the community.

Exceptions to the above restrictions are limited to employees performing their official duties or unavoidable family relationships.

Respect for Others

Employees shall respect the rights of individuals and shall not engage in discrimination, oppression, or favoritism whether by language, act, or act of omission.

Employees shall maintain a civil and impartial attitude towards both complainants and violators. Employees shall be courteous, civil, and respectful to all department employees and citizens, and shall not use threatening or insulting language.

Employees shall not engage in any form of speech likely to be construed as a racial or religious slur or joke.

Use of Discretion

When neither law nor policy provides clear guidance regarding a particular situation, employees shall exercise discretion in choosing the appropriate action. Employees shall make decisions based on sound judgment and the principles set forth in policies and procedures of the department. Discretion shall be exercised in such a manner that employees can reasonably assume that upon review their conduct shall be judged sound and reasonable by their supervisors.

Employee conduct shall always be consistent with the department's mission, values, ethics, guiding principles, and any instructions given by the employee's supervisors.

Sound Judgment

Employees are expected to exercise sound judgment at all times. Employees' behavior shall be limited to conduct that is reasonable and prudent. No employee shall commit any act on or off duty in an official or private capacity that may bring reproach, discredit, or embarrassment to the department.

Conflicts of Interest

If an employee has a personal interest, direct or indirect, financial or otherwise, in any decision pending before such employee or a body or group of which the employee is a member, the employee shall not participate in the consideration of the matter. If such employee is in attendance at such meeting, he or she shall publicly disclose a conflict of interest to the body or group prior to any determination of the matter.

An employee shall not negotiate for or accept future employment or extra employment with any person, firm, association, or corporation that has a substantial interest in any proposed ordinance or decision within such person's area of responsibility and upon which the employee may or shall act or make a recommendation.

Disruptive Activities

Employees shall not perform any action that may disrupt the performance of official duties or obligations of employees of the department or that tends to interfere with or subvert the reasonable supervision or proper discipline of employees of the department.

Investigative 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 department or the work or operations of other government agencies.

Employees against whom a complaint has been made shall not attempt, directly or indirectly, by threat, appeal, persuasion, or payment of money or other consideration to secure the abandonment or withdrawal of the complaint, charges, or allegations.

When directed by a competent authority to make a statement or furnish materials relevant to a department investigation, employees shall comply with the directive.

All department personnel shall cooperate fully with any authorized persons conducting audits of department operations or activities.

Criticism of the Department

Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or any of its policies, City officials, or other employees by speech, writing, or other expression that is defamatory, obscene, or unlawful, or that undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

Giving Testimonials and Seeking Publicity

Employees acting as an agent of or representing the department in any way shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees shall not seek personal publicity either directly or indirectly in the course of their employment.

Recognition of Plainclothes Officers

A uniformed officer shall neither acknowledge nor show recognition of another police officer in civilian clothes unless that officer first addresses the uniformed officer.

Surreptitious Recording

In order to maintain a unified and productive working environment and in keeping with the spirit of state Civil Service Law, the surreptitious audio or video recording of employees by other employees is prohibited. This section does not apply when the recording is done pursuant to the Texas Local Government Code or when conducted as part of a criminal investigation.

2 TRUTHFULNESS

Employees shall not make false, untrue, or misleading statements (verbal or written, made directly by or authorized by the employee). Any statement or omission of pertinent information that intentionally, knowingly, or recklessly misrepresents facts or misleads others shall be considered a false statement. A violation of this policy may result in discipline up to and including indefinite suspension.

3 KNOWLEDGE OF AND OBEDIENCE TO LAWS AND DEPARTMENT DIRECTIVES

Employees shall know the laws and ordinances they are charged with enforcing and all department orders, directives, duties, and procedures governing their specific assignments. 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.

Employees shall abide by the laws of the jurisdiction in which they are located. Employees shall also abide by the laws and rules of the various governmental entities that have jurisdiction over affairs in which the employees are engaged (e.g., Civil Service Commission and Texas Commission on Law Enforcement).

4 PERFORMANCE OF DUTY

Attention to Duty

Employees shall be attentive to their duties at all times. Employees shall perform all duties assigned to them. Officers while on duty shall not conceal themselves except for a police purpose. Employees shall keep themselves immediately and readily available at all times while on duty. Sleeping on duty is prohibited.

Employees shall cooperate, support, and assist each other whenever necessary. Employees shall not devote any of their on-duty time to any activity that is not directly related to their duties, unless approved by a supervisor.

Employees shall promptly report for duty properly prepared at the time and place required by assignments, subpoena, or orders. Employees shall remain at their posts or place of assignment until properly relieved by another employee or until officially dismissed by a supervisor.

Notes and Reports

Employees shall maintain written notes on police matters such as calls for service, arrests, and investigations. The information contained in these notes shall be sufficient to the extent that it will assist with the completion of official reports and will allow for the employee to accurately testify in official proceedings. Employees shall retain these written notes (field notes) and make them available to the prosecutor upon request. Investigators shall include the written notes or notes taken during the course of an investigation in the appropriate investigative file so they can be retrieved by the investigative division or the prosecution.

Unless otherwise directed, employees are responsible for ensuring that all reports are properly entered and uploaded in the department's records management system before going off duty. This requirement applies to each officer if riding a two-man unit.

Reporting Crashes and Injuries

Employees shall immediately report all on-duty traffic crashes in which they are involved, all personal injuries received in the line of duty, and any illness or personal injury not received in the line of duty but that is likely to interfere with the performance of their official duties. Employees shall immediately report all property damage or injuries to other persons that resulted from the performance of their duties.

Reporting Address and Telephone Number

All employees shall have a working personal telephone and shall register their correct residence address and telephone number with the department. Any change in address or telephone number shall be immediately reported and a supervisor shall update changes using the Personal Data Adjuster program.

Firearms

All officers are required to carry an approved *primary weapon* while on duty. All weapons carried by officers in the performance of their official duties shall be registered with the department. Required registration information shall be kept current. See also General Order 400-05, **Firearms Qualification and Control**.

Classified employees while off duty and not wearing an approved department *official classified uniform* shall not openly carry a handgun in public regardless of whether the employee has obtained a License to Carry a Handgun.

Dealing with Citizens

Employees having contact with the public shall promptly serve the public by providing direction, counsel, and/or assistance, and shall not interfere with the lawful business of any person. Employees shall not use their official positions to intimidate persons engaged in a civil controversy.

Employees shall attempt to respond to each inquiry or request for assistance personally and shall not refer any citizen to another department, division, or person when the employee has the capability to assist that citizen.

Officers shall give their names, badge numbers, and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a police assignment.

Duty to Respond

Employees shall respond to the call of citizens or other employees in need of assistance. All employees shall perform their official duties promptly and thoroughly and shall respond without delay to calls for police service.

Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations, or police information that come to their attention. Employees shall not conceal, ignore, or distort the facts of such crimes, violations, emergencies, incidents, situations, or information.

Districts and Locations

Officers shall know the location and boundaries of their assigned districts and beats. Employees shall also be familiar with the names and general locations of city streets and highways and the names and locations of hospitals and major public buildings.

5 OFF-DUTY INTERVENTION PROTOCOL

In determining the appropriate police action to take, off-duty officers shall consider the totality of the situation. Off-duty officers shall consider the offense involved, the operational and tactical difficulties that being off duty presents, and any other factors observed by the off-duty officer.

Off-duty officers who do not intervene in a situation shall in their best efforts try to be a good witness, unless exigent circumstances exist. If off-duty officers dressed in plainclothes see a criminal act in progress and intervene, officers shall identify themselves as a Houston Police Department officer and communicate their intent to stop the criminal act. At the moment of intervention, any action taken by the officer shall be governed as if the officer is on duty.

When off-duty officers are outside the limits of their jurisdiction, but within the state of Texas, they shall assist any law enforcement officer who appears to be in need of immediate assistance by providing any action necessary to stop criminal activity or to stop a suspect trying to escape during a crime against a person.

When officers are outside the state of Texas, they do not have police authority or status, and therefore have only the rights and obligations of a private citizen of that state.

6 CHAIN OF COMMAND

Each employee shall be under the direct control of one supervisor at a time. Employees are responsible for knowing their chain of command and shall operate within that chain of command. Employees initiating official correspondence to any supervisor shall forward such correspondence through the appropriate chain of command. Employees receiving correspondence from subordinates or supervisors shall sign and date the communication to indicate it was received, attach any appropriate comments, and forward the communication to the next level in the employee's chain of command. Correspondence shall be forwarded to the addressee.

If an issue is resolved to the satisfaction of the author prior to reaching the addressee, the facts shall be documented in official correspondence and forwarded to the addressee. If the issue cannot be resolved, each employee in the chain of command shall attach correspondence explaining what, if any, action was taken at their level, and why the issue was not resolved.

Written communication shall be returned to the author if it does not conform to the department's correspondence guidelines or other applicable policy.

Employees shall obtain their division commander's approval to use official City or department stationery to communicate with others outside the department.

Employees shall obtain their division commander's approval before communicating with others outside the department if the communication could be construed to represent the official position or policy of the Police Department.

Employees shall obtain the Chief of Police's approval before engaging in department related communication with elected officials, unless the communication is part of the employee's assigned duties.

7 OBEDIENCE TO ORDERS

Insubordination

Employees shall promptly and respectfully obey all lawful orders and directions given by supervisors, Internal Affairs investigators, or dispatchers. Failure to obey an order is insubordination.

Employees shall not flout the authority of a supervisor by displaying disrespect or disputing a supervisor's orders.

Conflicting and Unjust Orders

Employees receiving an order that they believe is unjust or contrary to department policy or that appears to conflict with a previous order, shall respectfully notify the supervisor that a conflict exists. If the supervisor does not change the order, employees shall obey the order to the best of their ability. Employees may then appeal the order up through their chain of command to the Chief of Police if necessary.

Orders shall be countermanded only when necessary for the safe and lawful completion of the police mission.

Unlawful Orders

No employee shall obey an order contrary to law. Employees receiving such orders shall notify the supervisor issuing the order that compliance with the order as issued is unlawful. Supervisors shall contact their immediate supervisor and request that person's presence at the scene. Employees receiving an unlawful order shall report the incident in writing to the Chief of Police through their chain of command.

8 SUPERVISORY CONDUCT

Supervisors shall actively enforce the law and the policies and procedures of the Houston Police Department. Supervisors shall not permit or otherwise fail to prevent violations of the law or the regulations, policies, or procedures of the Houston Police Department by any employee.

Supervisors who fail to take appropriate action when they are aware or should have been aware an employee was in violation of the law or department policy shall be held accountable. Supervisors shall report violations of law or department policy as required by General Order 200-03, **Investigation of Employee Misconduct**.

Supervisors shall make appropriate scheduling and assignment decisions that reflect an understanding of the staffing needs of their division and their subordinates' performance capabilities. Supervisors shall keep thorough documentation of their subordinates' performance and their unit or squad's performance.

No supervisor shall issue an order that violates the law or department policy. While on duty, supervisors shall be readily available to their subordinates and supervisors.

Supervisors shall not express personal opinions regarding department policy or other employees of the department while they are on duty or acting in their official capacity in the presence of subordinate employees.

9 DELEGATION OF RESPONSIBILITY

Supervisors who delegate tasks to subordinate employees are ultimately accountable for ensuring the tasks are completed.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

April 29, 2020

NO.

200-09

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-09, dated January 20, 2012

SUBJECT: LINE INSPECTIONS

POLICY

Command Staff members of the Houston Police Department shall conduct regular line inspections (those carried out by personnel in charge of the employees, facilities, or procedures being inspected) using procedures appropriate to the structure and mission of their respective office, command, division, or unit. Command Staff members and supervisors at all levels shall participate in the responsibility for such inspections and for the correction of conditions discovered by the inspections.

This General Order applies to all employees.

1 INSPECTIONS DOCUMENTATION

Command Staff members shall ensure the standard operating procedures for their respective office, command, division, or unit include procedures for conducting, documenting, and correcting deficiencies discovered during inspections as outlined in this General Order.

2 PERSONNEL INSPECTIONS

All personnel shall be inspected at least once a month by their supervisor. The inspection shall ensure each employee's official uniform, special assignment uniform, plainclothes, or professional office attire complies with General Order 300-15, **Appearance and Grooming Standards**.

To document the inspection, supervisors may utilize the *Uniform Inspection* report available in the *Police Personnel System (PPS)* via the department's Intranet Portal.

All Command Staff members shall conduct an annual inspection of classified plainclothes personnel under their command to ensure they have a functional official uniform.

Command Staff members shall monitor inspections of personnel and shall be accountable for enforcing regulations in their office, command, division, or unit.

3 VEHICLE INSPECTIONS

Each Command Staff member or designee shall inspect all vehicles assigned under his or her control on a regular basis. Vehicle condition and presence of prescribed equipment shall form the basis for such inspections.

Command Staff members shall maintain procedures in their respective standard operating procedures that specify the personnel responsible for conducting vehicle inspections, the

procedures and criteria for the inspections, and the procedures for reporting and correcting deficiencies identified during the inspections.

4 INSPECTIONS OF STORED PROPERTY

Division commanders of specialized units that possess equipment and property routinely stored for use in emergencies and specialized situations are responsible for keeping that equipment and property in a state of operational readiness. Division commanders shall hold regular inspections of such equipment and property and shall devise published procedures in their divisions for reporting and correcting deficiencies identified during the inspections.

5 FREQUENCY OF INSPECTIONS

The inspections addressed in this General Order shall be carried out as described herein. For those inspection intervals not specifically described, the inspections shall be conducted frequently enough to be useful and effective. A Command Staff member may hold an unannounced inspection at any time as long as the inspection and the consequences of the inspection conform to the published procedures of the office, command, division, or unit.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 19, 2015

NO.

200-13

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-13, dated November 18, 2005

SUBJECT: POLYGRAPH EXAMINATIONS

POLICY

Employees shall follow the procedural guidelines outlined in this General Order to ensure compliance with rules and regulations of the Texas Department of Licensing and Regulation (TDLR) and the Polygraph Law Enforcement Accreditation (PLEA) program.

This General Order applies to all employees.

1 POLYGRAPH EXAMINATION GUIDELINES

Unless stated otherwise in this General Order, all polygraph examinations performed by department personnel shall adhere to the following guidelines.

- a. All polygraph examination requests shall be made by a representative of the concerned division to a representative of the department's Polygraph Unit.
- b. An authorized representative of the division making the request shall accompany the examinee to the Polygraph Unit and ensure that the examinee has valid photo identification.
- c. The division representative shall furnish the examiner with a copy of all pertinent information, incident reports, all statements, and any other information necessary to conduct a valid examination.
- d. The division representative shall remain readily available to the examiner throughout the examination. In the event the representative is not available, an alternate point of contact must be available.

2 REQUESTS FOR EXAMINATIONS

Internal Affairs

Polygraph examination requests by HPD Internal Affairs personnel shall have priority over all other polygraph requests. Chapter 143 of the Texas Local Government Code and the Meet and Confer Agreement govern the manner in which the Houston Police Department conducts polygraph examinations of classified employees.

Other divisions of the department shall not ask the Polygraph Unit to test any department personnel or any person making allegations or complaints against department personnel without prior approval of Internal Affairs.

Criminal Cases

Requests for polygraph examinations in criminal cases being investigated by HPD shall have priority over all requests except those made by Internal Affairs.

Office of Inspector General

Polygraph examination requests by the City of Houston Office of Inspector General (OIG) shall be given priority consideration after examination requests for HPD Internal Affairs and criminal cases.

Pre-employment Examinations

Requests for pre-employment polygraph examinations of Police Department applicants shall be made by only the Employee Services Division for civilian applicants and the Recruiting Division for cadet applicants. It is not necessary for the division representative to accompany the examinee to the polygraph offices.

City of Houston Legal Department

Requests by the City Legal Department for polygraph examinations of City personnel or of persons making allegations or complaints against City personnel shall be given priority consideration after examination requests for HPD Internal Affairs and criminal cases, and OIG. The procedures applicable to City Legal Department requests are as follows:

- a. All requests from the City Legal Department shall be made by the City attorney or one of the assistants, or through the Inspector General.
- b. An authorized representative of the City Legal Department shall accompany the examinee.

Other City of Houston Departments

Polygraph examination requests by other departments of the City of Houston shall be made in writing to the City of Houston Legal Department.

Other Law Enforcement Agencies

Polygraph examination requests made by other law enforcement agencies shall be in writing to the HPD Polygraph Unit. Except for unusual circumstances, the authorized representative who accompanies the examinee shall be from the requesting agency. Except for unusual circumstances, examinations shall not be conducted for an agency having access to a polygraph examiner within its own jurisdiction.

Harris County District Attorney's Office

Polygraph examination requests by the District Attorney's Office must be made by a person having the rank of division chief or higher in the District Attorney's Office. When the request concerns a case in which charges were filed by the Houston Police Department, the District Attorney's Office shall direct a written request to the con-

cerned division. The division shall then follow the prescribed guidelines in the above subsection, "Other Law Enforcement Agencies."

When the request relates to a case in which charges were filed by another Harris County law enforcement agency, the District Attorney's Office shall make the request in writing to the concerned agency. Guidelines in the above subsection, "Other Law Enforcement Agencies" shall then be followed.

District Attorney's Office Investigators

When the requested polygraph examination involves a case being investigated exclusively by the District Attorney's Office, the following shall apply:

- a. The request shall be made in writing to the supervisor of the Polygraph Unit.
- b. An investigator from the District Attorney's Office shall be the authorized representative.

3 CONFIDENTIAL INFORMATION

Any information, reports, or statements given to the polygraph examiner to conduct an examination are strictly confidential. The release of any such information shall be handled by only the authorized representative.

4 EXCEPTIONS

Any exception to the above listed policies and procedures may be approved by only the Chief of Police or in the Chief's absence by the following in descending order of availability:

- a. Executive assistant chief, Strategic Operations
- b. Assistant chief, Professional Development Command

- c. Captain, Recruiting Division
- d. Supervisor of the Polygraph Unit

**5 RELATED GENERAL ORDER AND
REFERENCE MATERIAL**

200-03, Investigation of Employee Mis-
conduct
Chapter 143, Texas Local Government
Code
Classified Meet and Confer Agreement
and Amendments


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

September 15, 2020

NO.

200-15

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-15, dated May 24, 2012

SUBJECT: EMPLOYEE ASSOCIATION ACCESS

POLICY

Representatives and members of *Employee Associations* shall be allowed access to the Houston Police Department's facilities and employees as outlined in this General Order. Such access shall be coordinated to limit disruptions to the workplace in order to maintain security and a productive work environment.

This General Order applies to all employees.

DEFINITION

Employee Association. A recognized employee union or group.

1 RESPONSIBILITIES

The Chief of Police shall establish specific locations and schedules for *Employee Association* access at HPD facilities and shall manage the access to maintain a secure and productive work environment.

Employees shall maintain integrity of the workplace, comply with this policy and all other policies, and report noncompliance at HPD facilities.

Employee Associations shall comply with all City of Houston policies, rules, and guidelines for access to HPD facilities.

2 LOCATIONS ALLOWED FOR ACCESS

Access for *Employee Associations'* approved and scheduled meetings at HPD facilities shall be allowed at only the following locations:

- a. Police Headquarters, 1200 Travis in the 15th and 22nd floor conference rooms.
- b. Police stations at a suitable place as designated by the division commander. This shall not include police storefront locations.
- c. Other HPD facilities as approved by the Chief of Police or as authorized by other General Orders.

Access to the Houston Emergency Center (HEC) cannot be granted by HPD.

3 ATTENDANCE

To meet with an *Employee Association* at an HPD facility, employees must be off duty or using accrued leave or other leave time granted by an active and approved labor contract agreement. Employees shall not attend an *Employee Association's* meeting conducted at an HPD facility while on duty. Attendance at these meetings may be before or after work time. All leave requests must be submitted in advance by following the department's established procedures and guidelines.

All *Employee Association* meetings at an HPD facility must be conducted in a designated and approved location and not in an employee's work area.

Employees have the explicit right to decline to meet with an *Employee Association* even when access has been granted.

4 ACCESS AUTHORIZATION

The Chief of Police is responsible for approving, coordinating, and monitoring the access of *Employee Associations* at each meeting conducted at HPD facilities.

Unless otherwise mutually agreed to by the Chief of Police and an *Employee Association*, *Employee Associations* shall not have access to HPD's premises for meetings without advance written authorization from the Chief of Police. Access to the department's facilities and employees may be allowed as follows:

- a. Each *Employee Association* requesting access shall provide the names and contact information of liaisons within the association who shall have authority to request access to HPD facilities.

For access, an *Employee Association* shall submit a written request to the Chief of Police via the designated point-of-contact person at least 14 *calendar* days prior to the date of the proposed access. The Chief of Police's designated point-of-contact is the assistant chief of the Organizational Development Command. The written request shall specify the proposed date, time(s), and location(s) to be accessed.

- b. The Chief of Police shall reply in writing no later than nine *calendar* days following receipt of the request, stating whether access is granted, denied, suspended, or modified. If the request is approved or modified, the response shall specify the date, time(s), and location(s) of the granted access and include the compliance policy.

If the access is denied, suspended, or modified, the Chief of Police shall state in writing the reason(s) why access has been denied, suspended, or modified. This may be due to emergency situations, peak workloads, or other extenuating circumstances faced by management.

5 COMPLIANCE

Employees shall comply with this policy and any subsequent policy or guidelines issued by the Chief of Police.

Representatives or members of *Employee Associations* who are allowed access to employees shall conduct themselves professionally, shall not be harassing, demeaning, or disparaging to the City, and shall not be disruptive while on HPD premises. Representatives of *Employee Associations* who are non-City employees and who violate this policy may be subject to removal or ejection from City premises and workplaces for limited or indefinite periods of time and possible termination of access arrangements for the association in question. The Chief of Police reserves the right to modify or terminate access of an *Employee Association* for harassment, inappropriate behavior, or disruption of the workplace.

Violations of this policy shall be reported to the Chief of Police or the *Employee Association* contact person, as appropriate.

6 EMPLOYEE ASSOCIATIONS RECRUITING CADETS

Business for or in the name of any *Employee Association* shall not be conducted with or in the presence of any Houston Police Department cadet except as allowed by this General Order.

The Training Division, Cadet Training Unit, shall invite *Employee Associations* via email to make a single presentation during the normal curriculum for each class of cadets. *Employee Associations* shall not cater lunches or provide any other gratuity or inducements to cadets.

Members of the training staff shall not influence cadets in any way into joining any *Employee Association*.

Members of the training staff who are members of an *Employee Association* shall not represent their respective organization while addressing cadets, whether officially or unofficially.

Presentation Procedures

Once *Employee Associations* have received the invitation to speak to a cadet class, the presentation order will be organized on a set rotation order. The *Employee Association* presentation order is rotated with every cadet class. The *Employee Association* that presents first will drop to the last position on the list for the next class presentation and each *Employee Association* shall move up one time slot. Organizing and maintaining the rotation order is the responsibility of the Cadet Training Unit. The Cadet Training Unit shall email the presentation order and schedule to each *Employee Association*.

The Training Division shall designate specific tables or bulletin boards on which *Employee Association* may display literature, brochures, or other information about their groups, as well as notices of upcoming meetings. Any information distributed or posted on bulletin boards must clearly identify the author and may not violate any General Order or include any disparaging, discriminatory, defamatory, or derogatory expressions, terms, comments or depictions, caricatures, illustrations or drawings whether generalized as a group, race, or directed towards any specific person's ethnical, racial, gender, religious group, or the department that would create any factionalism, friction, hostility, dissension, or disruption in the work order and flow.

Each *Employee Association* will be allowed a 15-minute presentation with a Training Division supervisor present at all times. Each employee group organization is allowed a voluntary sign-up period following the presentations.

7 EXCEPTIONS

Exceptions to this policy shall be at the discretion of the Chief of Police. Also, *Employee Association* access may be granted by an active and approved labor contract agreement with the City of Houston.

8 REFERENCE MATERIAL

City of Houston Executive Order No. 1-51 Revised, **Solicitation of City Employees**



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 20, 2020

NO.

200-16

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-15, dated September 16, 2010

SUBJECT: COOPERATIVE AGREEMENTS

POLICY

This directive provides a mechanism for enhancing the department's ability to work cooperatively with other agencies or organizations.

The objective of any cooperative agreement is to strengthen community relationships and to provide a safer environment for the residents of the City of Houston.

This General Order applies to all employees.

1 GENERAL PROVISIONS

Cooperative agreements are written agreements between the Houston Police Department and other agencies or organizations. These include, but are not limited to, other law enforcement agencies, nonprofit organizations, business organizations, specific armed services and branches of the military, colleges and universities, and research institutions. Generally, cooperative agreements define the exchange of data, establish a cooperative partnership, or facilitate providing support services to outside agencies. Cooperative agreements include agreements that authorize an external entity to either share or have access to HPD areas that contain Criminal Justice Information System (CJIS) data or set forth the roles and responsibilities of HPD and the partner agency in exchange for CJIS data or support functions. The form of cooperative agreements may vary dependent upon the situation and service provided (e.g., memorandums of understanding, memorandums of agreement, and formal agreements with contractual provisions).

Cooperative agreements do not include agreements that are strictly financial in nature.

Generally, the Houston Police Department shall make available support functions to outside agencies under the department's cooperative agreements. Employees shall cooperate with all government agencies by providing whatever aid or information such agencies are entitled to receive in accordance with the department's cooperative agreements.

Any law enforcement agency wanting to participate in an interagency cooperation agreement should agree that:

- a. The Houston Police Department shall maintain primary or concurrent control of all criminal investigations under the cooperation agreement. This shall include all undercover investigations.
- b. The agreement shall be signed by the partner agency's chief law enforcement or executive official or the governing body, as applicable to authorize approval of the document. Each agency shall be provided access to the Houston Police Department's services as outlined in the agreement.

2 PROCESS FOR CREATING COOPERATIVE AGREEMENTS

The department's Office of Planning and Data Governance (OPDG) is responsible for coordinating and maintaining all cooperative agreements.

Commands or divisions seeking to initiate any cooperative agreement shall contact OPDG with the details of the project or arrangement. OPDG will work with the requesting command or division to determine the proper form of agreement needed to meet the objective(s) of the project or arrangement and to prepare any related cooperative agreement. Once complete, OPDG will submit the cooperative agreement to the Office of Legal Services for review and then to the Chief of Police for consideration and signature.

In the event a cooperative agreement also provides for the exchange of funds for services rendered or equipment purchases, OPDG will consult with the Office of Budget and Finance to prepare the cooperative agreement.

3 ARCHIVING OF COOPERATIVE AGREEMENTS

The Office of Planning and Data Governance shall maintain an archive of all executed cooperative agreements in a manner that will allow accessibility through the HPD Portal.

Agreements that are sensitive in nature or that otherwise require confidentiality to protect the details of operations or identity of undercover personnel will not be placed on the HPD Portal, but will instead be maintained within OPDG and the concerned division. Such documents may be accessed only with the approval of the Deputy Director of OPDG or designee. All documents shall be maintained in accordance with the City of Houston Code of Ordinance and the records retention policies of the Houston Police Department.

4 OUTSIDE AGENCY NOTIFICATION AND JURISDICTION

The Command Center shall act as the department's liaison with both public and private sector agencies for better interagency communication and coordination. Command Center personnel shall be responsible for notifying any federal law enforcement agencies or other outside agencies of any significant event within their jurisdictions.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

February 5, 2021

NO.

200-20

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-20, dated November 8, 2019

SUBJECT: AWARDS AND COMMENDATIONS

POLICY

The department honors employees and nondepartmental individuals who provide exceptional service to the department or the public at large.

This General Order applies to all employees.

1 AWARDS COORDINATOR

The department's awards coordinator ensures the continuity of the awards process and is assigned to the Office of Public Affairs.

The awards coordinator is responsible for:

- a. Accepting and preparing all Major and Police Week award nominations for submission to the Awards Selection Committee.
- b. Coordinating all award ceremonies.
- c. Serving as the department's liaison to employee groups, service organizations, and clubs (e.g., The 100 Club, Rotary Club, civic groups, Veterans of Foreign Wars of the United States) that give awards and commendations to police employees.

Employees who wish to utilize these outside groups for awards or commendations for fellow employees shall contact the awards coordinator.

2 AWARDS SELECTION COMMITTEE

The Awards Selection Committee (hereinafter referred to as the Committee) is composed of a chairperson and 13 members. The members include nine classified employees, two civilian employees, and two members of the community who are actively involved with the department (e.g., Positive Interaction Program [PIP], Citizen Patrol). The chairperson presides over all meetings but does not vote except in the case of a tie vote.

Committee members are selected as follows:

- a. Committee chairperson: an assistant chief or classified division commander selected by the Chief of Police.
- b. One classified employee from each of the eight commands.

- c. One civilian employee and one classified employee from the Chief of Police Command including the Office of the Chief of Police, the Office of Budget and Finance, and the Office of Legal Services.
- d. One civilian employee from each of the two executive commands with two-year alternating terms. Because their terms are alternating, these employees will serve one at a time. Employees may be selected from any of the subordinate commands.
- e. Two members of the community approved by the Chief of Police.

Departmental members of the Committee shall be appointed by the assistant chief, executive assistant chief, or Chief of Police of the concerned command as outlined above from a list of those who have expressed a desire to serve. Members serve for two years from July 1 of their first year through June 30 of their second full year. Seven members of the Committee shall be appointed during alternating years to ensure retention of experienced Committee members at all times. The chairperson serves as directed by the Chief of Police.

The Committee shall meet monthly to consider all nominations provided by the awards coordinator. The Committee shall be guided solely by the criteria listed in this General Order for each award category. Members shall make a decision as a group whether each nomination meets the criteria specified for each award.

3 NOMINATIONS FOR AWARDS

Any employee regardless of rank, classification, or position may nominate, for an applicable award, any individual (employee or not) whom the employee believes has demonstrated actions deserving recognition. Employees shall refer to the pertinent sections of this General Order to determine the appropriate award or recognition category.

Except as otherwise noted, Major Award nominations shall be submitted directly to the awards coordinator on the *Houston Police Department Awards Recommendation* form (available on the department's Intranet Portal). Support documentation such as incident reports, medical reports, witness statements, and other pertinent information shall be attached to the form. Except for the Blue Heart Award, all nominations shall be forwarded to the awards coordinator within six months after the significant occurrence. If an internal investigation is in progress and related to the nominee, the supporting documentation shall be submitted after the completion of the investigation.

Division commanders shall review letters of commendation received from citizens and other outside sources. If the division commander determines the commendation worthy of awards consideration, it shall immediately be converted to the *Awards Recommendation* form and forwarded to the awards coordinator for consideration by the Awards Selection Committee.

4 AWARDS OR COMMENDATIONS INVOLVING CRITICAL INCIDENTS

The Houston Police Department encourages its employees to recognize the outstanding work done by the employees of the Houston Police Department every day. This is especially true during critical incidents. However, when there are critical incidents, all administrative or criminal

investigations of the subject officer shall be completed before commendations or award nominations are submitted up the chain of command.

Commanders shall be responsible for ensuring that all administrative and criminal investigations for critical incidents are complete prior to submitting commendations or award nominations up the chain of command for approval.

5 MAJOR AWARDS

All Major Awards outlined in this section, with the exception of the Chief of Police Unit Citation, shall be conferred to each recipient in a presentation binder with a citation page and a certificate. Recipients will also receive the appropriate award ribbon or star device. Only the initial ribbon may be worn. Subsequent awards in the same category will be indicated by an authorized star device placed on the first award ribbon with up to four stars representing a total of five awards. See *Attachment D* of this General Order.

Awards shall be presented at an awards ceremony held as close as practical to the events for which the employees are being honored. Awards may be delayed until all investigations related to the events are concluded. All Major Awards will be noted within the Police Personnel System on the employee's departmental profile. Replacement ribbons may be obtained by submitting the *Service Ribbon Request* form, found on the department's Intranet Portal, to Uniform Supply with verification by display of notation on the Departmental Resume.

Awards for Classified Personnel Only

Medal of Valor:

The Medal of Valor may be presented to officers who judiciously performed voluntary acts of conspicuous gallantry and extraordinary heroism, above and beyond the call of duty, knowing that taking such action presented a clear threat to their lives. The Medal of Valor may be presented posthumously.

Hostile Engagement Award:

The Hostile Engagement Award may be presented to officers who acted judiciously in the line of duty and performed acts upholding the high standards of the law enforcement profession while engaging in hostile confrontations with suspects wielding deadly weapons. Individuals who sustained non-life-threatening or minor injuries resulting from an assault by a deadly weapon are also eligible.

Awards for Classified or Civilian Personnel

Sergeant Paul S. Weido Lifesaving Award:

The Sergeant Paul S. Weido Lifesaving Award may be presented to an employee when a person would more than likely have died or suffered permanent brain damage if not for the employee's actions. The event must have involved specific and direct intervention by either rendering exceptional first aid or making a successful rescue.

Blue Heart Award:

The Blue Heart Award may be presented to an employee who received life-threatening injuries while acting judiciously and in the line of duty. In addition, this award may be conferred if serious injury from a projectile was averted by the use of body armor. Employees may be eligible to receive the Blue Heart Award in conjunction with another award such as the Meritorious Service Award or the Sergeant Paul S. Weido Lifesaving Award. Injuries due to negligence or minor injuries are not eligible.

Meritorious Service Award:

The Meritorious Service Award may be presented to employees who have distinguished themselves during a criminal investigation or law enforcement action by demonstrating a high level of courage or by their actions resulting in the apprehension of a felon under dangerous or unusual circumstances.

Distinguished Command Award:

This award will not be routed through the awards coordinator or the Awards Selection Committee for consideration. Nominations for this award shall be sent by a division commander to the Executive Staff for consideration.

The Distinguished Command Award is conferred on an employee for distinguished command as demonstrated by any of the following:

- a. Exceptional and courageous command during critical times which required extraordinary police service.
- b. Clearly exceptional command and leadership of an extremely difficult or hazardous task or project which was highly successful or brought great recognition to law enforcement.
- c. Clearly exceptional command and leadership which have been consistently demonstrated over an extended period of time.

Chief of Police Commendation:

The Chief of Police Commendation may be presented to an employee who demonstrated a high degree of professional excellence or initiative through the success of starting, developing or implementing difficult projects, programs, or investigations. The performance shall not have involved personal hazard to the individual.

Chief of Police Unit Citation:

The Chief of Police Unit Citation may be presented to two or more employees who performed an act or a series of acts over a period of time that demonstrated exceptional bravery or outstanding service to the department or the community. Their combined efforts as a functioning team must have resulted in the attainment of a departmental goal and increased the department's effectiveness and efficiency. Employees and other agency members of special programs, initiatives, or task forces involving a multiagency effort are also eligible to receive the department's Unit Citation.

Other Major Awards**Award of Excellence:**

The Award of Excellence may be presented to individuals who have distinguished themselves by one of the following:

- a. Demonstrated a superior commitment to quality or caring service in the community or the department.
- b. Provided volunteer community service, which results in favorable recognition to the department.
- c. Actions that go beyond the expected duties and responsibilities of the employee's job description.
- d. Performed a voluntary act of donating time, physical effort, financial support, or special talent that promotes the safety, health, education, or welfare of members of the community.

Individuals are not eligible if there were any personal gain, financial compensation, special services, or privileges in exchange for the act.

Public Service Award:

The Public Service Award may be presented to a nondepartmental individual who voluntarily acted in circumstances requiring unusual courage or heroism while assisting a police officer or other citizen.

Those who do not meet the above criteria, but provided a measure of assistance, shall be sent a letter and a Certificate of Appreciation (no citation page) signed by the Chief of Police.

There is no ribbon presented with this award.

Police Week Awards:

The awards are listed in section 8.

6 AUTHORIZED RIBBONS FOR OTHER AWARDS, ACHIEVEMENTS, AND SERVICE

To recognize the outstanding achievements of personnel, other Service Ribbons are available to be worn by eligible personnel (e.g., Academic Achievement, Military Service, Crisis Intervention Training, and Special Response Group Ribbon). Classified personnel are eligible to receive a ribbon after completion of their probationary period. Subsequent awards and achievements in the same category will be indicated by an authorized star device placed on the first award ribbon with up to four stars representing a total of five awards, unless specified otherwise below. See *Attachment D* of this General Order.

Awards

An employee who receives any of the next five awards will be given the appropriate ribbon upon the employee presenting the *Service Ribbon Request* form and a copy of the awarded certificate to Uniform Supply.

Mayor's Commendation:

The Mayor's Commendation may be presented to an employee who the Mayor determines has demonstrated excellent service.

Star of Texas Award:

The Star of Texas Award is presented by the Governor of Texas at an award ceremony in September of each year to an officer or family member who was killed or suffered serious injury in the line of duty.

The 100 Club Officer of the Year Award:

The 100 Club Officer of the Year Award is presented by The 100 Club at an annual Heroes Awards Banquet to an employee who has demonstrated exceptional achievement in any police endeavor.

International Association of Chiefs of Police Award:

The International Association of Chiefs of Police Award (IACP) is presented by the IACP to an officer that exhibited leadership, excellence, and professionalism.

Safe Driving Ribbon:

Issued to personnel who exhibit safe driving behavior and meet the criteria set forth by the Health and Safety Unit.

Achievements

An employee who receives any of the next two awards will be given the appropriate ribbon upon the employee completing and presenting the *Service Ribbon Request* form, with the listed verification signature of a commander or above. Division commanders, assistant chiefs, and executive assistant chiefs shall obtain a signature from their supervisor.

Honorable Conduct Ribbon:

Issued to personnel for completing ten years of aggregate commissioned service (from sworn date) as long as the officer is in good standing, receives a favorable recommendation from their supervisor, and meets the eligibility criteria.

Calculating eligibility:

- a. Written Reprimand: A written reprimand results in the loss of 6 months of eligibility (other than for a collision or minor traffic infraction).

b. Suspension:

1. A one- to three-day suspension results in the loss of one year of eligibility.
2. A four- to fifteen-day suspension requires ten years of consecutive honorable service starting from the last day of the suspension or results in a loss of five years of eligibility from the aggregate amount, whichever is shorter.
3. A sixteen-day or longer suspension requires ten years of consecutive honorable service starting from the last day of the suspension.

An employee who remains eligible under the above criteria for twenty and thirty years of honorable commissioned service shall add the following devices, as applicable:

- c. One authorized bronze star device for twenty years.
- d. Two authorized bronze star devices for thirty years.
- e. Three authorized bronze star devices for forty years.
- f. Four authorized bronze star devices for fifty years.

National Leadership Academy Ribbons:

Issued to personnel who have attended one of the department-approved long-term leadership/management schools listed below. It will be the officer's responsibility to complete the *Service Ribbon Request* form and obtain a signature from their division commander verifying award eligibility in order to receive the service ribbon.

- a. FBI National Academy (FBINA)
- b. Senior Management Institute for Police (SMIP)
- c. MCCA Police Executive Leadership Institute (PELI)
- d. Law Enforcement Management Institute of Texas (LEMIT)
- e. FBI Law Enforcement Executive Development Association (LEEDA)
- f. National Executive Institute (NEI)

Only the initial ribbon will be worn. Subsequent completion of any of the above listed leadership/management schools will be indicated by an authorized star device placed on the first ribbon with up to four stars representing a total of five schools.

Disaster Response Ribbons

An employee who receives any of the next two awards will be given the appropriate ribbon upon the employee presenting the *Service Ribbon Request* form, with the listed verification

signature of a supervisor. Subsequent events will be indicated by an authorized star device placed on the first ribbon with up to four stars representing a total of five events.

Hazardous Deployment Ribbon:

Issued to personnel who are selected to respond and deploy to a natural or man-made disaster or to a citywide public assembly or mass gathering in a public safety capacity under hazardous conditions inside of the city limits of Houston.

Natural Disaster Ribbon:

Issued to personnel who are selected to respond and deploy to a natural or man-made disaster in a public safety capacity under hazardous conditions outside of the city limits of Houston.

Service Ribbons

An employee who receives any of the remaining awards will be given the appropriate ribbon upon the employee presenting the *Service Ribbon Request* form, with verification by display of notation on Departmental Resume.

Academic Achievement Ribbon:

Issued to personnel who have received a college degree from an accredited university and are eligible for educational incentive pay.

The following devices shall be worn on the ribbon, as applicable:

- a. One single silver diamond device for a Bachelor's degree.
- b. One single silver lamp device for a Master's degree.
- c. One single gold lamp device for a Doctorate degree.
- d. One silver torch device for a Juris Doctor (JD) degree.

Military Service Ribbon:

Issued to personnel who are currently serving or honorably discharged from military service in one of the United States military branches (e.g., Air Force, Army, Navy, Marine Corps, Coast Guard, National Guard, or Reserves).

Master Peace Officer Ribbon:

Issued to personnel upon successful completion of the Texas Commission on Law Enforcement (TCOLE) criteria for "Master Peace Officer" certification and have been awarded the certification from TCOLE.

Hostage Negotiation Team Ribbon:

Issued to personnel who are active full-time or part-time members of the department's Hostage Negotiation Team and have completed the TCOLE Hostage Negotiation certification course.

The following devices shall be worn on the ribbon, as applicable:

- a. One authorized silver oak leaf device for completion of TCOLE Advanced Hostage Negotiator.
- b. One authorized gold oak leaf device for completion of TCOLE Master Hostage Negotiator.

TCOLE Instructor Ribbon:

Issued to personnel who have completed the 40-hour TCOLE Instructor course.

One authorized silver oak leaf device for completion of TCOLE Advanced Instructor course shall be worn on the ribbon, as applicable.

Special Response Group Ribbon:

Issued to personnel who are active full-time or part-time members of the department's Special Response Group and have been involved in the resolution of crowd-control incidents.

The following devices shall be worn on the ribbon, as applicable:

- a. One authorized silver letter "C" for members of the Crowd Dispersal Team (CDT), upon completion of CDT training.
- b. One authorized gold hurricane device for members completing High Water Rescue Training.

Field Training Officer Ribbon:

Issued to personnel who are active Field Training Officers and have completed the Field Training Officer course.

An authorized letter "E" for Field Training Evaluator who has completed the Field Training Evaluator course shall be worn on the ribbon, as applicable.

This ribbon may only be worn while the officer is in that assignment.

Crisis Intervention Training Ribbon:

Issued to personnel who have completed the 40-hour Crisis Intervention class and are certified in the department's Crisis Intervention Training.

One authorized gold hourglass device for members of the Crisis Intervention Response Team (CIRT) or Chronic Consumer Stabilization Initiative (CCSI) may be worn on the ribbon, as applicable.

The hourglass may only be worn while the officer is in that assignment.

Physical Agility Ribbon:

Issued to personnel who attain a qualifying/passing score on the department's Physical Agility Test in fiscal year 2020 or after.

Only the initial ribbon will be worn. Subsequent service achievements in this category will be indicated by an authorized star device placed on the first ribbon with up to four stars representing a total of five achievements.

Differential Response Team Ribbon:

Issued to personnel who are currently members of a Differential Response Team and have completed the required training for certification in Differential Response Practices. This ribbon may only be worn while the officer is in that assignment.

Crime Suppression Team Ribbon:

Issued to personnel who are currently members of a divisional Crime Suppression Team or a member of Gang Division's Crime Reduction Unit and have completed TAC school training. This ribbon may only be worn while the officer is in that assignment.

Traffic Enforcement Ribbon:

Issued to personnel who are currently members of Traffic Enforcement or Vehicular Crimes Divisions. This ribbon may only be worn while the officer is in that assignment.

Ribbons for officers assigned to these divisions who have completed specialized training or are assigned to a specialized unit listed below, will be indicated by an authorized star device placed on the first ribbon with up to four stars representing a total of four specialized training achievements.

- a. DWI Task Force
- b. Drug Recognition Expert
- c. Intoxilizer Operator
- d. Truck Enforcement

Crime Prevention Specialist Ribbon:

Issued to personnel who have received training and are certified as a department Crime Prevention Specialist.

7 DISPLAY OF RIBBONS

Classified personnel shall display authorized ribbons centered above the right chest pocket of their uniform, with the name tag centered above the ribbons. Personnel shall display the authorized ribbons while wearing a "Class A" uniform (with tie) and may display the authorized

ribbons while wearing a long sleeve uniform shirt (without tie). Classified personnel at the rank of Commander or above shall display the ribbons while wearing the Command Dress Uniform. The display of ribbons is strictly prohibited on any embroidered uniform, such as the rip stop uniform, and on any short sleeve uniform.

The highest number of ribbons that may be displayed on the uniform is 17 different ribbons. If personnel have earned more than 17 different ribbons, personnel may choose which ribbon they want displayed, but the chosen ribbons shall be displayed in order of precedence.

Personnel displaying any ribbons or attachments that are not authorized or that the employee is ineligible for may be subject to disciplinary actions.

Order of Ribbon Precedence

The ribbons shall be displayed in order of precedence as specified in *Attachment C* of this General Order. The ribbon with the highest precedence shall be placed on the top row of the ribbon rack, closest to the heart. The remaining ribbons shall follow from right to left (heart to shoulder), with each additional row beginning below the first and working in the same order (heart to shoulder). For example, if the officer has six ribbons, the highest precedence ribbon will be on the top row closest to the heart or center buttons of the uniform (top-right). The next in precedence should be placed on the same row next to the highest in precedence (top-middle), and the third ribbon should be next to the second and closest to the right shoulder (top-left). The fourth in precedence should start a new row beneath the top row and be placed below the highest ribbon in precedence (bottom-right). The fifth should be bottom-center, and the sixth bottom-left.

8 POLICE WEEK

National Police Week is the week each year containing May 15, which is National Peace Officers Memorial Day. During that week, HPD holds the annual Police Week Awards Ceremony and the annual Police Week Memorial Service. At the awards ceremony, recipients of Police Week awards are recognized for their achievements.

Nominations for Police Week Awards

Nominations for Police Week awards are submitted for employees who have shown exceptional performance or contributions to the department during the preceding *calendar year*.

Nominations shall be submitted directly to the awards coordinator on the appropriate *Police Week Award Nomination* form (available on the department's Intranet Portal).

Additional civilian employees shall be selected as temporary Committee members to review and vote on civilian nominations.

The awards coordinator shall submit the nominations to all regular and temporary Committee members. Each shall vote via secret ballot, which shall be tallied by the awards coordinator. The tallied votes shall be given to the executive assistant chiefs for final joint review prior to approval by the Chief of Police.

The Police Week awards are categorized below as classified, classified/civilian, or civilian. A detailed description of the award qualifications and criteria can be found on *Attachment A* of this General Order. As indicated on *Attachment A*, eligibility for each civilian only award is based partially on Equal Employment Opportunity Job (EEOJ) code classifications. These civilian job codes and job titles can be found on *Attachment B* of this General Order.

The following awards shall be presented only at the annual Police Week Awards Ceremony.

Classified Awards

The awards listed in this subsection apply to classified personnel only.

- a. Manager of the Year (commander or above)
- b. Mid-Manager of the Year (lieutenant)
- c. Investigative Supervisor of the Year (sergeant)
- d. Patrol Supervisor of the Year (sergeant)
- e. Administrative Classified Employee of the Year
- f. Crisis Intervention Team Officer of the Year
- g. Differential Response Team/Community Service Officer of the Year
- h. Field Training Officer of the Year
- i. Patrol Officer of the Year
- j. Proactive Investigator of the Year
- k. Reactive Investigator of the Year
- l. Partners of the Year
- m. Senior Police Officer of the Year
- n. Specialized Officer of the Year
- o. Tactical Officer of the Year
- p. Technical Support Employee of the Year
- q. Undercover Investigator of the Year
- r. Rookie of the Year

Classified/Civilian Awards

The awards listed in this subsection apply to either classified or civilian personnel.

- a. Instructor of the Year
- b. Lifetime Achievement Award

Civilian Awards

The awards listed in this subsection apply to civilian personnel only.

- a. Civilian Manager of the Year
- b. Civilian Supervisor of the Year
- c. Civilian Administrative/Para-Professional Employee of the Year (non-supervisory)
- d. Civilian Professional Employee of the Year (non-supervisory)
- e. Civilian Support Services Employee of the Year
- f. Civilian Technical Employee of the Year (non-supervisory)

Badge Retirement Ceremony

The badge retirement ceremony may be conducted during the department's annual Police Week Memorial Service for any officer whose badge shall be retired. For additional information regarding the ceremony, contact the Honor Guard office.

9 EMPLOYEE OF THE MONTH AWARDS

This is a division or command award in the form of a certificate or other appropriate award. The commander or the appropriate executive staff member presents this award. The criteria and guidelines for Employee of the Month Awards are developed and implemented by members of each division or command. All divisions and commands are encouraged to participate in an employee recognition program.

10 WRITTEN COMMENDATIONS

Any individual (employee or not) may submit a written commendation commending any employee of the City of Houston for outstanding performance or special assistance as follows:

- a. Any citizen who commends an employee by sending a written commendation directly to the Chief of Police shall receive correspondence from the Chief. The citizen's original correspondence shall be sent to the employee's command.

When the commended employee and those in the employee's chain of command have signed the citizen's correspondence, the original commendation shall be forwarded to the Employee Services Division (ESD) for placement in the employee's personnel file. A copy shall be placed in the employee's division personnel file.

- b. Written commendations from citizens sent directly to a division or a command shall not be forwarded to the Chief of Police. The division or command shall send correspondence to the citizen acknowledging receipt of the commendation. The employee and the employee's chain of command shall sign the citizen's original correspondence. The original commendation shall be sent to ESD for placement in the employee's personnel file and a copy shall be placed in the employee's division personnel file.
- c. Written commendations for employees originating in the department shall be on yellow interoffice stationery. The correspondence shall be addressed to the Chief of Police and shall be routed through the appropriate chain of command.

After the Chief of Police signs the commendation, the original correspondence shall be forwarded to ESD for placement in the employee's personnel file. ESD shall send a copy of the commendation to the employee's division. The employee's division shall provide a copy to each concerned employee and place the ESD copy in the employee's division personnel file.

- d. Correspondence commending an employee of another City of Houston department prepared for the signature of the Chief of Police and addressed to the Mayor, a City Council member, or another department director (including acting directors), shall be on white interoffice bond stationery.
- e. Written commendations prepared for the signature of the Chief of Police and addressed to an employee of another City of Houston department (other than a department director), shall be on white interoffice plain stationery.
- f. Written commendations from a department employee (not the Chief of Police) to an employee of another City of Houston department shall be on white interoffice plain stationery. This includes commendations sent to City Council members, department directors, and all other City employees. A copy of the commendation shall be kept at the command or division level for future reference.
- g. Written commendations from an employee to an individual who is not a City of Houston employee shall be on City letterhead white bond stationery and prepared for the Chief of Police's signature. A copy of the commendation shall be kept at the command or division level for future reference.

In addition, the Awards Selection Committee may designate an award nomination as a Letter of Commendation. The awards coordinator shall provide the employee written notification of the commendation and send copies of the commendation to the employee's division and to ESD for placement in the employee's personnel file. The employee's division shall provide a copy to the employee and place a copy in the employee's division personnel file.

11 FIELD COMMENDATIONS

To commend an employee for outstanding performance or special assistance, first-line supervisors have the option of writing a letter of commendation as outlined in section 10 or utilizing the *Field Commendation* form available on the department's Intranet Portal. If a supervisor submits the *Field Commendation* form, that supervisor is required to have that form read at the next available roll call where the commended employee will be in attendance.

The *Field Commendation* form shall be signed and dated by the lieutenant and commander of the division where the employee is assigned. The original form shall then be forwarded to ESD to be placed in the employee's personnel file and a copy shall be placed in the employee's division personnel file.

12 VERBAL COMMENDATIONS FROM CITIZENS

When receiving verbal commendations from citizens about employees (e.g., conversations on the telephone or at civic meetings), supervisors should document it. The following procedures shall be followed when documenting verbal commendations:

- a. A *Houston Police Department Verbal Commendation From Citizen* form (available on the department's Intranet Portal) shall be used to document verbal commendations received by supervisors from a person not employed by the department.
- b. The supervisor taking the verbal commendation shall complete and sign the *Verbal Commendation From Citizen* form and forward it to the employee's immediate supervisor.
- c. The employee, the employee's supervisor, and the division commander shall sign the form. The original form shall be sent to ESD for placement in the employee's personnel file and a copy shall be placed in the employee's division personnel file.

13 CERTIFICATES OF APPRECIATION

The Chief of Police may present a Certificate of Appreciation for any of the below events:

- a. The certificate, accompanied with a citation page, is designated by the Chief of Police for the purpose of showing appreciation to any individual (employee or not) who has made a significant contribution of time or service to the department that benefits the department or the community. The certificate shall be placed in a presentation binder.
- b. The certificate may be presented to employees retiring from the department after at least 20 years of service. A citation page detailing the highlights of the employee's career shall accompany the certificate. If no retirement ceremony is planned, it shall be sent to the retiree via the U.S. Postal Service. Certificates shall be placed in a presentation binder. Employees retiring after 20 years of service or more may be presented with a Mayor's Proclamation in addition to the Certificate of Appreciation.
- c. The certificate only, accompanied by a letter from the Chief of Police, may be mailed to nondepartmental individuals to show acknowledgment and appreciation for assistance

in a police situation that does not meet the Public Service Award criteria. This type of certificate shall not be placed in a presentation binder.

14 REPLACING LOST OR STOLEN AWARDS

Any Major Awards that are lost or stolen may be replaced for the employee receiving the award or a surviving spouse by contacting the department's awards coordinator.



Art Acevedo
Chief of Police

**GENERAL ORDER 200-20
ATTACHMENT A
POLICE WEEK AWARDS**

CLASSIFIED AWARDS

Any employee may nominate a classified employee for up to two applicable Police Week awards per nominee per calendar year. Each award nomination shall be submitted on a separate nomination form.

Manager of the Year

The recipient must have exhibited outstanding leadership ability or personal initiative in a problem-solving program; or the employee initiated a system affecting the department or the community in a positive manner (e.g., community relations, an innovative approach to police service, or quality of life issues).

The recipient must have held the rank of commander or above for at least six months of the calendar year for which the award is received. The actions being acknowledged must have occurred after the employee was promoted.

Mid-Manager of the Year

The recipient must have exhibited outstanding leadership ability or personal initiative in a problem-solving program; or the employee initiated a system affecting the department or the community in a positive manner (e.g., community relations, an innovative approach to police service, or quality of life issues).

The recipient must have held the rank of lieutenant for at least six months of the calendar year for which the award is received. The actions being acknowledged must have occurred after the employee was promoted to lieutenant.

Investigative Supervisor of the Year

A supervisor may receive this award when the employee demonstrates self-initiative, expertise, and professionalism in solving crimes and is relentless in apprehending suspects. A supervisor may also receive this award when the employee demonstrates excellent management skills while overseeing officers conducting criminal investigations or planning and implementing crime initiatives that concern the community. In addition, the recipient shall have a good working relationship with other employees. Supervisors selected for this award are willing to lead investigative personnel while maintaining their role as a contributing participant.

The recipient must have held the rank of sergeant and been an investigative supervisor in an investigative division at the time of the honored action. In addition, the sergeant must have worked as an investigative supervisor for at least six months of the calendar year being acknowledged.

Patrol Supervisor of the Year

This award may be presented to a patrol supervisor who has exhibited exceptional leadership tendencies, involvement in day-to-day activities, concern for the welfare of other employees, exceptional courage, a lifesaving effort, outstanding investigative ability, or personal initiative in a problem-solving program; or the employee initiated a system affecting the department or the community in a positive manner (e.g., community relations, an innovative approach to police service, or quality of life issues).

The recipient must have held the rank of sergeant and been working in a patrol division as a patrol, divisional gang unit, or divisional tactical unit supervisor at the time of the honored action. In addition, the sergeant must have worked as a patrol supervisor for at least six months of the calendar year being acknowledged.

Administrative Classified Employee of the Year

This award may be presented to an officer who is distinguished by outstanding performance, personal initiative, or exceptional service to the department.

The employee must have held the rank of police officer, senior police officer, or sergeant at the time of the action being acknowledged. In addition, the employee may have worked in any command but must have functioned in an administrative capacity for at least six months of the calendar year being acknowledged.

Crisis Intervention Team Officer of the Year

The recipient must have been a Crisis Intervention Team certified officer who consistently ran a high volume of Crisis Intervention Team calls and was recognized as having a professional and productive relationship with personnel at the NeuroPsychiatric Center and Mobile Crisis Outreach Team during the calendar year being acknowledged.

The Crisis Intervention Team employee could have held any rank and been assigned to any division in the department.

Differential Response Team/Community Service Officer of the Year

The recipient must have been a certified differential response team officer or a community service officer who had a significant effect on the quality of life in the employee's assigned communities or initiated a system affecting the department or the community in a positive manner (e.g., community relations, an innovative approach to police service, or quality of life issues).

The employee must have held the rank of police officer and been an officer in a differential response team or have been a community service officer at the time of the honored action. In addition, the officer must have worked in one of these positions for at least six months of the calendar year being acknowledged.

Field Training Officer of the Year

The recipient must have been actively training probationary police officers during the calendar year for which the employee is receiving the award. The recipient must have conducted training at an exceptional level through demonstrating exceptional courage, a lifesaving effort, outstanding investigative ability, or personal initiative in a problem-solving program; or the

employee initiated a system affecting the department or the community in a positive manner (e.g., community relations, an innovative approach to police service, or quality of life issues).

The recipient could have held any rank, but must have been both certified to train probationary police officers and working as a field training officer for at least six months of the calendar year being acknowledged. The actions being acknowledged must have occurred while the field training officer was training a probationary police officer.

Patrol Officer of the Year

This award may be presented to a patrol officer who has demonstrated exceptional courage, a lifesaving effort, outstanding investigative ability, or personal initiative in a problem-solving program; or the officer initiated a system affecting the department or the community in a positive manner (e.g., community relations, an innovative approach to police service, or quality of life issues). This award may also be presented to a patrol officer who has demonstrated outstanding work performance throughout the year by example of exemplary work ethics, dedication to excellence, or a desire to make a difference in the community.

The actions noted for the award must have occurred at least one year after the officer's sworn date. The employee must have held the rank of police officer and been assigned to a patrol position at the time of the action being acknowledged.

Proactive Investigator of the Year

An officer may receive this award when the employee has demonstrated self-initiative, expertise, and professionalism in solving crimes, and has been relentless in apprehending suspects. An officer may receive this award when the employee has demonstrated excellent investigative skills when conducting criminal investigations or when planning and implementing crime prevention initiatives concerning the community. In addition, the recipient must have a good working relationship with other employees.

The recipient must have held the rank of police officer and been assigned to a proactive investigative squad in an investigative division at the time of the action being honored and for at least six months of the calendar year being acknowledged.

Reactive Investigator of the Year

An officer may receive this award when the employee has demonstrated self-initiative, expertise, and professionalism in solving crimes, and has been relentless in apprehending suspects. An officer may receive this award when the employee has demonstrated excellent investigative skills when conducting criminal investigations or when planning and implementing crime prevention initiatives concerning the community. In addition, the recipient shall have a good working relationship with other employees.

The recipient must have held the rank of police officer and been assigned to a reactive investigative squad in an investigative division at the time of the action being honored and for at least six months of the calendar year being acknowledged.

Partners of the Year

This award may be presented to two classified employees who have worked in partnership and who have demonstrated exceptional courage, a lifesaving effort, outstanding investigative ability, personal initiative in a problem-solving program, or unwavering determination in solving crimes; and who have been relentless in apprehending suspects. The recipients do not have to be regular partners or work in the same division, but must have worked together for the actions being acknowledged.

The recipients must have held the rank of police officer, senior police officer, or sergeant at the time of the action being honored.

Senior Police Officer of the Year

This award may be presented to a senior police officer who has demonstrated leadership among peers, exceptional courage, a lifesaving effort, outstanding investigative ability, or personal initiative in a problem-solving program; or the officer initiated a system affecting the department or the community in a positive manner (e.g., community relations, an innovative approach to police service, or quality of life issues).

The actions noted for the award must have occurred at least twelve years after the officer's sworn date and the officer must have been designated as a senior police officer at the time of the action being honored.

Specialized Officer of the Year

This award may be presented to an officer of any rank who has trained and worked for a nonpatrol specialized unit of the department. In that assignment, the recipient must have demonstrated exceptional knowledge of the respective job or outstanding investigative ability and initiative in helping in an investigation. In addition, the recipient shall have a good working relationship with other employees. The employee may also have performed an act or a series of acts over a period of time that demonstrated a high degree of professional excellence through the success of a difficult tactical situation or a series of tactical situations.

A supervisor selected for this award must have demonstrated outstanding leadership abilities or a willingness to lead by example, or have been crucial in improving the relationship between the department and the community.

The recipient must have worked in the specialized unit for at least six months of the calendar year being acknowledged. Specialized units include Mounted Patrol, Patrol Canine Detail, Bomb Squad, Special Weapons and Tactics (SWAT) Detail, Driving While Intoxicated (DWI) Task Force, Truck Enforcement Unit, Marine Unit, or any unit requiring unique training and having a primary responsibility other than responding to calls for service and designated as such by the Chief of Police.

Tactical Officer of the Year

An officer may receive this award if the employee's knowledge, expertise, self-initiative, or investigative ability led to the arrest of a high risk and/or high profile criminal. It may also be awarded to an officer who over the course of a year performed outstandingly and due to performance, a noticeable reduction in crime was realized in the officer's assigned area.

The recipient must have held the rank of police officer and been an officer in a divisional gang unit or divisional tactical unit, or the Crime Reduction Unit at the time of the honored action. In addition, the officer must have worked in one of these units for at least six months of the calendar year being acknowledged.

Technical Support Employee of the Year

This award may be presented to an officer of any rank who has demonstrated exceptional skill in a job function or personal initiative in a problem-solving program, or has initiated a system affecting the department or the community in a positive manner (e.g., community relations, an innovative approach to police service, or quality of life issues).

Most of the recipient's duty assignments had to include technical support job functions such as polygraph, computer or electronic equipment operations, or tasks related to a specialized craft or scientific field of expertise.

The employee must have been in the technical support job assignment at the time of the action being honored and for at least six months of the calendar year being acknowledged.

Undercover Investigator of the Year

This award may be presented to an investigative officer who demonstrated self-initiative, expertise, or unwavering determination in solving crimes while working in an undercover capacity. An officer may also receive this award when the employee demonstrated excellent investigative skills while conducting undercover criminal investigations that led to significant arrests or seizures of property or contraband.

The recipient must have held the rank of police officer at the time of the action being honored. Additionally, the officer must have worked in an undercover capacity in an investigative division for at least six months of the calendar year being acknowledged.

Rookie of the Year

This award may be presented to a first-year patrol officer who has demonstrated exceptional courage, a lifesaving effort, outstanding investigative ability, or personal initiative in a problem-solving program; or the officer initiated a system affecting the department or the community in a positive manner (e.g., community relations, an innovative approach to police service, or quality of life issues).

The actions noted for the award must have occurred within one year following the officer's sworn date.

CLASSIFIED/CIVILIAN AWARDS

Instructor of the Year

This award may be presented to any employee whose teaching added significant value to the mission and goals of the department. The employee must have been a Texas Commission on Law Enforcement (TCOLE) certified instructor for the department at the time of the action being honored and have developed or implemented lesson plans that benefited the employees of this or other departments.

The employee may have held any classified rank or civilian classification and have been assigned to any division, but must have performed in an instructor capacity at the time of the action being honored.

Lifetime Achievement Award

This award may be presented to any employee who over the course of a career has exemplified the highest standards of service to the department by virtue of diligence, dedication, and character. This employee also will have displayed unselfish devotion to the department and performed admirably over the course of the employee's career.

The employee may hold any classified rank or civilian classification, but must have completed at least 20 years of service with the department.

CIVILIAN AWARDS

One of the following awards may be presented to a full-time civilian employee who demonstrated exceptional performance or made contributions to the department beyond normal expectations and responsibilities. Efforts may have included innovative approaches to work assignments, initiation of cost reduction measures, or providing exceptional customer service. Any employee may nominate a civilian employee for up to two applicable Police Week awards per nominee per calendar year. Each award nomination must be submitted on a separate nomination form.

The employee must have held a job classification appropriate for the award for at least six months of the calendar year being acknowledged. The action being honored must have occurred while the employee held that classification level. Categories are based on, but not exclusively to, the Equal Employment Opportunity Job (EEOJ) classifications. Eligible EEOJ codes are included below for each award category. See *Attachment B* for job titles and EEOJ codes. If a position is not listed on *Attachment B*, contact the Employee Services Division (ESD) for the EEOJ code assigned to the job title.

Civilian Manager of the Year

This employee supervised two or more units or one unit with a major department function, or supervised supervisors (direct and indirect reports). EEOJ code A and applicable code B positions.

Civilian Supervisor of the Year

This employee was a first-line supervisor. EEOJ codes B, C, and E first-line supervisor positions only.

Civilian Administrative/Para-Professional Employee of the Year (non-supervisory position)

This award is restricted to non-supervisory administrative, secretarial, and clerical positions. EEOJ code F, but also applicable positions in codes B and E.

Civilian Professional Employee of the Year (non-supervisory position)

This non-supervisory employee was tasked with significant responsibility that had a direct impact on administering department policy, finance, public relations, legal issues, or delivering a unique service to the department or residents of the city. EEOJ code B non-supervisory positions.

Civilian Support Services Employee of the Year

This award is restricted to mobility service officers (EEOJ code D), police telecommunicators and senior police telecommunicators (EEOJ code C), police service officers and senior police service officers (EEOJ code E), aircraft mechanics, senior aircraft mechanics, stable attendants, drivers, car attendants, and custodians (EEOJ codes G and H).

Civilian Technical Employee of the Year (non-supervisory position)

This award is a restricted category that includes non-supervisory technical job functions such as photography, computer or electronic equipment operations, or tasks related to a specialized craft or scientific field of expertise. EEOJ code C and applicable EEOJ code B.

GENERAL ORDER 200-20
ATTACHMENT B
CIVILIAN EEOJ CODES AND POSITIONS

(Code A – Professional)

A Administration Manager
A Administration Manager (Ex)
A Assistant Director
A Assistant Police Administrator
A Chief Inspector
A Criminalist Lab Manager
A CH Staff-Mayor Office Ex Level
A Deputy Director
A Deputy Director F&A (Ex)
A Division Manager
A Police Administrator
A Senior Superintendent

(Code B – Professional)

B Accountant Associate
B Administrative Assistant
B Administrative Coordinator
B Administrative Specialist
B Administrative Supervisor
B Affirmative Action Specialist
B Assistant Operations Manager
B Assistant Shop Manager
B Buyer
B Car Attendant Supervisor
B Communications Specialist Supervisor
B Communications Technician Supervisor
B Community Involvement Coordinator
B Community Liaison
B Contract Compliance Supervisor
B Counselor
B Criminal Intelligence Analyst
B Criminalist
B Criminalist Specialist
B Financial Analyst I
B Financial Analyst II
B Financial Analyst III
B Financial Analyst IV
B Fingerprint Technician Supervisor
B Fixed Asset Manager
B Hearing Officer
B Human Resources Assistant

B Human Resources Specialist
B Human Resources Supervisor
B Inventory Management Supervisor
B IRM Manager
B IT Project Manager
B Management Analyst I
B Management Analyst II
B Management Analyst III
B Management Analyst IV
B Microcomputer Analyst
B Office Service Manager
B Office Supervisor
B Operations Manager
B Operations Supervisor
B Planner Leader
B Procurement Specialist
B Programmer Analyst I
B Programmer Analyst II
B Programmer Analyst III
B Programmer Analyst IV
B Public Information Officer
B Records Supervisor
B Senior Accountant
B Senior Buyer
B Senior Community Liaison
B Senior Contract Administrator
B Senior Contract Compliance Officer
B Senior Counselor
B Senior Fixed Asset Specialist
B Senior Human Resources Specialist
B Senior Microcomputer Analyst
B Senior Public Loss Investigator
B Senior Staff Analyst
B Senior Trainer
B Shop Manager
B Stable Supervisor
B Staff Analyst
B Staff Psychologist
B Superintendent
B Systems Accountant II
B Systems Accountant III
B Systems Consultant
B Systems Support Analyst IV
B Trainer

(Code C – Technical)

C Automotive Service Writer
C Communications Specialist
C Community Service Inspector
C Computer Operator
C Fingerprint Technician
C Forensic Photographer
C Forensic Photographer Supervisor
C Imaging Technician
C Offset Press Operator
C Police Telecommunicator
C Radio Installer
C Senior Communications Specialist
C Senior Communications Technician
C Senior Computer Operator
C Senior Fingerprint Technician
C Senior Imaging Technician
C Senior Inspector
C Senior Offset Press Operator
C Senior Police Telecommunicator
C Technical Hardware Analyst I
C Technical Hardware Analyst II
C Technical Hardware Analyst III
C Telecommunications Specialist
C Web Designer
C Web Production Assistant

(Code D – Protective Services)

D Mobility Service Officer

(Code E – Para-Professional)

E Administrative Associate
E Fixed Asset Specialist
E Police Service Officer
E Senior GIS Technician
E Senior Police Service Officer

(Code F – Office & Clerical)

F Account Clerk
F Administrative Aide
F Clerk
F Clerk Typist
F Customer Service Clerk
F Data Entry Operator
F Executive Office Assistant
F Fixed Asset Clerk
F Human Resources Technician
F Inventory Management Clerk
F Office Assistant
F Payroll Clerk
F Receptionist
F Records Technician
F Senior Account Clerk
F Senior Clerk
F Senior Data Entry Operator
F Senior Inventory Management Clerk
F Senior Office Assistant
F Senior Payroll Clerk
F Senior Word Processor
F Word Processor

(Code G – Skilled Craft)

G Aircraft Mechanic
G Mechanic I
G Mechanic II
G Mechanic III
G Senior Aircraft Mechanic
G Truck Driver

(Code H – Service/Maintenance)

H Car Attendant
H Custodian
H Laundry Worker
H Semi-Skilled Laborer
H Stable Attendant

GENERAL ORDER 200-20

Attachment C – Placement Example

A. B. SMITH

B	A	
E	D	C
H	G	F
K	J	I
N	M	L
Q	P	O

Order of Ribbon Precedence (1-32) is listed for Placement in Positions A – Q on Ribbon Bar.

Example: If you have ribbons 1, 2, 7, 12 and 18, then they would be in the sequential positions of A, B, C, D and E on a two level bar.



ORDER OF PRECEDENCE

Ribbon Image	Vanguard Part #	Award Name	Device Image
1	3646	Medal of Valor	★
2	3506	Blue Heart Award	★
3	3318	Sgt. Paul S. Weido Lifesaving Award	★
4	1350	Meritorious Service Award	★
5	3601	Hostile Engagement Award	★
6	3624	Star of Texas Award	★
7	3508	HPD Police Week Award	★
8	3706	100 Club Officer of the Year Award	★
9	3500	IACP Award	★
10	4022	Distinguished Command Award	★
11	3242	Mayor's Commendation	★
12	3501	Chief of Police Commendation	★
13	5213	Chief of Police Unit Citation	★
14	3714	Award of Excellence	★
15	4216	Honorable Conduct Ribbon	★
16	3003	Hazardous Deployment Ribbon	★
17	1501	Natural Disaster Ribbon	★
18	4007	Academic Achievement Ribbon	◆
19	5000	Military Service Ribbon	
20	3302	National Leadership Academy Ribbon	★
21	3227	Master Peace Officer Ribbon	
22	1502	Hostage Negotiation Team Ribbon	✎
23	3707	TCOLE Instructor	✎
24	3512	Special Response Group Ribbon	✎
25	5154	Field Training Officer Ribbon	E
26	3500	CIT Ribbon	I
27	4024	Physical Agility Ribbon	★
28	3616	Safe Driving Ribbon	★
29	3613	Differential Response Team Ribbon	
30	3606	Crime Suppression Team Unit Ribbon	
31	5129	Traffic Enforcement Ribbon	★
32	1130	Crime Prevention Specialist Ribbon	

Attachment D - Ribbon and Device Descriptions

Ribbon Image	Part #	Award Name	Device Image	Eligible Device Requirements
Awards Presented at Awards Ceremony				
	3646	Medal of Valor		Subsequent Issuance of Award up to 4 Stars
	3506	Blue Heart Award		Subsequent Issuance of Award up to 4 Stars
	3318	Sgt. Paul S. Weido Lifesaving Award		Subsequent Issuance of Award up to 4 Stars
	1350	Meritorious Service Award		Subsequent Issuance of Award up to 4 Stars
	3601	Hostile Engagement Award		Subsequent Issuance of Award up to 4 Stars
	3624	Star of Texas Award		Subsequent Issuance of Award up to 4 Stars
	3508	HPD Police Week Award		Subsequent Issuance of Award up to 4 Stars
	3706	100 Club Officer of the Year Award		Subsequent Issuance of Award up to 4 Stars
	3500	International Association of Chief of Police Award		Subsequent Issuance of Award up to 4 Stars
	4022	Distinguished Command Award		Subsequent Issuance of Award up to 4 Stars
	3242	Mayor's Commendation		Subsequent Issuance of Award up to 4 Stars
	3501	Chief of Police Commendation		Subsequent Issuance of Award up to 4 Stars
	5213	Chief of Police Unit Citation		Subsequent Issuance of Award up to 4 Stars
	3714	Award of Excellence		Subsequent Issuance of Award up to 4 Stars
Awards Not Presented at Awards Ceremony				
	4216	Honorable Conduct Ribbon		Subsequent Issuance of Award up to 4 Stars
	3003	Hazardous Deployment Ribbon		Subsequent Issuance of Award up to 4 Stars

Attachment D - Ribbon and Device Descriptions

	1501	Natural Disaster Ribbon		Subsequent Issuance of Award up to 4 Stars
	4007	Academic Achievement Ribbon		BA or BS- silver diamond; MS - silver lamp; Ph.D. - gold lamp; J.D. - gold torch
	5000	Military Service Ribbon		Star for each combat deployment up to 4 Stars
	3302	National Leadership Academy Ribbon		Subsequent Issuance of Award up to 4 Stars
	3227	Master Peace Officer Ribbon		
	1502	Hostage Negotiation Team Ribbon		Silver Oak Leaf - Advanced HNT Certification; Gold Oak Leaf- Master HNT Certification
	3707	TCOLE Instructor		Silver Oak Leaf for Advanced TCOLE Instructor Certification
	3512	Special Response Group Ribbon		Silver C awarded upon completion of Crowd Dispersal Team (CDT) School - Hurricane awarded upon completion of high water rescue training
	5154	Field Training Officer Ribbon		Silver E awarded serving as a Field Training Evaluator (FTE)
	3600	CIT Ribbon		Gold Hour Glass for being assigned to Crisis Intervention Response Team (CIRT) or Chronic Consumer Stabilization Initiative (CCSI)
	4024	Physical Agility Ribbon		Subsequent Issuance of Award up to 4 Stars
	3616	Safe Driving Ribbon		
	3613	Differential Response Team Ribbon		
	3606	Crime Suppression Team Unit Ribbon		
	5129	Traffic Enforcement Ribbon		Single Star for each: DWI Taskforce, Drug Recognition Expert, Truck Enforcement, Intoxilizer Operator
	1130	Crime Prevention Specialist Ribbon		

General Order

Houston Police Department

**ISSUE DATE:**

May 23, 2018

NO.

200-26

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-26, dated February 15, 2006

SUBJECT: WORKDAY AND WORKWEEK

POLICY

All employees, regardless of exempt status, are accountable for working a full shift. This General Order applies to all employees.

DEFINITIONS

Adjusted Days Off. A variation from an employee's regularly scheduled days off as posted on the employee's current divisional personnel record. The variation must occur within the same workweek.

Adjusted Shift. A variation from a nonexempt employee's regularly scheduled shift as posted on the employee's current divisional personnel record. The variation must occur within the same workday.

Buddy Punching. A prohibited action when someone modifies his own, or has another person modify his or another person's time card, whether electronic or manual. Such action may include punching into the time system for an employee who is not at work at that time. The only person who may punch in for the employee is the individual employee. Using someone else's card or punching in for someone else is considered, at a minimum, to be theft of City time and falsification of a government record.

Exempt Employee. For the purposes of this General Order, an exempt employee is either a civilian employee whose job classification is exempt from the Fair Labor Standards Act (FLSA) overtime requirements and has been designated as such by the City of Houston Human Resources Director and the Civil Service Commission, or a classified employee who holds the rank of lieutenant or higher or classified pay grade VII or higher.

Flextime or Flexing. The adjustment of regular workday hours (e.g., 8- or 10-hour shift) by an exempt employee to make up for a reduced workday or an extended workday.

Nonexempt Employee. An employee eligible for overtime compensation. For the purposes of this General Order, a nonexempt employee is either a civilian employee whose job classification is covered by the FLSA overtime rules and has been designated as such by the City of Houston Human Resources Director and the Civil Service Commission, or a classified employee who holds the rank of sergeant or below.

Pay Period. A 14-calendar-day period beginning at 0500 hours on the Saturday in the week before a department payday Friday and continuing through 0459 hours on the Saturday in the week following that payday Friday.

Police Personnel System (PPS). A computer system used by the department to manage employee records such as general employee information, emergency contacts, assignment,

classification, transfer history, weapons qualification, commendation history, and disciplinary history. PPS provides employee information to other computer systems in HPD as needed.

Police Roll Call and Equipment (PRE) System. A computer system used by the department to manage roll call information, *Red Book* entries, and equipment assignments.

Reporting Period (a.k.a. Workweek). For purposes of this General Order, a reporting period begins at 0500 hours on a Saturday and ends at 0459 hours the following Saturday. All hours shall be reported in 15-minute increments.

1 WORKDAY

The standard workday for full-time, nonexempt employees is eight hours of performing job-related duties. An exception to the standard workday of eight hours for full time, nonexempt employees requires the approval of the Chief of Police (e.g., 40 hours worked over four ten-hour regularly scheduled shifts).

The standard workday for exempt employees is typically comprised of an eight-hour shift unless flextime has been approved (see section 5, *Flextime*). Consistent with the principles of public accountability under Title 29 of the Code of Federal Regulations (C.F.R.) Sec. 541.710, exempt employees who work less than their regularly scheduled workday (e.g., 8- or 10-hour shift) must account for the time through (1) approved paid leave, (2) flexing their schedule with prior supervisor approval as described in section 5, *Flextime*, or (3) docking their salary.

Commanders shall set appropriate shift beginning and ending times to accomplish management objectives.

An employee's mealtime period shall be counted as *time actually worked* when computing the hours in a workday. Meal period restrictions are outlined in General Order 200-27, **Meal Period**. In all other instances, the amount of time an employee spends performing activities not related to their duties shall not be counted toward the hours required for the workday.

Employees are required to be at their assigned post, completely dressed in proper attire, and ready to perform the work of their assigned job function at the start time of their workday, shift, or assignment. Employees shall notify their supervisor of any delays in reporting to an assigned post.

2 WORKWEEK

The workweek for full-time nonexempt employees and exempt civilian employees consists of 40 hours of *time actually worked* within a consecutive 168-hour period beginning at 0500 hours on a Saturday and ending at 0459 hours the following Saturday.

The standard workweek for exempt classified employees consists of 40 hours of *time actually worked* within a consecutive 168-hour period as described above, unless flextime has been approved. See section 5, *Flextime*.

Exempt classified employees shall refer to General Order 300-36, **Exempt Time Compensation and Exempt Time Credit**, for further clarification.

Overtime compensation for nonexempt classified employees shall be handled in accordance with General Order 300-07, **Overtime Compensation – Classified**. Overtime compensation for nonexempt civilian employees shall be handled in accordance with General Order 900-07, **Overtime Compensation – Civilian**.

3 REGULAR DAYS OFF

An employee usually works five days and receives two regular days off in each workweek. The regular days off shall be consecutive and the same from week to week unless the employee and the division commander agree to a variation for the employee's benefit.

4 ADJUSTED SHIFT AND/OR DAYS OFF

Federal and state law and the Meet and Confer Agreements recognize the department's right to manage an employee's assignment, shift, and days off for the best interest of the department and the community, and to ensure that all essential police services are provided.

Although employees are assigned regularly scheduled shifts and regular days off, the department may adjust employees' shifts and/or days off, whether for classified or civilian employees, based on operational requirements.

The department may, based on operational requirements, adjust the shift and/or days off of officers assigned to Method B positions on a regular basis.

The department may adjust the shifts and/or days off of officers assigned to Method A positions when exceptional circumstances arise such as emergency conditions or the scope of an event requires officers in Method A positions. In these rare instances, adjusting the shifts and/or days off of officers assigned to Method A positions requires prior approval by the concerned executive assistant chief.

The occasional adjustment of an employee's shift and/or days off at the employee's request requires prior approval by the employee's supervisor.

Officers attending on-duty training shall abide by the department's policies regarding overtime compensation. See General Order 300-07, **Overtime Compensation – Classified**.

Exempt classified employees holding the rank of lieutenant or captain or classified pay grade VII or IX attending on-duty training shall abide by the department's policies regarding exempt time compensation and exempt time credit. See General Order 300-36, **Exempt Time Compensation and Exempt Time Credit**.

Civilian employees attending on-duty training shall abide by the department's policies regarding overtime compensation. See General Order 900-02, **Training – Civilian** and General Order 900-07, **Overtime Compensation – Civilian**.

Kronos® is the City of Houston's time and attendance system. Any adjusted shift for nonexempt employees must occur within the same workday. Adjusted shifts for nonexempt employees must be recorded in the Kronos system by an employee's supervisor or division timekeeper.

Any adjusted days off for exempt employees and nonexempt employees must occur within the same workweek. Adjusted days off must be recorded in the Kronos system by an employee's supervisor or division timekeeper.

5 FLEXTIME

Flexing of an exempt *classified* employee's workday (i.e., changing the hours or duration of the shift) may be allowed if all of the following are true:

- a. The flexing of time has prior approval by the supervisor.
- b. The hours *flexed* are accounted for within 14 *calendar* days following the date of the initial flexed time.
- c. No exempt time compensation or exempt time credit has been approved for the hours flexed unless the exception outlined in General Order 300-36, **Exempt Time Compensation and Exempt Time Credit**, applies.
- d. The flexing of time does not violate the directives of General Order 300-36, **Exempt Time Compensation and Exempt Time Credit**.

Flexing of an exempt *civilian* employee's workday (i.e., changing the hours or duration of the shift) may be allowed if both of the following are true:

- e. The flexing of time has prior approval by the supervisor.
- f. The hours flexed are accounted for within the same workweek.

Flextime approval is not guaranteed and may be granted only if it does not negatively impact the operations of the department. Approval is at the discretion of the exempt employee's supervisor.

6 COMPLIANCE

Unless flextime has been approved as set forth herein, all employees shall work the full length of their approved workday and full workweek. It is the responsibility of commanders to ensure that all employees comply with this policy.

All commanders shall develop work schedules for all units, offices, and divisions under their direction and submit them to the Chief of Police. In executing this policy, all personnel shall comply with the Fair Labor Standards Act (FLSA).

All department entities shall utilize the Police Roll Call and Equipment (PRE) System and the Police Personnel System (PPS) to record and maintain the following data:

- a. Divisional personnel data
- b. Divisional equipment records
- c. Roll calls

7 BUDDY PUNCHING

"Buddy Punching" is strictly prohibited. It is not considered buddy punching when a timekeeper or supervisor makes an entry in Kronos to make necessary adjustments to avoid errors or omissions. If a nonexempt civilian employee is unable to punch in or out because of a time clock malfunction, network problem, or accidental oversight, the employee shall as soon as possible inform the appropriate supervisor or timekeeper.

8 KRONOS

Kronos is used to record the time and attendance for both classified and civilian employees.

Nonexempt Civilian Employee Responsibilities

Nonexempt civilian employees shall clock in and out at the beginning and end of their shift. Nonexempt civilian employees with an Internet enabled workstation shall use Kronos on their computer to clock in and out. However, with approval from a supervisor and under certain circumstances (e.g., training or working at an off-site location), nonexempt civilian employees may (1) report time worked to their supervisor or timekeeper, (2) use on-site time clocks, or (3) make use of a telephone time entry system, if available.

Nonexempt civilian employees required to log in, clock in, or scan in at a location other than their regular assigned post shall immediately report to their assigned post after doing so.

If a nonexempt civilian employee is unable to punch in or out because of a time clock malfunction, network problem, or accidental oversight, the employee shall as soon as possible inform the appropriate supervisor or timekeeper.

In the case of a time clock malfunction and in the absence of a supervisor and timekeeper, the nonexempt civilian employee shall call the Payroll Services Help Desk using the telephone number located on the time clock to report the malfunction.

Timekeeper/Supervisor Responsibilities

When notified by nonexempt civilian employees they are unable to punch in or out because of a time clock malfunction, network problem, or accidental oversight, the supervisor or timekeeper who is notified shall manually clock the employee in or out. However, when a timekeeper is notified about a time collection problem, prior to manually clocking the employee in or out, the timekeeper shall verify a supervisor has approved the manual entry.

To ensure Kronos is updated in a timely manner for the *pay period*, supervisors shall submit to their timekeepers any needed time adjustments or overtime worked or personal leave taken by employees under their command before the end of each *pay period*. This applies to classified and civilian employees. Timekeepers shall enter into Kronos all approved time adjustments, overtime worked, and personal leave taken by employees in their division before the end of each pay period.

9 MAXIMUM WORK HOURS

16-Hour Limit

Employees shall not work more than 16 hours in any continuous (rolling) 24-hour period measured in 15-minute increments (this includes days off). For example, a 24-hour period is measured from 0000 hours to 0000 hours, then from 0015 hours to 0015 hours, 0030 hours to 0030 hours, and so on. Using this concept, a 24-hour period may encompass a portion of one day and a portion of the next day.

Exceptions to this rule may be approved by only a lieutenant (or civilian equivalent) or higher *prior* to the employee exceeding the 16-hour limit. The approval may be granted only when the need for the employee to exceed the 16-hour limit is essential to the department's mission or if not allowing the employee to exceed the 16-hour limit could be detrimental to the department's interests.

Departmental sponsored overtime initiatives, Strategic Officer Staffing Program (SOSP), or other department related activities do not automatically justify approval to exceed the 16-hour limit. The intent behind the 16-hour work limit is to provide employees the opportunity to obtain an appropriate amount of rest between work periods. Therefore, exceptions to the 16-hour work limit should be infrequent and restricted.

When an employee is required to attend court and attending court will cause the employee to exceed the 16-hour limit, the employee shall attend court as required unless the employee is disregarded or placed on on-call status as described in General Order 300-25, **Court Attendance and Compensation**. Court attendance is an exception to exceeding the 16-hour limit only when it occurs at the end of the maximum work hour period.

For example, if an officer works a regular 10-hour shift then works 6 hours of overtime, the officer shall still attend court. However, if an officer works a regular 10-hour shift, then has 6 hours of court time, any additional work except for court attendance within the continuous (rolling) 24 hours is strictly prohibited and would be in violation of the 16-hour limit.

See the *Attachment* of this General Order, which provides a visual display of an example of an employee's hours worked over a 48-hour period and shows a violation of the 16-hour limit in a rolling 24-hour period.

Employees who have exceeded or may exceed 16 hours worked in any continuous 24-hour period shall not work lag overtime *prior* to court without authorization from the on-duty shift commander who is a lieutenant or higher. When shift commanders approve lag overtime, they must sign the officer's overtime request form noting they are aware of the number of hours the officer has worked. See General Order 300-25, **Court Attendance and Compensation**.

Employees are prohibited from working lag overtime, SOSOP, any other form of overtime, or extra employment *after* the court appearance when the 16-hour limit has been exceeded.

168-Hour Limit

Employees shall not work more than 168 hours in any two-week period consisting of the current *reporting period* and the last *reporting period*. Exceptions to this rule may be approved by only a division commander (or civilian equivalent) or higher *prior* to the employee exceeding the 168-hour limit.

When an employee is required to attend court and attending court will cause the employee to exceed the 168-hour limit, the employee shall attend court as required. Employees are prohibited from working lag overtime or any other form of overtime or extra employment *after* the court appearance when the 168-hour limit has been exceeded.

Calculation of Maximum Work Hours

When calculating the *maximum work hours* (i.e., 16-hour limit and 168-hour limit), the work hours shall include, but are not limited to:

- a. Employee's assigned shift
- b. Adjusted shift hours worked
- c. Call-up time involving compensable hours as provided in General Orders 300-07, **Overtime Compensation – Classified** and 300-36, **Exempt Time Compensation and Exempt Time Credit**, and call-back pay hours as provided in 900-07, **Overtime Compensation – Civilian**
- d. Court time
- e. Extra employment
- f. Flextime worked
- g. Overtime worked
- h. Lag overtime worked
- i. Special enforcement programs
- j. SOSOP
- k. Volunteer time

Paid leave hours (PTO, PD, etc.) shall not be used in the calculation process.

Avoiding Violations

Prior to reporting to their next regular shift, employees who have exceeded a work hour limit shall notify an on-duty shift commander or division commander, as applicable, that they have

exceeded the maximum work hours. The employee may be allowed to work only if authorized as noted above in this section, *Maximum Work Hours*. Otherwise, the employee shall be required to take off and use whatever form of accrued time the employee chooses, excluding unscheduled leave related to a health related issue.

Violations

All violations of the maximum work hours shall be handled as outlined in the department's *Corrective Action Manual*.

10 LEAVE REQUESTS

Whenever a timekeeper or Payroll Services of the Administration and Regulatory Affairs Department enters leave for an employee and that leave is in excess of the balance in the requested bank, the timekeeper shall first follow item (a) below. If the employee is unavailable, the timekeeper shall then follow item (b) below. However, Payroll Services shall follow only item (b).

- a. Contact the employee to determine from which bank the time is to be deducted.
- b. Automatically take the time from the following banks in the below listed order, emptying each bank in turn until the requested amount is met. Time taken should be the time that expires if not taken, then time from the least valued to the most valued.
 1. Personal Days (Classified)
 2. Personal Leave Hours (Civilian)
 3. Floating Holiday (full-day increment only) (Classified and Civilian)
 4. Exempt Time Credit (Classified)
 5. Frozen Compensatory Time (Classified)
 6. Compensatory Time (Civilian)
 7. Accrued Holiday Hours (Civilian)
 8. Deferred Holiday Time (Classified)
 9. Compensatory Time (Classified)
 10. Paid Time Off (Classified)
 11. Vacation (Civilian)

Wellness hours and sick leave hours are special purpose hours and must be specifically requested by the civilian employee.

If there is insufficient accrued time to cover the request in all applicable banks, the employee's timekeeper or supervisor shall make an effort to contact the employee so the employee may return to work before being docked or handled as Absent Without Leave (AWOL) or Absent Without Permission (AWOP) (see General Orders 300-09, **Absence from Duty – Classified** and 900-01, **Absence from Duty – Civilian**). If the employee cannot be contacted, the employee's supervisor shall handle the situation as warranted.

If an employee is absent more than 14 consecutive *calendar* days in which AWOL or AWOP codes are entered for such absence, supervisors and timekeepers shall immediately notify their division commander. Division commanders or their designee shall contact Payroll Services of the Administration and Regulatory Affairs Department to notify them of such absence so the employee does not accrue paid leave.

11 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-27, **Meal Period**

300-07, **Overtime Compensation – Classified**

300-25, **Court Attendance and Compensation**

300-34 **Strategic Officer Staffing Program**

300-36, **Exempt Time Compensation and Exempt Time Credit**

900-07, **Overtime Compensation – Civilian**

Meet and Confer Agreement (Civilian and Classified)

City of Houston Administrative Procedure 2-4 Revised, Electronic Timekeeping Policy



Art Acevedo
Chief of Police

GENERAL

The following provide the work hours for each period. The illustrated work hours are shaded.

Time	Work Hours
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GENERAL

The following provide the work hours for each period. The illustrated work hours are shaded.

Time	Work Hours
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GENERAL

The following provide the work hours for each period. The illustrated work hours are shaded.

Time	Work Hours
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GENERAL

The following provide the work hours for each period. The illustrated work hours are shaded.

Time	Work Hours
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ATTACHMENT GENERAL ORDER 200-26, WORKDAY AND WORKWEEK 16-HOUR LIMIT

1200			
1300			
1400			
1500			
1600			
1700			
1800			
1900			
2000			
2100			
2200			
2300			

General Order

Houston Police Department



ISSUE DATE:

March 15, 2017

NO.

200-33

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-33, dated December 22, 2005

SUBJECT: OATH OF OFFICE AND PROMOTIONAL OATH

POLICY

This General Order adopts the Oath of Office and Promotional Oath as the general standards of conduct for officers of the Houston Police Department. Sections 1, 2, and 4 apply to classified employees only. Section 3 applies to all employees.

1 OATH OF OFFICE

Police officers are given such broad powers and responsibilities that society places their private lives and official actions under special and solemn constraints. Taking an oath of office is a universal practice in law enforcement service, and it is common for officers to subscribe to a professional code of ethics.

It is the policy of the Houston Police Department that all personnel, prior to assuming sworn status, shall take the department's formal oath of appointment. These oaths bind officers to enforce the law without prejudice or malice and to uphold the Constitution of the United States, the state of Texas Constitution, and local ordinances.

2 PROMOTIONAL OATH

All classified personnel who are to be promoted to a higher rank shall, upon request and prior to the promotion, sign a written promotional oath.

By signing the written promotional oath, employees affirm they have not directly or indirectly given, delivered, paid, offered, or promised to give, deliver, or pay any money, service, or other valuable thing to any person for or on account of, or in connection with their promotion.

The written promotional oath shall also include an acknowledgment indicating the understanding that educational requirements may be necessary for the newly promoted rank.

3 TAKING PROMOTIONAL EXAMS DURING REGULAR SHIFT

Employees taking a promotional exam or attending an Assessment Center for the department shall do so while off duty. If an exam is given during their regular shift, classified employees shall be allowed to use any time accrued to take the exam. Civilian employees shall be allowed to use any time accrued, except sick time, to take the exam.

4 PROMOTIONAL PHYSICAL

Prior to promotion, all officers shall submit to a physical examination as required by applicable law.

5 RELATED GENERAL ORDERS

100-06, Department Mission, Values, Ethics, and Guiding Principles

200-08, Conduct and Authority



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 27, 2021

NO.

200-35

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-35, dated April 18, 2013

SUBJECT: SPEAKERS AT DEPARTMENT EVENTS

POLICY

Except as noted in this General Order, an individual from outside the department may serve as a speaker at a Houston Police Department event only if prior written approval is given by the Executive Chief or the Chief of Police. This policy applies regardless of the audience.

This General Order applies to all employees.

1 PROCEDURES

Prior to contacting an individual from outside the department to serve as a speaker at an HPD event, the employee coordinating the event or assisting the outside event coordinator shall forward correspondence through their chain of command to the Executive Chief. The correspondence shall request approval for the speaker and shall include a description of the following:

- a. The event.
- b. The speaker's intended role.
- c. The speaker's academic and professional credentials.
- d. Any fees that may be required and funding source.
- e. Any other pertinent information.

2 EXCEPTIONS

Prior approval from the Executive Chief for an outside speaker at department events is not required for the following:

- a. Positive Interaction Program (PIP). Speakers at PIP events are approved by the appropriate PIP coordinator.
- b. Training Division, which has its own approval process for speakers and instructors as outlined in General Orders 300-06, **Training – Classified** and 900-02, **Training – Civilian**.


Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

November 26, 2014

NO.

200-36

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-36, dated January 23, 2012

SUBJECT: SOLICITATION, GIFTS, AND BRIBERY

POLICY

Employees, while on duty or off duty, while representing the Houston Police Department, shall not solicit, sell, or accept anything of value unless authorized by the Chief of Police.

This General Order applies to all employees.

DEFINITION

Solicitation. The direct or indirect seeking of contributions or selling of products, services, or programs; or the approaching of any employee regarding support of an outside agency, organization, or company. Solicitation shall further include the posting or distribution of non-work-related literature or notices as well as electioneering activities.

1 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 purpose except as authorized by the Chief of Police.

The following activities are also prohibited on all department property at all times except as authorized by the Chief of Police:

- a. Solicitation by citizens.
- b. Solicitation by employees.
- c. Distribution of non-work-related literature by employees.

Violations of this policy shall be brought to the attention of the employee's immediate supervisor who shall ensure the division commander is notified.

2 ACCEPTING GIFTS FROM SUBORDINATES

Employees shall not receive or accept any gift or gratuity from subordinates, without approval from the Chief of Police.

3 ACCEPTING GIFTS AND GRATUITIES

Employees shall 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 department, regardless of whether the service was performed while on or off duty.

Employees shall not directly or indirectly accept a benefit or gift under any circumstances that create the appearance of impropriety or intent to influence department affairs.

Any division or unit within the department must receive approval from the Chief of Police before accepting any gift or donation.

4 SOLICITING AND ACCEPTING SPECIAL PRIVILEGES

Except as noted below, employees shall not use their official position or identification to solicit any gift, gratuity, loan, present, fee, or reward or to seek or accept special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or free or discounted

meals or refreshments. Employees seeking to enter the roadway to solicit charitable contributions must file a written application with the City of Houston.

civilian employees shall contact an officer to generate an incident report for them.

5 ACCEPTING BENEFITS FROM SUSPECTS AND PRISONERS

Employees shall not seek, accept, loan, borrow, buy, or sell anything of value from or to any known suspect, prisoner, defendant, or other person involved in any case involving the Houston Police Department. These activities are also prohibited with persons of ill repute, professional bondsmen, or other persons whose vocations may profit from information obtained from the Houston Police Department.

6 REPORTING BRIBE OFFERS

If any employee receives an offer of a bribe, the employee shall immediately submit a letter to the employee's commander. Officers shall generate an incident report. All

7 CITY APPROVED PROGRAMS

This policy does not apply to City sponsored or City approved programs such as the Combined Municipal Campaign (CMC). The approval of such programs is at the discretion of the Mayor.

8 RELATED GENERAL ORDERS

200-03, Investigation of Employee Misconduct
200-08, Conduct and Authority
300-32, Processing Complaints and Employee Issues



Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

October 22, 2014

NO.

200-39

REFERENCE: This newly created General Order supersedes all prior conflicting Circulars, Directives, and General Orders

SUBJECT: CASH HANDLING

POLICY

Employees who receive or process revenue (cash) in payment for City fees or services or who audit such revenue transactions shall follow the guidelines outlined in this General Order. Except as authorized by the Chief of Police, all revenue received by employees for fees, services, or department donations shall be considered City revenue.

This General Order outlines the minimum procedure requirements to safeguard cash while in the custody of department employees. Employees shall maintain appropriate segregation of duties as defined herein at all times including during cash collection, reconciliation, recording, and transfers.

This General Order applies to all employees.

DEFINITIONS

Cash. All mediums accepted by the Houston Police Department used to transfer legal tender, i.e., coin, currency, business checks, personal checks, money orders, and debit card and credit card transactions.

Cash Collection Point (CCP). A business entity within the department that handles cash.

Cash Handling System. A combination of coordinated manual or electronic actions carried out for the purpose of maintaining responsible custodial controls on cash handled.

Change Fund. A fixed currency amount withdrawn from a City authorized account to facilitate the receipt of fees or other pay-

ments. Change funds generally operate in conjunction with revenue streams.

Change Fund Audit. A report verifying fund activity and cash reconciliation.

Receipt of Cash Log. A log created by the cash collection point and used to document receipt of cash.

Revenue Stream. Cash collected within the department in exchange for fees or services. Generally these are fees collected on a regular basis. They may come from either employees or citizens outside the department. A revenue stream begins with the point of collection, includes security of cash within the division, and ends with transferal to the Office of Budget and Finance (B&F) for deposit.

Revenue Stream Audit. Report generated by Inspections Division reviewing the procedures, documentation, and standard operating procedures used by a division or unit relevant to their cash handling, excluding change funds.

Segregation of Duties. A formal business practice that delineates the particular roles within a process and insulates those roles from each other by having them carried out by different employees. These roles include collecting, reconciling, recording, and transferring cash.

1 ESTABLISHING A CASH COLLECTION POINT

Any division that seeks to establish a cash collection point (CCP) shall submit a written request to the Chief of Police. Only the Controller's Office may authorize a cash

collection point. To meet the requirements of the Controller's Office, the request to the Chief of Police shall include all of the following:

- a. The purpose it is to serve.
- b. A list of employee positions involved with the CCP, a description of their duties, and how segregation of duties shall be maintained.
- c. Whether there is a need for a change fund.
- d. A description of the reconciliation process, including frequency of reconciliation.
- e. A description of the process for safeguarding cash until it is deposited.
- f. A schedule of how often cash deposits shall be made that clearly establishes time lines.

Upon approval of the CCP, division commanders shall develop and maintain standard operating procedures for all cash handling duties.

2 CASH HANDLING PROCEDURES

All supervisors are expected to monitor the daily activities of their subordinates with particular attention given to safeguarding cash. Supervisors shall ensure that each subordinate understands all division procedures and City policies regarding the handling of cash and that each subordinate follows the established cash handling system.

Cash Collection Point Transactions

Each CCP shall create and use a *Receipt of Cash Log* to thoroughly document each cash transaction. Divisions may continue to use an established form or log created for

additional purposes if it adequately captures cash transaction information.

Checks must be made payable to either the City of Houston or the Houston Police Department. Checks must be endorsed immediately with a restrictive endorsement stamp payable to the City of Houston.

Checks, money orders, or debit card or credit card transactions shall not be accepted for more than the amount due to the City.

Refunds shall be made through an appropriate approval process, and shall not be paid in currency.

All voided transactions are to be approved by an authorized supervisor.

Departments shall establish methods for a clear chain of custody and accountability for transactions administered by mail.

Transactions Administered in Person

For all personal checks, money orders, and cashier checks, customers must present a valid driver license or state issued identification. The license or I.D. number shall be written on all checks and money orders. Additionally, the customer's name, address, and telephone number shall be written on all cashier checks and money orders. Copies of driver licenses or other identification may be kept for further record keeping.

Receipts shall be given for any cash collected by City employees. At a minimum, the receipt must include the date, mode of payment, and identification of employee issuing the receipt. Receipts are to be issued in sequential order and each receipt must have a unique identifying number. Spoiled receipts should be marked voided and be retained in the receipt books to evidence its spoilage. If receipt books are needed, they can be requested through the Office of Budget and Finance (B&F).

Security

Each CCP shall create a process for safeguarding cash until it is transferred to B&F.

If monies are kept at the division, then cash collection points shall have a basic cash register or a secure location (e.g., locked box or in a locked cabinet or closet) with access controlled to safeguard non-deposited collections.

Records or a log must be maintained identifying any personnel who has access to a cash drawer or lock box during each shift. Each shift that handles cash will need to have access. If a key is used, it shall be secured in an area with limited access.

All CCPs shall utilize a log book to document all safe transactions. The log book shall include the date, time, employee, and reason for additions or removals of revenue in or out of the safe. At any given time, the division should be able to identify the amount of cash currently in the division.

Reconciliation

Each CCP shall have a process documenting all revenue collected. Monies shall be reconciled to a *Receipt of Cash Log*.

Change Fund Reconciliation

Divisions with change funds shall reconcile monies at the start and end of each shift.

Transfers

Each CCP shall make cash transfers to B&F within three business days of receipt. Divisions shall prepare a transfer packet for each transfer, which includes copies of *Receipt of Cash Logs*, receipts, and copies of all checks and money orders.

The CCP shall also maintain copies of each transfer packet, along with a copy of the receipt provided by B&F.

3 REVENUE STREAM AUDITS

Inspections Division is charged with conducting revenue stream audits within the department. These audits are generally initiated on an unannounced basis. All units are required to cooperate with these audits in an expeditious manner.

Upon completion of each audit, the concerned division or unit will be directed by the Chief of Police to provide a written response to the concerned commander addressing the audit findings and recommendations within 90 *calendar* days. Divisions or units shall forward copies of their response letters to both the Inspections Division and B&F.

4 CHANGE FUND AUDITS

For each department change fund Inspections Division shall conduct at least two unannounced audits per fiscal year. A copy of each audit shall be forwarded to B&F.

Quarterly change fund verifications shall be conducted each fiscal year by independent administrative personnel from the division or unit or Inspections Division. The verification procedures must first be approved by the Inspections Division.

5 REVENUE COLLECTIONS FOR OUTSIDE THE DEPARTMENT

Employees shall not collect fees nor accept revenue on behalf of organizations outside the department. Employees shall advise citizens wishing to make a donation to an outside organization that supports the department to contact that organization directly. Employees shall make every effort to provide the citizen the necessary contact information.

Any exception to this section is at the discretion of the Chief of Police.

6 RECORDS RETENTION

All cash receipts and related documents shall be maintained in accordance with established department records retention schedules.

7 RELATED GENERAL ORDER AND REFERENCE MATERIAL

200-36, Solicitation, Gifts, and Bribery
City of Houston Administrative Procedure No. 4-8 Revised, Cash Handling


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

July 22, 2014

NO.

300-02

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-02, dated May 10, 2012

SUBJECT: TRANSFER OF CLASSIFIED EMPLOYEES

POLICY

Transfers of classified employees within the department shall be conducted according to the policies and procedures outlined in this General Order and the standard operating procedures for the department's Employee Services Division.

The department shall transfer classified employees to provide the best possible police services to the citizens of the city of Houston and to provide officers with opportunities for career development and professional experience enhancement.

The Chief of Police may approve any exception to this transfer policy. This General Order applies to classified employees only.

DEFINITIONS

Bona Fide Occupational Qualification. A qualification reasonably necessary for the normal performance of duties for a particular job assignment. For department purposes, a *bona fide occupational qualification* does not include race, national origin, religion, age, or sex.

Established List. A list of officers who are eligible applicants classified and grouped as Most Ready or Ready for a specific Method B transfer. A division creates an *established list* from among and after screening or assessing the applicants on the *transfer application list* provided by Employee Services Division. An *established list* is valid for a set period of time.

Intra-Divisional Reassignment. A move from one unit or squad to another unit or squad within the same division.

Involuntary Transfer. A transfer in which an officer is moved from any assignment within the department at any time upon written approval by the Chief of Police or the executive assistant chief or assistant chief over the division from which the officer is transferring. No minimum assignment period shall apply unless it is authorized by the executive assistant chief over the division to which the officer is transferred.

Minimum Assignment Period. The minimum period of time an officer must remain in an assignment. The minimum assignment period for a Method A transfer is one year. A two-year minimum assignment period is required for Method B transfers. Other transfers may require a minimum assignment period. Exceptions to a minimum assignment period may be approved by the Chief of Police.

Officer. For the purposes of this General Order (excluding section 17), a classified employee holding the rank of police officer, senior police officer, or sergeant.

Reckoning Period. The period of time that previous, same or similar, or combinations of misconduct may be considered for purposes of recommending proper discipline. The reckoning period begins on the day the department served the employee with discipline for the previous misconduct.

Rotation Transfer. A transfer of an officer to a rotation assignment, which is a mandatory assignment for a specified period of time (usually one year). The Chief of Police specifies which divisions are considered rotation assignments for both officer and sergeant ranks. Rotation assignments may be considered voluntary or involuntary transfers.

Transfer. A reassignment of an employee from one division or command to another division or command.

Transfer Application List. A list of applicants who have applied for transfer to a specific division or command. Employee Services Division creates this list and forwards it to the concerned division or command for consideration.

Voluntary Transfer. A transfer for which an officer has voluntarily applied and been accepted. Voluntary transfers are either Method A or Method B and have a minimum assignment period as defined above.

1 EMPLOYEE SERVICES DIVISION

The Police Department's Employee Services Division (ESD) shall handle all classified job postings for openings within the department. ESD shall also maintain the classified job posting form on the department's Intranet Portal.

All classified job postings shall be issued by the division commander of ESD after review and approval by the requesting division's chain of command.

Divisions shall send their requests with the completed classified job posting form to the division commander of ESD via the requesting division's chain of command through the executive assistant chief level.

ESD shall maintain the department's master file containing all transfer applications and shall act as the control agency for the Chief of Police in overseeing transfers and transfer applications throughout the department.

2 VACANCY ANNOUNCEMENTS

Officer vacancies for which there are no eligible applicants may be announced in a department classified job posting. Classified

job postings shall contain information and requirements specific to the assignment or job to be performed. Classified job postings shall not require an applicant to attach a photograph to the application. However, a photograph may be requested or taken at the time of an interview.

All issued classified job postings shall be posted by each division immediately upon receipt and made available to all officers. Classified job postings shall also be accessible via the department's Intranet Portal.

Once a classified job posting has been issued, selection criteria shall not be changed without a second posting to allow all prospective applicants to respond to the new information.

Classified Job Posting Requirements

Classified job postings for Method A transfers (see section 12, *Voluntary Transfers*) shall inform all officers there are no names on a division's Method A application list.

Classified job postings for Method B transfers (see section 12) shall include, but shall not be limited to, the following information:

- a. Rank in which the vacancy occurs.
- b. Division and unit in which the vacancy occurs.
- c. Description of the duties to be performed and the working title of the position, if any.
- d. Duty hours and days off.
- e. Notice that shifts may be adjusted based on operational requirements.
- f. Minimum skills, experience, or education required (must be applicable to the position).
- g. Method of selection.

- h. Length of time the applicants to the classified job posting shall be considered for future vacancies.
- i. The period of time during which applications shall be accepted (minimum: seven *calendar* days from the date of the posting).
- j. Notice that recommendations from current and past supervisors shall be sought.
- k. Notice that past performance evaluations shall be considered.
- l. Notice that an internal affairs complaint history shall be reviewed and considered.
- m. The name and telephone number of a supervisor whom applicants may contact to obtain additional information about the vacant position.

Classified job postings for Method B transfers may also include information about additional skills, experience, or education that would benefit an applicant for consideration for transfer.

3 TRANSFER DISQUALIFICATION

If a transfer applicant has a sustained complaint for violation of federal or state law or local ordinance, or has any other serious sustained complaint, the applicant shall be disqualified from transferring to any position in Investigative Operations, Professional Standards Command, Criminal Intelligence Division, Recruiting Division, or Alternative Dispute Resolution Unit until the department's prescribed reckoning period and any other eligibility period has been satisfied.

Officers with a sustained untruthfulness complaint (Class I or II) are not eligible to apply for or transfer to any position in Investigative Operations, Professional Standards Command, Criminal Intelligence Division,

Recruiting Division, or Alternative Dispute Resolution Unit for a period of seven years from the date of discipline for Category D or E violations and for five years from the date of discipline for Category A, B, or C violations.

Any sustained complaint against an officer may exclude the employee from remaining in or transferring to certain assignments as determined by the concerned assistant chief.

4 TRANSFER APPLICATIONS

To apply for a transfer, officers shall complete an *Application for Transfer* (GF-0032) form in person at ESD. When completing the form, officers should be aware that by requesting a specific unit or shift assignment, they limit their opportunities for transfer. For example, officers applying to Mounted Patrol shall be considered only for a vacancy in Mounted Patrol, not for any other vacant positions in Special Operations Division, and officers who specify day shift on their applications shall not be considered for any other shift.

All of the following requirements apply to transfer applications:

- a. No officer shall have more than three active applications on file at any time.
- b. An officer may apply for a transfer before completing a minimum assignment period. However, the officer shall not be eligible to transfer until completing the minimum assignment period.
- c. Applications shall be accepted for a Method A (non-interview process) transfer to a patrol division whether or not there is a current open position. This includes patrol functions within the Special Operations Division.
- d. Applications for transfers to investigative divisions or for Method B (interview

process) transfers including the Method B investigative selection process shall be accepted only in response to a current and active classified job posting announcing a vacancy or an anticipated vacancy.

- e. All divisions shall maintain applications of those who meet the minimum eligibility requirements for at least six months from the date received. All applications shall remain archived indefinitely in ESD.
- f. Officers who no longer want a previously submitted transfer application to remain on the active *transfer application list* shall withdraw their application through correspondence to the division commander of ESD or by personally appearing at ESD and withdrawing the transfer application.
- g. Applicants declining a transfer offer because of a temporary situation and wishing to retain their application and position on the *transfer application list* or *established list* may write a request and explanation regarding the situation to the division commander of ESD. The explanation must be received by ESD within seven *calendar* days after the transfer decline. The division commander of ESD in consultation with the concerned division commander shall review the explanation and notify the requesting applicant in writing of the decision.

If the applicant declines a transfer offer from the same *transfer application list* or *established list* for a second time, the applicant shall be removed from that list unless an exception is approved by the Chief of Police.
- h. Each division is responsible for keeping their *transfer application list* current and maintaining it by removing personnel as outlined above and by removing applicants that are considered ineligible or

Not Ready in response to a Method B Job Posting.

- i. When an applicant accepts a voluntary transfer or promotion, ESD shall cancel all active transfer applications for that officer.

5 PERSONNEL CHANGES FORM

A *Personnel Changes* form shall be completed for all transfers.

The receiving division commander shall initiate the form so assignment information such as shift and days off may be assigned. The form shall bear the signature of the affected officer and the date signed. The effective date of the transfer shall be left blank. The receiving division commander shall then forward the *Personnel Changes* form to the transferring officer's division commander for signature and for the signatures of the assistant chiefs over the sending and receiving divisions.

The completed form shall then be sent to ESD, which shall verify all policy and procedural requirements have been met. Forms not bearing the required signatures or other information shall be returned to the receiving division. When the transfer is approved by the executive assistant chiefs or their designee at the Personnel Allocation Committee meeting, ESD shall enter the date of transfer on the *Personnel Changes* form and notify the transferring officer and the sending and receiving divisions.

6 PERSONNEL ALLOCATION COMMITTEE

The Personnel Allocation Committee consists of the department's four executive assistant chiefs. This committee is authorized by the Chief of Police to review and approve the orderly transfer of classified employees within the department. The committee accomplishes this task by considering the

authorized, actual, and proportionate strength of both the transferring and receiving divisions as it relates to accomplishing department or division objectives.

Except as directed by the Chief of Police, or as described in another section of this General Order, no transfer of a classified employee is effective until approved by the Personnel Allocation Committee.

7 PROBATIONARY POLICE OFFICERS AND NEWLY PROMOTED POLICE OFFICERS AND SERGEANTS

Unless otherwise approved by the Chief of Police, probationary police officers and newly promoted police officers and sergeants shall be assigned to a vacancy in a uniformed division for which no applications have been received or as determined by ESD.

These officers and sergeants shall remain for at least one year in their first regular assigned division. This does not apply to employees transferred out on a rotation assignment.

Unless otherwise approved by the Chief of Police, newly promoted sergeants shall serve at least one year in a uniformed division and may also serve at least one year in a rotation assignment (see section 14, *Rotation Transfers*). Both assignments shall be determined by ESD. The assignments must be completed before the end of the third year as a sergeant.

Newly promoted sergeants shall not be assigned to the division from which they promoted for one year without a written request from their chain of command and approval by the Chief of Police.

8 LIEUTENANTS

The rank of lieutenant is mid management, and transfers shall be made at the discre-

tion of the Personnel Allocation Committee, based on the committee's assessment of the overall needs of the department. Unless waived by the Chief of Police, lieutenant vacancies shall be announced via job posting so interested persons can make their interest known to the appropriate division commander as outlined in the job posting.

When a division commander has a lieutenant vacancy, that division commander shall interview all lieutenants who have appropriately responded to the job posting.

Unless otherwise approved by the Chief of Police, newly promoted lieutenants shall serve at least one year in a uniformed division as determined by ESD. The uniformed assignment must be completed before the end of the third year as a lieutenant.

9 COMMANDERS

The rank of captain or above is upper management and transfers are made at the discretion of the Chief of Police based on the Chief's assessment of the overall needs of the department.

10 INTRA-DIVISIONAL REASSIGNMENTS

Reassignment of personnel within a division may be made as limited below at the discretion of the division commander in order to improve the division's efficiency or productivity, or for the benefit of the officer. Intra-divisional reassignment is not considered an involuntary transfer.

Division commanders may fill a vacancy with an eligible officer from within the division giving preference to seniority whenever possible.

Intra-divisional reassignments are allowed from an investigative position to another investigative position and from an investigative position to an administrative position.

However, intra-divisional reassignments for police officers or senior police officers are not allowed from an administrative position to an investigative position unless one or more of the following situations applies.

The officer:

- a. Has held a regular assignment in the division continuously since January 7, 2002.
- b. Entered the division via the investigative selection process prior to the administrative assignment.
- c. Is selected from the *established list* for the position after competing with other applicants in the appropriate investigative selection process (see section 17, *Investigative Selection Process*).

If a division commander anticipates filling a position from within the division, a notice of vacancy shall be prominently posted in an area accessible to all officers in the division for a minimum of seven *calendar* days. This method of filling a vacancy is an intra-divisional reassignment and not a transfer.

If no officer is selected from within the division, an applicant from outside the division may be used to fill the vacancy. The appropriate job posting and transfer process shall be utilized.

11 TEMPORARY ASSIGNMENTS

Most temporary assignments are those lasting 30 *calendar* days or less. Only the Chief of Police or an executive assistant chief may approve a temporary assignment lasting 31 through 90 *calendar* days. Extensions beyond 90 *calendar* days may be approved only by the Chief of Police.

A *Personnel Changes* form shall be completed for temporary assignments. The signed form must note that the assignment

is temporary and be submitted to ESD. Appropriate personnel in the temporary assignment division shall immediately update the officer's schedule as needed in the City's Kronos® Time and Attendance System.

While on temporary assignment, an officer's regular assignment determines the appropriate assignment pays, including patrol incentive pay and shift and weekend pay.

When an employee is on temporary assignment, all personal leave time and other absences shall be entered into Kronos by appropriate personnel from the division to which the officer is temporarily assigned. See General Order 300-07, *Overtime Compensation*, for guidelines regarding the entry of overtime while on temporary assignment. See General Order 300-10, *Transitional Duty Assignment*, for guidelines regarding officers on transitional duty.

When employees return to their regular assigned division, another *Personnel Changes* form shall be submitted to ESD. Appropriate personnel in the regular assigned division shall immediately update the officer's schedule as needed in Kronos. The officer shall be allowed to return to the officer's regular days off and shift held prior to the temporary assignment.

12 VOLUNTARY TRANSFERS

This section outlines the two common types of voluntary transfers and lists requirements for proactive investigative assignments.

Method A Transfer

A Method A transfer occurs when a division fills a vacancy from a list of officers who have applied for transfer to the division by submitting their names on a first-come, first-served basis. Applications received in ESD on the same day are ordered by seniority. ESD shall make a *transfer application list* of officers who have applied for transfer to a

particular division and forward a copy of the list to the concerned division. An updated *transfer application list* shall be sent to the concerned division when new applications are received by ESD. Applications shall remain active indefinitely in ESD or until withdrawn as noted in section 4, *Transfer Applications*, of this General Order.

Applicants shall be considered in the order their names appear on the *transfer application list*. The division commander having a vacancy shall fill the vacancy with the first eligible officer appearing on the Method A *transfer application list*.

In the event there are no applicants for an opening in a particular division, a classified job posting may be issued to notify all employees of the vacancy. After the posting period closes, ESD shall prepare a *transfer application list* that identifies those officers who have applied for transfer to the vacant assignment. Applicants on this list shall be ranked by seniority rather than on a first-come, first-served basis.

Conflicts arising from the order employees are placed on a *transfer application list* shall be settled according to General Order 300-03, *Seniority*. Questions about placement on the *transfer application list* may be addressed in correspondence to the division commander of ESD. ESD's division commander shall review the list in question and make changes or corrections if justified.

The minimum assignment period for a Method A transfer is one year.

Method B Transfer

A Method B transfer occurs when a division fills a vacancy requiring specific criteria normally announced in a Method B classified job posting.

To fill a vacancy through a Method B transfer, division commanders shall submit their request, justification for using this method,

and a completed classified job posting form to the division commander of ESD via the requesting division's chain of command through the executive assistant chief level. After review and approval by the requesting division's chain of command, ESD shall issue a classified job posting notifying all employees of the vacant position.

ESD shall make a *transfer application list* of officers who have applied for a transfer to the vacant assignment and forward a copy of the list to the concerned division.

The division commander with the vacancy shall conduct a screening process that may include a review of any of the following for each applicant: résumé, interviews, oral board reviews, writing samples, tests on related issues, and physical and psychological tests. The division commander may designate personnel already assigned to the division to staff the review board or screening panel. Division commanders shall make certain that members of the review board or screening panel are selected to ensure diversity and objectivity.

Based on the screening process, the concerned division shall produce a list that classifies and groups eligible applicants as Most Ready or Ready (*established list*) and submit the list to the division commander of ESD to establish the official beginning and ending dates. The division shall also include with the correspondence to ESD a separate list of ineligible and Not Ready applicants.

Applicants on an *established list* remain in consideration for positions in the concerned division until the pool of eligible applicants on the list is exhausted but for no longer than the length of time specified on the related classified job posting up to one *calendar* year from the date the list is established by ESD. Each division is responsible for maintaining the accuracy of current eligible applicant names on its *established lists* and monitoring time restraints. Once an *established list* from a Method B job posting

expires, the division is responsible for removing the remaining names on the list that did not transfer during that time frame.

Division commanders shall ensure all applicants interviewed but not in consideration for transfer are notified in writing. Within the written communication there shall be a brief description of why the applicant shall not be considered for transfer. The written communication shall be sent within ten *calendar* days following the beginning date on the concerned *established list*.

An unsuccessful applicant for a Method B vacancy may meet with the concerned division commander, assistant chief, or executive assistant chief. The meeting would be to review the applicant's performance during the interview process and to review documentation used to assess the applicant's performance.

Executive assistant chiefs and assistant chiefs shall conduct random audits of the selection process to ensure compliance with department policy. Additionally, executive assistant chiefs and assistant chiefs shall review the selection panel and interview material before a selection process begins.

A transfer shall not be approved if the effective date of the transfer would occur prior to the beginning date or after the ending date on the concerned *established list*.

The minimum assignment period for a Method B transfer is two years.

For additional information regarding Method B transfers requiring the investigative selection process, see section 17, *Investigative Selection Process*, of this General Order.

Criteria for Continued Assignment in Method B Assignments

Officers assigned to divisions or units through a Method B transfer shall meet cer-

tain performance criteria on a continuous basis. Prior to selection, officers shall be apprised of the criteria for continued assignment to the division or unit. Performance shall be continuously assessed.

General criteria used in evaluating an officer's suitability to remain in a Method B transfer assignment shall include, but not be limited to, the following:

- a. Achievement of required productivity standards.
- b. Quality of the officer's work.
- c. Officer's overall suitability for the assignment.
- d. Job performance review.
- e. Well-being of the officer.
- f. Best interest of the department.

If the division commander determines that an officer is not meeting the established criteria for the assignment, the officer may be offered an intra-divisional reassignment or the matter shall be brought to the attention of the appropriate assistant chief. If the assistant chief concurs the officer is no longer suited for the division, the officer shall be transferred by any approved transfer method. Placement may be at the discretion of the concerned assistant chiefs.

Method B Retention Policy for Proactive Investigators

The above listed retention criteria for Method B assignments along with the additional policies outlined in this subsection shall be utilized to evaluate employees for continued assignment in Method B proactive investigative positions as well as to facilitate the reassignment of employees as necessary. This policy should not be interpreted as a mandatory rotation policy based on an arbitrary number of years in an assignment, but

as a more effective way for the Chief of Police to balance the needs of the department while keeping in mind the welfare of employees faced with sensitive, high stress proactive investigative assignments.

The following divisions that utilize proactive investigators are subject to this retention policy:

- Auto Theft
- Criminal Intelligence
- Gang
- Major Offenders
- Narcotics
- Vice

For divisions that maintain both reactive and proactive investigators, this policy shall apply to only officers who conduct proactive investigations including, but not limited to, undercover operations. For the purpose of this policy, if an officer conducts both reactive and proactive investigations, the officer shall be considered a proactive investigator and subject to the guidelines of this policy.

Division commanders shall make the determination as to which employees under their command are considered to be proactive investigators and therefore subject to the guidelines of this policy.

Administrative personnel in the above listed divisions are outside the scope of this policy.

Supervisors should conduct regular supervisory meetings and/or debriefings with proactive investigators in order to monitor and discuss issues as they arise. At the conclusion of every prolonged proactive investigative assignment, supervisors shall conduct a debriefing session with the involved proactive investigators.

After three years in a proactive investigative assignment, an officer's supervisor:

- a. Shall be required to review the employee's disciplinary history. All complaints

shall be reviewed in considering whether a pattern of behavior potentially exists that could be detrimental to the officer or to the department.

- b. Shall review the employee's personnel file for other items, such as the nature and number of extra employment positions and compliance with other department policies.

After five years in a proactive investigative assignment and every two years thereafter, proactive investigators shall schedule and attend a psychological counseling session administered by HPD's Psychological Services Division. The counseling session shall be confidential and Psychological Services Division shall not be required to submit a report to the department unless otherwise required by law. Supervisors are responsible for ensuring that officers working proactive assignments are scheduled for counseling as required by this General Order.

The requirement for periodic psychological counseling neither supersedes the requirements and guidelines regarding the Administrative Personnel Committee outlined in General Order 300-05, **Workers' Compensation** nor prevents a supervisor from seeking assistance for an employee from Psychological Services Division as needed.

Transferring to a Proactive Investigative Assignment

Each applicant, including those already assigned to the concerned division, must do all of the following when applying for a proactive investigative assignment:

- a. Submit a new resume.
- b. Participate in an interview in front of a panel of supervisors and investigators with relevant experience in the open position.
- c. Take a written test applicable to the job description.

d. Take a preliminary psychological examination for a baseline score.

e. Submit to an assignment drug test.

Officers accepting a proactive investigative assignment shall be required to complete a six-month, structured training and evaluation period. Each division shall be responsible for developing training and submitting the curriculum to the Training Division for approval. The training shall be incorporated into the division's standard operating procedures once it is approved by the Training Division. This training shall be documented thoroughly by both the mentoring officer and the supervisor of the new employee. Things that should be documented include training hours, the tasks completed, and any observed strengths or weaknesses.

The supervisor shall hold monthly meetings with the new employee to discuss the training period. At the end of the evaluation period, the supervisor shall provide a recommendation to either retain the new employee or return the employee to the previous assignment or any available similar assignment.

See below section 13, *Involuntary Transfers*, for information regarding involuntarily transferring an employee from a proactive investigative assignment.

13 INVOLUNTARY TRANSFERS

Upon written approval by the Chief of Police or the executive assistant chief or assistant chief over an officer's current division, an officer may be transferred from any assignment within the department at any time.

Involuntary transfers require a copy of the correspondence to be attached to the *Personnel Changes* form. Placement may be at the discretion of the Chief of Police.

All officers scheduled to be transferred involuntarily shall be given written notice of the transfer ten *calendar* days prior to the effective date of the transfer when practical. The ten days shall commence on the date the officer signs the *Personnel Changes* form. The officer being transferred may waive the ten-day requirement. If an officer is involuntarily transferred, no minimum assignment period shall apply unless noted elsewhere in this General Order or authorized by the executive assistant chief over the division to which the officer is transferred.

Involuntarily Transferring an Employee From a Proactive Investigative Assignment

An officer who is involuntarily transferred from a proactive investigative assignment shall not be eligible to transfer to another proactive investigative assignment for a period of two years. An officer involuntarily transferred from a proactive investigative assignment shall be assigned to a uniformed division unless otherwise approved by the assistant chief of the receiving command.

14 ROTATION TRANSFERS

Unless otherwise approved by the Chief of Police, the least senior employee in each of the police officer and sergeant ranks who has not worked a rotation assignment shall be subject as noted below to a rotation transfer to fill a vacant rotation assignment.

The police officer with the least seniority who has completed the department's Field Training Program and the twelve-month probationary period shall be identified to fill a vacant rotation assignment. Excessive absences during a rotation assignment may extend the assignment for a police officer.

The least senior sergeant who has completed the Patrol Sergeant Training Program

shall be identified to fill a vacant rotation assignment.

Employee Services Division shall:

- a. Administer the rotation transfer process.
- b. Maintain a list of divisions considered as rotation assignments.
- c. Identify the least senior employee in each of the police officer and sergeant ranks who has not worked a rotation assignment.
- d. Maintain a database of all police officers and sergeants to identify those who have completed their rotation assignment.
- e. Provide a list of vacancies to those officers and sergeants who have completed their rotation assignment and are interested in transferring.

Post Rotation Assignment Options

After the minimum assignment period in a rotation assignment, police officers and sergeants shall be eligible to transfer utilizing any of the transfer options outlined in this General Order or listed below:

- a. Accept a position offered by ESD. The assignment shall not have a minimum assignment period.
- b. Seek an assignment without assistance from ESD. The assignment shall be considered voluntary and restrictions of the minimum assignment period shall apply.

With approval of the concerned division commander, police officers and sergeants also have the option of remaining in a rotation assignment after the minimum period required. In this case, the rotation assignment shall become a regular assignment.

15 INTERNAL AFFAIRS/CENTRAL INTAKE OFFICE AND INSPECTIONS DIVISION

Only the assistant chief of Professional Standards Command may authorize assignments to Internal Affairs/Central Intake Office (IAD) or Inspections Division. Decisions may be based on recommendations from the division commander of IAD or Inspections Division.

Police Officers and Sergeants

The minimum assignment period for a police officer or sergeant in IAD or Inspections Division is two years. After completing the two-year minimum assignment in IAD or Inspections Division, police officers or sergeants wanting to transfer shall have the same options as outlined under subsection "Post Rotation Assignment Options" in section 14 of this General Order.

IAD sergeants may serve an additional three years, but shall not serve more than five consecutive years in that assignment except as noted below or unless approved by the Chief of Police. Sergeants who have served in IAD for five or more consecutive years and who have not been able to transfer out shall be involuntarily transferred except as noted below. Upon approval by the Chief of Police, the involuntary transfer shall be based upon the needs of the department.

Police officers may serve more than five years in IAD with the authorization of their division commander.

Lieutenants

The minimum assignment period for a lieutenant in IAD or Inspections Division is two years. Assignment extensions beyond that time in IAD shall be based on the needs of the department, but shall not exceed an additional three years except as noted below or unless approved by the Chief of Police.

Lieutenants are not guaranteed to return to their previous assignments when transferring from IAD or Inspections Division.

Administrative Positions

A lieutenant, sergeant, or police officer who occupies an administrative position in IAD is exempt from the five-year assignment limitation.

Exceptions

Unless otherwise approved by the Chief of Police, police officers, sergeants, or lieutenants who have completed a minimum assignment period in IAD in their current rank shall not have to serve in Inspections Division and vice versa.

Additionally, police officers, sergeants, or lieutenants who have completed a minimum assignment period in either IAD or Inspections Division in their current rank shall not be involuntarily assigned to a rotation assignment unless approved by the Chief of Police.

16 SPECIAL TRANSFERS

The following special transfer situations are exceptions to the voluntary transfer requirements:

- a. One-for-one transfers of eligible officers between two patrol divisions. The exchange may be made even though there are no vacancies in either division. Both affected division commanders and the division commander of ESD must verify that both officers are eligible to transfer. Officers must complete the minimum assignment period in their current division before a one-for-one transfer shall be approved. One-for-one transfers are between two patrol divisions only. The division commander of the receiving division shall determine the days off and shift of the transferring officer. One-for-

one transfers shall have a one-year minimum assignment period.

- b. Before completing the minimum assignment period in a non-rotation assignment, officers who are assigned to non-patrol divisions may transfer to any patrol division that has an available position. This type of transfer to a patrol division shall have a one-year minimum assignment period.
- c. Transfers to the Office of the Chief of Police, the office of an executive assistant chief or assistant chief, or a special assignment authorized by the Chief of Police. These assignments are at the discretion of the Chief of Police.
- d. Transfers from the Office of the Chief of Police, the office of an executive assistant chief or assistant chief, or a special assignment authorized by the Chief of Police. Upon request, officers may return to their previous regular assigned division when a vacancy occurs and with approval by the division commander of the requested division. Otherwise, officers may be reassigned through a Method A or Method B transfer or may be assigned to any position authorized by the Chief of Police.

17 INVESTIGATIVE SELECTION PROCESS

This section outlines the selection process for police officers and senior police officers applying for investigative positions in the department. The selection process for sergeants applying for investigative positions is governed by other sections of this General Order.

Terminology

The following definitions apply to this section only.

Investigative Division. One of the department's divisions responsible for investigative

efforts and subject to the investigative selection process for transfers to an investigative position. This includes divisions under Investigative Operations, as well as Criminal Intelligence Division and other divisions as determined by the Chief of Police.

Investigative Officer. A police officer or a senior police officer directly responsible for conducting investigative tasks or managing investigations. Officers working in an administrative capacity are not defined as investigative officers.

Investigative Position. A position in an investigative division in which the functions of an investigative officer are normally performed.

Introduction

The investigative selection process (ISP) outlined in this section applies to only vacancies in investigative positions. Vacancies in administrative positions in investigative divisions shall be filled according to procedures outlined in other sections of this General Order. Intra-divisional reassignments to investigative positions shall be handled according to the policies outlined in section 10 of this General Order.

Investigative officers desiring to transfer to an investigative position in another division must submit to the investigative selection process for that division, regardless of the prior method of selection for their current position.

Transfers effected through the ISP are considered Method B transfers. In addition to the Method B transfer requirements outlined in other sections of this General Order, the ISP shall be conducted as outlined in this section.

Application and Eligibility

Application. Applicants for an investigative position must complete an *Application for*

Transfer (GF-0032) in person at ESD during the application period designated on the investigative division's classified job posting. Failure to follow directions or provide accurate information shall be grounds for disqualification from the process.

Attendance. Applicants may be disqualified if they have exceeded 64 hours of unscheduled leave within the 12-month period prior to application, selection, or transfer to an investigative position. Absences due to hospitalization, or military, maternity, IOD, ADA, or FMLA leave, or other absences approved by the Chief of Police shall not be considered unscheduled in the application process.

Applicants who have any incident of an unauthorized absence (e.g., Absent Without Permission) within 24 months prior to their application, selection, or transfer to an investigative position shall be disqualified.

Minimum Tenure. Unless otherwise approved by the Chief of Police, applicants shall have a minimum of three years of sworn service with HPD including a minimum of two years in a uniformed division. Tenure shall be calculated from the sworn date to the date of the concerned classified job posting.

Job Performance. Applicants shall have an overall "Strong" or higher rating on each of their two most recent *Report of Employee Efficiency Ratings*.

Investigative Training. Applicants shall complete the Police Department's 40-hour Basic Investigators School prior to or within one *calendar* year of transferring to an investigative position. Only the executive assistant chief over the concerned division may approve exceptions to this requirement.

Internal Affairs Complaints. Officers with a sustained complaint (Class I or II) with a discipline Category C, D, or E that is still within the department's prescribed reckoning

period are not eligible to apply for or transfer to an investigative position.

Applicants with a sustained complaint (Class I or II) other than untruthfulness with a discipline Category A or B that is still within the department's prescribed reckoning period shall be reviewed to determine eligibility to continue with the selection process. The executive assistant chief over the concerned division shall be the final authority regarding the eligibility of these officers to participate in the ISP. However, officers shall not be eligible to transfer to an investigative position until the department's prescribed reckoning period and any other eligibility period has been satisfied.

Officers with a sustained untruthfulness complaint (Class I or II) are not eligible to apply for or transfer to any investigative position for a period of seven years from the date of discipline for Category D or E violations and for five years from the date of discipline for Category A, B, or C violations.

Applicants with a pending internal affairs investigation are not eligible to transfer to an investigative position but are allowed to continue with the ISP on a conditional basis provided that no other disqualifying factors exist.

If a pending internal affairs complaint is sustained, officers shall not be eligible to transfer to an investigative position until the department's prescribed reckoning period and any other eligibility period has been satisfied.

Additionally, any sustained cite or series of sustained cites (e.g. criminal activity, court attendance, inattention to duty, conduct and behavior) may be a deciding factor regarding an officer's suitability for an investigative position and may warrant disqualification from the ISP. The executive assistant chief over the concerned division shall be the final authority regarding the eligibility of these officers.

Assessment

Following the application period designated on an investigative division's classified job posting, the division shall conduct an assessment of all potentially eligible applicants. The assessment process shall be designed to evaluate the applicants' suitability for an investigative position in the division. The assessment process may include, but is not limited to, interviews and analyses of prior work products, applicant productivity, supervisor ratings, or specialized training. Additionally, the investigative division may develop written and/or oral exercises designed to test applicants' interpersonal skills, deductive reasoning, or oral or written communications.

The investigative division shall then assign each applicant a total score. Each investigative division shall maintain a record of these scores according to their division's records retention schedule. Applicants who achieve at least 85 percent of the available points shall be classified and grouped as Most Ready. Applicants who achieve at least 70 percent but less than 85 percent of the total available points shall be classified and grouped as Ready. Applicants who fail to score at least 70 percent are ineligible for the concerned ISP transfer and shall be classified as Not Ready. Eligible applicants shall be identified on an *established list* in either the Most Ready group or the Ready group.

Applicants on an *established list* remain in consideration for positions in the concerned division until the pool of eligible applicants on the list is exhausted but for no longer than one *calendar* year from the date the list is established by ESD.

Selection

Under the ISP, division commanders shall select from among the Most Ready group of applicants on an *established list* and proceed to the Ready group once all of the Most

Ready applicants have been transferred, have twice declined the transfer offer, or have been otherwise removed from that established list.

A division commander may select an applicant from the Ready group before the list is exhausted for the Most Ready group only if the applicant in the Ready group possesses a *bona fide occupational qualification* not available in any of the Most Ready applicants.

A *bona fide occupational qualification* for an investigative position includes, but is not limited to, language skills, computer knowledge, or investigative experience. For department purposes a *bona fide occupational qualification* does not include race, national origin, religion, age, or sex. Only the executive assistant chief over the concerned division may approve requests to by-pass a Most Ready applicant.

If there is a need for a classified employee based on race, national origin, religion, age, sex, or other qualification, it must be expressly and explicitly articulated why that qualification is reasonably necessary for the normal performance of duties for the particular job assignment.

Applicants offered investigative positions in the Homicide, Narcotics, Major Offenders, Vice, or Special Victims divisions must complete an evaluation with Psychological Services Division. Applicants who fail to meet this requirement or who are deemed Not Ready for the assignment by Psychological Services Division shall be disqualified from consideration for that position.

Probationary Period

Officers transferred via the investigative selection process shall have a probationary period of 180 calendar days. During the probationary period, the officer's performance in the new position shall be closely monitored.

If the officer fails to meet the division's established performance standards for the position during the officer's 180-day probationary period, the officer may be offered an intra-divisional reassignment or the division commander shall document the weaknesses and petition in writing to the assistant chief for the officer's removal from the division. If the assistant chief concurs the officer is no longer suited for the division, the officer shall be transferred by any approved transfer method.

Officers removed from a division because of job performance deficiency are not guaranteed any specific assignment, shift, or days off. Placement may be at the discretion of the Chief of Police.

18 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

- 300-03, Seniority
- 300-04, Compensation
- 300-05, Workers' Compensation
- 300-07, Overtime Compensation
- 300-09, Absence From Duty – Classified
- 300-10, Transitional Duty Assignment

Houston Police Department Corrective Action Manual


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

January 13, 2021

NO.

300-04

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-04, dated March 11, 2016

SUBJECT: COMPENSATION

POLICY

Classified employees shall be provided compensation according to the guidelines and procedures outlined in this General Order.

This General Order applies to classified employees only.

1 DETERMINATION OF COMPENSATION

Compensation of classified employees, including all specific allowances mentioned below, is determined by the current classified employees' Meet and Confer Agreement and its amendments and applicable City ordinances.

2 ALLOWANCES

Officers of the Houston Police Department may be provided compensation for the following authorized allowances:

Clothing. Officers who qualify for a clothing allowance as specified in the Meet and Confer Agreement and General Order 300-18, **Clothing Allowance**, will be paid semiannually.

Equipment. Each police officer shall receive an equipment allowance payable in equal biweekly payments. For new hires, the equipment allowance shall begin in the first full pay period after completion of the probationary period.

Motorcycle. Officers assigned to the Traffic Enforcement Division and who provide their personally owned motorcycle for department use shall receive reimbursement for expenses to operate and maintain said motorcycle.

3 ASSIGNMENT PAY

Officers may receive assignment pay for select assignments as outlined below and in other sections of this General Order or the Meet and Confer Agreement.

Additional Compensation. Officers may receive additional compensation at various agreed upon rates of pay for performing additional specific duties. Examples of this type of assignment pay include additional exempt employee compensation and Strategic Officer Staffing Program (SOSP) compensation for pay. For additional information on these two types of pay, see General Orders 300-36, **Exempt Time Compensation and Exempt Time Credit** and 300-34, **Strategic Officer Staffing Program**.

Bilingual Pay. Officers who meet specific criteria may receive assignment pay for possessing the ability to communicate in certain languages other than English as established by law and department policy.

Sign Language Pay. Officers who meet specific criteria may receive assignment pay for possessing the ability to communicate in American Sign Language as established by law and department policy.

Specialized Duty Assignment. Officers may receive assignment pay when assigned to certain hazardous duties or specialized functions. Examples of these types of assignments are SWAT, Bomb Squad, Dive Team, Helicopter and Solo Motorcycle Detail. Other assignments may qualify for this pay as authorized by the Meet and Confer Agreement or City ordinance.

4 FIELD TRAINING COMPENSATION

Field training instructors and field performance evaluators who work for the Field Training Officer (FTO) program training new officers shall receive additional compensation at the rate specified in the current Meet and Confer Agreement. Additionally, officers and supervisors assigned responsibilities with the FTO program shall receive additional compensation at the rate specified in the current Meet and Confer Agreement.

5 SHIFT DIFFERENTIAL PAY AND WEEKEND PREMIUM PAY

Shift Differential Pay

Officers whose regular assignment is to work a regularly scheduled shift that begins at 1200 hours or later and/or ends no later than 0700 hours shall receive shift differential pay for their entire shifts. These officers shall also receive shift differential pay in their overtime pay calculations for overtime hours worked between 1200 hours and 0700 hours in the officers' regular assigned positions. Shifts shall be determined as follows:

- a. Day shifts are those shifts beginning between 0500 hours and 1159 hours.
- b. Evening shifts are those shifts beginning between 1200 hours and 1959 hours.
- c. Night shifts are those shifts beginning between 2000 hours and 0459 hours.

Weekend Premium Pay

Weekend premium days for day and evening shifts as defined in the previous subsection are Saturday and Sunday. Weekend premium days for night shifts as defined in the previous subsection are Friday and Saturday.

Officers who are regularly assigned to work shifts that begin on any part of the weekend premium days for their shifts shall receive weekend premium pay for the weekend premium days that are part of their regular assignments. These officers shall also receive weekend premium pay in their overtime pay calculations for overtime hours worked during any part of the officers' weekend premium days in the officers' regular assigned positions.

General Guidelines

In order to receive shift differential pay and/or weekend premium pay, officers must have regular assigned shifts and/or days off that qualify as outlined above in this section. Personnel with rotating shifts shall not receive shift differential pay or weekend premium pay.

Classified personnel on temporary assignment, as specified in General Orders 100-03, **Definitions of Terms** and 300-02, **Transfer of Classified Employees**, or on transitional duty as defined in General Order, 300-10, **Transitional Duty Assignment**, shall continue to receive shift differential pay and weekend premium pay based on their regular assigned shifts and days off without regard to the requirements of their temporary assignments or transitional duty assignments.

Classified personnel who become eligible for shift differential pay or weekend premium pay must submit a *Personnel Changes* form. The form, which is available on the department's Intranet Portal, must be completed in its entirety and have the signature of the officer's division commander. The effective date of the change must be the first day of a pay period.

6 HIGHER CLASSIFICATION PAY

Officers holding the rank of sergeant or higher or classified pay grade VI or higher shall receive additional compensation for temporary duty assignments in a higher classification position pursuant to applicable law and policy. The following criteria shall serve as the guidelines for implementing this policy:

Classification Requirement. The person who is to perform temporary duty in a higher classification assignment must be classified in the next lower classification in the class series than the temporary duty assignment to which the appointee is to be named.

Job Title. The appointee shall use the title of "Acting" as a descriptor before the position classification title to which the officer has been appointed.

Length of Assignment. The assignment must be for one complete workday or longer.

Length of Compensation Requirement. Compensation shall be for the period of the temporary duty assignment.

Recommendation and Approval Requirement. The immediate supervisor over the position being considered shall recommend an appointee. If the assignment is for the position of *acting commander* or *assistant chief* or *above* for a period of more than five days, the appointee must receive the approval of the Chief of Police, in writing, prior to receiving the higher classification compensation. If the assignment is for the position of *acting commander* or *any lesser pay grade assignment* for a period of five days or less, the appointee must receive the approval of the Chief of Police or appropriate assistant chief, in writing, prior to receiving the higher classification compensation.

Vacancy of Position Requirement. The position due to a temporary duty assignment shall be a temporary vacancy created by the temporary absence of the regular full-time incumbent in the higher position. There shall not be any "trickle down" effect and a supervisor shall not appoint a

subordinate to perform his duties while he is acting in a higher classification. It shall be the responsibility of the supervisor to complete his regular responsibilities in addition to those of the higher classification assignment. The temporary absence in position shall not be considered a vacancy.

7 TRAINING PAY

Training level awards are based on an officer's sworn date with the department. Training pay is payable to qualifying officers only after each level has been achieved based on the required years of service.

The levels are calculated as follows:

Achievement Level	Years of Service
Level One	1-5 Years
Level Two	6-11 Years
Level Three	12+ Years

For new hires, training pay for Level One shall begin in the first full pay period after completion of the probationary period.

Officers are responsible for reporting training and education received outside the department to ensure their training and education records are current and accurate.

The Training Division shall update training and education records when employees receive training and education by or through the department. The Training Division shall report to the Texas Commission on Law Enforcement (TCOLE) the training and education completed by each officer and approved by the Training Division for state certification purposes.

8 LONGEVITY PAY

Officers shall receive longevity pay for their years of service to the City of Houston computed from their *employment date* and according to the below guidelines. For additional information on the calculation of *employment date*, see General Order 300-03, **Seniority**.

Absences from Duty. In computing longevity, military leave shall be included as service to the City and therefore shall not affect *employment dates*. *Employment dates* may be appropriately adjusted for unpaid leaves of absence and unpaid disciplinary suspensions as determined by City ordinance.

Commencement of Longevity. Compensation for longevity shall be effective on the first day of the first pay period following an officer's anniversary date of employment with the City.

Compensation Rate. Full-time employees shall receive longevity pay each biweekly pay period for each year of service with the City. The rate and limit shall be determined by City ordinance. Compensation for longevity shall be in addition to an employee's base salary.

9 EDUCATION INCENTIVE PAY

An officer who has or is awarded a degree by an accredited college or university by an approved accrediting agency as specified by the United States Department of Education shall be paid biweekly education incentive pay for the highest degree attained. This incentive pay shall be based on the rates approved in the current Meet and Confer Agreement. This pay shall not be retroactive and shall begin only in the first full pay period after the employee provides certification of the awarded degree to the Training Division Certification Unit.

10 INVESTIGATOR INCENTIVE PAY

Qualified investigative personnel in the below listed divisions or assignments may be eligible to receive investigator incentive pay at the rates and in accordance with eligibility criteria reflected in the current Meet and Confer Agreement.

- a. Auto Theft
- b. Major Offenders
- c. Narcotics
- d. Vehicular Crimes
- e. Vice
- f. Burglary & Theft
- g. Homicide
- h. Juvenile
- i. Robbery
- j. Special Victims
- k. Gang
- l. Criminal Intelligence
- m. Major Assaults & Family Violence
- n. Cyber & Financial Crimes
- o. Drug Recognition Expert (DRE)
- p. Other assignment as authorized per the Meet and Confer Agreement

No individual receiving investigator incentive pay may also receive patrol officer incentive pay.

11 PATROL OFFICER INCENTIVE PAY

Patrol officer incentive pay shall be paid to employees holding the rank of police officer, senior police officer, or sergeant at the rates and in accordance with eligibility criteria reflected in the current Meet and Confer Agreement. The officer must be regularly assigned to the patrol call for service loop in a patrol division, an airport division, Special Operations Division, Mental Health Division, Vehicular Crimes Division, or other assignment as approved per the Meet and Confer Agreement. This pay shall be paid to those in uniform whose primary responsibility is responding to calls for service by routinely using a marked police vehicle or by routinely responding on foot, and who are listed on the Computer Aided Dispatch (CAD) as available for dispatch.

No individual receiving patrol officer incentive pay may also receive investigator incentive pay.

12 PHYSICAL AGILITY TEST INCENTIVE PAY

An officer who passes the department's Physical Agility Test (PAT) during a fiscal year (July 1 through June 30) may be eligible to receive PAT incentive pay in accordance with the current Meet and Confer Agreement. No officer shall be awarded more than once per year for passing the PAT. See the Meet and Confer Agreement and General Order 300-19, **Physical Fitness and Agility Program**, for additional information and limitations.

13 CRIME SUPPRESSION TEAM PAY

All officers and sergeants with at least four (4) years of Department seniority from Hire Date assigned to the Crime Suppression Teams will receive \$600 annually (to be paid bi-weekly) beginning the first full pay period after July 1, 2019. See the current Meet and Confer Agreement, **Crime Suppression Team Pay** for additional information.

14 TUITION REIMBURSEMENT

A classified employee shall be entitled to receive tuition reimbursement for the successful completion of credit hours at an accredited college or university. Officers should refer to the current Meet and Confer Agreement for rules and requirements relating to tuition reimbursement. The *Classified Employee Tuition Reimbursement Request* form is available on the department's Intranet Portal.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 2, 2019

NO.

300-05

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-05, dated July 1, 2016

SUBJECT: WORKERS' COMPENSATION

POLICY

The City of Houston (COH) has a program by which eligible employees who suffer a compensable *injury* in the course and scope of their employment with the COH *may* receive workers' compensation benefits in accordance with state statute, Texas Department of Insurance (TDI) regulations, and COH Executive Order No. 1-33, *Work Ability Guidelines*.

The Houston Police Department's Health and Safety Unit (HSU) is responsible for the internal administration and processing of workers' compensation claims. Employees having questions regarding occupational injuries or workers' compensation benefits and claims should contact HSU for assistance.

This General Order applies to all employees.

DEFINITIONS

Adjuster. An employee of the Third Party Administrator who investigates and adjudicates insurance claims.

Communicable Disease. See General Order 300-21, **Communicable Disease Policy**.

Exposure. Confirmed contact with an infectious agent, such as through inhalation, percutaneous inoculation (puncture or cut by a sharp object), or contact with an open wound, non-intact skin, or mucous membrane.

Fraud. When a person knowingly or intentionally conceals, misrepresents, or makes a false statement to deny, obtain, or prolong workers' compensation benefits or insurance coverage or otherwise profit from the deceit.

Injury. The damage or harm to the physical or neurological structure of the body and those diseases, conditions, or infections naturally resulting from the damage or harm. This term also includes occupational illness that is a bodily injury or health impairment resulting from exposure to conditions of the recovering employee's physical environment and/or work area.

Injury Leave. Leave authorized by Section 14-226 of the COH Code of Ordinances and Section 143.073 of the Texas Local Government Code and accorded to a recovering employee who sustains an injury or illness in the course and scope of employment with the COH.

Occupational Injury. An injury, disease, or illness sustained in the course and scope of employment with the City of Houston.

Third Party Administrator (TPA). Independent administrator contracted by the City of Houston to be responsible for the adjudication of workers' compensation claims including payments to recovering employees and health care providers in compliance with the law.

Transitional Duty Assignment. A temporary work assignment designed to allow an employee who is injured, ill, or unable to work at full-duty capacity to perform tasks that are within the specific restrictions set by the employee's *treating physician*.

Treating Physician. For the purpose of this General Order, an individual, group, or facility authorized by the City and the TDI to direct the medical treatment of a recovering employee.

Treating Physician's Statement. A document provided by an authorized health care provider after an office visit with an injured employee. The treating physician's statement must contain the following information: the date of the office visit, the date of the incident, the name and contact information of the health care provider completing the statement, the current work status of the injured employee, the range of dates covered by the statement, and the employee's work and/or activity restrictions, if any.

INJURED ON DUTY (IOD) FORMS, ETC.

The following injured on duty (IOD) and workers' compensation forms and related information sheets are available on the department's Intranet Portal and in the Health and Safety Unit.

Affidavit of Exposure to a Communicable Disease. Affidavit completed by an injured employee and used to request mandatory testing of the source of an exposure to a communicable disease.

Authorization for Disclosure of Protected Health Information. Medical release form, signed by an injured employee, which gives permission to disclose and receive the employee's medical records.

City of Houston Summary Workability Guidelines E.O. 1-33. This is a summary of the work ability guidelines in City of Houston Executive Order 1-33 regarding injured employees.

City of Houston Supervisor's Incident Report. Form used to document an employee's injury. This report provides a description of how the injury occurred, location of the injury, and the employee's personal information.

COH On the Job Injury Reference Sheet. Informs employees of their benefits and priority responsibilities while on injury leave or working a transitional duty assignment. Employees shall initial, sign, and date the form and follow the rules and procedures listed.

Employee Request for Travel and Authorization Form. Form completed and signed by an injured employee's treating physician allowing the employee to travel while the employee is on injury leave.

Injured or Ill Employees and Transitional Duty Report. Internal document, used to notify the Health and Safety Unit of employees who are working in a transitional duty assignment or unable to work due to an injury or illness.

Rx Card/Rx Pharmacy Network Information Sheet. A first fill card that allows an employee to receive initial prescriptions under the City's workers' compensation program at most pharmacies.

Texas Workers' Compensation Work Status Report (DWC Form-73). Report completed by an injured employee's treating physician indicating the employee's work status and activity restrictions. The *DWC Form-73* provides the employee's prognosis for discharge from treatment and work readiness, including the date of release to return to work and any restrictions upon returning to work at less than full duty.

The *DWC Form-73* also serves as a release to any type of transitional duty assignment or a return to full duty with no restrictions. The injured employee shall submit a *DWC Form-73* if any City work time is lost due to an occupational injury or while in a transitional duty assignment. The *DWC Form-73* should be submitted by an employee to his immediate supervisor within 24 hours after receiving the completed form from the treating physician.

1 EMPLOYEE'S INITIAL DUTIES

Employees who are *injured* or potentially *exposed* to a communicable disease while in the course and scope of employment with the City of Houston (COH) shall:

- a. Immediately notify or arrange for the notification of a supervisor. This shall be done, if physically possible, no later than 24 hours following the time of the injury or exposure.
- b. Seek immediate medical attention if necessary and avoid any activity that may aggravate the injury. Employees shall seek medical attention from a treating physician who accepts workers' compensation patients. Failure to treat with an approved treating physician may make the employee ineligible for benefits under the Texas Workers' Compensation Act.
- c. Review, initial, and sign the *COH On the Job Injury Reference Sheet* with a supervisor, if physically possible. Employees shall follow the rules and procedures listed on this form.
- d. Employees who have potentially been exposed to a communicable disease shall also submit to baseline blood tests within ten *calendar* days following the exposure to a communicable disease. Employees shall complete the required injured on duty (IOD) forms including the *Affidavit of Exposure to a Communicable Disease*. Additionally, employees shall review and adhere to procedures outlined in General Order 300-21, **Communicable Disease Policy**.

2 SUPERVISOR'S INITIAL DUTIES

It is the supervisor's responsibility to ensure all of the initial IOD forms and required workers' compensation forms and documents are completed and forwarded to the Health and Safety Unit (HSU) within 24 hours after being made aware of the injury or event, or as soon as practicable. Upon being notified of an occupational injury or potential exposure to a communicable disease, a supervisor shall:

- a. Arrange for prompt medical treatment of the employee, if necessary.

- b. Advise the employee to seek medical attention from a treating physician that accepts workers' compensation patients. Failure to treat with an approved treating physician may make the employee ineligible for benefits under the Texas Workers' Compensation Act.
- c. Initiate the process of filing the workers' compensation claim by completing the required IOD paperwork. Completely fill out the *City of Houston Supervisor's Incident Report* form with the injured employee as soon as possible, but no later than 24 hours after being made aware of the injury or event. The *City of Houston Supervisor's Incident Report* form shall be completed even if the employee does not seek medical attention. The HPD incident number (if applicable) shall be documented in the comments section of the form.
- d. Review with the employee, the *COH On the Job Injury Reference Sheet* and have the employee initial, sign, and date this form. Additionally, supervisors shall request for the employee to complete, sign, and date the *Authorization for Disclosure of Protected Health Information* form.

If the employee refuses to initial, sign, or date any of the IOD forms, the supervisor shall document the refusal on each form that the employee refused to acknowledge. The supervisor shall also have a witness sign and date the form noting the refusal.

- e. Report the claim via telephone to the Third Party Administrator's Claim Reporting Service (CRS) as soon as possible, or within 24 hours after being made aware of the injury or event. Obtain a reference number from the CRS and document the number on the *City of Houston Supervisor's Incident Report* form. If the supervisor is unable to contact the administrator within 24 hours following the report of injury, the supervisor shall contact HSU for further instructions.
- f. Forward a copy of the completed IOD forms via fax or email to HSU within 24 hours following the report of injury or exposure. The originals should then be forwarded directly to HSU via interoffice mail.
- g. Provide the injured employee with a copy of all completed IOD forms and workers' compensation information documents including:
 - 1. *City of Houston Supervisor's Incident Report*
 - 2. *COH On the Job Injury Reference Sheet*
 - 3. *Rx Card/Rx Pharmacy Network Information Sheet*
 - 4. *City of Houston Summary Workability Guidelines E.O. 1-33* booklet
- h. Provide the employee information on the Family and Medical Leave Act (FMLA), if applicable. FMLA notice is required whenever an employee reports a condition covered under FMLA guidelines (see General Orders 300-09, **Absence from Duty – Classified** and 900-01, **Absence from Duty – Civilian**).

Supervisors do not have the authority to authorize medical treatment or benefits. However, supervisors may inform a treating physician that a claim of occupational injury shall be or has

been reported to the COH's Third Party Administrator (TPA) and direct the treating physician to the TPA for authorization for treatment.

3 EMPLOYEE'S SUBSEQUENT DUTIES

Employees who have reported an occupational injury or possible exposure to a communicable disease while in the course and scope of employment with the COH shall follow certain subsequent procedures including:

- a. Immediately report any change in their work status to their supervisor, assigned *adjuster*, and HSU.
- b. Immediately report to their supervisor any condition preventing them from performing any of the essential functions of their job duties and any directive from their treating physician that may affect their work status.
- c. Contact the TPA after each doctor's appointment to advise the *adjuster* of updated medical and work status.
- d. Advise the treating physician that the department has a transitional duty assignment program. HPD promotes early return to work intervention and offers employees transitional duty assignments within restrictions given by physicians.
- e. Submit a *DWC Form-73* or *treating physician's statement* after each physician visit. Employees shall submit to their supervisor a new *DWC Form-73* or *treating physician's statement* as long as they are on less than full-duty status and whenever they are seen by a physician, but no less frequently than every 30 *calendar* days.
- f. Provide supervisors with all pertinent information relating to the injury including information that could facilitate recovery and expedite the return to duty.
- g. Remain available on a daily basis to receive telephone calls from the *adjuster*, HSU, a supervisor, or other department personnel. Typically such telephone calls should be made between 9 a.m. and 5 p.m. There may be allowances for medical care, COH business appointments, or meetings with the Texas Department of Insurance (TDI) or the TPA.
- h. Receive and return telephone calls and respond to all correspondence concerning the workers' compensation claim.
- i. Cooperate fully and in a timely manner with all reasonable requests by any supervisors, the COH, TPA, or a treating physician. These requests may include, but are not limited to, the scheduling or conducting of any personal visits, obtaining second opinions concerning the medical or work status, or providing medical documentation.

Prohibited Activities

Employees who have filed a workers' compensation claim and are on injury leave, shall not engage in any activity that is in direct violation of their treating physician's orders including, but not limited to:

- a. Working any extra employment. For purposes of this General Order, certain income-making efforts (e.g., in-home day care, Web design, telemarketing, online auctions) are considered to be extra employment.
- b. Engaging in part-time or full-time work for pay or as a volunteer.
- c. Self-employment.
- d. Working for any other person whether for a profit or for a non-profit, firm, business, or corporation.

Training

Injured employees shall obtain authority and release from their treating physician in order to attend any training while on injury leave. Employees needing a waiver for any department or other mandatory training shall follow the procedures outlined in General Order 300-06, **Training – Classified** and General Order 900-02, **Training – Civilian**.

Scheduled and Unscheduled Leave

The use of scheduled or unscheduled leave for vacation purposes while an employee is on injury leave is prohibited unless the employee submits one of the below items to his supervisor and complies with restrictions as provided by the treating physician to recuperate from the injury. Such leave may be approved by only HSU.

- a. A letter or report from the treating physician releasing and giving approval for the employee to use such leave and includes the *Employee Request for Travel and Authorization Form*.
- b. An updated *DWC Form-73* that releases the employee to duty with restrictions or a transitional duty assignment.

Returning to Duty

Upon returning to work, employees shall submit a *DWC Form-73* to their supervisor and include a statement from the treating physician that the employee may return to full or transitional duty.

4 SUPERVISOR'S SUBSEQUENT DUTIES

If the incident involves an Internal Affairs Division (IAD) issue requiring correspondence, the issue shall be addressed in separate correspondence from the injury documentation.

Supervisors shall forward all *DWC Form-73* forms and *treating physician's statements* to HSU after they are received from an injured employee. When a supervisor is made aware that the *DWC Form-73* reflects that the employee may return to work with restrictions, the supervisor shall take the steps required under General Order 300-10, **Transitional Duty Assignment**.

Note: No one but HSU shall forward forms to the TDI or to the TPA.

Supervisors shall immediately notify HSU when becoming aware of an injured employee using scheduled or unscheduled leave for vacation.

Employee Contacts

Supervisors shall maintain contact with injured employees while they are on injury leave either by telephone or personal visits. Supervisors shall document the date, time, and results of any contacts. The purpose of maintaining contact with the injured employee is to determine the employee's status and to assist in any manner to facilitate recovery and expedite the return to duty.

Daily contact is not necessary if it is obvious from the nature of the injury that the employee shall be absent for a considerable length of time. Unless otherwise directed by the employee's division commander, supervisors shall contact an employee on injury leave at a minimum of once a week.

Mid managers shall contact an employee who is on injury leave between the fifth and tenth consecutive *calendar* days of the IOD absence. After the initial contact, mid managers shall repeat this process on a weekly basis.

Division commanders shall contact any employee who has been on injury leave for 30 consecutive *calendar* days. After the initial contact, division commanders shall repeat this process every two weeks.

Personal Visits

Supervisors shall conduct a scheduled or unscheduled personal visit with any employee who has been on injury leave for 30 consecutive *calendar* days. Supervisors shall continue to conduct personal visits with the injured employee at a minimum of once every 30 consecutive *calendar* days until the employee returns to duty. Personal visits may take place at the employee's home or place of recovery. Each supervisor shall report the details, date, and time of each visit to HSU via email within 24 hours following each visit.

Telephone contacts or personal visits may occur outside the employee's scheduled shift. Should a supervisor have reason to believe an injured employee is feigning *injury* or perpetrating *fraud*, the supervisor shall immediately cease all communication with the employee, notify HSU and IAD, and follow procedures in General Order 200-03, **Investigation of Employee Misconduct**.

5 STATE WORKERS' COMPENSATION BENEFITS AND CITY SALARY CONTINUATION

Eligible injured employees may receive compensation as regulated by the TDI in the form of indemnity payments. The amount of the indemnity payment varies depending on the circumstances of the individual case. Temporary Income Benefit (TIB) is a benefit paid by the TPA to an eligible municipal employee, which can equal 70 percent of the employee's workers' compensation average weekly wages, but not exceed the maximum TIB rates set by the TDI. Workers' Compensation Pay is the non-taxable wages paid by the City to a classified injured employee while out on injury leave, which can equal 70 percent of the employee's workers'

compensation average weekly wages, but cannot exceed the maximum TIB rates set by the TDI. The maximum and minimum TIB rates are adjusted and published yearly by the TDI.

As outlined in section 5.0 of COH Executive Order No. 1-33, salary continuation is a sum of money, before withholdings and deductions, paid by COH funds to supplement the TIB for a municipal employee who is eligible for salary continuation or the workers' compensation pay for a classified injured employee.

Any payment that creates an overage including, but not limited to, any COH funds paid to the employee, may be deducted from the injured employee's future earnings. Deductions shall not reduce the employee's earnings below minimum wage in any pay period. If an over payment occurs, the employee shall immediately contact the COH Administration and Regulatory Affairs (ARA) Department, Payroll Services.

6 INJURED OR ILL EMPLOYEES AND TRANSITIONAL DUTY REPORT

Division commanders shall add any injured or ill employee's name to the division's *Injured or Ill Employees and Transitional Duty Report*. This report shall be completed and submitted to HSU as outlined in General Order 300-10, **Transitional Duty Assignment**.

7 ADMINISTRATIVE PERSONNEL COMMITTEE

The Administrative Personnel Committee (APC) is a departmental committee that is responsible for ensuring compliance with all federal, state, and local laws with respect to determining whether an employee is physically and psychologically fit for duty. APC coordinates with employees who because of personal injury, illness, or psychological issue are unable to perform their essential job duties.

The APC chair has the discretion to consult with HPD's Office of Legal Services and the City Legal Department regarding any employee referred to APC.

8 DIVISION COMMANDERS' RESPONSIBILITIES

In addition to the other responsibilities outlined in this General Order, division commanders are responsible for initiating a written referral to the APC chair about an employee who because of personal injury, illness, or possible mental issue:

- a. Appears to be unable to perform the essential job functions and such condition has lasted or is expected to last more than 90 *calendar* days.
- b. Is unable to work or is working at less than full capacity for more than 90 *calendar* days.

The above referral requirement applies whether or not the employee is on transitional duty and whether the employee is experiencing an occupational or non-occupational injury or illness. Division commanders may also refer an employee to APC before 90 *calendar* days if warranted.

Referral to APC is not required for pregnant employees.

In addition to a description of the injury, illness, or possible mental issue forming the basis for the referral, the division commander's correspondence should also include:

- c. The date the FMLA packet was provided to the employee and if the employee accepted or declined the FMLA coverage.
- d. The number of days the employee was or has been absent from work as a result of the injury, illness, or mental issue.
- e. If applicable, information on the employee's transitional duty status (date started, location of assignment, duties and responsibilities of assignment).

9 RECORD KEEPING AND CONFIDENTIALITY OF MEDICAL RECORDS

Each concerned division shall maintain a log for each employee who is on injury leave status. The log shall be updated daily to document all contacts made with the IOD employee or other concerned persons (e.g., spouse, relative, physician).

Contacts shall be documented whether initiated by the injured employee, a divisional employee, or another concerned person. The data collected for the log shall include, but is not limited to:

- a. Dates, times, type of contact made, and its duration.
- b. The name of the person or employee who initiated the contact.
- c. A brief note outlining the contact.

Each division shall also maintain a workers' compensation file with all documentation, copies of forms, correspondence, notes, and updates that concern or relate to each IOD incident in accordance with General Order 800-12, **Records Retention**. The divisional workers' compensation file shall be kept separate from the division personnel files.

Employee-related medical information acquired by supervisors or other employees shall be kept confidential. All medical records pertaining to workers' compensation and the APC files are also confidential.

Access to or discussion of such information or records is restricted to persons who need to know in order to supervise the injured employee, conduct an investigation, or coordinate leave and benefits. Questions regarding access to such information or records should be directed to the department's Office of Legal Services.

10 WORKERS' COMPENSATION FRAUD

Under section 418.001 of the Texas Labor Code, a person may be prosecuted for the state jail felony offense of fraudulently obtaining workers' compensation benefits. Any employee who

has reason to believe another employee is fraudulently obtaining workers' compensation benefits shall immediately report this information to HSU and IAD. IAD shall notify the Office of Legal Services of the matter before generating an *Issue Record Form* (IRF).

11 FIREARMS QUALIFICATION

If an injury or illness prevents an officer from qualifying with or safely handling a firearm, the employee shall immediately notify a supervisor and shall follow procedures in General Order 400-05, **Firearms Qualification and Control**.

12 DRUG TESTING

When an employee is absent for over 30 consecutive *calendar* days for any reason, the employee's supervisor shall instruct the employee to submit to a drug test immediately upon returning to work (see General Order 300-17, **Employee Drug and Alcohol Testing**).

13 PHASE DOWN PROGRAM

Special rules may apply to employees who are in the Phase Down Program. Such employees shall refer to General Order 300-35, **Phase Down Program**, and shall seek direction from the Employee Services Division or HSU.

14 REFERENCE MATERIAL

City of Houston Executive Order No. 1-33, *Work Ability Guidelines*
Code of Ordinances City of Houston, Texas, §14-185
Code of Ordinances City of Houston, Texas, §14-226
28 Texas Administrative Code, Chapters 102-180, Texas Workers' Compensation Rules
Texas Labor Code, §401.011, General Definitions
Texas Labor Code, §418.001, Penalty for Fraudulently Obtaining or Denying Benefits
Texas Local Government Code, §143.073 and §143.1115



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

March 28, 2016

NO.

300-06

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-06, dated May 13, 2009

SUBJECT: TRAINING - CLASSIFIED

POLICY

The Houston Police Department shall provide training programs that fulfill the requirements of both the department and the Texas Commission on Law Enforcement (TCOLE).

This General Order applies to classified employees only.

1 TRAINING REQUIREMENTS

Officers shall fulfill minimum in-service training as required by TCOLE and the department.

Mandatory Training

Each year the Chief of Police shall announce department required training hours, the curriculum, and schedule guidelines per department needs and as mandated by TCOLE. All mandatory training shall be completed on duty.

Each officer shall complete all mandatory in-service training during the training quarter that contains the officer's birthday month. Training quarters are defined as:

- a. Quarter 1: September 1 through November 30
- b. Quarter 2: December 1 through February 28 (February 29 in a leap year)
- c. Quarter 3: March 1 through May 31
- d. Quarter 4: June 1 through August 31

Employees shall register for mandatory in-service course offerings available only dur-

ing their individual training quarter as defined above. Officers holding the rank of captain or higher are exempt from the quarterly training restriction.

Specialized Training

Division commanders are responsible for identifying assignments under their command that require special skills. Required training for these skills must begin as soon as possible and must be pre-approved by the Training Division captain. This requirement includes newly promoted personnel. Specialized training shall be completed on duty.

All specialized training must:

- a. Adhere to the department's policies, procedures, directives, and regulations specific to the specialized duty assignment.
- b. Develop and enhance the knowledge, skills, and abilities of the personnel assigned to the specialized activity.
- c. Make personnel aware of any administrative concerns that may be inherent in the specialized assignment.

When the Training Division sets performance standards, officers must demonstrate their abilities to perform to those standards by the end of the training period.

Division Level Training

Any division intending to conduct an internal training class is required to submit the lesson plan in writing for approval to the Training Division's captain at least 30 *calendar* days prior to the class being held. Also, any instructor or lesson plan must be approved and on file with the Training Division prior to

the class being held. (See section 5 of this General Order for further requirements.)

Internet Training

Internet classes may be taken in lieu of attending non-mandatory classes. However, any Internet classes taken to meet required in-service training must have been sanctioned and approved by TCOLE. Officers are permitted to take Internet classes while on duty to obtain intermediate or advanced peace officer proficiency certification, but only if all of the following apply:

- a. The course is not available in an instructor-led format approved by the Training Division.
- b. The officer has obtained prior supervisor approval to take the applicable Web-based course.
- c. The officer takes the Web-based course at a designated location at his assigned division and only during his regularly scheduled shift.

All other Internet classes shall not be taken during an employee's duty hours unless authorized leave is taken.

Intermediate and Advanced Peace Officer Proficiency Certification

Officers may complete any instructor-led courses authorized by the Training Division to obtain intermediate or advanced peace officer proficiency certification while on duty. Evening and night shift officers shall be allowed to temporarily adjust their shift to attend the applicable, instructor-led courses on duty. If the course falls on the officer's regular day off, the supervisor shall adjust the officer's day off.

Additional Training

Courses taken in addition to required mandatory training, specialized training, or in-

structor-led courses authorized by the Training Division to obtain intermediate or advanced peace officer proficiency certification may be attended on duty, but only with the prior approval of the employee's assistant chief.

Phase Down Program (PDP)

Officers in the Phase Down Program shall refer to General Order 300-35, **Phase Down Program**, for training requirements.

Probationary Police Officers

Probationary police officers are exempt from fulfilling regular in-service training requirements in the next training cycle following their graduation date unless the course is a TCOLE requirement and will not be available the next training cycle. Roll Call Training Videos shall *not* fall within this exemption and all such videos shall be viewed as soon as distributed.

2 TRAINING FROM OUTSIDE PROVIDERS

For employees to receive credit for outside training, it must be job related. Meetings are not considered training. To obtain TCOLE credit the following items and information shall be submitted to the Training Division's Learning Management System (LMS) Unit within 10 *calendar* days following course completion:

- a. Certificate of completion containing the following:
 1. Officer's name
 2. Employee number
 3. TCOLE personal identification number (PID)
 4. Start and end date of training
 5. Number of hours completed

6. Name of the provider or sponsor agency
- b. Attending officer's critique of the course (Critique forms may be found at the Academy Certification Office or on the department's Intranet Portal under the *Training Academy* link)
 - c. Number of other HPD employees attending
 - d. Copy of course outline (if available)
 - e. Copy of available handouts

Completion of the outside training shall then be documented in the certification database.

If an outside provider presents a training course on HPD property primarily for HPD personnel, the course shall not be considered outside training for the purpose of this section. Personnel shall follow procedures listed in section 1, subsection "Division Level Training" of this General Order. The Training Division is responsible for providing documentation to TCOLE and as such is required to have a lesson plan on file.

Information Sharing

Officers attending training outside the department may be expected to make the benefits of the programs available to other officers. An officer's training coordinator and Training Division personnel shall determine the most appropriate means of sharing the information, if applicable (e.g., teaching the material, discussing the ideas presented, or sharing printed materials).

3 ATTENDANCE REQUIREMENTS

Officers scheduled for in-service training shall report on time or as ordered by Training Division personnel (starting, break, or lunch times), and complete all required course

work. Any officer arriving more than 10 minutes after the scheduled starting time shall not be allowed to enter the class unless approved by a Training Division supervisor.

Officers shall follow all applicable rules, regulations, or guidelines set by the department, Training Division, and Academy supervisors and instructors.

In-Service Training Dress Code

Officers shall wear the department *official uniform* or conservative business casual attire while attending in-service training. Officers wearing the *official uniform* may forgo wearing the Sam Browne belt while inside the classroom. Any clothing with inscriptions or decorative artwork must be in good taste and reflect a professional appearance. Officers shall not wear shorts, beach or sport sandals, tank or halter tops, sweat pants or any type of gym pants, or any clothing that is distracting such as tights or leggings. Jeans shall be allowed as long as they are not dirty, torn, or ripped. Training staff supervisors shall decide whether clothing is appropriate.

Display Official Department Identification

Department issued identification shall be displayed at all times while attending training at the department or any department contracted training site. Employees visiting the Training Academy for any reason shall display their official department identification. Officers wearing the *official uniform* do not have to display their official department identification while attending training.

In-Service Training Roster

Outside of each classroom or within the classroom a preprinted roster sign-in sheet or a walk-in sheet (hereinafter referred to collectively as roster) shall be made available. These rosters are official government documents and are the only documents that verify the attendance of officers for specific

courses. Unless the roster is filled out completely and signed by the officer on the date of training, the officer shall not get credit for the course and shall have to retake the course to obtain proper credit.

Officers shall not for any reason fill out any part of the roster for another employee.

Officers who are pending approval on the roster shall get prior authorization from a supervisor in their division before attending class. Once authorization has been obtained, officers shall notify in-service personnel of the name of the supervisor granting authorization. Officers holding the rank of lieutenant or higher are exempt from obtaining commander approval.

Removal From Training Class

Training staff supervisors may remove any officer from an in-service class for any violation of a policy or rule set by the department, Training Division, or Academy instructor. If an officer is removed from class, Training Division personnel shall submit correspondence through the chain of command to the officer's assistant chief explaining the reason for removal. An officer removed from in-service class:

- a. May be subject to disciplinary action.
- b. Shall lose the class credit and have to reschedule the class with a training coordinator.

Additionally, supervisors attending in-service training are expected to and shall appropriately address policy infractions observed or brought to their attention, including, but not limited to, inappropriate or disruptive conduct.

Unable to Attend Classes Due to Injury or Active Military Duty

Officers shall complete all required TCOLE training each TCOLE training cycle (two

years) unless an officer qualifies for a waiver under TCOLE rule 217.15. This rule requires either a catastrophic illness or injury that has kept an officer from active duty for a period of more than 12 consecutive months, or active duty in the armed forces for a period in excess of 12 consecutive months.

Officers needing a waiver for any department or TCOLE mandated training must request the waiver through their respective chain of command to the Chief of Police. The request correspondence must include documents of verification such as military orders or medical documentation. If approved, the Chief of Police shall notify the Training Division of the approval and request the Training Division to submit a request to the executive director of TCOLE for consideration of those courses mandated by TCOLE.

The Training Division shall ensure the officers' training mandates are adjusted and tracked if an exemption is received from TCOLE. The Training Division shall ensure the officers and their respective division commanders are informed of the final decision.

TCOLE training cycles are for two years and as such, an approved exemption is valid for that cycle only. A second exemption shall be needed if the extended injury or extended active duty falls into the next TCOLE training cycle.

An officer's TCOLE peace officer license shall be allowed to expire if the officer fails to qualify for a waiver and does not complete all TCOLE training requirements.

4 OVERTIME COMPENSATION AND EX-EMPT TIME COMPENSATION

Officers attending in-service training classes while using any authorized leave shall not be eligible to receive overtime compensation.

Officers attending in-service training classes on duty shall abide by the department's policies regarding overtime compensation and maximum work hours. See General Orders 300-07, **Overtime Compensation** and 200-26, **Workday and Workweek**.

Classified employees holding the rank of lieutenant or higher or classified pay grade VII or higher should refer to General Order 300-36, **Exempt Time Compensation**.

5 REVIEW AND APPROVAL OF PROPOSED TRAINING PROGRAMS

Before any new training program is implemented or taught, the below listed materials must be submitted to the captain of the Training Division at least 30 *calendar* days before training is to begin.

- a. A curriculum formatted in approved TCOLE lesson plan format that includes the course goals, participant learning objectives, teaching outline, and class time schedule.
- b. One copy of all handout materials for participants.
- c. A copy of all visual presentations (e.g., PowerPoint and transparencies).
- d. A copy of any video or photograph not stored within the visual presentation.
- e. Test questions (if applicable).
- f. The instructors' current résumés.

After reviewing the course materials, the Training Division shall contact the concerned divisional course coordinator to approve or revise the material. Once approved, the Training Division shall assign a Training Division course coordinator who shall work with the divisional course coordinator or the instructor in initiating and scheduling the training.

The Training Division shall establish a curriculum file of all courses coordinated by the department. Future presentations of a particular course can be facilitated by referring to a curriculum already on file.

The Training Division shall not issue any training credit for any course that has not been pre-approved.

Officer Safety and Firearms Training Review and Approval Process

In addition to the above, any changes in training concerning officer safety, firearms, or related techniques shall be submitted by the Training Division's captain to the executive assistant chief of Strategic Operations. The changes shall then be sent to the Senior Executive Staff for review and revision. The Chief of Police shall make the final decision on any changes involving these issues.

6 TRAINING COORDINATOR'S RESPONSIBILITIES

All commanders of divisions or units that operate as divisions shall appoint a training coordinator. It is the commander's responsibility to inform the Training Division when there is a change in the designated training coordinator. Training coordinators are responsible for:

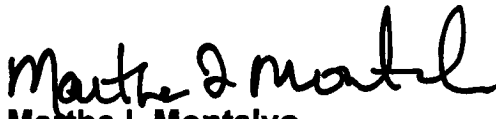
- a. Ensuring employees are aware of training opportunities both inside and outside the department.
- b. Aiding supervisors in securing approval for training and making necessary arrangements for employees to attend training.
- c. Serving as liaison with the Training Division.
- d. Coordinating and fulfilling requests for training.

- e. Advising the Training Division of training opportunities outside the department so the Training Division may evaluate them.

Training Division personnel shall assist division training coordinators whenever requested.

7 RELATED GENERAL ORDERS

200-26, Workday and Workweek
300-07, Overtime Compensation
300-15, Appearance and Grooming
Standards – Classified
300-35, Phase Down Program
300-36, Exempt Time Compensation
400-05, Firearms Qualification and Control


Martha I. Montalvo
Acting Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 1, 2019

NO.

300-10

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-10, February 27, 2015

SUBJECT: TRANSITIONAL DUTY ASSIGNMENT

POLICY

The department shall attempt to provide opportunities for injured or ill employees to return to productive work as soon as possible in accordance with Texas Department of Insurance (TDI) regulations and City of Houston Executive Order 1-33.

Efforts shall be made to reassign employees to *transitional duty* if they are unable to perform their regular duties because of personal illness or injury, whether occupational or non-occupational in nature. Transitional duty is not intended to permanently replace an employee's regular duties.

This General Order applies to all employees.

DEFINITIONS

Bona Fide Offer of Employment (BFOE). A written offer of a transitional duty assignment that abides by requirements set by the TDI and that contains work restrictions given by the approved City of Houston and TDI medical provider.

Occupational Injury. An injury, disease, or illness sustained in the course and scope of employment with the City of Houston.

Texas Workers' Compensation Work Status Report (DWC Form-73). A report by an occupationally injured employee's *treating physician* indicating the work status and activity restrictions of the injured employee. The DWC Form-73 also serves as a release to any type of transitional duty or a return to full duty with no restrictions. See the DWC Form-73 on the department's Intranet Portal for complete details.

Third Party Administrator (TPA). Independent administrator contracted by the City of Houston to be responsible for the adjudication of workers' compensation claims including payments to recovering employees and health care providers in compliance with the law.

Transitional Duty. A process that allows an injured or ill employee to return to work in a less than full-duty capacity.

Transitional Duty Assignment. A temporary work assignment designed to allow an employee who is injured, ill, or unable to work at full-duty capacity to perform tasks that are within the specific restrictions set by the employee's *treating physician*.

Treating Physician. A physician who is directing the medical treatment of an injured or ill employee.

Treating Physician's Statement. A document provided by an authorized health care provider after an office visit with an injured or ill employee. The treating physician's statement must contain the date of the office visit, the name and contact information of the health care provider completing the statement, the current work status of the injured or ill employee, the range of dates covered by the statement, and the employee's work and/or activity restrictions or a statement with an effective date that the employee can return to work without restrictions. A treating physician's statement does not include information related to a specific diagnosis.

1 OCCUPATIONAL INJURY OR ILLNESS

When applicable, efforts shall be made to provide an employee with a transitional duty assignment when the employee is unable to perform his essential job duties due to an occupational injury or illness. Employees with occupational injuries or illnesses shall be given priority in transitional duty assignments. If adequate space and work is available, transitional duty assignments may be offered to employees who are recovering from non-occupational injuries or illnesses.

Initial Request for Transitional Duty Due to Occupational Injury or Illness

Within 24 hours after being released by the treating physician to work transitional duty (also known as light duty), the employee shall provide his immediate supervisor a *Texas Workers' Compensation Work Status Report* (DWC Form-73) or the *treating physician's statement*. Utilizing this information, the supervisor shall determine if an appropriate transitional duty assignment is available at the employee's *regular assigned division*.

The supervisor shall immediately send an email to the concerned division commander through the chain of command and include the following:

- a. Employee's name, employee number, classification, regular assignment, and duty requirements.
- b. A request for a transitional duty assignment for the employee.
- c. Detailed description of the work restrictions placed on the employee by the treating physician.
- d. The transitional duty assignment to be offered to the employee including:
 1. Shift start and end time.
 2. Number of hours scheduled each week.
 3. Regular days off.
 4. Location of assignment.
 5. Detailed description of duties to be performed.

6. Confirmation that the job duties of the proposed transitional duty assignment fall within the scope of the employee's work restrictions as set by the treating physician.

e. Anticipated period of time the employee will be on transitional duty, if known.

The division commander shall reply to the email approving or rejecting the transitional duty assignment. If approved, the employee shall start at the earliest date allowed by the treating physician. If rejected, the division commander shall advise the reason for the rejection and should either provide an alternate transitional duty assignment that falls within the scope of the employee's work restrictions as set by the treating physician or explain why a transitional duty assignment is not being offered.

Once a transitional duty assignment is approved by the division commander, the supervisor shall immediately provide the employee with a *bona fide offer of employment* (BFOE) that conforms to the employee's work and/or activity restrictions as set by the treating physician. The BFOE correspondence template is located on the department's Intranet Portal.

Once the BFOE is completed, the supervisor shall immediately email the DWC Form-73 or the *treating physician's statement* and the signed BFOE to the department's Health and Safety Unit (HSU). Then within 24 hours after the BFOE is signed, the supervisor shall send the following documents to HSU via interoffice mail.

f. Original BFOE indicating acceptance or decline of BFOE.

g. Original DWC Form-73 or *treating physician's statement*.

h. Copy of the concerned Family and Medical Leave Act (FMLA) event correspondence accepting or declining FMLA coverage. For additional information on FMLA, see General Orders 300-09, **Absence from Duty – Classified** and 900-01, **Absence from Duty – Civilian**.

At the earliest opportunity, HSU shall send a reply if there are any concerns or if additional information is needed.

Approval of Transitional Duty Due to Occupational Injury or Illness

Once the concerned division commander has approved an employee to work transitional duty, supervisors shall ensure that the following actions are taken:

a. Notify the division's timekeeper.

b. Add the injured or ill employee's name to the division's *Injured or Ill Employees and Transitional Duty Report*. This form is available on the department's Intranet Portal.

If transitional duty is approved, it is limited to 90 *calendar* days. See section 5 of this General Order for information on how to request extensions of transitional duty.

If there are any changes to the transitional duty status of an employee (other than returning to full duty) or an employee develops problems related to a transitional duty assignment, the supervisor shall contact HSU to determine the appropriate actions to be taken.

While on transitional duty status, an employee is responsible for submitting a copy of a completed DWC Form-73 or *treating physician's statement* to his regular assigned supervisor every 30 *calendar* days or after every visit to the treating physician (whichever is more frequent).

Employees who fail to report to a transitional duty assignment may be subject to loss of benefits. Employees on transitional duty status shall cooperate fully and in a timely manner with all reasonable requests by the City of Houston, *Third Party Administrator* (TPA), or treating physician regarding:

- c. Second and third opinion requests.
- d. Providing all medical documents.
- e. Providing any other information as needed or directed.

2 **NON-OCCUPATIONAL INJURY OR ILLNESS**

Employees with non-occupational injuries or illnesses may also request to be placed on a transitional duty assignment.

Initial Request for Transitional Duty Due to Non-Occupational Injury or Illness

The initial request for a transitional duty assignment due to a non-occupational injury or illness shall be made via email or in person to the employee's immediate supervisor. The employee shall provide the supervisor with a copy of the *treating physician's statement* with prescribed work restrictions and an estimated date for return to full duty or an estimated time that the next physician's appointment will occur.

Upon receiving an employee's initial request for a transitional duty assignment and the *treating physician's statement*, the supervisor shall submit an email to the employee and their division commander copying their chain of command to the level of division commander and include the following:

- a. Employee's name, employee number, classification, regular assignment, and duty requirements.
- b. A request to the division commander for a transitional duty assignment for the employee.
- c. Detailed description of the work restrictions placed on the employee by the treating physician.
- d. If recommending a specific assignment and/or location for the employee to perform the transitional duty assignment (e.g., at the division working a desk or an administrative position), then the following information regarding the proposed transitional duty assignment must be provided:
 - 1. Shift start and end time.

2. Number of hours scheduled to work each week.
 3. Regular days off.
 4. Location of assignment.
 5. Detailed description of the duties to be performed.
 6. Confirmation that the job duties of the proposed transitional duty assignment fall within the scope of the employee's work restrictions as set by the treating physician.
- e. Anticipated period of time that the employee will be on transitional duty status, if known.

The employee shall reply to all in the email either accepting or rejecting the transitional duty assignment.

The division commander shall reply to the email approving or rejecting the transitional duty assignment. If approved, the employee shall start at the earliest date allowed by the treating physician. If rejected, the division commander shall advise the reason for the rejection and should either provide an alternate transitional duty assignment that falls within the scope of the employee's work restrictions as set by the treating physician or explain why a transitional duty assignment is not being offered.

Additionally, the supervisor shall forward the *treating physician's statement* with prescribed work restrictions to the division commander for filing in the division's transitional duty file.

Approval of Transitional Duty Due to Non-Occupational Injury or Illness

Once the concerned division commander has approved an employee to work transitional duty, supervisors shall ensure that the following actions are taken:

- a. Notify the division's timekeeper.
- b. Add the injured or ill employee's name to the division's *Injured or Ill Employees and Transitional Duty Report*.
- c. Place copies of all paperwork related to the transitional duty request in the division's transitional duty file.

If transitional duty is approved, it is limited to 90 *calendar* days. See section 5 of this General Order for information on how to request extensions of transitional duty.

If there are any changes to the transitional duty status of an employee (other than returning to full duty) or an employee develops problems related to a transitional duty assignment, the supervisor shall contact HSU to determine the appropriate actions to be taken.

3 TRANSITIONAL DUTY ASSIGNMENTS

Classified Employees

Classified employees who request a transitional duty assignment may be offered a position in:

- a. Their *regular assigned division*.
- b. Their current command.
- c. Teleserve Unit.
- d. Any other assignment in the department with approval from the requesting employee's assistant chief.

Civilian Employees

Civilian employees who request transitional duty may be reassigned in the following order of availability:

- a. In their *regular assigned division*.
- b. In their current command.
- c. Elsewhere in the department with approval from the requesting employee's assistant chief.

Additional Requirements

If there is not a transitional duty assignment available in the employee's *regular assigned division*, the supervisor shall contact HSU.

Employees on transitional duty status shall contact their supervisor and HSU whenever any change in assignment or status occurs. In addition, occupationally injured or ill employees shall inform the *Third Party Administrator* of any status change.

4 TRANSITIONAL DUTY RESTRICTIONS

Employees on transitional duty status shall not wear any portion of a department issued uniform. Employees in plainclothes shall not display their official police identification card, badge, or weapon in any location other than a Police Department facility or complex.

Employees on transitional duty status shall not work extra employment. For more details on extra employment refer to General Order 300-14, **Extra Employment**.

Employees on transitional duty status shall refrain from injurious or strenuous activity that may hinder recovery or return to full duty. Such employees shall comply with the treating physician's recommendations to recuperate.

5 EXTENSION OF TRANSITIONAL DUTY

Occupationally and non-occupationally injured or ill civilians who have been on transitional duty status for 90 *calendar* days may request an extension of transitional duty up to an additional 90 *calendar* days to a maximum of 180 *calendar* days.

Occupationally and non-occupationally injured or ill classified employees who have been on transitional duty status for 90 *calendar* days may request extensions of transitional duty in increments up to 90 *calendar* days each in accordance with City of Houston Executive Order 1-33.

When an employee requests an extension of transitional duty status, the request shall be in writing via their chain of command to the level of assistant chief. The request shall be submitted at least 14 *calendar* days prior to the date on which the requested additional transitional duty time is to begin. Extensions for transitional duty time can be approved by only an assistant chief or higher ranking executive.

6 RETURNING TO FULL-DUTY STATUS

When an employee is released to full-duty status by the treating physician, the employee shall request to return to full-duty status via the following guidelines:

For *occupational* injuries or illnesses, the employee shall provide his regular assigned supervisor the completed DWC Form-73 or *treating physician's statement* indicating the date the employee can return to work with no restrictions. The supervisor shall accept the paperwork and send an email to the employee's chain of command through the level of division commander advising of the return to full duty along with the date the physician is returning the employee to full duty. The supervisor shall immediately email the DWC Form-73 or *treating physician's statement* to HSU; and within 24 hours after receiving the document, the supervisor shall send the document and all completed forms directly to HSU via interoffice mail.

For *non-occupational* injuries or illnesses, the employee shall provide his regular assigned supervisor the *treating physician's statement* indicating the date the employee can return to work with no restrictions. The supervisor shall accept the paperwork and send an email to the employee's chain of command through the level of division commander advising of the return to full duty along with the date the physician is returning the employee to full duty. If the employee's transitional duty assignment was outside the employee's *regular assigned division*, the supervisor shall also email the appropriate supervisors for the transitional duty assignment advising that the employee is returning to full duty along with the effective date. The supervisor shall send all completed documents to the employee's regular assigned division commander for filing in the division's transitional duty file.

With the division commander's approval, employees may be returned to their previous assignment.

Employees will not lose benefits or privileges except as may be imposed by state law, City ordinance, or department policy.

7 ADMINISTRATIVE PERSONNEL COMMITTEE

The Administrative Personnel Committee (APC) is a departmental committee that is responsible for ensuring compliance with all federal, state, and local laws with respect to determining whether an employee is physically and psychologically fit for duty. APC coordinates with employees who because of personal injury, illness, or psychological issues are unable to perform their essential job duties.

8 DIVISION COMMANDERS' RESPONSIBILITIES

In addition to the other responsibilities outlined in this General Order, division commanders are responsible for initiating a written referral to the APC chair about an employee who, because of personal injury, illness, or possible mental issue:

- a. Appears to be unable to perform all of the essential job functions and such condition has lasted or is expected to last more than 90 *calendar* days.
- b. Is unable to work or is working at less than full capacity for more than 90 *calendar* days.

The above referral requirement applies whether or not the employee is on transitional duty and whether the employee is experiencing an occupational or non-occupational injury or illness. Referral to APC is not required for pregnant employees. Division commanders may also refer an employee to APC before 90 *calendar* days if warranted.

In addition to a description of the injury, illness, or possible mental issue forming the basis for the referral, the division commander's correspondence should also include:

- c. The date the FMLA packet was provided to the employee and if the employee accepted or declined the FMLA coverage.
- d. The number of days the employee was or has been absent from work as a result of the injury, illness, or mental issue.
- e. If applicable, information on the employee's transitional duty status (date started, location of assignment, duties and responsibilities of assignment).

Division commanders shall also ensure that the division's *Injured or Ill Employees and Transitional Duty Report* is updated, completed, and forwarded to HSU each Friday by the time indicated on the current form. Division commanders shall list on the above report all occupationally or non-occupationally injured or ill employees under their command who during the reporting week either were on a transitional duty assignment or lost time from work per the instructions on the report.

All division commanders shall submit an *Injured or Ill Employees and Transitional Duty Report* each Friday to HSU even if there are no employees listed.

All division commanders shall maintain a transitional duty file separate from divisional personnel files to store all paperwork related to transitional duty requests.

9 HEALTH AND SAFETY UNIT (HSU)

HSU shall:

- a. Maintain a current list of employees on transitional duty status.
- b. Serve as a consulting resource regarding the placement of employees on transitional duty status.

With approval from the Chief of Police, HSU may establish additional procedures regarding transitional duty. Whenever such procedures are added or changed, HSU shall provide notice to the department and its employees.

10 REFERENCE MATERIAL

City of Houston Executive Order 1-33, *Work Ability Guidelines*

Code of Ordinances City of Houston, Texas, §14-185

28 Texas Administrative Code, Chapters 102-180, Texas Workers' Compensation Rules

Texas Local Government Code, §143.1115



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

November 4, 2019

NO.

300-11

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-11, dated September 9, 2010

SUBJECT: DISCRIMINATION, HARASSMENT, AND OTHER PROHIBITED CONDUCT

POLICY

The Houston Police Department shall maintain a model workplace free from discrimination based on the *protected categories* listed in this General Order and free from sexual harassment, retaliation, and other prohibited conduct.

To achieve this model work environment the Houston Police Department prohibits unlawful discrimination specifically including, but not limited to, disparate treatment and workplace harassment including gender based harassment. The department also prohibits sexual harassment and retaliation among its employees and other workplace misconduct as described in this General Order. Such aforementioned behavior and/or employee behavior that otherwise impairs the maintenance of a professional and dignified work environment is expressly prohibited and shall not be tolerated.

Some requirements and prohibitions listed in this General Order exceed what is required by law. The department's policy is to prevent precursory conduct from occurring before it becomes *severe or pervasive* as to harm employees, interfere with effective management, or violate the law.

This General Order governs employee conduct during working hours or during an off-duty, work-related social or recreational activity. This General Order also governs employee conduct in all City workplaces and vehicles, during business travel, and in any other location where City business is conducted, regardless of whether the property is owned or leased by the City. Off-duty conduct may violate this General Order if the subject matter or purpose of the conduct is not work-related and adversely impacts working relationships or the work environment.

The department and its employees shall take immediate and appropriate action to address violations of this order.

This General Order applies to all employees.

DEFINITIONS

The following definitions apply to this General Order only.

Alternative Dispute Resolution (ADR) Unit. The departmental unit overseeing the Employee Relations Section (ERS) section.

CIO. The Central Intake Office of the Internal Affairs Division.

Class I Violations. Actions that are more than mere offensive utterances or displays of discriminatory or sexually suggestive materials. Class II violations involving aggravating factors (e.g., supervisory status of the *respondent* over the *complainant* or a previous sustained

disparate treatment, workplace harassment, sexual harassment, or retaliation complaint) shall be sent as Class I violations to Internal Affairs Division for formal investigation.

Class II Violations. Actions that are only offensive utterances or displays of discriminatory or sexually provocative material and are eligible for informal resolution.

Complainant. The person making a complaint of prohibited conduct as defined by this General Order. The complainant may also be a third party who witnesses such conduct. ADR refers to the complainant as the initiating party.

Employee Relations Section (ERS). The section of the ADR Unit that has the primary responsibility for immediately determining, initiating, and creating a shielding plan for employees reporting prohibited conduct.

Family or Family Member. Individuals who are related by blood or marriage, former spouses, or biological parents of the same child without regard to marriage. Family also includes foster children and foster parents regardless of residency. Family members may also include spouses, parents, grandparents, children, siblings, aunts, uncles, nephews, nieces, adopted children, cousins, and current in-laws.

Gender Based Harassment. Discrimination or workplace harassment that is not necessarily sexual in nature, but is based on the gender or the gender identity of the employee.

Gender Identity. An individual's innate identification as either male or female, although it may not correspond to the individual's body or gender as assigned at birth.

Genetic Information. Information about an individual's genetic tests or the genetic tests of an individual's family members, or information about any disease, disorder, or condition of an individual's family members (e.g., an individual's family medical history).

Prohibited Conduct. Disparate treatment, workplace harassment, sexual harassment, retaliation, and other prohibited workplace conduct as defined or described in this General Order.

Protected Categories. Specific categories listed in section 1 of this General Order. These categories are based on Title VII Civil Rights Act (1964), Age Discrimination in Employment Act (ADEA) (1967), Title I Americans with Disabilities Act (ADA) (1990), the Pregnancy Discrimination Act, the Genetic Information Nondiscrimination Act of 2008 (GINA), including applicable amendments to such acts, and department policy.

Respondent. The person or persons reported as the offender in a prohibited conduct complaint.

Severe or Pervasive Conduct. In assessing whether conduct is sufficiently severe or pervasive, the department shall take into consideration the totality of circumstances including, but not limited to:

- a. The frequency of the conduct.
- b. The severity of the conduct.
- c. Whether the conduct is physically threatening, humiliating, or merely an offensive utterance.

d. Whether the conduct interferes with an employee's work performance.

Under the totality of circumstances, a single incident, if sufficiently severe, could be in violation of this General Order, as could a continuous or frequent pattern of much less severe incidents.

Subordinate. An employee who reports, directly or indirectly, to a supervisor.

1 PROTECTED CATEGORIES

For conduct to be considered discrimination (e.g., *disparate treatment*, *workplace harassment*), it must involve misconduct based on at least one of the following *protected categories*:

- a. Race
- b. Color
- c. Gender and/or gender identity
- d. National origin
- e. Religion
- f. Pregnancy
- g. Age
- h. Disability
- i. Sexual orientation
- j. Genetic information

2 DISCRIMINATION

Discrimination includes, but is not limited to, decisions regarding employment based on a *protected category* listed in section 1 and that adversely affects an employee's pay, status, position, or assignment, including opportunities for overtime pay and advancement, and includes decisions regarding recruitment, appointment, compensation, promotion, discipline, demotion, transfers, layoff, recall, termination, and training opportunities. Discrimination can manifest as disparate treatment and/or workplace harassment as described below based on a protected category.

Disparate Treatment

Disparate treatment is when an employee of a protected category is treated less favorably than others and such actions are motivated by a discriminatory intent or purpose for taking a job-related action. Disparate treatment takes place when *all* of the following occur:

- a. The employee is a member of a protected category listed in section 1.
- b. The employee is qualified for a position or other job benefit. For example, the employee applied for an open position for which he was qualified, or the employee held a position that he was performing adequately.
- c. The employee is denied the position or other job benefit.
- d. The benefit remains available or was given to someone who is not in the employee's protected category.
- e. The employment action was motivated by a discriminatory intent or purpose.

Workplace Harassment

Workplace harassment is any demeaning, hostile, or offensive conduct. For conduct to be workplace harassment, *all* of the following must be true:

- a. The conduct is based on a protected category.
- b. The conduct is unwelcome.
- c. The conduct is *severe or pervasive* enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Workplace harassment may be in the form of words, images, deeds, or actions.

In cases alleging workplace harassment, all reasonable efforts shall be made to shield complainants, up to and including a voluntary transfer of assignments away from the *respondent*, if deemed necessary by Alternative Dispute Resolution's Employee Relations Section (ERS).

3 SEXUAL HARASSMENT

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, or unwelcome displays or distribution of sexually-oriented material. For conduct to be sexually harassing, at least one of the following must be true:

- a. Submission to such conduct is either an explicit or implicit condition of employment.
- b. Submission to or rejection of the conduct by an employee is used as the basis for an employment decision affecting the employee.
- c. The conduct has the purpose or effect of unreasonably interfering with an employee's work performance.
- d. The conduct is *severe or pervasive* enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

In cases alleging sexual harassment, all reasonable efforts shall be made to shield complainants, up to and including a voluntary transfer of assignments away from the respondent.

4 RETALIATION

The Houston Police Department forbids retaliation against anyone for reporting prohibited conduct, assisting in making a prohibited conduct complaint, cooperating in a prohibited conduct proceeding (e.g., investigation or lawsuit), or otherwise opposing conduct prohibited by this General Order.

5 OTHER PROHIBITED WORKPLACE CONDUCT

Other prohibited workplace conduct is conduct that does not rise to the level of discrimination (e.g., disparate treatment, workplace harassment), sexual harassment, or retaliation as defined above but may impair the maintenance of a professional and dignified work environment. The other prohibited workplace conduct outlined in this section does not require any employee to find the conduct unwelcome.

Workplace Misconduct

The following examples, if deemed not to rise to the level of discrimination, sexual harassment, or retaliation as defined above, may constitute prohibited workplace conduct:

- a. Sexually based flirtations, advances, leering, whistling, or propositions.
- b. Physical contact, including touching, grabbing, pinching, or massaging.
- c. Sexually oriented communications regarding sexual history, sexual experience, or sexual desires.
- d. Threatening, either directly or indirectly, to retaliate against an employee who refuses to comply with or submit to a request of a sexual nature.
- e. Withholding employment opportunities from an employee because a supervisor has chosen to provide those opportunities to another employee with whom the supervisor is sexually involved.
- f. Conduct of a sexual nature that is inappropriate in a professional work environment. This includes either of the following:
 1. Conduct of a sexual nature that is *objectively offensive* but does not meet the legal definition of sexual harassment.
 2. Conduct of a sexual nature that is consensual between two or more parties but is nonetheless inappropriate in a professional work environment.
- g. Verbal conduct such as insults, jokes, names, epithets, statements, or stories that are lewd, demeaning, derogatory, or *objectively offensive*.

- h. Nonverbal conduct of a sexual nature, including exposing oneself, touching oneself, or making sexual gestures.
- i. Graphic verbal comments about an individual's body, bodily function, sexual prowess, sexual deficiencies, or sexual orientation.
- j. Inappropriate conduct or comments consistently or frequently aimed at a person or group based on a protected category.
- k. Displays in the workplace of written or graphic materials showing hostility or aversion towards or defamation of a protected category. Examples include, but are not limited to, computer generated or transmitted documents such as email depicting any message or image derogatory or demeaning toward a protected category. This includes jokes, pictures, screen savers, or other similar publications.
- l. Use of electronic equipment including, but not limited to, computer networks, cellular telephones, or copy machines to transmit or display *objectively offensive* material of a sexual nature.
- m. Deliberately sabotaging work areas or projects and/or deliberately withholding information or equipment necessary for an individual to perform his or her job.
- n. Failure of an employee who witnesses disparate treatment, workplace harassment, sexual harassment, retaliation, or other prohibited workplace conduct to report the conduct.

The above is not an exhaustive listing of all types of other prohibited workplace conduct that may be in violation of this General Order.

Fraternization

This subsection does not apply to marital-type relationships, which are addressed in the following subsection "Working with Family Members."

All employees shall keep their relationships with one another on a professional level and shall not date or have intimate relationships with individuals to whom he or she reports, directly or indirectly, or to whom report, directly or indirectly, to him or her. For example:

- a. An employee and supervisor who are assigned to the same division, office, or unit are prohibited from dating or having an intimate relationship.
- b. Assistant chiefs, executive assistant chiefs, and directors are prohibited from dating or having an intimate relationship with any employee who works in their command.

Employees should not ride together on patrol or work as partners within a divisional investigational unit with persons with whom they are dating or have an intimate relationship.

In addition to the above prohibitions, the department may take remedial or disciplinary action any time a prior consensual relationship between employees, even if not prohibited by this subsection, becomes unwelcome, adversely affects an employee's work environment, or otherwise violates any other provision of this General Order.

Working with Family Members

This provision applies to all *family members* and those employees who share a residence. This subsection does not apply to employees who share a residence as roommates for financial reasons with no other relational ties. For purposes of this subsection, police officers and senior police officers shall be considered the same rank.

Employees who hold the *same* rank and have a marital-type or other familial relationship with each other or share a residence are allowed to work at the same division or worksite. However, such employees are prohibited from riding together on patrol or working together as partners in a divisional investigative unit.

Employees who hold *different* ranks and have a marital-type or other familial relationship with each other or share a residence are prohibited from working in the same division or in the same chain of command unless there is no direct supervision **and** one of the following conditions exists:

- a. Separation by at least three ranks.
- b. Separation by shift (i.e., days, evenings, or nights).
- c. Separation by worksite (i.e., different HPD facilities).

Only the Chief of Police may approve an exception to this subsection, in writing.

6 GENERAL PROVISIONS

All cases of prohibited conduct shall be handled immediately and with sensitivity to protect the interests of all parties involved.

Confidentiality

Employees, regardless of rank, who have specific information related to prohibited conduct shall keep this information confidential except when indicated otherwise by the General Orders, related Circulars, management necessity, or applicable laws. Even when required to reveal information related to such issues, employees shall maintain the confidentiality of the allegations to the fullest extent possible.

However, employees should be aware that confidentiality does not mean that incidents of prohibited conduct discussed with supervisors will not be reported. If employees notify supervisors regarding such issues, the supervisors shall report the incidents as directed in this General Order. Confidentiality does not relieve supervisors of the duty to report prohibited conduct.

The Alternative Dispute Resolution (ADR) Unit, Employee Relations Section (ERS) facilitator may appropriately discuss limited aspects of ERS cases when it is a management necessity. For example, if the ERS facilitator knows of allegations of workplace harassment, he or she may need to consult with the supervisors or managers of that workplace to ensure that further misconduct is not allowed to occur. See section 9, subsection "Intervention," for further exceptions to confidentiality.

Cooperation

All employees, regardless of rank, shall fully cooperate with ADR, ERS, and Internal Affairs Division (IAD) in the investigation, handling, and shielding processes related to this General Order.

No employee, regardless of rank, assignment, or function, shall ask ADR personnel to divulge confidential information except as already provided for in this General Order. Questions regarding what information ADR should release shall be directed to the Employee Services Division.

Rights of the Accused

The department recognizes the rights of the accused and the duty to protect respondents against false accusations. Respondents have the right to the following:

- a. A thorough investigation concerning the allegations.
- b. Confidentiality regarding the allegations to the fullest extent possible and a workplace free of defamation.
- c. When permitted by law, access to and review of any report compiled by an outside agency used adversely against the employee.
- d. All legal protections afforded by laws, ordinances, and contracts as they relate to the investigation of employee misconduct.

Support Resources

When requested, psychological counseling shall be afforded to both the complainant and respondent through the Psychological Services Division.

Legal updates on current trends and issues relating to discrimination and harassment issues shall be available to employees through the Training Division.

7 REPORTING PROCEDURES

Employees who witness prohibited conduct or who believe they are the subject of prohibited conduct shall report the conduct immediately as described in this section.

Failure to report prohibited conduct is a violation of this General Order and shall not be tolerated.

An ERS facilitator is always available. In the event immediate assistance is needed after normal business hours, employees shall contact the Command Center. The Command Center shall immediately contact the on-call ERS facilitator. If the ERS facilitator cannot be located, the Command Center shall contact the on-call IAD supervisor.

Supervisor Reporting and Response

Supervisors who witness, are advised of, or otherwise become aware of prohibited conduct are required to report the prohibited conduct and cannot agree to do otherwise. Once a supervisor is aware of prohibited conduct, the supervisor shall do both of the following:

- a. Take immediate and appropriate action to stop and/or prevent further misconduct. The supervisor shall implement interim shielding if necessary (see section 10).
- b. Promptly report the prohibited conduct to the ERS facilitator (no later than 24 hours from discovery of the incident). If circumstances indicate that the ERS facilitator should be notified immediately (e.g., the misconduct is egregious or the victim needs additional support) the supervisor shall do so.

Employee Reporting

While employees may utilize any of the reporting methods listed below, the preferred method for employees to report prohibited conduct is through ADR's Employee Relations Section. This enables the department to take immediate action to:

- a. Determine the nature of the complaint.
- b. Ensure the complaint is properly assigned to the appropriate unit for handling.
- c. Implement an immediate shielding plan for the complainant if necessary.

Employees who witness prohibited conduct or who believe they are the subject of prohibited conduct shall report the conduct immediately to one of the following:

- d. Their immediate supervisor
- e. ADR, Employee Relations Section
- f. Internal Affairs Division
- g. Equal Employment Opportunity Commission
- h. Texas Workforce Commission, Civil Rights Division

8 SUPERVISOR RESPONSIBILITIES

The supervisory duties and responsibilities, and the standards of supervision discussed in this General Order apply to all supervisory level personnel (classified and civilian) regardless of rank.

All supervisors shall be very familiar with the department's harassment and discrimination policies. The job performance reviews for supervisors shall include documentation indicating they have read and understand the policy and their responsibilities under it.

Supervisors shall be held accountable for the manner in which they exercise the authority of their offices as outlined in this General Order and General Order 200-08, **Conduct and Authority**.

Prevention is the best tool available to maintain a model workplace free from discrimination, sexual harassment, retaliation, and other forms of prohibited conduct. Therefore, supervisors shall take proactive measures to prevent prohibited conduct.

Standards of Supervision

All supervisors are required to comply with the following standards of supervision. Supervisors shall:

- a. Routinely inspect the workplace for inappropriate signs, posters, cartoons, screen savers, or other similar material, and shall order the removal of such material.
- b. Ensure assignments are based on department needs and policies rather than being inappropriately based on a protected category or in retaliation for participation in the reporting or investigation of a prohibited conduct complaint or on other conduct prohibited by this General Order.
- c. Be a positive example for coworkers and subordinates concerning this policy.
- d. Upon learning of prohibited conduct, follow the reporting procedures listed in section 7, subsection "Supervisor Reporting and Response."
- e. Continue to monitor any previously reported situations and report related acts or allegations to both ERS and IAD.
- f. Ensure marital, cohabitating, or dating relationships are in compliance with this policy.
- g. Not participate in, condone, or allow offensive jokes or conversations.

ERS provides posters or notices highlighting certain aspects of this General Order. Commanders and mid managers shall ensure that such materials are prominently displayed at all divisions and work areas.

Assistant chiefs and division commanders are required to make periodic on-site visits to the various work locations for which they are responsible to ensure compliance. All concerns shall be immediately forwarded to the Central Intake Office (CIO).

9 ERS RESPONSIBILITIES

ERS is the primary unit responsible for immediately determining, initiating, and creating a shielding plan for employees.

Intervention

ERS personnel shall take the following actions with regard to prohibited conduct:

- a. Take immediate and appropriate action to stop and/or prevent further misconduct.
- b. Interview the complainant to determine the need for shielding. If shielding is necessary, take appropriate action to shield the employee.
- c. Forward the complaint to CIO for tracking purposes.
- d. Determine if a Chief of Police Notification is needed.
- e. If a Chief of Police Notification is required, review the issue with the Office of Legal Services.

Chief of Police Notification

When ERS determines a Chief of Police Notification is needed, ERS shall forward written notification of the incident to the Chief of Police via the ADR chain of command within 48 hours after receiving notice of the issue.

This notification shall follow the format indicated in the ERS standard operating procedures. The notice shall include, but not be limited to, the following information: nature of the conduct, supervisory status of the involved parties, complainant's preferences regarding informal resolution, and ERS's recommendations regarding shielding.

Prevention

ERS shall engage in various activities to raise employees' awareness regarding prohibited conduct. ERS shall provide posters or notices designed for prominent display at all work locations as described above in section 8, *Supervisor Responsibilities*.

The Training Division and the Office of Legal Services shall assist ERS in the development and scheduling of training related to this General Order.

10 SHIELDING

Shielding is preventative action taken to protect employees in cases involving allegations of prohibited conduct.

ERS in consultation with the Office of Legal Services has the responsibility of determining whether shielding is necessary. If shielding is warranted, ERS shall recommend a shielding plan to the Chief of Police to protect the parties during the prohibited conduct investigation.

The ERS facilitator shall notify the complainant's division commander (or the next higher rank if the division commander is the respondent) and the complainant's assistant chief (or the next higher rank if the assistant chief is the respondent) if ERS accepts an employee relations issue in which shielding is a consideration.

It is the responsibility of the division commander to consult with his or her assistant chief regarding shielding preferences so that such preferences may be included in the shielding plan recommendations if the assistant chief desires. If possible and not constrained by time, the ERS

facilitator shall be involved in the discussions between the division commander and assistant chief in formulating a shielding plan.

However, the Chief of Police Notification and shielding recommendation from ERS shall not be delayed waiting for recommendations from a division or command.

Shielding plans require approval by the Chief of Police.

Shielding may include:

- a. A voluntary reassignment of complainants to other supervisors during the investigation should the issue occur between subordinates and their immediate supervisors.
- b. A voluntary reassignment of complainants to other units, divisions, or commands including, but not limited to, any of ADR's predesignated shielding assignments.
- c. A voluntary or involuntary reassignment of respondents to other locations during the investigation.
- d. Relief of duty for either the complainant or respondent.
- e. An Order of No Contact may be issued to the complainant, respondent, or both.

Interim Shielding

Interim shielding is a shielding action taken near the time the alleged violation was discovered. Interim shielding remains in place only until a final shielding plan is approved by the Chief of Police.

The complainant's supervisor may provide interim shielding of the complainant pending directions from an ERS facilitator concerning the issue.

With approval from the ADR lieutenant, ERS facilitators have the option of leaving the complainant in an interim shielding situation or moving the complainant to another interim shielding situation.

Predesignated Assignments

Commands shall assist ERS in identifying predesignated assignments throughout the department that will facilitate immediate shielding as needed.

11 IAD RESPONSIBILITIES

Central Intake Office

CIO is responsible for tracking prohibited conduct complaints. Upon receipt of a complaint alleging prohibited conduct, CIO shall do the following:

- a. Take immediate and appropriate action to stop and/or prevent further misconduct.

b. Immediately contact ERS regarding the prohibited conduct complaint so appropriate action can be taken to shield the complainant from retaliation or continued acts of misconduct if necessary.

c. Generate an Issue Record Form (IRF) number for each complaint received.

IAD Investigations Section

Investigations into prohibited conduct allegations should be completed within 30 *calendar days* from the date of assignment to the investigator unless special circumstances exist. Under no circumstances shall the investigation take more than 60 *calendar days* unless an extension is approved by the Chief of Police.

In very limited circumstances in which the aforementioned time line is not met and an extension has been approved, investigations into prohibited conduct allegations shall be expedited and completed as soon as possible.

IAD personnel who witness or are advised of prohibited conduct shall do the following:

- a. Take immediate and appropriate action to stop and/or prevent further misconduct.
- b. Immediately contact ERS and ensure appropriate action is taken to provide interim shielding of the complainant if necessary.

12 RESOLUTION PROCESS

In an effort to encourage the reporting and successful resolution of complaints, the department has developed informal and formal mechanisms to resolve reported incidents.

Cases resolved through IAD or ADR shall be documented and retained in accordance with records retention policies of those divisions. Confidentiality of all records shall be maintained as required by law.

Informal resolutions

Class II complaints may be resolved by means other than an IAD investigation. This resolution process is referred to as informal resolution. The informal resolution process is designed to promote communication in an effort to resolve conflicts.

ERS in consultation with the Office of Legal Services has the responsibility of determining whether informal resolution is appropriate.

Informal resolutions require ERS to conduct an initial interview with the complainant.

If warranted, ERS shall recommend an informal resolution process to the Chief of Police. Informal resolutions require approval by the Chief of Police before implementation.

Informal resolutions may be accomplished through mediation, training, chain of command management plan, counseling, or any other process approved by the Chief of Police. Informal resolutions shall be administered through ADR.

Participation in the informal resolution process is voluntary and must be agreed to by all parties to the complaint. If anyone involved with the complaint declines to participate in the informal resolution process, the matter shall be referred to CIO.

Formal resolutions

Class I violations and certain Class II violations (see *Definitions* section of this General Order) require formal investigation by IAD.

Formal resolution requires a thorough investigation by IAD in conjunction with appropriate discipline for sustained violations of department policy.

13 DISCIPLINARY ACTION

Investigations resulting in a formal sustained finding of a violation of any provision of this General Order shall subject the employee to appropriate discipline that could include indefinite suspension.

Positive discipline shall not be available for sustained allegations involving disparate treatment, workplace harassment, sexual harassment, or retaliation.

14 REFERENCE MATERIAL

City of Houston Executive Order No. 1-50, Workplace Discrimination and Harassment



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 19, 2018

NO.

300-12

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-12, dated January 5, 2011

SUBJECT: GRIEVANCE PROCEDURE

POLICY

The department, through the grievance process, seeks to resolve employment related issues in a timely, fair, and just manner.

This General Order applies to all employees.

DEFINITIONS

48-Hour Notification Form. A meeting notice provided to classified employees prior to any step meeting.

Alternative Dispute Resolution (ADR) Unit. The department unit responsible for processing a variety of employee workplace issues via informal resolution processes such as Grievance, Mediation, Employee Relations, Employee Representative Council (ERC), and Employee Concern Resolution Program (ECRP).

Arbitration (classified only). A process of dispute resolution in which a neutral, third-party hearing examiner renders a decision after a hearing at which both parties have an opportunity to be heard and to present evidence.

Grievance Coordinator. A department employee assigned the task of processing employee issues filed through the department's grievance process.

Grievance Review Committee. The committee responsible for hearing civilian grievance appeals at Step III.

Grievant. An employee who files a grievance.

Notice of Grievance Meeting Form. A four-day notice provided to civilian employees prior to any *Step I* or *Step II* grievance meeting.

Step I Grievance Meeting. A division level meeting usually chaired by a division commander.

Step II Grievance Meeting. A meeting usually chaired by an assistant chief or equivalent in the employee's chain of command and ultimately decided by the Chief of Police.

Step III Civilian Grievance Hearing. A grievance meeting overseen by the *Grievance Review Committee*. This is the final step in the civilian grievance process.

Step III Classified Grievance Hearing. A grievance meeting chaired by a grievance examiner selected by the Civil Service Commission.

Step IV Grievance Review. A grievance review chaired by the Police Officers' Civil Service Commission. This is an appeal process that does not require attendance by the employee or a department representative. This is the final step in the classified grievance process.

1 GENERAL PROVISIONS

Filing Grievance on Duty

All employees shall be allowed reasonable time during regular working hours to file a grievance and to attend scheduled grievance meetings or hearings. This time shall not be charged against the employee.

Allegations of Discrimination

If at any point in the grievance process an employee verbally or in documentation alleges discrimination, then all discrimination-based issues, documents, or testimony shall be excluded from consideration of the grievance process. All allegations of discrimination shall be referred to the appropriate division or office for resolution.

Tolling

Tolling stops the statutory time period mandated in the grievance statute or the applicable Meet and Confer Agreement while an issue under consideration is being handled through another department process. If appropriate, the issue may be returned to the grievance process for continued resolution without jeopardizing statutory time lines.

2 PROVISIONS OF THE CLASSIFIED MEET AND CONFER AGREEMENT

Written Reprimands

In compliance with the current Meet and Confer Agreement, an officer who files a grievance regarding a written reprimand may elect to waive the Step I meeting and proceed directly to Step II. The officer shall make this election known to the grievance coordinator at the time the grievance is initially filed.

Under terms of this agreement the Chief of Police may delegate the authority to issue final discipline of classified officers to a commander with a rank no lower than captain. For discipline to be delegated, both of the following criteria must be met:

- a. The discipline shall be no more than a written reprimand or a one- or two-day temporary suspension.
- b. The commander must be in the officer's chain of command and have reviewed the administrative investigation that is the subject of the discipline.

Any delegated person who issues a written reprimand or an officer of higher rank in the chain of command may also be delegated by the Chief of Police to conduct a Step II or combined Step I and Step II grievance meeting related to that written reprimand. For cases in which the Step I

and Step II grievance meetings were not combined and the Step II meeting has been delegated by the Chief of Police, the Step I meeting may be conducted by a lieutenant in that same chain of command.

Employee Efficiency Rating (EER)

A classified employee may file a grievance regarding a job performance review only when the overall rating is reduced to less than "Effective." A grievance cannot be filed regarding specific performance factors.

3 INITIATING THE GRIEVANCE PROCESS

All grievance issues shall be first presented to the Alternative Dispute Resolution (ADR) Unit for eligibility review and processing. If the issue is determined to be eligible for the grievance process, an *Issue Record Form* (IRF) shall be completed and a tracking number assigned.

The grievance coordinator shall fully explain the grievance process and answer any questions the employee might have.

4 STEP I PROCEDURE – CLASSIFIED

To file a grievance, an officer shall complete a Step I form by stating the nature of the grievance and the proposed resolution. The grievance coordinator shall coordinate a Step I meeting with the officer, the officer's commander, the person, if any, against whom the grievance was lodged, and any other person that may offer assistance in resolving the issue.

If the grievance was lodged against the Chief of Police, the Chief may send a representative, unless the Chief is the officer's immediate supervisor.

If the officer's immediate supervisor is the Chief of Police, the procedures described for Steps I and II are combined. The Chief of Police shall meet with the officer and may not appoint a representative.

The Step I meeting shall be concluded no later than 30 *calendar* days after the date on which the grievance was filed. The persons in attendance shall fully, candidly, and openly discuss the grievance with the officer in a sincere attempt to resolve the issue.

A minimum of 48 hours' notice shall be given to the grievant before any grievance meeting. Failure to give the 48-hour advance notice shall sustain the grievance in favor of the grievant and no further action shall be taken. The officer may elect to waive the 48-hour notice by signing the *48-Hour Notification Form* where indicated. This form is available on the HPD Intranet Portal.

The concerned division commander shall forward a signed copy of the *48-Hour Notification Form* to the ADR Unit.

Step I Response

Regardless of the outcome of the meeting, the division commander shall respond in writing to the Grievance Section no later than five *calendar* days after the date the Step I meeting concluded.

The division commander's response shall include the following:

- a. Acknowledgment of having received the grievance, including the time and date the grievance was received and the name of the person who received the grievance.
- b. Analysis of the facts or allegations involved in the grievance.
- c. An explanation for affirming or denying the allegations made in the grievance.
- d. Identification of the remedy or adjustments, if any, to be made.

Step I Response – Notice to Officer

The Grievance Section shall provide the grievant with the written response within 15 *calendar* days after the date the grievance meeting concluded. Notification to the grievant shall be by one of the following methods:

- a. The grievant shall be contacted by telephone and asked to come to ADR and sign for the written response.
- b. The response shall be sent by certified mail (with return receipt requested) to the officer's home address as indicated on the grievance form.

5 STEP II PROCEDURE – CLASSIFIED

If the grievant rejects the department's Step I resolution, the officer has 15 *calendar* days after the date of receipt of the Step I response to file a Step II grievance. If the officer fails to file a Step II grievance by the deadline, the resolution proposed by the department is considered accepted and the issue shall be closed by ADR.

If a Step II grievance is filed, the grievance coordinator shall arrange a meeting between the grievant and the assistant chief in the officer's chain of command, or the appropriate assistant chief having the responsibility for resolving the issue. However, depending on the nature of the issue, it may be necessary to have the Step II meeting conducted by an assistant chief outside the officer's chain of command. The Step II meeting shall be concluded no later than 15 *calendar* days after the date on which the Step II grievance form is filed.

A minimum of 48 hours' notice shall be given to the grievant before any grievance meeting. Failure to give the 48-hour advance notice shall sustain the grievance in favor of the grievant and no further action shall be taken. The officer may elect to waive the 48-hour notice by signing the *48-Hour Notification Form* where indicated.

The concerned assistant chief shall forward a signed copy of any reissued *48-Hour Notification Form* to ADR.

Step II Response

Regardless of the outcome of the Step II meeting, the assistant chief shall submit a written recommendation to the Chief of Police within five *calendar* days after the conclusion of the Step II meeting.

A written response shall be drafted from the Office of the Chief of Police to the grievant and the response shall be forwarded to the Grievance Section within ten *calendar* days after the date the Step II meeting is concluded.

Step II Response – Notice to Officer

The Grievance Section shall provide the grievant with the written response within 15 *calendar* days after the date the Step II grievance meeting concludes. Notification to the officer shall be by one of the methods outlined in section 4, *Step I Procedure – Classified*, subsection "Step I Response – Notice to Officer."

6 STEPS III AND IV PROCEDURES – CLASSIFIED

Step III Procedure

If the grievant formally rejects the department's Step II response, the grievant may continue the grievance process by completing a Step III grievance form at the City of Houston Human Resources Department, Employee Relations Division, within 15 *calendar* days after the date of receipt of the Step II response.

At Step III a Civil Service Commission grievance examiner shall preside over a hearing between the grievant and a department representative designated by the Chief of Police.

Arbitration Option (Classified Only).

In lieu of a Step III grievance hearing, the grievant may elect to use *arbitration* in order to resolve the grievance issue.

Step III Response

At the conclusion of the Step III hearing, the grievance examiner shall prepare written findings and recommendation(s) for resolution of the grievance. The grievance examiner shall forward the Step III written response to the grievant and the department via certified mail within 15 *calendar* days after the Step III hearing concludes.

Step IV Procedure

If the grievance examiner rules against the grievant or the department at Step III, either party may continue the grievance process by completing a Step IV grievance form at the City of

Houston Human Resources Department, Employee Relations Division, within 15 *calendar* days after the date of receipt of the Step III response.

Step IV is a review process only, not a hearing. The Step IV review is the final step in the grievance process.

Step IV Response

The Civil Service Commission shall forward its written findings via certified mail to the grievant and the department within 15 *calendar* days after the Step IV review is concluded.

7 STEP I PROCEDURE – CIVILIAN

To file a grievance, a civilian employee shall complete a Step I form by stating the nature of the grievance and a proposed resolution.

The grievance coordinator shall schedule a meeting consisting of the grievant, the grievant's division commander, the person, if any, against whom the grievance was lodged, and any other person that may offer assistance in resolving the issue.

If the grievance was lodged against the Chief of Police, the Chief may send a representative, unless the Chief is the employee's immediate supervisor.

If the grievant's immediate supervisor is the Chief of Police, the procedures described for Steps I and II are combined. The Chief of Police shall meet with the employee and cannot appoint a representative.

At all times, the department shall give the grievant at least four *calendar* days' notice of any step meeting unless a shorter period is mutually agreed upon. This notice shall be given using the *Notice of Grievance Meeting* form provided by ADR.

The Step I meeting shall be concluded no later than 30 *calendar* days after the date on which the grievance was filed. If the meeting is not concluded within 30 *calendar* days, the grievance shall automatically proceed to Step II.

No later than 24 hours before the meeting, both parties shall mutually disclose to the grievance coordinator all non-privileged information and names of witnesses or persons with relevant knowledge, and provide documents to be used in the step meetings.

Failure by either party to disclose known witnesses or persons with relevant knowledge, documents, or information may be grounds for exclusion or inclusion of such evidence, when appropriate. Failure by the department to disclose known witnesses or persons with relevant knowledge, documents, or information may subject the person responsible to discipline.

The persons in attendance shall fully, candidly, and openly discuss the grievance with the employee in a sincere attempt to resolve the issue.

If the grievance cannot be resolved by the immediate supervisor because of a lack of authority to resolve the issue, Steps I and II may be combined.

Step I Response

Regardless of the outcome of the meeting, the division commander shall prepare a written response to the grievant and forward the response in writing to the Grievance Section no later than five *calendar* days after the date on which the Step I meeting was concluded.

The division commander's response shall include the following:

- a. Acknowledgment of having received the grievance, including the time and date the grievance was received and the name of the person who received the grievance.
- b. Analysis of the facts or allegations involved in the grievance.
- c. An explanation for affirming or denying the allegations made in the grievance.
- d. Identification of the remedy or adjustments, if any, to be made.

Step I Response – Notice to Civilian

The grievance coordinator shall provide the grievant with the written response within 10 *calendar* days after the date the grievance meeting concluded.

Notification to the grievant shall be by one of the following methods:

- a. The grievant shall be contacted by telephone and asked to come to ADR and sign for the written response.
- b. The response shall be sent by certified mail (with return receipt requested) to the employee's home address as indicated on the grievance form. The response is deemed to be received on the date the letter is mailed.

If the division commander or appropriate supervisor fails to submit a written response within ten *calendar* days after the conclusion of the Step I meeting, the grievance coordinator shall have an additional ten *calendar* days to automatically schedule a Step II meeting. A division commander or appropriate supervisor who fails to comply with the requirements of this section in a timely manner may be disciplined.

8 STEP II PROCEDURE – CIVILIAN

Proposed Step I resolutions shall be accepted by the grievant entirely or not at all. If the employee accepts the proposed resolution, the department shall implement the resolution.

If the grievant rejects the Step I proposed resolution, the employee may file a Step II grievance with a grievance coordinator, specifying the reason for the rejections on the Step II grievance form.

The grievance coordinator shall receive the completed Step II grievance form no later than ten *calendar* days after the date on which the grievant was served with the division commander's

response. If the grievant fails to file a Step II grievance form in a timely manner, the grievance process is terminated and the issue shall be closed in ADR.

The grievance coordinator shall arrange a meeting between the grievant and the assistant chief or the equivalent civilian rank in the employee's chain of command. However, depending on the nature of the issue, it may be necessary to have the Step II meeting conducted by an assistant chief outside the employee's chain of command.

At all times, the department shall give the grievant at least four *calendar* days' notice of any step meeting unless a shorter period is mutually agreed upon.

No later than 24 hours before the scheduled Step II meeting, both parties shall mutually disclose to the grievance coordinator all additional nonprivileged documents reasonably related to the grievance issue and not previously disclosed or discovered through the exercise of reasonable diligence at Step I. Documents or information indirectly related to the grievant or other employees may be disclosed at the discretion of the department and the employee respectively. The Step II meeting shall be concluded no later than 45 *calendar* days after the date on which the Step II grievance form was filed.

If the meeting is not concluded within 45 *calendar* days, the grievant has ten *calendar* days to request that a grievance examiner order the grievance to proceed to a Step III without a Step II meeting. Such a request shall be filed with the City of Houston Human Resources Department, Employee Relations Division.

Step II Response

The appropriate assistant chief shall submit a recommendation to the Chief of Police following the conclusion of the Step II meeting.

Regardless of the outcome of the Step II meeting, the Chief of Police shall prepare a written response to the grievant and forward the response to the Grievance Section within ten *calendar* days after the date the Step II meeting was concluded.

Step II Response – Notice to Civilian

The grievance coordinator shall forward the response to the grievant by one of the methods outlined in section 7, *Step I Procedure – Civilian*, subsection, "Step I Response – Notice to Civilian."

If no written response is submitted by the Chief of Police or designee within the ten *calendar* days following the conclusion of the Step II meeting, the grievance coordinator shall have an additional ten *calendar* days to refer the grievant to the Civil Service Coordinator of the City of Houston Human Resources Department who shall automatically set the grievance for a Step III hearing.

9 STEP III PROCEDURE – CIVILIAN

If the grievant formally rejects the department's Step II response, the grievant may continue the grievance process by completing a Step III grievance form at the City of Houston Human

Resources Department, Employee Relations Division, within ten *calendar* days after the date of receipt of the Step II response.

At Step III a duly selected civilian Grievance Review Committee shall preside over a hearing between the grievant and a department representative designated by the Chief of Police.

Step III Response

At the conclusion of the Step III hearing, the Grievance Review Committee shall prepare written findings and recommendation(s) for resolution of the grievance. The committee shall forward the Step III written response to the grievant and the department via certified mail within ten *calendar* days after the Step III meeting concludes.

Step III is the final step in the civilian grievance process.

10 EXCEPTIONS TO TIME LINES

This section applies to both the classified and civilian grievance processes. The dates required for scheduling meetings or hearings may not be extended except when an investigation for criminal misconduct is pending, when the failure to meet a date is the result of an authorized leave of absence or excused illness of the grievant, or the parties mutually and voluntarily agree in writing to extend the deadlines. Any extension granted shall be reasonable and not unduly or unnecessarily delay the grievance process.

11 VIOLATION

It is a violation of Civil Service rules and regulations and department policy for any supervisor to retaliate against any employee for utilizing the grievance process.

12 PENALTY

If an employee fails to meet any filing deadline, the employee forfeits the right to continue the grievance process.

13 REPRESENTATION

Employees may represent themselves or obtain a representative at any time during the grievance procedure. The representative need not be an attorney. However, the City of Houston is not obligated to provide or pay the costs of providing such representation. For civilian employees, the representative cannot be a City of Houston employee.

14 COMPENSATION

Employees eligible for compensation who are subpoenaed by the city attorney's office to appear as factual witnesses in any hearing or meeting are entitled to compensation for the time

the employee is required to be present at the hearing. Employees whose testimony relates primarily to the character or reputation of the employee are not entitled to compensation.

Employees eligible for compensation who initiate grievances shall be compensated if any meeting or hearing is scheduled outside their normally assigned working hours and they prevail in the grievance.

15 GRIEVANCE RECORDS

ADR shall maintain copies of all grievance related files in a secure location separate from the employee's personnel files.

16 AUTHORITY

Classified

The governing law for classified grievances is found in Chapter 143 of the Texas Local Government Code and the current Classified Meet and Confer Agreement.

Civilian

The governing rules for civilian grievances are found in the current Civilian Meet and Confer Agreement.

17 RELATED GENERAL ORDERS

300-08, **Classified Employee Efficiency Rating**
300-11, **Discrimination, Harassment, and Other Prohibited Conduct**
300-22, **Personnel Files**
300-26, **Employee Representative Council**
300-32, **Processing Complaints and Employee Issues**
300-33, **Mediation**
900-03, **Employee Concern Resolution Program**
Chapter 143, Texas Local Government Code
Meet and Confer Agreements (Civilian and Classified)


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 19, 2020

NO.

300-14

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-14, dated September 6, 2005

SUBJECT: EXTRA EMPLOYMENT

POLICY

The Houston Police Department allows employees to hold extra employment when off duty and with specific conditions and restrictions. Extra employment shall not interfere with an employee's performance of official duties as an employee of the City of Houston or cause conflicts of interest between the City and the extra employment entity.

Extra employment is a privilege afforded to employees and it may be restricted at the discretion of the Chief of Police.

This General Order applies to all employees.

DEFINITIONS

After-hours Club. An alcoholic beverage establishment that has extended hours beyond 2 a.m. The department's Risk Management Division Extra Employment Unit or the assistant chief over Risk Management Division shall make the final determination as to what constitutes an after-hours club.

Alcoholic Beverage Establishment (ABE). Any place at which the primary purpose is the sale of alcoholic beverages or 51 percent or more of its income is from the sale of alcoholic beverages for on-premises consumption. This also includes rental or temporary facilities where alcoholic beverages are sold, served, or consumed. For the purpose of this General Order, an ABE may also be a business open after 10 p.m. and holding a Texas Alcoholic Beverage Commission (TABC) permit for on-premises consumption of alcoholic beverages and that is also a place of entertainment which may include live music, dancing, or floorshows.

Business. Refers to the owner, manager, or person in control of the establishment where an extra employment is conducted, the buildings and structures of the establishment, and all surrounding property related to the establishment (this includes the parking lot and any traffic control location that leads directly into the business). Businesses that share the same parking lot and are clearly operating independently are to be treated as separate extra employment.

Employer. For the purpose of this General Order, an individual or entity, e.g., organization, institution, government entity, agency, company, professional services firm, nonprofit association, business, or store that employs or provides work for an HPD employee in an extra employment capacity. In this General Order, an *employer* may or may not be the entity that pays the employee for the extra employment services and the term *employer* also includes the terms *business* and *third-party employer* as defined herein.

Escorts of Convenience. Escorts conducted by a police officer either by motorcycle or other vehicle with emergency equipment in use when no emergency exists (e.g., escorting sports

teams, wedding parties, or corporate executives). Escorting funerals or oversized loads are not considered escorts of convenience.

Extra Employment Hours. Time spent on any extra employment as outlined below.

- a. **Nonpolice-Related Extra Employment.** Any type of off-duty employment not involving law enforcement duties or use of authority as a peace officer.
- b. **Police-Related Extra Employment.** Any type of off-duty activity using authority or capacity as a peace officer to display law enforcement visibility, enforce federal, state, or local laws, or perform any duty that is usually fulfilled by a law enforcement officer within the scope of his or her duties, whether or not the officer receives remuneration, reduced or free rent, or any other benefit.

Forfeiture Abatement Support Team (F.A.S.T.) Properties. Apartment communities with nuisance activity on the property as determined by Chapter 125, Texas Civil Practices and Remedies.

House Rules. Rules of the extra employment employer or business that are not specifically authorized by state or federal law or City ordinance.

Pain Management Clinic. A publicly or privately owned facility for which a majority of patients are issued, on a monthly basis, prescriptions as listed in the Texas Occupations Code, Section 168.001.

Permanent Extra Employment. An extra employment spanning more than 30 *calendar days*.

Pharmacy. A facility at which a prescription drug or medication order is received, processed, or dispensed under Chapter 481 or 483, Texas Health and Safety Code, or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.). The term does not include a narcotic drug treatment program that is regulated under Chapter 466, Texas Health and Safety Code.

Private Solo Coordinator. A person who acts as a guard company for the purposes of Section 1702.108 of the Texas Occupations Code and who employs an individual described by Section 1702.323(d) or engages in the business of or undertakes to provide a private watchman, guard, or street patrol service on a contractual basis for another person to control, regulate, or direct the movement of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to ensure the protection of property.

Rave. A large, organized dance club type event promoted for young people. The typical age of participants is from 16 to 21 years of age and the crowd can easily exceed one thousand participants. Raves often continue after the typical 2 a.m. closing time. HPD's Extra Employment Unit (EEU) makes the final determination as to what constitutes a rave. If an employee is uncertain whether an event is a rave, the employee shall contact EEU prior to working the event. If EEU is closed or unavailable for guidance, the employee shall not work the event.

Remedial Action Property. An apartment community that according to City Ordinance Chapter 28, Article IX has excess levels of criminal activity as designated by the Federal Bureau of Investigation.

Temporary Extra Employment. An extra employment spanning 30 *calendar days* or less.

Third-Party Employer. An entity other than the *business* or *employer*, and which coordinates and pays an employee for extra employment.

1 REQUIREMENTS

Time Entry

Classified employees shall utilize the department's approved extra employment time entry procedure to check in and out of extra employment assignments.

Duty to Respond and Incident Reports

When an officer is working extra employment and becomes aware of a reportable incident at that location, that officer is responsible for generating the incident report and any necessary supplements. Both incident reports and supplements shall be completed according to General Order 800-07, **Criteria for Submitting Incident Reports**. Unless otherwise approved by an HPD supervisor, incident reports and supplements shall be completed and reported to the department by the end of the extra employment hours. An officer may be required to provide an account of the circumstances that prevented the officer from meeting this requirement. Extra employment incident reports and supplements shall not be completed while on duty for HPD.

An officer who is working extra employment and needing to complete an incident report that does not involve an arrest shall do so by contacting the Emergency Communications Division, Teleserve Unit and providing the report to Teleserve personnel by dictation or by completing the incident report as stated above.

Officers are reminded that in the event an arrest is made and a **transporting officer** is utilized, the **transporting officer** shall be responsible for completing the:

- a. Original incident report.
- b. Jail initialization in the Records Management System (RMS).
- c. Charges in the District Attorney Intake Management System (DIMS).
- d. Tagging of property and/or evidence.

The extra employment officer shall complete the remainder of the report as a supplement.

If an incident involves response to resistance, the officer who made the response to resistance shall be responsible for entering a supplement report, contacting the appropriate supervisor, and completing all necessary response to resistance documentation as stipulated per departmental policy.

If an officer working extra employment is informed of an incident occurring at a location other than that of the extra employment, the officer shall inform the dispatcher and request an on-duty officer to be assigned to investigate. Officers working extra employment shall make a

supplemental report if they collect physical evidence, receive information about or from a suspect, or interview a complainant or witness.

Officers working extra employment for businesses where loud noise is an issue shall be proactive in preventing violations and enforcing the law. Officers working extra employment shall cooperate with officers responding to calls for service concerning potential violations of the noise ordinance and they shall take steps to ensure compliance with the ordinance. Officers working extra employment and found to be repeatedly allowing violations of the noise ordinance at the location may have their extra employment permit for that location revoked.

Racial Profiling

Officers working extra employment are governed by the same rules and guidelines concerning racial profiling as if they were on duty (see General Order 600-42, **Racial Profiling Prohibited**). Adequate field notes shall be maintained and racial profiling data shall be entered at the same time as the incident report.

When racial profiling data is collected during extra employment, but no incident report is required (e.g., issuing a ticket), the racial profiling data shall be entered into RMS before the officer's next regular duty shift. Extra employment racial profiling data shall not be completed while on duty for HPD. Officers shall not be compensated by the department for the time required to enter racial profiling data generated in an extra employment setting.

2 EXTRA EMPLOYMENT UNIT (EEU)

The Risk Management Division Extra Employment Unit (EEU) has primary administrative authority over extra employment including, but not limited to, permits and investigations. All provisions for extra employment, including permit application, denial, or revocation, as well as conditions that both restrict and prohibit extra employment, shall be determined and enforced by EEU.

The Risk Management Division and division and unit commanders shall perform for-cause and random extra employment inquiries for compliance with department policy.

3 PROBATIONARY AND LATERAL ENTRY POLICE OFFICERS

Probationary police officers shall not work extra employment. The restriction is waived if the probationary police officer meets *all* the below listed requirements. The probationary police officer:

- a. Is classified as a lateral entry or reinstatement officer.
- b. Was previously employed by a law enforcement agency as a peace officer and worked patrol duty for at least 12 months for that agency.
- c. Has completed the Houston Police Department's Field Training Program required for his current employment.

A probationary police officer is not permitted to work at an *alcoholic beverage establishment* unless the officer meets all the above listed requirements and the requirements outlined in section 15 of this General Order.

No probationary police officer shall be allowed to work live-on property apartment or multifamily housing security.

4 CIVILIAN EMPLOYEES

Civilian employees shall not work any police-related extra employment. Civilian employees shall not display, wear, or utilize any portion of department issued uniforms, jackets, hats, caps, or equipment at an extra employment site. Civilian employees shall not work any extra employment as a security guard, private investigator, police officer, or jailer. Civilian employees may work as dispatchers for other police agencies.

Civilian employees shall not hold a license issued by the Texas Department of Public Safety Private Security Bureau while employed with the Houston Police Department unless the employee is a Security Services Contractor holding a Class B Security Services license covering operations of a Security Services Contractor or a Private Security Consulting Company and who is employed as any of the following:

- a. An alarm instructor
- b. An alarm systems installer
- c. An electronic access control device installer
- d. A locksmith
- e. A dog trainer
- f. A manager or branch office manager
- g. A private security consultant
- h. A security salesperson

Civilian employees working extra employment shall notify the police dispatcher of any reported or observed criminal activity.

Any exception to this section requires written approval from the Chief of Police or the Chief's designee.

5 EXTRA EMPLOYMENT PERMIT NUMBERS

An extra employment permit number represents an employee's temporary authority to work extra employment. Permit numbers shall be obtained prior to working any extra employment (*temporary or permanent*).

To obtain a permit number, the requesting employee shall log into the *HPD Extra Employment System* via the department's Intranet Portal, submit the mandatory information on the *Extra Employment Permit Application* form, and obtain a permit number. If the extra employment utilizes a *third-party employer*, that employer's name shall be entered in the appropriate field of the application form. When not at work, the requesting employee shall contact his or her division and give all pertinent information to an on-duty employee. The on-duty employee shall enter that information into the *HPD Extra Employment System* so that a permit number can be obtained. If the requesting employee's division is closed, the employee may contact any other division to obtain a permit number.

If the requesting employee is unable to obtain a permit number prior to working the extra employment because the department's Intranet Portal is down, the employee shall contact a supervisor who shall document the information regarding the extra employment. When the requesting employee is able to complete the *Extra Employment Permit Application* form, the employee shall document the supervisor notification in the *Comments* field of the form.

If the requesting employee does not adhere to all of HPD's extra employment requirements and restrictions or is unable to supply all the mandatory information, a permit number shall not be issued.

6 EXTRA EMPLOYMENT PERMIT APPLICATION GUIDELINES

Prior to completing an *Extra Employment Permit Application*, employees must be in compliance with all training and qualification requirements of HPD and the Texas Commission on Law Enforcement (TCOLE). The employee must also complete all training as outlined in this General Order or as required for a specific extra employment. Specific training includes, but is not limited to, traffic control training, alcoholic beverage establishment training, police motorcycle operator course, bicycle course, and mounted patrol riding evaluation.

Prior to completing an *Extra Employment Permit Application*, employees shall review the Unauthorized Lists in the *HPD Extra Employment System*. The Unauthorized Lists include businesses and employers that are prohibited from employing police personnel. Permits shall not be submitted if the business or extra employment employer, also referred to herein as employer, appears on either unauthorized list. It is the employee's responsibility to verify that neither the business nor the employer is included on the Unauthorized Lists.

EEU shall investigate all extra employment permit applications. EEU shall not approve an *Extra Employment Permit Application* that does not meet the requirements of this or any other General Order. If the permit application is approved, the disposition status shall state *Approved* in the appropriate field. If the permit application is disapproved, the division commander of the Risk Management Division shall notify the applicant's division commander. An employee whose extra employment permit application is disapproved may appeal the action in writing to the division commander of the Risk Management Division.

Employees working extra employment at multiple locations shall request a permit number for each location at which the employee works even if the locations are owned by the same employer.

Permanent extra employment permits must be renewed by the date of expiration. All *permanent extra employment* permits shall be valid until the last day of the employee's birthday month of the *following calendar year*. An expiration date shall automatically be calculated once a permit application has been entered.

If any information in an employee's extra employment permit changes (e.g., location, name of business, person employed by, coordinator) during the life of a valid permit, the employee shall contact the Risk Management Division and have the Extra Employment Unit cancel the permit. The employee shall then complete and submit a new *Extra Employment Permit Application*.

Supervisors' Responsibilities

All supervisors shall be held accountable for monitoring the extra employment worked by employees under their direct supervision by reviewing each employee's *Extra Employment Permit Application* for compliance with department policy. Supervisors shall utilize the *HPD Extra Employment System* supervisory review process to approve or disapprove all permit applications submitted by their subordinates within ten *calendar days* following notification of the application.

If a supervisor disapproves a permit application, the supervisor shall enter the reason for the disapproval into the *HPD Extra Employment System* and notify the affected employee that the application was disapproved. The supervisor shall advise the employee of the reason for the disapproval and that the employee shall not work the extra employment until all noted problems are addressed and a new permit application is submitted.

7 REVOCATION AND SUSPENSION OF EXTRA EMPLOYMENT PERMITS AND/OR PRIVILEGES

Extra Employment Permit Applications shall be reviewed and approved or disapproved via the supervisory review process. EEU shall also review all permit applications for compliance with department policies and may disapprove or cancel applications that have already been approved by a division supervisor.

Division commanders shall temporarily suspend any previously approved extra employment permit in which an element of the extra employment violates department policy. The division commander shall document the reasons for suspending the extra employment in correspondence sent to the division commander of the Risk Management Division with a copy sent to the employee.

On-duty patrol supervisors shall monitor extra employment at *alcoholic beverage establishments* and other extra employment in their respective areas by performing periodic inspections. Supervisors have the authority to immediately suspend (temporarily) the extra employment permit of an officer who may be in violation of department policy, City ordinance, or law pending review by EEU. If a supervisory conflict occurs, a supervisor holding a higher rank shall be called to the scene.

All temporarily suspended permits shall be immediately reported to EEU. If such action is taken, the supervisor shall document the justification for permit suspension in writing to the division commander of the Risk Management Division through the supervisor's chain of command. EEU

shall then send written notice of suspension to all affected employees and their respective division commanders.

Any employee, regardless of rank, who becomes aware of infractions of this General Order or other inappropriate circumstances involving extra employment, shall immediately notify EEU. Employees shall also adhere to the requirements of reporting employee misconduct set out in General Order 200-03, **Investigation of Employee Misconduct**.

A supervisor may recommend the revocation of an employee's extra employment permit(s) if the extra employment is negatively affecting the employee's on-duty performance. The supervisor shall document the justification for permit revocation in writing to the division commander of the Risk Management Division through the supervisor's chain of command. The revocation of an employee's extra employment permit for poor productivity or due to job impact may be for any length of time deemed appropriate by the employee's division commander. The employee's extra employment permit may be reinstated only upon written request by the employee's division commander to the division commander of the Risk Management Division. Upon approval, the employee shall submit a new *Extra Employment Permit Application* for the job in question.

Anytime EEU is notified of infractions at an extra employment site or receives a recommendation for revocation of an extra employment permit, EEU shall investigate the extra employment. If it is determined the permit should be revoked, EEU shall revoke the permit and notify the affected employee via the employee's division commander.

The Chief of Police may revoke an employee's extra employment permit or extra employment privileges without any right of appeal. When the Chief of Police revokes a permit or privileges, EEU shall send written notice to the affected employee and the employee's division commander.

Any officer cited with a violation of department policy involving extra employment at an *alcoholic beverage establishment* shall not (except in the rarest of circumstances) be eligible for positive discipline. This policy is regardless of the department violation and regardless of whether the Chief of Police or a division commander issues the final discipline. Division commanders receiving requests for positive discipline under these circumstances shall seek permission from the Chief of Police before approving such requests.

Reinstatement of Privileges

When an employee's extra employment privileges have been revoked by the Chief of Police for more than 90 *calendar days*, the employee's division commander may make a written request to the Chief of Police on behalf of the employee for reinstatement of extra employment privileges after the 90th *calendar day* of the revocation period.

Division commanders should make such requests only when an employee's performance is at or near the top of the employee's division or unit productivity standards. All recommendations from division commanders require written concurrence or opposition from the employee's assistant chief and executive assistant chief prior to submission to the Chief of Police.

In the event the Chief of Police elects to reinstate an employee's extra employment privileges, the employee's division commander, assistant chief, and executive assistant chief shall review the employee's productivity every 90 *calendar days* until the original revocation period has

expired. Each 90-calendar-day review shall be forwarded to the Chief of Police through the chain of command.

8 LIMITATIONS

It is possible for employees to agree to work an extra employment without first receiving all the facts of the job, or situations may occur after an agreement to work has been made and approved (e.g., extra employment at an *alcoholic beverage establishment* turns into a *rave* event). If any of the following situations exist, occur, or become known to the employee, the employee shall immediately resign from the extra employment and contact EEU with the details.

Extra Employment Permit Applications shall not be approved and existing permits shall be cancelled if:

- a. A department work hour limit will be exceeded. All employees shall operate under the same department policy regarding maximum work hours as described in General Order 200-26, **Workday and Workweek**.
- b. The employee fails to meet the training or qualification requirements of TCOLE or the department, or as required for a specific type of extra employment.
- c. Any portion of the extra employment is during the employee's assigned shift or on-duty hours and no authorized leave is taken.

Classified employees may use approved leave time to work extra employment. However, officers may not take time off due to a personal illness or injury and subsequently work extra employment. See General Orders 300-09, **Absence from Duty – Classified** and 300-05, **Workers' Compensation**, for additional limitations.

Civilian employees may use any accumulated leave hours except wellness leave or sick leave hours to work extra employment. See General Order 900-01, **Absence from Duty – Civilian** for additional limitations.

In addition, employees shall not work extra employment during normal duty hours while on paid funeral leave.

- d. There is insufficient or inappropriate travel time between the beginning or end of the employee's scheduled shift and the beginning or end of the scheduled extra employment. The minimum travel time gap shall be no less than 15 minutes.
- e. As a normal practice to working *permanent extra employment*, the employee makes shift adjustments, takes authorized leave, or creates a pattern of taking leave.
- f. The job is police-related and the officer is suspended, relieved of duty, on transitional duty, taking injury leave, or has been otherwise prohibited by the department from working police-related extra employment.
- g. The business allows wet T-shirt or bikini contests, lingerie shows, or topless, bottomless, or nude performers (male or female) to appear on the premises.

- h. Requirements imposed on the business by licenses or permits or other regulations are not complied with by the business during the extra employment hours, or the business has been found to be consistently or frequently in violation of state or federal law or City ordinance.
- i. The business or employer is of questionable reputation as determined by EEU or General Order 200-08, **Conduct and Authority**.
- j. The location or nature of the extra employment is considered by EEU to be controversial (e.g., labor dispute, civil dispute, or the serving of civil process).
- k. The job is police-related and the work location is considered foreign territory (e.g., an embassy or consulate).
- l. The employee's extra employment permit has been temporarily suspended or revoked.
- m. The business or employer expects the officer to enforce any *house rules*.

NOTE: Officers, whether on duty or while working extra employment, addressing situations on government owned or leased property and involving persons licensed to carry a handgun, shall not exclude a person licensed to carry a handgun from the property or portion of the property unless a specific criminal violation has been committed. Officers are advised that a vendor or entity using a government owned or leased property may place signs or take actions to prohibit license holders from carrying a handgun on the property, but the license holder doing so would not constitute a criminal violation.

- n. The business or employer restricts the employee from areas that have public access.
- o. The business is an *alcoholic beverage establishment* as defined by this General Order and any of the following are true:
 - 1. Less than two uniformed classified officers are working at the location at the same time.
 - 2. The business is located outside of the city limits of Houston.
 - 3. The employee is assigned to any of the following: Vice, Narcotics, Gang, or Criminal Intelligence divisions.
 - 4. The employee does not possess a valid extra employment *Alcoholic Beverage Establishment Permit*. (See section 15 of this General Order.)
 - 5. The employee has not received training in the operation of the department's body worn cameras. (See section 15 of this General Order.)
 - 6. The establishment is considered an after-hours club.
- p. The business is involved in playing bingo, unless the business is licensed in accordance with the Bingo Enabling Act.

When submitting an *Extra Employment Permit Application* at these establishments, the employee shall include the establishment's bingo license number in the appropriate field of the application.

- q. The business is involved in gambling, unless sanctioned by state law. This includes poker rooms, card houses, or any business or place that has on its premises an eight liner or other gambling device as determined by EEU.
- r. The business or employer is being investigated by the City Attorney's Office for violation of the nuisance abatement ordinance and the city attorney handling the case recommends that employees not be allowed to work at the location.
- s. Any employee of the business or employer refuses to cooperate with any active investigation.
- t. The business or employer requires the employee to sign any type of hold harmless indemnity agreement as a condition of employment. An agreement of this type could hold the employee responsible for the employer's attorney's fees and litigation expenses should the employer be sued.

NOTE: Employees shall submit *any and all* extra employment contracts or agreements to EEU for approval prior to signing such documents.

- u. The business or employer utilizes or employs reserve or full-time unpaid peace officers in a law enforcement capacity.
- v. The extra employment has the employee serve as an expert witness in any matter investigated by the City or any department or agency of the City, or any government agency, or for the defense in any criminal case. Government agency includes any law enforcement agency, any municipal or county department, any school district or state-funded university, etc. This restriction is waived if the employee's testimony is given on behalf of the City of Houston or at the request of the prosecuting attorney. See General Order 300-25, **Court Attendance and Compensation**.
- w. The business is a rave or rave type event.
- x. The business or employer *requires* the employee to utilize location services via an application ("app") or other tracking program via the employee's *personal* device (e.g., cellular telephone). Employees may use an app while at the extra employment location provided that any tracking feature in the app, such as location access, is set to either "never" or "allow only while using the app." Such apps shall be closed when not in use.

9 RESTRICTIONS

On-duty officers shall not go to any location where they work extra employment unless either of the below exceptions applies:

- a. The officer is dispatched to a call for service at a location where the officer also works extra employment off duty.

- b. The officer is directed by a supervisor to go to a location in the performance of the officer's official duties where the officer also works extra employment off duty.

If an officer is directed by a supervisor to go to a location where he works in an extra employment capacity and it is not related to a call for service (e.g., directed patrol, alert slip), the officer shall immediately inform the supervisor that he works at the location in an extra employment capacity.

Additionally, employees shall not:

- c. Work as a traffic control officer for any entity that does not have and is required by City ordinance to have a Traffic Control Personnel Permit.
- d. Work extra employment that EEU has determined is not in the best interest of the department.
- e. Own any interest in an *alcoholic beverage establishment*, poker room, card house, or any business with an eight liner or other gambling device.
- f. Obtain or possess a "Class A Investigation Company" license or a "Class C Combination of Investigation & Security Contractor" license issued by the Texas Department of Public Safety Private Security Bureau.
- g. Be employed by any business or individual that holds a license issued by the Texas Department of Public Safety Private Security Bureau unless any of the following applies:
 - 1. The officer is providing security for only a business and not protecting an individual private investigator on an assignment.
 - 2. The employee does not participate, or give the appearance of participating, in the investigative component of an investigation of any business, entity, or individual. For example, the employee shall not in any way assist, aid, or accompany a private security investigator or a private security employee in the furtherance of an investigation.
 - 3. The employee is a Security Services Contractor holding a Class B Security Services license covering operations of a Security Services Contractor or a Private Security Consulting Company and is employed as any of the following:
 - a) An alarm instructor
 - b) An alarm systems installer
 - c) An electronic access control device installer
 - d) A locksmith
 - e) A dog trainer
 - f) A manager or branch office manager
 - g) A private security consultant

- h) A security salesperson
4. The business is a medical care facility operating an electronic emergency response system designed to detect and summon aid for medical emergencies. However, employees shall not have any duties connected with the operation of the emergency response system.
5. The employee is performing only nonpolice-related tasks.
- h. Solicit or advertise for police-related extra employment. Officers shall not submit security proposals or extra employment contracts without approval by EEU. Officers shall not form businesses under assumed names, Doing Business As (DBA) names, companies, or corporations for purposes of police-related extra employment.
- i. Use department vehicles during the normal performance of extra employment. Employees may drive their take-home vehicles to and from extra employment and may, for example, use their take-home vehicles for protection from the weather; but employees shall not use a department vehicle for patrolling or driving around an extra employment site.
- j. Use another law enforcement department's marked vehicle while working extra employment (e.g., Harris County Sheriff's Office, Fort Bend County Sheriff's Office, Bellaire Police Department).
- k. Work *alcoholic beverage establishments* while under investigation regarding activities related to the drinking establishment pending review by the commander of Internal Affairs Division.
- l. Work extra employment for an automobile storage lot or automobile auction.
- m. As a patrol commander or Downtown Division commander, coordinate or work any extra employment within their area of responsibility.
- n. Work extra employment that includes labor disputes, protests, or demonstrations. In addition, employees shall not work extra employment that promotes or advocates unlawful activities.

10 SALARY AND BENEFIT RESTRICTIONS

Employees shall not work any extra employment for compensation or as a courtesy while on duty for HPD. Furthermore, an employee is prohibited from working on duty at any time in which he is scheduled to work extra employment that is compensated on a minimum show-up time basis and the employee does not work the entire minimum show-up time period. In other words, an employee cannot be compensated by the department for any time period that the employee is compensated by an extra employment employer including, but not limited to, a minimum show-up time period.

Benefits, workers' compensation, public liability, or legal representation provided by the City of Houston may not be available to employees while working extra employment. Workers' compensation may not be available to employees who work extra employment and fail to obtain a permit number prior to working. Employees are advised to determine what coverage is available from their extra employment employers.

11 CITY-OWNED PROPERTY

Use of City vehicles by employees while engaged in extra employment is prohibited. See section 9, *Restrictions*, item (i) of this General Order for clarification.

Except as otherwise noted in this or other General Orders, City property shall not be used in the performance of extra employment unless approved in writing by the officer's commander.

Exceptions to this rule are:

- a. Officers working police-related extra employment shall wear their department issued *official classified uniform*, body armor, and radio and required gear, and shall comply with department regulations concerning personal appearance. See General Order 300-15, **Appearance and Grooming Standards**.

Officers working police-related extra employment may wear *special assignment uniforms* only as outlined in General Order 300-15, **Appearance and Grooming Standards**. Officers who wish to work police-related extra employment in attire other than the *official classified uniform* shall first receive authorization from their division commander, who should consult with the Extra Employment Unit. This supervisory approval shall be included in the *Comments* section of the *Extra Employment Permit Application*.

- b. Officers working police-related extra employment in uniform shall use a body worn camera if one has been issued to them. Classified employees are required to wear a department issued body worn camera while working at an *alcoholic beverage establishment*. See also section 15 of this General Order and General Order 400-28, **Body Worn Cameras**.
- c. Officers working uniformed police-related extra employment may use any optional gear that is department approved for use with the *official classified uniform* (e.g., necktie, outerwear). See General Order 300-15.

Employees shall not use the City email system for personal business endeavors. This includes, but is not limited to, coordinating extra employment, seeking to work extra employment, or seeking any person to work extra employment. Employees are also reminded that there is no expectation of privacy in the use of the City's email system and the department reserves the right to inspect all emails at any time.

12 EXTRA EMPLOYMENT COORDINATORS AND STAFFING

Coordinators

An *extra employment coordinator* shall be a person who serves as an administrative liaison between the extra employment employer and the officers who provide a police service. That coordinator's name shall be entered in the *Coordinate Officer* field on the *Extra Employment Permit Application*. Coordinators shall not accept payment for work performed by other officers or pay officers working for the employer. This prohibition shall not apply to officers working for a properly licensed guard company.

Each officer shall be paid directly and individually by the employer as an employee or individual contractor, unless the officer has been hired by a properly licensed guard company. Extra employment coordinators shall not exercise hiring and firing authority over officers working for the employer. Only the employer may hire and fire officers.

Coordinators shall not arrange for the services of any higher-ranking supervisor in their chain of command to supervise or work extra employment. Coordinators may arrange for the services of supervisors who are not in their chain of command or who hold an equal rank or lower to work extra employment.

Coordinators may supervise extra employment provided they hold the rank of sergeant or higher. No coordinator who is an extra employment supervisor shall exercise authority over an officer holding a higher rank. While coordinating extra employment, coordinators shall adhere to the department's policy regarding maximum work hours as described in General Order 200-26, **Workday and Workweek**.

Officers who coordinate extra employment shall list themselves as the coordinator on their *Extra Employment Permit Applications*.

Staffing Requirements

When an HPD classified employee engages in extra employment and six or more law enforcement officers, regardless of agency of primary employment, are simultaneously engaged in extra employment at the same location, one of the six must be an HPD supervisor who holds the rank of sergeant or higher and that supervisor must be present at the extra employment site at all times.

When an HPD classified employee engages in extra employment and 12 or more law enforcement officers, regardless of agency of primary employment, are simultaneously engaged in extra employment at the same location, one of the 12 must be an HPD supervisor who holds the rank of lieutenant or higher and one must be an HPD supervisor who holds the rank of sergeant or higher. Both supervisors must be present at the extra employment site at all times.

An assistant chief may grant exceptions to the above staffing requirements.

If EEU determines the number of officers or supervisors needed to work a location or an event is insufficient to ensure both officer and public safety, EEU shall stipulate how many officers and supervisors shall be present. The permit application shall be denied if the number of officers or supervisors is not adjusted to meet EEU's stipulation.

13 MILITARY LEAVE

Employees who have active extra employment permits and who are called to active military duty shall immediately notify EEU of the date they are to report for active duty. EEU shall cancel all of the employee's extra employment permits effective that date. Employees who have reported for active military duty shall not work any extra employment.

14 POLICE-RELATED EXTRA EMPLOYMENT OUTSIDE HARRIS COUNTY

Officers may work police-related extra employment only within the boundaries of Harris County and the following adjacent counties: Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, and Waller. For possible exceptions regarding motorcycle escorts see section 19 of this General Order and contact the Solo Motorcycle Detail.

Prior to working police-related extra employment in areas outside of Harris County, officers shall notify the highest-ranking law enforcement official in that jurisdiction. When entering these *Extra Employment Permit Applications* via the Intranet, the official's name, title, and telephone number, and date of notification shall be placed in the appropriate field before submitting the application for approval.

Officers are reminded that police-related extra employment at an *alcoholic beverage establishment* outside the city limits of Houston is strictly prohibited.

If an officer becomes aware of a crime while working outside the city limits of Houston, the officer shall report the crime to the law enforcement agency having jurisdiction and assist that agency in completing their on-scene investigation as required.

15 POLICE-RELATED EXTRA EMPLOYMENT AT ALCOHOLIC BEVERAGE ESTABLISHMENTS

Any classified employee seeking to work police-related extra employment at an *alcoholic beverage establishment* (ABE) shall first successfully complete the department's extra employment alcoholic beverage establishment class and be trained in the operation of the department's body worn cameras. Classified employees are required to wear a department issued body worn camera while working at an *alcoholic beverage establishment*.

The body worn camera training shall be completed while on duty. The department's extra employment ABE class can be accessed through the City of Houston Talent Management System (TMS) and shall be completed off duty. Officers who successfully complete the training shall contact EEU to be issued an extra employment *Alcoholic Beverage Establishment Permit*.

Officers are required to be in possession of an extra employment ABE permit receipt or card while working police-related extra employment at an approved *alcoholic beverage establishment*. The address of the location must be within the city limits of Houston. See sections 8 and 9 of this General Order for additional limitations and restrictions.

Officers working extra employment at an *alcoholic beverage establishment* shall ensure that the establishment has the required permits to run its operations. Officers working extra employment shall cooperate with all investigators assigned to check those permits and conduct inspections as necessary. Officers working extra employment at an *alcoholic beverage establishment* and having knowledge of missing permits or permit issues shall notify the Extra Employment Unit.

16 EXTRA EMPLOYMENT AT MEDICAL CLINICS AND PHARMACIES

Employees may work extra employment at medical clinics only when a licensed medical doctor is on site during the hours that the employee is present. Employees shall include the doctor's name and contact information on their *Extra Employment Permit Application*.

Employees shall not work extra employment at a medical clinic or *pharmacy*:

- a. That operates on a cash only basis or that does not accept payment from health insurance carriers.
- b. At which the employee receives payment for, handles, or distributes any prescription drugs unless the employee is a licensed pharmacist or pharmacist technician.

The above restrictions do not apply to hospitals, nor do they apply to medical clinics that are operated by health maintenance organizations unless any part of the clinic operates as a *pain management clinic*.

Officers approved to work police-related extra employment at medical clinics or pharmacies shall do so only in a uniformed capacity. Such officers should become familiar with the Texas State Board of Medical Examiners definition of what constitutes a pain management clinic and the necessary rules and regulations that apply to a pain management clinic. If officers are unsure or become aware of a medical clinic, *pharmacy*, or other location that is in the business of only issuing prescriptions for or dispensing controlled substances such as hydrocodone (sold under the trade name of Norco) or oxycodone (sold under the trade names of Oxycontin and Roxicodone) with no other modalities of treatment provided on site, they shall notify a member of the HPD Narcotics Division Pharmaceutical Investigation Squad.

17 EXTRA EMPLOYMENT INVOLVING TRAFFIC CONTROL

Police officers who work or coordinate traffic-related extra employment within the city limits of Houston shall complete required training prior to performing or coordinating traffic control duties. Officers shall complete this training while off duty. Upon completion of the training, the officer shall contact EEU to be issued a traffic control training receipt or card, which shall be carried on the officer's person while engaged in traffic-related extra employment.

18 EXTRA EMPLOYMENT AT APARTMENT OR MULTIFAMILY HOUSING PROPERTIES

Providing security for an apartment or multifamily housing property is police-related extra employment as defined in the *Definitions* section of this General Order. This definition applies whether or not there is a written contract or agreement between the officer and the business or employer. If the police officer is not receiving a benefit or is not working in a police-related capacity, the officer is still responsible for adhering to the guidelines in this General Order.

Officers conducting foot patrols of apartment or multifamily housing properties shall do so wearing their department issued *official classified uniform*. This requirement does not apply to live-on property officers walking to and from their vehicles.

Copies of all proposals, contracts, or written agreements, if any, pertaining to the officer's extra employment, excluding standard lease agreements, shall be sent to the Extra Employment Unit for review.

Officers working security for an apartment or multifamily housing property shall not do any of the following for the business or employer:

- a. Conduct plainclothes or undercover investigations or operations
- b. Collect rent or exercise baggage liens
- c. Serve eviction notices
- d. Enforce swimming pool closing rules
- e. Authorize private property towing of vehicles
- f. Perform maintenance duties

Prior to submitting an *Extra Employment Permit Application* to work apartment security, classified employees shall check the *HPD Extra Employment System* to determine if the property is on the Forfeiture Abatement Support Team (F.A.S.T) Property or Remedial Action Property list. If a property is on either list there shall be two officers wearing the *official classified uniform* on site and working together at all times.

19 EXTRA EMPLOYMENT PERFORMING MOTORCYCLE ESCORTS

The Solo Motorcycle Detail of the Traffic Enforcement Division has the responsibility for training officers who request to work extra employment performing motorcycle escorts. Additionally, the Solo Motorcycle Detail is responsible for inspecting those officers' motorcycles and related uniform and equipment items to ensure compliance with department requirements.

The department shall not furnish motorcycle or motorcycle related equipment or uniform items to "non-assigned" officers (officers who are not assigned to the Solo Motorcycle Detail). "Non-assigned" officers who request to work extra employment motorcycle escorts shall present their motorcycle and related uniform and equipment items for inspection annually to the Solo Motorcycle Detail. Once the inspection is completed and passed, a copy of the inspection form signed by a Solo Motorcycle Detail supervisor shall be provided to the officer. The "non-assigned" officer must provide this inspection form to EEU prior to any extra employment motorcycle escort being approved.

The Solo Motorcycle Detail shall provide EEU, on an annual basis, a copy of the driver license, insurance, and proof of the motorcycle's state inspection for each officer who works extra employment motorcycle escorts, including "non-assigned" officers.

The Solo Motorcycle Detail shall maintain written policies and procedures, approved by their assistant chief, for extra employment motorcycle escorts. The Solo Motorcycle Detail shall make these policies and procedures available to all officers applying for extra employment permits to

perform motorcycle escorts. These policies and procedures shall include, but shall not be limited to:

- a. Motorcycle, equipment, and uniform requirements.
- b. Driver license and insurance requirements.
- c. Training requirements.
- d. Procedures for completing the *Extra Employment Permit Application*.
- e. EEU documentation requirements.
- f. Limitations regarding locations where off-duty motorcycle escorts may be conducted, including any specific authorizations required.
- g. City of Houston ordinance governing escorts.
- h. Restrictions regarding *escorts of convenience*, including any specific authorizations required.
- i. Requirements and restrictions regarding the use of *private solo coordinators*.

Prior to applying for or conducting an extra employment motorcycle escort, an officer shall ensure copies of his current driver license and insurance are on file with EEU. Officers shall submit new copies to EEU upon renewal of these documents.

Officers shall consider the surrounding traffic and road conditions and shall use sound judgment when performing motorcycle escorts.

Officers working extra employment motorcycle escorts shall be familiar with and comply with all laws and ordinances regarding motorcycle escorts. Additionally, officers shall be familiar with and comply with all applicable Solo Motorcycle Detail written policies and procedures regarding extra employment motorcycle escorts.

20 EXTRA EMPLOYMENT AS BICYCLE PATROL

Police uniform, bicycle, and equipment requirements for extra employment as a bicycle patrol officer are the same as those for officers assigned to Downtown Division's Bicycle Administration and Training Unit (BATU). EEU and BATU shall make uniform requirements and bicycle specifications available to officers applying for extra employment permits as bicycle patrol officers.

Officers shall successfully complete BATU's 8-hour Bike Orientation and the 32-hour basic Bike Certification course to be eligible to work extra employment as a bicycle officer. A BATU supervisor or trainer shall inspect the officer's personal bicycle to be used during the extra employment to ensure compliance with this General Order. A copy of the inspection form signed by a BATU supervisor or trainer shall be given to the officer to provide to EEU. The use of City of Houston owned bicycles while working extra employment is strictly prohibited.

Officers operating approved bicycles while working extra employment shall wear a helmet at all times.

EEU shall ensure each officer requesting a permit for off-duty bicycle patrol work has provided EEU with verification of successful completion of the 8-hour Bike Orientation and the 32-hour Bike Certification course and a copy of the signed *Bicycle Inspection* form (available at BATU).

21 EXTRA EMPLOYMENT AS MOUNTED PATROL

All horse, equipment, and uniform requirements for extra employment as mounted patrol officers are the same as those for officers assigned to Special Operations Division's Mounted Patrol except for the following:

- a. Only officers assigned to Mounted Patrol shall be allowed to wear Mounted Patrol assignment pins.
- b. Saddle and tack shall be conservative in appearance, black or brown in color, and in good repair. Saddles may be Western, modified Western, or English style.

Mounted Patrol shall make horse, equipment, and uniform requirements available to officers applying for extra employment permits as mounted patrol officers. The department shall not furnish a horse or mounted-related specialized equipment or uniform items to employees who are not assigned to Mounted Patrol.

Officers wanting to work mounted patrol extra employment shall present their horse, equipment, and uniform for initial inspection and testing at Mounted Patrol. Once the inspection and riding test are successfully completed, a Mounted Patrol supervisor or instructor shall provide the officer a copy of the signed evaluation form. This evaluation form shall be provided by the officer to EEU for filing prior to any mounted patrol extra employment being approved. Separate evaluation forms are required for each horse to be used in mounted patrol extra employment.

EEU shall ensure each officer requesting a permit for off-duty mounted patrol extra employment has provided EEU with an up-to-date copy of the completed evaluation form from Mounted Patrol.

22 EXTRA EMPLOYMENT AS POLYGRAPH EXAMINER

Employees holding a license as a polygraph examiner may work extra employment as a polygraph examiner only for law enforcement agencies or judicial prosecutors. A completed *Acknowledgement of Receipt of Policy Regarding HPD Employees Who Are Licensed Polygraph Examiners* form (available at EEU) shall be on file with EEU prior to working the extra employment. Specific information as to the employee's duties shall be placed in the appropriate field of the *Extra Employment Permit Application*.

23 EXTRA EMPLOYMENT AS ATTORNEY

Before engaging in private law practice, regardless of remuneration, all employees as attorneys shall submit a one-time, original completed *Acknowledgement of Receipt of Policy Regarding*

HPD Employees Who are Licensed Attorneys form (available at EEU) to the Risk Management Division. Also, all such employees shall submit and have an approved extra employment permit on file with EEU.

Employees as attorneys shall not represent, directly or indirectly, any person, group, or interest in any action, proceeding, or litigation:

- a. Arising out of any complaint of employee misconduct investigated by any division or employee of the department.
- b. Against the City of Houston or any department or agency of the City, or in any dealings in which the City is a party.
- c. In any criminal proceeding.

24 PHASE DOWN PROGRAM (PDP)

Officers in Phase Down Program (PDP) option A or B are permitted to obtain extra employment of a police-related or nonpolice-related nature. Extra employment shall require approval by the department and shall be in accordance with the General Orders. Officers entering PDP option A or B shall have EEU cancel all existing extra employment permits, and the officers must submit new permit applications for any and all extra employment.

Officers in PDP option A or B shall see General Order 300-35, **Phase Down Program**, and the current Meet and Confer Agreement for additional information and limitations regarding extra employment.

All PDP officers working extra employment shall adhere to the requirements and restrictions outlined in this and all other General Orders as well as all other department policies.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 23, 2017

NO.

300-21

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-21, dated April 19, 2013

SUBJECT: COMMUNICABLE DISEASE POLICY

POLICY

The Houston Police Department shall provide training for employees to minimize their exposure to contagious diseases. Also, the department shall furnish appropriate equipment to protect employees from potential exposure to a *communicable disease* in situations that can be reasonably foreseen.

Employees who are potentially exposed to a communicable disease while in the line of duty, shall document the exposure as if it were an on-the-job injury.

This General Order applies to all employees.

DEFINITIONS

Body fluids. Any liquid secretions that can be found in a human or animal body including, but not limited to, blood, semen, vaginal discharge, saliva, urine, feces, tears, nasal discharge, sputum, vomitus, or breast milk.

Communicable Disease. An illness due to a specific infectious agent or its toxic product that arises through transmission of that agent or its product from an infected person or animal to a susceptible person, either directly or indirectly, through an intermediate host (e.g., Human Immunodeficiency Virus [HIV] or Hepatitis B Virus [HBV]). Some common communicable diseases can be prevented by vaccinations (e.g., Measles, Tetanus, and Hepatitis B Virus).

Exposure. Confirmed contact with an infectious agent, such as through inhalation, percutaneous inoculation (puncture or cut by a sharp object), or contact with an open wound, non-intact skin, or mucous membrane.

Medical Waste. Items to be disposed of that have been contaminated with body fluids or human or animal tissue, or any biological item requiring special handling precautions.

Reportable Disease. Communicable diseases and health conditions required to be reported to Texas Department of State Health Services in accordance with Texas Health and Safety Code, Section 81.041, as may be amended.

Tuberculosis (TB). A communicable disease that is caused by slow growing bacteria that are spread in airborne droplets. General symptoms of active TB include lethargy, weakness, weight loss, loss of appetite, fever, night sweats, chronic coughing, chest pain, or coughing up blood.

1 SUPPLIES

All department vehicles (undercover vehicles may be exempt) shall be continuously stocked with all communicable disease control supplies for the communicable disease kit. All communicable disease kits and replacement supplies shall be made available through the department's Uniform Supply.

All divisional vehicle coordinators are responsible for the dissemination and replacement of the below items, which are part of the communicable disease kit.

- a. Protective body gowns
- b. Disposable gloves
- c. Puncture resistant container
- d. Red sealable biohazard waste bags
- e. Barrier resuscitation equipment
- f. Goggles
- g. Disposable face masks
- h. Disposable disinfectant towelettes
- i. Waterproof bandages
- j. Protective shoe covers
- k. Biohazard labels
- l. Body sheets

2 PROCEDURES

Communicable Disease Prevention

In order to minimize potential exposure to communicable diseases, employees shall assume that all persons and animals are potential carriers of a communicable disease and employees shall take the following precautions:

- a. Disposable latex or nitrile gloves should be worn by employees when handling any wounded persons or animals or their clothing, or any items contaminated with body fluids. Employees should wear fresh, new, disposable latex or nitrile gloves if it is necessary to place fingers in or near any person's or animal's mouth. The gloves should be changed for each person or animal contacted.

Employees should be aware that rings, jewelry, and fingernails may compromise the structural integrity of disposable gloves. Employees should inspect gloves before and during each use to ensure the gloves have not been torn or compromised.

- b. A face mask, protective eyewear, and protective clothing should be worn when there is a potential for splashing of any body fluids.
- c. A face mask should be worn when the employee is near a coughing person suspected of having an active case of tuberculosis (TB).
- d. A plastic mouth piece barrier resuscitation device should be used whenever an employee must perform mouth-to-mouth resuscitation.
- e. All sharp instruments, such as knives and needles that are collected for evidentiary or disposal purposes, should be handled with extraordinary care and placed in a puncture resistant container with a biohazard label on the outside of the container.

Employees should use caution when placing their hands in areas where sharp instruments might be hidden. An initial visual search of the area should be conducted.

Needles should not be recapped, bent, broken, or removed from a disposable syringe, or otherwise manipulated by hand. Needles and syringes may contain narcotic evidence. As such, the container shall be marked with a biohazard label to identify potential or known communicable disease contamination and delivered to the HPD Narcotics Operations Control Center (NOCC) for further processing.

- f. Employees should not smoke, eat, drink, apply cosmetics or lip balm, or handle contact lenses around blood or body fluid spills.
- g. Any evidence unrelated to narcotic investigations that is not a sharp instrument and is contaminated or reasonably believed to be contaminated with body fluids shall be placed and transported in bags that prevent leakage. The bags shall be marked to identify potential or known communicable disease contamination. The evidence shall then be delivered to the Property Division. See General Order 700-01, **Property/Evidence Control Regulations**, for additional information on disposition of evidentiary material.

Transport and Custody

- a. Employees who have been properly equipped and trained shall not refuse to physically handle or administer first aid measures to any person just because that person may have a communicable disease.
- b. Individuals who are contaminated with body fluids or coughing uncontrollably shall be transported in separate vehicles from other individuals.
- c. Employees have an obligation to notify relevant support personnel during a transfer of custody when the suspects have body fluids present on their person or have stated they have a communicable disease.

- d. Officers who are booking a prisoner into a City jail or police station lockup facility are responsible for notifying the medical personnel and jail attendants about any prisoner who is contaminated with body fluids.
- e. Employees shall indicate on the arrest forms when suspects taken into custody have body fluids present on their person or state they have a communicable disease; for example, "Suspect states ..."
- f. Prisoners with active TB should be encouraged to wear disposable face masks while being transported. Precautions should be taken when in close contact indoors or in a patrol vehicle with a coughing person suspected of having TB. Employees should ask the person to contain his or her cough in a handkerchief or cloth to reduce the number of airborne particles being spread. Employees should open the vehicle window to dilute the airborne particles.

Disinfection

- a. Any employee's unprotected skin surface that comes into contact with another person's or animal's body fluids shall be immediately and thoroughly washed with warm running water and soap for at least fifteen seconds before rinsing and drying.

Alcohol, hand sanitizer, or antiseptic towelettes should be used when soap and water are unavailable. Using a disinfection solution including one part household bleach and ten parts water or a commercially available disinfecting cleaning solution is also recommended.

Protective disposable gloves should be worn during all phases of disinfection. Disposable gloves should then be removed from inside out. The hands and forearms should then be washed.

Following disinfection any open cuts and abrasions should be covered with waterproof bandages. Hand lotion may also be applied after disinfection.

- b. Employees should remove their clothing that has been contaminated with body fluids as soon as practical. Any contacted skin area should then be disinfected in the prescribed fashion. Contaminated clothing should be bagged carefully and laundered in the normal fashion, but separated from family clothes.
- c. Transporting personnel are responsible for the proper cleaning of the vehicle interior whenever an individual contaminated with body fluids has been transported.
- d. Disposable latex or nitrile gloves and other protective covering should always be worn when handling blood products. All body fluids must be thoroughly cleaned from surfaces or objects. Contaminated materials should be placed in biohazard waste bags while in the field and disposed in a designated biohazard waste container.

Disposal of Biohazard Waste

Non-evidentiary materials shall be disposed of as follows:

- a. Sharp items such as needles shall be placed in a "SHARPS" (puncture resistant) container. Glass items shall be disposed of in containers marked "GLASS."
- b. All HPD police stations, City jails, and Police Headquarters shall serve as biohazard storage sites for biohazard waste, sharps, and glass. Biohazard waste bags shall be made available at each of these sites.
- c. Biohazard storage sites shall be issued containers with lids for the disposal of biohazard waste. The containers shall be labeled with a biohazard symbol and lettering specifying BIOHAZARD. The containers shall be marked GLASS, SHARPS, or NONSHARPS.
- d. A medical waste disposal company will transport and dispose of the waste according to Texas Department of State Health Services guidelines. Employees shall call the General Services Department to arrange transport and disposal of all biohazard materials.
- e. Non-contaminated waste shall be disposed of in the regular station trash.

3 EXPOSURES TO COMMUNICABLE DISEASES

Employees who are potentially exposed to a communicable disease (e.g., employee is bitten by a person or animal, employee has open skin and comes into physical contact with another person's or animal's body fluids) while in uniform, on duty, or working approved extra employment shall document the exposure as if it were an on-the-job injury, even if it is not immediately evident that it is an "injury" (e.g., contamination of an open wound by a suspect's blood). The nature of the exposure should be placed in the incident report.

The employee shall contact a supervisor and advise of the exposure. The supervisor shall evaluate the injury and complete the *City of Houston Accident Report* form and the *COH On the Job Injury Reference Sheet*. Both forms are located on the department's Intranet Portal. Additionally, the employee and supervisor shall follow injury and exposure procedures in accordance with General Orders 200-10, **Emergency Management** and 300-05, **Workers' Compensation**.

The employee shall go to a hospital emergency room or urgent care facility to receive protective treatment at the earliest possible time. No employee may be forced to submit to a blood test as a result of reporting an exposure; however, workers' compensation requires any employee claiming exposure to submit to a baseline blood test within ten *calendar* days following the exposure.

An employee with a potential exposure shall notify the department's Health and Safety Unit (HSU) of the potential exposure within 24 hours following the incident. Personnel with Houston Health Department (HHD) Bureau of Epidemiology, in cooperation with the HSU, will evaluate each situation and determine if in their judgment the incident qualifies as an exposure. HHD Bureau of Epidemiology will notify the HSU if they determine the incident constitutes an exposure.

After documenting the potential exposure as if it were an on-the-job injury, an employee with a potential exposure shall fax all injured on duty (IOD) paperwork, including a notarized *Affidavit*

of *Exposure to a Communicable Disease* form, to the HSU within 24 hours. The *Affidavit of Exposure to a Communicable Disease* form is located on the department's Intranet Portal.

The HSU shall serve as the liaison between the HHD Bureau of Epidemiology and the employee.

If the employee may have been exposed to a communicable disease during the course of delivering pre-hospital care to a suspect or other citizen who is transported to a hospital, the employee should follow the procedures above and notify the receiving hospital that a possible exposure has occurred. Notification is done by completing a *Report of Possible Exposure of Transporter* form, which should be provided by the hospital. Employees shall leave the completed form at the receiving hospital.

The hospital is not under any obligation to test a subject for communicable diseases. The hospital is obligated to notify HHD Bureau of Epidemiology when the hospital has knowledge that the subject was infected with a communicable disease at the time of admittance.

HHD Bureau of Epidemiology will contact the HSU when results are received from the hospital. HSU shall contact the employee and advise him or her to contact HHD Bureau of Epidemiology for the results, as well as provide control measures and information on testing, if needed. All results are confidential and only personnel with a legitimate need to know shall be informed of the results.

Criminal charges may be sought against any person who intentionally acts to expose an employee to a communicable disease.

4 REQUESTING MANDATORY TESTING OF THE SOURCE

To request mandatory testing of the source of a potential exposure to a communicable disease, an employee shall complete an *Affidavit of Exposure to a Communicable Disease* form outlining the circumstances surrounding the potential exposure and detailing the nature of the potential exposure (e.g., bitten by a suspect whose saliva was contaminated with blood, pricked with a needle taken from a known drug user, exposed to a person coughing or suspected of having an active case of TB).

The *Affidavit of Exposure to a Communicable Disease* form shall be written in the first person and notarized and shall include a detailed description of the exposure by specifying the body part(s) that may have been exposed and how that exposure occurred. Failure to complete the affidavit correctly will result in a delay in determination of exposure, which can result in a delay in testing of the source.

The HSU shall fax the affidavit to the HHD Bureau of Epidemiology and immediately confirm receipt by calling the HHD Bureau of Epidemiology, which is staffed 24 hours a day. The HSU will then be provided with a reference number, which shall be relayed to the concerned employee, employee's supervisor, or employee's IOD divisional liaison as soon as practicable by either telephone or email.

Prior to mandatory testing of a source in accordance with Section 81.050 of the Texas Health and Safety Code, there must be a determination of potential exposure that is supported by the

forementioned signed and sworn affidavit. This determination will be made by the Chief Physician at the HHD Bureau of Epidemiology, who will then notify the HSU. The HHD Bureau of Epidemiology coordinates the testing of the source utilizing the Harris County District Attorney's Victims Services Unit for assistance if a court order is required.

If the source agrees to be tested, the HHD Bureau of Epidemiology will arrange for the person to be counseled and tested. If the source is in the county jail, a disease intervention specialist who works for the county will cooperate with the HHD Bureau of Epidemiology in the drawing and testing of blood. If the source refuses to be tested, the HHD Bureau of Epidemiology will ask for a court order from the District Attorney's Office requesting mandatory testing of the source.

The employee may request mandatory testing of the source regardless of the decision of the HSU and the HHD Bureau of Epidemiology. A prosecuting attorney who represents the state in district court can request a hearing on the order.

According to the Texas Health and Safety Code, if the court finds there was not reasonable cause for the employee to have requested the test, the court may assess the court cost against the employee who made the request. If the court upholds the order and requires the source to submit to the test, the HHD Bureau of Epidemiology shall be notified about the decision and they will take appropriate measures.

Once testing has been completed, the HHD Bureau of Epidemiology will contact the HSU and give the name of the employee and the name and telephone number of the health authority who will instruct the employee on the test results and control measures. Results of the test will be released to the employee by telephone followed by a letter within three business days. Post-test counseling will be given by the health authority according to the circumstances and the results of the tests.

The results of the tests shall be kept confidential and only personnel with a legitimate need to know shall be allowed access to test results. Legitimate need to know will be determined by the health authority.

5 ADDITIONAL CONSIDERATIONS

Employees who test positive for a communicable disease may continue working as long as they perform the essential functions of the job, maintain acceptable performance, and do not pose a safety and health threat to themselves, the public, other employees, or the department. The department shall make all decisions concerning the employee's work status solely on the medical opinions and advice of the City of Houston's health care officials.

The department may require an employee to be examined by the City of Houston's health care officials to determine if the employee is able to perform duties without hazard to the employee or others.

Communicable diseases that are not blood borne (for example, TB or measles) shall be assessed by the health authority on an individual basis depending on the circumstances of the exposure. Special recommendations shall then be given to the employee involved.

If employees have any questions regarding communicable disease, they may contact the department's Health and Safety Unit.

Workers' Compensation

An employee will not be entitled to workers' compensation benefits for a work-related exposure to a reportable disease unless the employee provides the employer (City of Houston) both of the following:

- a. The employee's sworn affidavit of the date and circumstances of the exposure.
- b. A copy of the results of the employee's test taken within ten *calendar* days after the exposure and indicating the absence of the reportable disease. Exposure criteria and testing protocol must conform to Texas Department of Health requirements.

6 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-10, Emergency Management

300-05, Workers' Compensation

600-43, Animal Bites

700-01, Property/Evidence Control Regulations

Section 81.003(1), Texas Health and Safety Code

Section 81.041, Texas Health and Safety Code

Section 81.050, Texas Health and Safety Code

Texas Department of Insurance, Division of Workers' Compensation, Texas Workers' Compensation Rules, 28 Texas Administrative Code (TAC), Section 122.3


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

December 2, 2020

NO.

300-22

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-22, dated May 5, 2015

SUBJECT: PERSONNEL FILES

POLICY

The City of Houston (COH) and the Houston Police Department (HPD) maintain personnel files on HPD employees. HPD maintains personnel files for internal administrative use and in accordance with applicable federal and state laws and COH policies and ordinances.

This General Order applies to all employees.

DEFINITIONS

Department Personnel File. The personnel file of an employee maintained by the HPD Employee Services Division that generally contains copies of all documents in the employee's *Official Personnel File*. Other personnel documents that are specific to HPD may also be kept in this file or in other HPD division files.

Division Personnel File. The personnel file of an employee maintained by the HPD division where the employee is currently assigned and that follows employees as they transfer within the department.

Official Personnel File. The personnel file of an employee maintained by the director of the COH Human Resources Department and that contains documents related to employment with the COH and HPD including applications, employee evaluations, commendations, disciplinary actions, and other documents. There are certain types of documents that are not kept in the COH *Official Personnel File*, such as those that include privacy issues prohibited by law. This file is a permanent record kept in accordance with the COH records retention schedule.

1 CONTENTS OF FILES

Unless specifically prohibited by law, employees' personnel files maintained by HPD may contain records and information regarding any personnel matter including, but not limited to:

- a. Any commendation or award bestowed on the employee by any employee or citizen for outstanding performance or special assistance. All records shall be maintained in accordance with General Order 200-20, **Awards and Commendations**.
- b. Any misconduct by the employee if the letter, memorandum, or document is from the department and if the misconduct resulted in disciplinary action by the department.
- c. The employee's job performance evaluations.
- d. *Employee Integrity and Verifications Report*.

- e. Any personnel action documents, which may include such things as job changes, transfers, reassignments, and leaves of absence.
- f. Records and changes relating to salary or classification.
- g. Any correspondence relating to damage, destruction, or loss of City property.
- h. Income tax withholding forms.
- i. Receipts for copies of department directives.
- j. Any letter regarding no rehire.
- k. Training records.
- l. Any records not listed under section 2, *Specific Handling of Certain Documents and Information*.

2 SPECIFIC HANDLING OF CERTAIN DOCUMENTS AND INFORMATION

Personnel documents and information that are not held in an employee's *Department Personnel File* or *Division Personnel File*, but may be maintained by the department for internal administrative purposes include, but are not limited to:

- a. Family and Medical Leave Act information.
- b. Facial hair documentation.
- c. Workers' compensation documents.
- d. Employee or family member medical records or information.
- e. Internal Affairs records.
- f. Discipline history.
- g. Early Warning System.
- h. Administrative Personnel Committee records.
- i. Grievance related records maintained by the department's Alternative Dispute Resolution Unit in a secure location.

The director of the Human Resources Department shall promptly order that the records of a disciplinary action taken against an officer be expunged from each file maintained on the officer by the department if the disciplinary action is overturned in its entirety on appeal by the Police Officers' Civil Service Commission, an independent third party hearing examiner, or a court of competent jurisdiction (current *Meet and Confer Agreement*).

If a negative letter, memorandum, document, or other notation of negative impact is included in an officer's *Official Personnel File*, the director of the Human Resources Department or designee shall, within 30 days after the date of the inclusion, notify the affected police officer. The police officer may, on or before the 15th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation. A copy of the written response shall be placed in the employee's *Official Personnel File* (Texas Local Government Code 143.089(d)).

Supervisory Intervention

Documentation of a supervisory intervention (SI) shall be retained exclusively at the employee's division and shall be retained for only three years from the date the SI was issued to the employee. SIs shall be used in evaluating an employee's performance only during the evaluation period in which the events giving rise to the SI occurred. Documentation relating to the SI shall be retained in the employee's *Division Personnel File* with the exception that after its use in a performance evaluation the division commander may choose to retain the SI in a separate confidential file maintained at the division for the remainder of the three-year retention period. Documentation relating to an SI shall never be placed in the *Department Personnel File* or the employee's *Official Personnel File* at the Human Resources Department.

3 ACCESS TO FILES

The personnel information maintained by the department is intended to be confidential and may be protected from release or access by applicable law. Access or release of such information shall be restricted to those having a legitimate need for the information or when authorized or required by law. All requests for access to or release of personnel information shall be placed in the applicable personnel file for record.

Employees may review all contents of the *Department Personnel File* and *Division Personnel File* maintained by the department regarding their employment. Requests for an appointment to review a file shall be directed to the concerned division commander to ensure space and personnel are available to facilitate the employee's review of the file. Files may be reviewed during normal operating hours of the division maintaining the personnel records.

Supervisors may review the personnel files of their subordinates, provided they request such review in writing, via correspondence or email, to the commander of the division maintaining the records explaining the specific information sought and the reason for their review.

Division commanders may review the personnel files of any employee being considered for transfer to their division provided they request such review in writing, via correspondence or email, to the commander of the division maintaining the records. The request for review shall be accompanied by a copy of the request for transfer and shall include the specific information sought in the file.

4 COPIES OF FILES

Upon written request and at a minimal charge, uncertified, photographic copies of documents maintained by HPD in the *Department Personnel File* and *Division Personnel File* are available

to the employee about whom the files are kept. Persons no longer employed by HPD may request copies of records by submitting a proper request pursuant to the Texas Public Information Act.

5 ADMINISTRATIVE REPORTS

Division commanders with a legitimate need may request in writing copies of the below listed reports on an employee from the Employee Services Division:

- a. *Employee Resume Report*. (Commonly referred to as the department resume.) A listing of the employment date, assignments held, promotions, current classification, salary, education, disciplinary actions, commendations, and performance ratings.
- b. *Research*. Special research and statistical reports prepared only on instruction from the Chief of Police.

6 RETENTION OF FILES

All *Department Personnel Files* and *Division Personnel Files* are maintained permanently by HPD. When an employee separates from the department due to resignation, retirement, termination, etc., the employee's division commander shall forward all *Division Personnel Files* to the Employee Services Division. After an employee's separation from the department, all personnel files are kept indefinitely.

All personnel records maintained by HPD are the property of the COH and shall be retained in accordance with General Order 800-12, **Records Retention**.

7 RELEASE OF INFORMATION

Personnel records and information in any personnel file maintained by HPD shall not be released by the department to any outside agency or person requesting such information relating to an employee, except as required or allowed by applicable law. Requests for release of personnel records shall be handled in compliance with the procedures outlined in General Order 800-10, **Police Records**, which may require the review and approval of the Office of the Chief of Police and/or the Office of Legal Services before department records are released. HPD may require the requestor to provide written approval from the employee.

The department may refer persons or entities requesting personnel information to the director of the Human Resources Department for records maintained by that department. Any release of information from an employee's *Official Personnel File* is handled by the Human Resources Department and as required by law.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 28, 2022

NO.

300-24

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-24, dated April 3, 2017

SUBJECT: EARLY WARNING SYSTEM

POLICY

Supervisors shall monitor employees under their leadership for patterns of inappropriate behavior or performance issues and initiate appropriate intervention in a timely manner. Supervisors shall utilize all available resources including the department's Early Warning System (EWS) to assist employees in remedying inappropriate behavior and/or improving performance. The EWS is intended to provide employees with an opportunity for improvement and is not intended to punish productivity.

The EWS facilitates the early identification of employee behavior or performance issues that may indicate a need for additional education, training, or other corrective action. If an employee is identified and placed in the EWS Program ("Program"), an individually tailored *Plan of Action* gives the employee the necessary remedial education or training necessary to assist the employee in correcting behavioral or performance deficiencies.

The Program creates a structured framework of supervision that emphasizes the active involvement of first-line supervisors in coaching and guiding an employee to ensure that the employee successfully completes the Program requirements. While the supervisor is expected to play an active role in coaching, guiding, and evaluating an employee, the employee has the primary responsibility for successful completion of the Program. Employees placed in the Program are expected to satisfactorily complete all Program requirements and exhibit a continuing desire to be a productive member of the department.

This General Order applies to all employees. Both classified and civilian employees may be placed in the Program.

DEFINITIONS

Case File. All documentation generated related to an employee's involvement with the Program.

Case Study. The report prepared by the Early Warning Unit summarizing the results of the unit's review of an employee's work history and relevant data, containing a preliminary quantitative component and a qualitative component that identifies an employee's strengths and weaknesses.

Early Warning System Chair. The assistant chief over Organizational Development Command.

Early Warning Unit (EWU). The department unit that monitors the department's early warning indicators, manages the EWS and its Program, prepares the *Case Study* and *Plan of Action*, and serves as a liaison to divisions and other department units.

EWS Monthly Report. A report completed by the EWU to document progress in meeting the goals of the *Plan of Action* over the previous month.

EWS Progress Report. A form created by the EWU and filled out by the employee's commander to document progress in meeting the goals of the *Plan of Action* over the previous quarter and make a recommendation regarding continued placement in the Program.

EWS Weekly Report. A form created by the EWU and filled out by the employee's supervisor to document progress in meeting the goals of the *Plan of Action* over the previous week.

Plan of Action. An individually tailored plan, created with input from the employee and their chain of command through the assistant chief, describing the education, training, and other requirements the employee must complete to correct or modify improper behavior and/or performance observed during the *Case Study*, leveraging the employee's strengths and addressing the employee's weaknesses.

1 PROGRAM PLACEMENT

The EWU shall manage the EWS and the Program. The EWU shall coordinate all pertinent reports, correspondence, documentation, and meetings related to the review or placement of an employee in the Program. The EWU shall monitor a participant's progress toward meeting the goals of the *Plan of Action* and shall submit reports to the EWS Chair.

Information compiled in the case file shall not be placed in the employee's personnel file. The case file is confidential and may be released only with written permission from the EWS Chair.

Identification

At the beginning of each month, the EWU shall perform a computerized data scan of Internal Affairs Division (IAD) records to identify any employees who were the target of four or more IAD complaints within a 12-month period (regardless of the outcome) or who received a sustained Category E complaint. Each complaint shall have a unique issue tracking number and may include multiple allegations. Administrative complaints (e.g., missed court, lost property) shall be excluded unless the cases indicate a significant pattern of negative behavior.

The EWU shall identify all employees who meet the above criteria and notify the commander and assistant chief of any such employee. The EWU shall provide a preliminary *Case Study* with this notification. The EWU shall also inform the employee of the employee's identification in writing.

The notified commander shall review the *Case Study* and conduct an inquiry regarding the employee's performance. This inquiry shall include the employee's assignment, productivity, attendance records, extra employment records, use of force history, training records, crash history, or any other factor the commander deems appropriate.

Upon the conclusion of the review of the employee's performance, the commander shall make a written recommendation to the EWU, via the commander's assistant chief and the EWS Chair. This recommendation shall include justification and one of the following recommendations:

- a. Recommended for placement
- b. Not recommended for placement

Direct Recommendation

The Chief of Police may directly place an employee in the Program at any time.

As the identification process may not capture all behavioral or performance deficiencies, commanders should directly refer employees under their command for possible placement in the Program when one or more of the following indicants reveal a pattern of inappropriate behavior or performance:

- a. Low performance levels, unsatisfactory attendance, tardiness, or slow response times.
- b. Disregard for policies or procedures.
- c. Citizen injuries or deaths.
- d. Misconduct, racial profiling, or disciplinary action.
- e. Excessive or unnecessary uses of force or pursuits.
- f. Extra employment violations or complaints.
- g. Citizen or employee complaints.
- h. Vehicle crashes or loss/damage of City property.
- i. Any other factors the employee's supervisor or the department believes need attention.

When making a direct referral, the commander shall request a preliminary *Case Study* from EWU for the employee, conduct an inquiry, and make a written recommendation to the EWS Chair as if identified via the monthly data scan of IAD records.

The Administrative Disciplinary Committee or Administrative Personnel Committee may make a recommendation in writing to the EWU to begin a *Case Study* regarding any employee. This recommendation shall contain written evidence supporting the referral. Upon receipt of the recommendation, the EWU shall proceed as if identified via the monthly data scan of IAD records.

Placement Decision

If the employee's commander and assistant chief recommend placement, the EWU shall supplement the preliminary *Case Study* with qualitative information, including, but not limited to, interviews with the employee's chain of command and/or the employee, review of an officer's body worn camera videos, or any other information deemed appropriate by the EWU caseworker.

Upon receipt of the recommendation and the *Case Study* by the EWU, EWS Chair shall decide whether to place the employee in the Program. The EWS Chair shall notify the employee in writing of the employee's placement or non-placement in the Program. All generated correspondence shall be added to the case file regardless of placement or non-placement.

2 PROGRAM PROCEDURES

If placed in the Program, an employee shall remain in the Program for at least one quarter (three calendar months). The employee shall remain in the Program for subsequent quarters if the employee does not successfully complete the Program.

The EWU, in coordination with the employee's chain of command through the assistant chief, shall prepare a *Plan of Action*. The *Plan of Action* shall address specific problems to be corrected and may mandate the participant's successful completion of specified training. The *Plan of Action* may include any component the EWS Chair deems necessary, including, but not limited to, assignment to a field trainer or referral to Psychological Services or the Peer Support Unit.

Upon placement in the Program, the EWU shall schedule a meeting at the employee's division to establish Program expectations and rules and to deliver and review the *Plan of Action*. The employee, the EWU caseworker, and the employee's chain of command through the commander shall attend the meeting; the employee's assistant chief and the EWS Chair may attend. The EWU caseworker shall take notes and include them in the case file.

The employee's supervisor and shift commander shall monitor the employee's performance for compliance with the *Plan of Action* and report the employee's progress to the commander. The EWS Chair may modify the *Plan of Action* at any point during the employee's participation in the Program.

Restrictions

Upon placement in the Program, the Risk Management Division shall cancel the employee's current extra employment permits. The employee may submit the permits for renewal to their commander, who should approve the permits unless the extra employment is not in the officer's or the department's best interest or was a factor in the employee's behavioral or performance deficiencies. Employees may work certain overtime programs with the approval of their division commander.

Voluntary transfers shall not be approved for employees in the Program. The EWS Chair may recommend a temporary change of assignment or an involuntary transfer if it is necessary to accomplish the goals of the *Plan of Action*. The employee's commander may reassign the employee within the division. The commander may assign the employee to any training program the commander deems necessary to accomplish the goals of the *Plan of Action*.

Employees are restricted to a total of ten days of scheduled personal leave per quarter while in the Program, unless otherwise approved by the commander. To avoid any forfeiture of personal day (PD) hours, a classified employee in the Program shall follow the procedures set forth in the current Meet and Confer Agreement or other department policy. All other leave requests shall be for family, medical, or other emergencies as approved by the commander.

Reports, Documentation, and Meetings

During the Program, the employee's immediate supervisor shall meet at least once per week with the employee. At these meetings, the employee's performance shall be reviewed and discussed. At the end of each week, the employee's supervisor shall complete an *EWS Weekly Report* and submit it to the shift commander. The shift commander shall electronically forward the report and

any work product (e.g., work cards, reports) generated by the employee during the week to the EWU for inclusion in the case file.

The EWU caseworker shall meet at least once per month with the employee, the employee's immediate supervisor, and the employee's shift commander to review the *EWS Monthly Report* and document progress in meeting the goals of the *Plan of Action* over the previous month. If the situation warrants, additional meetings may be appropriate.

At the end of each quarter after placement, the employee's commander shall evaluate the employee's performance and complete an *EWS Progress Report*, including a recommendation to the EWS Chair whether or not the employee has satisfied the requirements of the *Plan of Action*. The commander shall submit the *EWS Progress Report* to the EWU, via the commander's assistant chief and the EWS Chair.

Program Completion

After the end of each quarter after placement, the EWS Chair shall decide whether the employee has successfully completed the Program. The criteria for successful completion of the Program include compliance with department policies and procedures, completion of all elements outlined in the *Plan of Action*, and compliance with productivity standards. Until the EWS Chair makes a determination, the employee shall continue to follow the *Plan of Action* and abide by the restrictions of the Program. The EWS Chair may recommend involuntary transfer of the employee as a condition for completion of the Program. The EWS Chair shall notify the employee in writing of continued placement in or completion of the Program.

If an employee becomes eligible for promotion while on the Program, the employee's commander shall complete an *EWS Progress Report* and submit it to the EWU, via the commander's assistant chief and the EWS Chair. The EWS Chair shall make a recommendation to the Chief of Police on whether the employee should remain on the Program. The Chief of Police shall determine whether the employee remains eligible for promotion based on the employee's progress in the Program. If the Chief of Police determines the employee is ineligible for promotion, the employee shall remain in the Program. If the Chief of Police permits the employee to be promoted, the employee shall be released from the Program.

If the EWS Chair retains an employee in the Program after two full quarters, the EWS Chair may recommend to the Chief of Police that the employee be indefinitely suspended.

If the employee consistently fails to meet the goals of the *Plan of Action*, the EWS Chair may, at any time, recommend in writing to the Chief of Police that the participant be indefinitely suspended for failure to progress.

End-of-Program Meeting

When the employee successfully completes the Program or is recommended for indefinite suspension to the Chief of Police, the EWU shall conduct an End-of-Program Assessment and prepare an overview of the employee's performance in the Program.

The EWS Chair shall convene a meeting to assess the employee's progress with the employee (unless indefinite suspension has been recommended), the employee's chain of command to the assistant chief, and the EWU caseworker.

At six and twelve months after an employee successfully completes the Program, the EWU shall conduct a Post-Intervention Analysis to determine if the intervention was effective. Upon completion of the End-of-Program Assessment and/or Post-Intervention Analysis, the EWU shall complete the case file and shall maintain the case file indefinitely.

3 EMPLOYEE MISCONDUCT

The EWS is intended to be a non-disciplinary process. Participation in the EWS Program does not mitigate or replace disciplinary action. Ongoing or future complaints shall be handled through the normal process.

4 REPEAT PLACEMENT

If an employee who has previously successfully completed the Program is recommended by their commander for possible placement in the Program, the EWS Chair may forward the recommendation to the Chief of Police for further review by the Office of Legal Services for possible indefinite suspension.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

July 11, 2016

NO.

300-25

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-25, dated July 6, 2012

SUBJECT: COURT ATTENDANCE AND COMPENSATION

POLICY

Employees shall appear in court when subpoenaed unless an incapacitating illness or an emergency prevents them from reporting as scheduled. Employees shall use the Court System Management and Resource Technology (CSMART) program to receive subpoenas and to document court attendance.

Overtime compensation shall be made in accordance with federal and state statutes, the City of Houston Code of Ordinances, and the department's Meet and Confer Agreements.

This General Order applies to all employees.

DEFINITIONS

Administrative License Revocation (ALR) Hearing. A hearing conducted by the Department of Public Safety (DPS) and the State Office of Administrative Hearings (SOAH) to determine whether defendants charged with refusing to take or failing to pass an alcohol concentration test shall have their Texas driver license suspended or revoked.

Character Witness. A witness who testifies on behalf of a person as to that person's character, reputation, or moral traits.

Computerized Subpoena. A subpoena transmitted by computer.

Court System Management and Resource Technology (CSMART). The courts' program used to enter subpoenas and to document court attendance for HPD employees.

Disregard. Employee's disregard request has been approved by the supervisor or the supervisor has created the *disregard* directly.

Disregard Request. Employee has reviewed the subpoena and requests to disregard it (pending supervisor approval).

Expert Witness Fee. Compensation received by an employee from any source other than the City of Houston for testimony given in any legal action.

Factual Witness. A witness whose testimony concerns facts within the witness's personal knowledge.

Legal Action. Any criminal or civil court proceeding, Texas Board of Pardons and Paroles proceeding, or civil service, arbitration, or administrative hearing.

Subpoena. An order to appear at a certain time and place to give testimony upon a certain matter.

Witness Fee. Statutorily mandated fees that accompany some civil and criminal subpoenas.

1 GENERAL

Once a citation or case is completed and turned over to the courts, the final disposition of the citation or case is the exclusive purview of the court and the employee's role is to serve as a witness.

On a regular basis employees shall log on to CSMART to receive any subpoenas they may have. Employees shall obey all subpoenas and notifications to attend court, including those conveyed by computer, as

well as any verbal summons received directly from a court official, police supervisor, or municipal or county court liaison personnel. Employees shall arrive on time for all required court appearances and be prepared to testify.

Employees relieved of duty or temporarily suspended shall obey all subpoenas and notifications. Employees on injured-on-duty leave or transitional duty shall honor all subpoenas and notifications unless the nature of the injury or illness makes court appearance medically inadvisable.

Unless an employee is disregarded from a court subpoena by the judge or designee of the issuing court or by an on-duty supervisor with a valid excuse (Municipal Court only), the employee shall appear as ordered (see section 3, *Court Disregard Request Procedures*, of this General Order).

Employees may be released from a court for meal breaks by only the judge or designee of that court, but can be preempted to report back at any time.

Unauthorized absences from court, ALR hearings, or parole hearings are subject to disciplinary action. An employee being on a regular day off is not a valid reason for the employee to be absent from court. Employees required to attend court during their regular duty hours on a day that personal leave had been scheduled shall have their personal leave adjusted to reflect the number of hours actually taken.

Employees are prohibited from wearing a department uniform, police badge or patch, or official police identification while observing any criminal proceeding in which the defendant is or has been an employee of the Houston Police Department or while observing any civil proceeding against the interests of the City of Houston, the state of Texas, or the federal government. This prohibition does not apply to employees attending a proceeding as required by the

employee's on-duty assignment. This prohibition does not preclude employees from attending such proceedings in an off-duty non-uniformed capacity.

Non-computerized Subpoenas

An employee receiving a non-computerized subpoena shall contact the Municipal or County Court Liaison Office to have an electronic subpoena generated.

Floating Holiday

Employees may use one of the below methods to handle their floating holiday time in the unlikely event an employee is mandated to attend court during regular duty hours on a day previously approved as a floating holiday.

- a. When summoned to court at the beginning of their shift, employees shall report for duty after being released from court to finish the remainder of their shift. Timekeepers shall ensure the floating holiday remains unused.
- b. Employees shall take other personal leave to finish out any time discrepancies from their court time and their entire shift. Timekeepers shall ensure the floating holiday remains unused.
- c. Any scenario other than the two previous shall be handled on a case-by-case basis.

Employees are responsible for notifying their supervisor and the timekeeper of any changes from the original request. Employees shall keep documentation in case questions arise concerning their court attendance.

2 SUPERVISORS' RESPONSIBILITIES

Division commanders shall ensure that all supervisors under their command receive

all appropriate training necessary to execute subpoena procedures.

Supervisors shall immediately inform their shift commander if they need CSMART training. If supervisors experience a problem with the subpoena system, they shall document the incident and ensure the Municipal Court Liaison Office is notified.

Division commanders are responsible for ensuring employees under their command follow all subpoena procedures. Supervisors shall follow these procedures, which include, but are not limited to, the following. Supervisors shall:

- a. Immediately notify employees, regardless of shift or days off, of subpoenas or disregard notices.
- b. Process disregard requests by completing the disregard procedure for computerized subpoenas.
- c. Require documentation from employees verifying reasons given for absences if the validity of an excuse for missing court is questionable.
- d. Monitor employee court attendance and check for patterns of abuse.
- e. Conduct audits of court attendance for their employees and investigate all absences.
- f. Ensure the accuracy of *Court Overtime Request* forms they sign. Overtime requests may be returned to employees for explanation or correction. All court overtime denials shall comply with General Order 300-07, *Overtime Compensation*.

3 COURT DISREGARD REQUEST PROCEDURES

Employees who are disregarded from court due to illness shall not work any extra em-

ployment or scheduled overtime during the 24 hours following the beginning of the scheduled court appearance.

Employees with multiple subpoenas for the same date shall attend each court if possible. Should court circumstances prohibit honoring all subpoenas, employees shall attend the highest court and handle absences from the lower courts according to normal disregard procedures.

Employees may not request to be disregarded from non-Municipal Courts proceedings.

Municipal Courts

Municipal Courts disregard requests shall occur prior to the date and time of the court setting specified on the subpoena. The court liaison offices shall not accept disregard requests after that time.

Employees shall review computerized subpoenas or disregard notices immediately upon notification by a supervisor to attend or disregard court. When an employee is notified of a subpoena for a date on which the employee has previously scheduled an absence or is otherwise unable to honor the subpoena, the employee shall personally contact the prosecutor handling the case to advise of the need to be absent. This does not absolve the employee of the responsibility to honor the subpoena unless the judge in that court disregards the employee. The name of the prosecutor contacted shall be documented by the employee.

Employees shall notify an on-duty supervisor when they need to be disregarded from court. Employees are required to be disregarded from court when they have a valid excuse for not attending court. Examples of valid excuses for missing court include, but are not limited to, the employee being sick, on preplanned time off, or on duty and preempted by a call for service.

4 COURT ATTENDANCE CERTIFICATION

Off-duty employees without a subpoena or notification to attend court, return to court, or attend meetings with prosecutors for any day not specifically stated in the subpoena (e.g., a continuance) shall have the prosecutor or judge complete and sign the *Substitute for Court Subpoena* field printed on the back of the *Court Overtime Request* form. On-duty and off-duty employees shall report to the liaison office (or call the liaison office if at an off-site location) prior to and following the appearance (trial, hearing, meeting with prosecutor, etc.).

Employees shall not certify *Court Overtime Request* forms for other employees. Employees shall not complete sign-in logs for other employees.

Municipal Courts

- a. **Arrival Certification.** On-duty and off-duty employees shall report to the Municipal Court Liaison Office and complete the Municipal Court Attendance log. The information entered on the log shall be legible and include employee numbers and telephone contact numbers. Employees shall enter their arrival time in the log, not the time on the subpoena. If there is no liaison office at the court, then employees shall report directly to the subpoenaing court. Employees shall be able to report to court within 30 minutes or as ordered by a court official or by a liaison office employee to avoid having their cases dismissed. If no contact number is provided, then the employee shall remain in the liaison office or the courthouse.

Off-duty employees shall certify their arrival time by inserting a *Court Overtime Request* form into the time-stamp machine located inside the Municipal Court Liaison Office or, if not available, in the courtroom.

After signing in with the municipal court, employees shall check the status of their cases every hour.

- b. **Dismissal Certification.** Off-duty employees shall have the *Courtroom Dismissal* field of the *Court Overtime Request* form completed and certified by a court prosecutor or other competent court authority. Employees shall then personally deliver the completed *Court Overtime Request* form to the Municipal Court Liaison Office for final dismissal time certification.

Off-duty employees who find the Municipal Court Liaison Office closed shall note "liaison closed" and the time the office was found closed in the *Employee's Final Dismissal Time* field.

On-duty employees shall document their departure time on the log and then return directly to their duty assignments.

Exempt classified employees shall certify court attendance in the same manner as other employees, but shall use an *Exempt Employee Compensation Request* form (available on the department's Intranet Portal).

Harris County Courthouse Complex

- a. **Arrival Certification.** Before reporting to court, on-duty and off-duty employees shall report to the County Court Liaison Office and complete the County Court Attendance log. The information entered on the log shall be legible and include employee numbers and contact information.

Off-duty employees shall submit their *Court Overtime Request* form to the liaison office for arrival time certification.

After reporting to the county or district court, employees shall check the status of their cases every two hours.

If, in response to official notification, an employee is required to appear prior to the scheduled court time to meet with prosecutors to review a case, the employee shall first go to the County Court Liaison Office for arrival time certification.

Upon arrival in court, off-duty employees shall have the *Courtroom Arrival Time* field of the *Court Overtime Request* form completed and certified by the court clerk, prosecutor, or judge.

- b. ***Dismissal Certification.*** Off-duty employees shall have the *Courtroom Dismissal Time* field of the *Court Overtime Request* form completed by the court clerk, prosecutor, or judge. Employees shall then deliver the form to the County Court Liaison Office for final dismissal time certification.

Off-duty employees who find the County Court Liaison Office closed shall note "liaison closed" and the time the office was found closed in the *Employee's Final Dismissal Time* field.

On-duty employees, upon being released from court, shall check out with county court liaison personnel before returning to their duty assignments.

Off-Site Certification

When employees arrive at an off-site location for a legal proceeding (e.g., federal court, contiguous county court, deposition, hearing), employees shall telephone either the Municipal or County Court Liaison office to register their attendance. Liaison personnel shall log the arrival and related subpoena information and enter the information into the CSMART. Employees shall also call a liaison office to check out.

When attending court or judicial proceedings out of town or away from the municipal or Harris County court complexes while off

duty, employees shall have their arrival and dismissal times certified by the court clerk, prosecutor, or judge of the court or office attended. Employees shall note "off-site/no liaison" in the *Employee's Final Dismissal Time* field.

5 COURT ATTENDANCE COMPENSATION

Employees have the option of receiving compensatory time or pay for off-duty court appearances.

All court overtime requests shall be submitted on the appropriate Houston Police Department *Court Overtime Request* form or *Exempt Employee Compensation Request* form. All non-computerized subpoenas shall be attached to the back of the form and the case disposition shall be documented in the area provided. All *Court Overtime Request* forms for courts attended on the same day shall be submitted simultaneously and to the same supervisor.

Court overtime compensation is authorized when off-duty employees serve as witnesses or attend judicial proceedings for federal, state, county, or city government, or for any other political subdivision or governmental agency that is a party in interest. Notwithstanding other provisions of this General Order, employees shall be physically present to qualify for court overtime compensation.

Court ordered breaks requiring employees to return on the same day shall count as time actually spent in court when calculating court attendance compensation. An employee on a court ordered break shall not use this time to conduct personal business.

Court overtime compensation shall also be authorized for off-duty employees who serve as witnesses or are required to give depositions for private litigants provided the

testimony is the result of a service rendered in the employee's official capacity. Employees must be officially subpoenaed to attend as a witness or to give a deposition before court overtime compensation is authorized.

Employees on temporary suspension are eligible for court pay at their straight time rate. The temporary suspension status shall be noted in the *Additional Details* field of the *Court Overtime Request* form.

Exempt classified employees shall be compensated for attending court while off duty. Compensation shall be in accordance with General Order 300-36, **Exempt Time Compensation** and the current Meet and Confer Agreement. Exempt time compensation shall be considered assignment pay.

Employees on relieved-of-duty status are assigned to a regular 0900 hours to 1700 hours workday and shall appear in court, as required, during those hours without additional compensation. If these employees are required to exceed their regular duty hours while honoring a court subpoena, they shall be compensated at the regular, court overtime rate. This also applies to employees whose duty hours have been adjusted for training.

Compensation for off-duty employees shall begin at the time the employee is scheduled to appear in court or when the employee arrives in court, whichever is later, and shall end at the time documented by the court liaison office, unless the employee is entitled to the minimum compensation as described in section 6, *Minimum Compensation*, of this General Order. Employees shall clock out with the court liaison office as soon as possible following the courtroom dismissal time. Exceptions to the above provisions include the following:

- a. When attending court at the downtown Harris County Courthouse complex, court overtime compensation may begin

up to, but no more than, 15 minutes prior to the scheduled appearance time. This is provided the employee was stamped in by court liaison personnel at least eight minutes prior to the scheduled appearance time.

- b. An off-duty employee required to obtain evidence from or return evidence to the Property Division shall be compensated for the amount of time necessary to complete the tasks. The appropriate *Authorization for Temporary Checkout of Property (or Evidence)* form (available on the department's Intranet Portal) shall be attached to the *Court Overtime Request* form. The employee shall document in a supplement report the handling of evidence in accordance with General Order 700-01, **Property/Evidence Control Regulations**.

Employees shall not assign themselves or anyone else to a case or citation for the sole purpose of obtaining or accruing court overtime compensation.

6 MINIMUM COMPENSATION

Employees shall not receive regular duty pay, court pay, overtime pay, or exempt time compensation while being compensated by another employer.

Employees who have multiple court appearances on the same day shall:

- a. Earn a minimum of two hours for each appearance if there is more than two hours between the actual courtroom dismissal time of the first appearance and the scheduled starting time of the second appearance.
- b. Treat any gap time between court appearances as a continuation of the first court appearance if the actual dismissal time of the first appearance and the scheduled starting time of the second

appearance are two hours or less apart.

Appearances commencing two hours or less before the scheduled beginning of an employee's regular shift shall result in compensation for the entire period between the time the employee is scheduled to appear in court or the arrival time in court, whichever is later, and the beginning of the employee's regular shift.

Court appearances commencing at the end of or during an employee's regular duty hours and continuing beyond the employee's end of shift shall be treated as a continuation of the employee's shift. Compensation shall be calculated from the end of the employee's shift to the end of the court appearance or the time documented by the liaison office.

In all other situations, employees are entitled to a minimum compensation of two hours for any court appearance occurring outside of their regular duty hours. This shall be documented by showing the two-hour period using military time in the "from" and the "to" blanks on the appropriate overtime form.

7 LAG OVERTIME

With prior approval of a division supervisor and subject to the department's policy regarding *maximum work hours*, patrol officers may continue to work up to three hours after the end of their shift or report to work up to three hours prior to the start of their shift to fill the lag time before or after court attendance.

Officers working lag overtime shall be assigned to a patrol unit and respond to calls for service. Patrol officers working lag overtime are not eligible for the two hours minimum court compensation for off-duty court attendance. Lag overtime applies to uniformed patrol officers only.

8 ADMINISTRATIVE LICENSE REVOCATION (ALR) HEARINGS

Employees who are witnesses in driving while intoxicated (DWI) cases may be required to provide testimony in ALR hearings. The DPS and the State Office of Administrative Hearings shall determine if the testimony is to be given in person or via teleconference. Employees shall respond to the *Notice to Appear* issued by the DPS as they would any other type of official notice to appear in court.

Off-duty employees who testify in person are eligible for the minimum two hours overtime compensation provided the appearance meets the criteria listed in section 6, *Minimum Compensation*, of this General Order. Employees testifying in person shall have their arrival and departure times certified by the hearing examiner. All other court overtime requirements and restrictions apply to off-duty employees testifying in person.

Off-duty employees testifying via teleconference shall be at a predetermined telephone number at the subpoenaed time to receive the teleconference call. Employees may accept these calls at any location, including a private residence. Employees testifying via teleconference are eligible for a minimum of one hour court overtime compensation. Employees testifying via teleconference shall attach documentation of their testimony to their *Court Overtime Request* form.

Employees testifying on duty shall report to the State Office of Administrative Hearings or to a predetermined telephone location to receive the teleconference call. Employees shall return immediately to their duty assignment upon release from the hearing.

9 OUT OF TOWN COURT ATTENDANCE

When employees are required to attend court out of town, their duty hours shall be

temporarily designated as 0900 hours to 1700 hours.

10 STAND-BY STATUS

To be placed on stand-by status by a court, employees:

- a. Shall physically arrive at the court in question.
- b. Shall be sworn in by the court's judge.

Unless ordered otherwise by a judge, employees shall be able to report within one hour to the designated court.

Employees shall notify an on-duty supervisor in their division whenever they are placed on stand-by status. Compensation shall begin at the time the employee notifies the supervisor that the employee has been placed on stand-by status.

The employees' dismissal time on the *Court Overtime Request* form is when their stand-by status ends or they are dismissed from court, whichever is later. If the employees' stand-by status is terminated by telephone, employees shall note the name of the court personnel or prosecutor who terminated the stand-by status on the *Court Overtime Request* form. Stand-by status is automatically terminated when the court recesses for the day or is adjourned.

Employees are placed on stand-by status only one day at a time. They shall repeat all of the procedures above (except being sworn in) each day to remain in stand-by status for the same court.

11 ON-CALL STATUS

Off-duty employees placed on call by a judge or prosecutor shall not receive court overtime compensation while their activities are not unreasonably affected.

On-call status may include employees being required to call the court periodically, or leave a number where they can be reached. For the on-call process to work as intended, employees must be able to be contacted in the event their presence is needed in court. Once placed on call, employees are required to be available to call the prosecutor (e.g., assistant district attorney) back regarding the court case. Employees may be subject to discipline for failing to call the prosecutor back after the prosecutor attempts to contact them. If employees are called to report to court after being placed on call, the employees' court overtime compensation shall commence upon their arrival at the appropriate liaison office.

Employees who are placed on call via telephone shall immediately notify an on-duty supervisor in their division. The employee shall document the date, time, and prosecutor's name.

This procedure shall not apply when employees attend court and are then placed on call.

12 COMMUNICATIONS WITH CRIMINAL DEFENSE COUNSEL

Unless subject to court order or subpoena, employees are under no obligation to speak to or otherwise communicate with criminal defense attorneys about a pending case. Employees who choose to communicate with a criminal defense attorney about a pending criminal case shall notify their supervisor in advance, if practicable; and if unable to do so are required to notify their supervisor of the communication as soon as possible thereafter.

Information volunteered by a criminal defense attorney to an employee is not privileged and may be shared with the prosecutor. Employees have a duty to notify the prosecutor of any developments, new

information, or exculpatory evidence that may come to their attention.

13 TESTIFYING FOR THE DEFENSE IN CIVIL OR CRIMINAL CASES OR AGAINST THE INTEREST OF THE CITY OR STATE

Employees subpoenaed or requested to testify on behalf of the defense in a criminal case; against the City of Houston in a civil case; or against the interest of the department in any civil service hearing, arbitration, or administrative hearing shall immediately notify the Chief of Police in writing through their chain of command. Employees shall also immediately notify, by telephone, the prosecutor or city attorney representing the City of Houston. Employees who are unable to contact the prosecutor or city attorney in their case shall notify Legal Services of the situation.

Employees are prohibited from wearing a department uniform at any proceeding to which they are subpoenaed or requested to testify on behalf of the defense in a criminal case; against the City of Houston in a civil case; or against the interest of the department in any civil service hearing, arbitration, or administrative hearing.

Employees subpoenaed to testify as a character witness in a legal action on behalf of another department employee shall do so on their own time unless they are subpoenaed by the City of Houston. Employees subpoenaed by either side to testify as a factual witness in a legal action involving the City of Houston shall receive compensation as described in this General Order. Supervisors unsure of an employee's status as a factual or character witness shall contact Legal Services for clarification.

Interviews between an employee and a complainant's attorney about a case arising from the employee's employment shall be done in the presence of or with the

knowledge and consent of the employee's supervisor.

Employees shall not serve civil process papers or render assistance in civil cases except as required by law. Employees shall not volunteer to testify in civil actions.

14 WITNESS FEES

Employees may keep any lawful witness fee attached to a subpoena. Witness fees in any civil, criminal, or administrative case at the state or federal level (except state criminal cases, which do not require a witness fee) are statutorily mandated and not considered compensation. Witness fees are not considered professional or expert witness fees, which require an employee to obtain an extra employment permit. Witness fees attached to a subpoena are not in conflict with normal pay for duty, court pay, or overtime compensation if the employee is being subpoenaed for some incident that arose as a result of his or her employment. This includes witness fees that accompany subpoenas for depositions or any other discovery proceeding for which an employee is subpoenaed to give testimony.

This section does not apply to subpoenas for documents received by employees while acting in their role of custodian of records.

15 EXPERT WITNESS FEES

Employees shall not accept professional witness fees:

- a. In any matter in which HPD, City of Houston, other government agency, school district, or state-funded college or university is a party to or has an interest in the lawsuit, investigation, or other action for which they are appearing.
- b. For testifying for the defense in any criminal case.

- c. Unless specifically authorized by this policy and General Order 300-14, **Extra Employment**.

16 PHASE DOWN PROGRAM (PDP) OFFICERS

Officers in the Phase Down Program are responsible for honoring subpoenas and shall be compensated for court attendance as indicated in General Order 300-35, **Phase Down Program**.

17 MAXIMUM WORK HOURS

When an employee is required to attend court and attending court will cause the employee to exceed the *maximum work hours* for any period as established by the department, the employee shall attend court as required. Court attendance is an exception that allows an employee to exceed the *maximum work hours* only when the court

attendance occurs at the end of the *maximum work hour* period. Employees shall comply with General Order 200-26, **Workday and Workweek**.

Employees are prohibited from working lag overtime or any other form of overtime or extra employment after the court appearance when the *maximum work hours* have been exceeded.

18 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-08, **Conduct and Authority**
200-26, **Workday and Workweek**
300-07, **Overtime Compensation**
300-14, **Extra Employment**
300-15, **Appearance and Grooming Standards – Classified**
300-35, **Phase Down Program**
300-36, **Exempt Time Compensation**
Meet and Confer Agreement (Civilian)
Meet and Confer Agreement (Classified)


Martha I. Montalvo
Acting Chief of Police

General Order

Houston Police Department



ISSUE DATE:

March 26, 2015

NO.

300-26

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-26, dated April 6, 2006

SUBJECT: EMPLOYEE REPRESENTATIVE COUNCIL

POLICY

The Houston Police Department's Employee Representative Council (ERC) shall encourage the identification and resolution of work-related issues from all employees. The ERC shall also assist in the development of policies and procedures acceptable to employees while adhering to the department's mission, values, ethics, and guiding principles.

This General Order applies to all employees.

DEFINITIONS

Alternative Dispute Resolution (ADR). A department unit assigned the task of processing issues eligible for resolution by one of four separate sections: Mediation, Employee Relations, Grievance, and Employee Representative Council (ERC).

Central Intake Office (CIO). The department unit assigned the task of screening and tracking all job-related employee issues and referring issues to the appropriate department process, command, division, unit, or section for resolution.

ERC Coordinator. The assistant chief or the executive assistant chief over ADR appointed by the Chief of Police to oversee the ERC process.

ERC Facilitator. An employee assigned to the ERC Section by the ERC coordinator and charged with administering the ERC process.

ERC Issue. A concern, issue, or question initiated by any employee that affects the

work environment. An ERC issue shall not be any issue that pertains to discrimination based upon a *protected category* as outlined in General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**.

ERC Representative. An employee elected or appointed to represent others in a division or in a shift or unit of a division.

ERC Staff. Personnel assigned to the ERC Section of ADR responsible for facilitating the ERC process.

Issue Resolution Record (IRR). A department form used by ERC representatives for documenting and presenting an employee's ERC issue to division commanders. This form is available on the ADR Web site via the department's Intranet Portal.

Open Forum. A time period in the ERC General Membership Meeting during which ERC representatives can present ERC issues to the Chief of Police and the Executive Staff.

Visiflow Issue Tracking System (VITS). A database sharing all information on issues filed throughout the department.

1 ERC ISSUES

An ERC issue is categorized as a division or department issue. A division issue is limited to affecting a division or subgroup in a division. Department issues have the potential to affect personnel throughout the department.

Any employee may contact a member of the ERC staff for assistance in clarifying ERC

issues or request any information regarding the ERC process.

Non-ERC Issues

The following are not ERC issues and shall not be accepted by ERC representatives:

- a. Pay issues
- b. Job performance reviews
- c. Disciplinary issues
- d. Issues affecting one individual
- e. Employee disputes
- f. Workplace harassment, sexual harassment, and other forms of discrimination based upon a *protected category* as outlined in General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**.
- g. Reclassification or promotional issues

2 ERC REPRESENTATIVES

Election

Each division in the department shall have a minimum of two ERC representatives from each shift elected or appointed as follows:

- a. There is no limit to the total number of ERC representatives per division.
- b. Commanders have discretion as to the total number of ERC representatives needed to represent their division.
- c. ERC representatives shall be elected by employees from their respective divisions.
- d. Following the division announcement of ERC representative elections, employ-

ees interested in serving as ERC representatives shall have a deadline of ten *calendar* days to submit their names to their division commanders prior to the election being held.

- e. The method of selection is left up to each shift in a division.
- f. If no employee expresses interest in serving as an ERC representative, the division commander shall appoint an employee for each position.

Training

When elected, re-elected, or appointed, ERC representatives must attend the ERC Representative Mandatory Training class. ERC staff shall issue a notice if significant changes in the ERC process require retraining of all ERC representatives.

Length of Service

ERC representatives shall serve for a two-year term or until the next ERC representative election. ERC representatives may serve multiple or continuous terms if re-elected. ERC representatives' service will expire upon transfer to another division.

ERC Representative Removal

ERC representatives can be removed only by a vote of the employees they represent or by authority of the ERC coordinator. ERC representatives removed from their position by the ERC coordinator may appeal in writing via the chain of command to the Chief of Police.

Supervisor Interference

Supervisors are required to facilitate an ERC representative's access to the division commander regarding any ERC issue. Any supervisor who interferes with the ERC process by intimidation or retaliation shall be subject to disciplinary action.

3 ERC ISSUE PROCEDURE

If an employee has an issue or concern unresolved at the first level of authority, the employee may initiate an ERC issue. This section outlines the procedures to be followed when an employee initiates an ERC issue.

Issue Process

- a. Employees may consult any ERC representative in their division about an issue.
 - b. Employees shall describe in non-letterhead correspondence their issue and proposed resolution and present the issue to their ERC representative.
 - c. The ERC representative shall review the employee's issue to ensure that the issue is ERC eligible. If the issue is eligible for the ERC process, then the ERC representative shall forward the issue to the next ranking supervisor who has oversight of the resolution of the issue. If the division commander has oversight of the resolution, then the ERC representative shall complete an *Issue Resolution Record* (IRR) form describing the employee's issue and proposed resolution in the "Step One" section of the IRR form and forward the form to the division commander.
 - d. Division commanders have five business days from the date of receipt to return the original IRR form to the ERC representative with a reply. If this time frame is not met, the ERC representative shall contact the division commander regarding the delay. Division commanders shall review IRRs and make every effort to resolve issues that are within their realm of authority.
 - e. When division commanders render a resolution, they shall document the resolution in the "Step Two" section of the IRR form, sign the IRR, and forward it to the ERC representative.
- The ERC representative then has three business days to consult with the initiating employee to determine whether or not the division commander's resolution is agreeable. ERC representatives shall check the appropriate selection on the IRR form indicating that the resolution is agreeable, not agreeable, or is unable to be resolved at division level.
- If the employee indicates that the division commander's resolution is agreeable then the resolution shall be implemented and the issue closed. The ERC representative shall send via fax or interoffice mail a copy of the IRR form and the employee's non-letterhead correspondence to ADR for record keeping purposes. No VITS number shall be generated and the issue shall be categorized as information only.
- If the employee indicates that the resolution is not agreeable or unresolved, then the ERC representative shall forward the employee issue to the ERC Section of ADR for further processing.
- f. If a division commander is unable to provide a resolution, he shall provide a brief explanation and sign in the "Step Two" section of the IRR form and direct the ERC representative to carry the issue forward for Executive Staff consideration. The ERC representative shall note "Forwarded at commander's request" in the *Employee Comments* field and forward the original IRR form and attachments to ADR for further processing as outlined in the following subsections.

Issuance of VITS Number Criteria

One of the following criteria shall be met before a Visiflow Issue Tracking System (VITS) number is generated by ERC staff:

- a. A division commander is unable to provide a resolution to an issue.

- b. An employee indicates on an IRR form that the employee does not agree with the resolution provided by the division commander.
- c. An employee indicates on an IRR form that the issue has not been resolved at the division level and that the employee wishes the issue be addressed further.
- d. An issue is presented to the Executive Staff during the open forum at the ERC General Membership Meeting.

Additionally, members of the ERC staff have the discretion to generate VITS numbers for issues on a case-by-case basis that may not meet any of the above criteria.

ADR's ERC Section Responsibilities

Once the ERC Section receives an IRR that meets one of the above criteria, the issue shall be reviewed for accuracy, completeness, and relevancy to the ERC process. The issue shall be given a VITS number, and the ADR lieutenant shall forward the employee's non-letterhead correspondence, the IRR form, and a letter requesting that the employee issue be addressed, to the Executive Staff member who has oversight of the resolution of the employee's issue. If the issue does not meet ERC process qualifications, the issue may be redirected as outlined in section 4, *Issue Routing*, of this General Order.

Executive Staff Oversight Responsibilities

After an Executive Staff member who has oversight of a resolution receives a letter from the ADR lieutenant requesting a resolution to an employee's ERC issue, every effort shall be made to resolve the issue if it is within the Executive Staff member's realm of authority. The Executive Staff member shall send the IRR form and attachments with official correspondence to the ADR lieutenant describing the proposed resolution. If there is no clear resolution to

the issue, the Executive Staff member shall clearly explain the reason that the employee's requested resolution is not feasible and forward the response in official correspondence to the ADR lieutenant.

ERC Coordinator Responsibilities

The ERC coordinator shall review all Executive Staff recommendations and may take any of the following steps before approving a resolution:

- a. Send the IRR back to the ERC representative or initiating employee for additional information, clarification, or modification.
- b. Consult with the assistant chief of the command where the issue originated.
- c. Consult with other assistant chiefs or commanders on the issue.
- d. Forward the original IRR and any recommendations to the Chief of Police and request a policy decision be made.

Final Disposition

Once the ERC coordinator approves a resolution proposed by an Executive Staff member, the ERC staff shall provide both the ERC representative and the initiating employee a copy of the completed Final Disposition. If the employee is satisfied with the resolution, the IRR form and related attachments shall be filed by the ERC staff and the issue shall be documented as *resolved*.

Appeal Process

If an employee is dissatisfied with a resolution rendered by the ERC coordinator, the employee may appeal the issue to the Chief of Police only if the ERC coordinator's rendered decision was not made as the Acting Chief of Police and if the employee submits additional information to support the issue. Requests for appeal shall be made in writing

to the Chief of Police and delivered to ADR within 30 *calendar* days following the Final Disposition.

The ERC coordinator shall review requests for appeal to determine if they possess sufficient merit to warrant forwarding to the Chief of Police. If the ERC coordinator does not grant an appeal, the resolution in the Final Disposition shall stand. Any ERC issue decision made by the Chief of Police is final with no further appeal.

Alternative Filings

Employees may introduce issues into the ERC process in two other ways: Name Withheld or Anonymous, as outlined below.

a. **Name Withheld.** Employees who bring an issue to their ERC representative may ask their name be withheld. The issue shall be processed as outlined in section 3, subsection "Issue Process," but with the following exceptions:

1. When an employee submits an issue on non-letterhead correspondence to the ERC representative, the employee shall indicate that he wishes his name and employee number be withheld.
2. On the IRR form the ERC representative shall omit the initiating employee's personal information but list the division and shift of the employee and include "name withheld."

b. **Anonymous.** When an employee submits an anonymous issue to an ERC representative, the ERC representative shall process the issue as outlined in section 3, subsection "Issue Process," but with the following exceptions:

1. When completing the IRR form, the ERC representative shall leave all fields for the employee's personal information blank.

2. If the division commander provides a resolution, the ERC representative shall post a copy of the IRR on a division bulletin board for 72 hours. The ERC representative shall note both the date and time of the posting and the time of removal on the back of the IRR form.

If no one contacts the ERC representative to claim the issue and the division commander does not order the ERC representative to send the issue to the next level, the ERC representative shall note "No one claimed issue" in the *Employee Comments* field. The resolution shall be implemented and the issue closed.

If an employee comes forward to claim the issue and the employee does not agree with the resolution, the ERC representative and the employee shall decide whether to handle the issue as a name disclosed or name withheld issue. In such instances, the employee's personal information or the employee's division and shift, as applicable, shall be listed on the original IRR form before being forwarded to ADR for processing.

4 ERC ISSUE ROUTING

If the ERC facilitator and ADR supervisor determine an issue referred to the ERC Section is not eligible for the ERC process, the issue may be routed to another section in ADR or the Central Intake Office (CIO), or returned to the concerned division.

Any issue referred initially to another ADR section may be routed to the ERC Section if the affected section's facilitator or counselor, ERC facilitator, and ADR supervisor all determine the issue is appropriate for the ERC process.

5 DIVISION COMMANDER RESPONSIBILITIES

All commanders shall establish a designated time and place each month for a divisional ERC meeting. Commanders may determine the structure of these meetings and the manner in which each ERC representative is able to present issues for discussion.

Commanders shall also provide open door access to their divisional ERC representatives as long as they are acting in their capacity as ERC representatives.

While ERC representatives may follow their chain of command, they shall not be abated when requesting a direct audience with their division commander in their capacity as an ERC representative acting on behalf of another employee or other employees.

Commanders should also be mindful of their responsibilities listed in section 3, subsection "Issue Process," items "d" and "e" as well as other sections of this General Order.

6 ERC GENERAL MEMBERSHIP MEETING

The Chief of Police shall establish a designated time and place for an ERC General

Membership Meeting on a biannual basis. Commanders shall attend and ensure a minimum of one ERC representative from each shift in their division attends the meeting.

Each ERC General Membership Meeting shall have an open forum segment offering ERC representatives an opportunity to present ERC issues to the Chief of Police and the Executive Staff provided the issue has first been presented to the ERC representative's division commander. Any decision rendered by the Chief of Police or an Executive Staff member regarding an open forum issue is final and cannot be appealed.

The ERC staff shall ensure issues generated during the open forum segment are documented and tracked accordingly.

7 RELATED GENERAL ORDERS

- 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**
- 300-12, **Grievance Procedure**
- 300-32, **Processing Complaints and Employee Issues**
- 300-33, **Mediation**


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 30, 2017

NO.

300-30

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-30, dated January 17, 2002

SUBJECT: VOLUNTEERING TIME FOR CONVALESCING OFFICERS

POLICY

When a classified employee is temporarily disabled by an injury or illness, other classified employees may volunteer to work for that officer. The volunteered time shall be credited to the recipient as actual time worked. The decision to volunteer time under this program is irrevocable.

This General Order applies to only classified employees.

1 ADMINISTRATIVE GUIDELINES

To be considered as a recipient for the program, classified employees shall initiate a written request through their chain of command to the Chief of Police. After approval, the officer's division shall prepare a Circular for signature by the Chief of Police requesting volunteers to work for the convalescing officer. Participation in this program is voluntary.

Medical documentation is required from any classified employee requesting to be a recipient of time volunteered through this program.

Overtime shall not be worked by any officer who is volunteering time. Supervisors shall ensure that any officer volunteering time is released from duty at the conclusion of the designated voluntary shift. Time volunteered shall count toward calculating *maximum work hours* and toward the 86 hours in a pay period for purposes of the Strategic Officer Staffing Program.

Classified employees wishing to volunteer time shall complete a *Volunteering Time for a Convalescing Officer* form after volunteering and submit it to their divisional timekeeper. This form is available on the department's Intranet Portal. The timekeeper shall make no entries into the Kronos® system for either officer.

Payroll Services in the City of Houston Administration and Regulatory Affairs Department shall be notified when one officer volunteers to work for another officer.

2 RECIPIENT OFFICER GUIDELINES

Officers may be considered to receive volunteered time only if all of the following are true:

- a. Recipient has completed the probationary police officer period.
- b. Recipient is going to be absent because the recipient is temporarily disabled by an injury or illness.
- c. Doctor's note accompanies the request for volunteered time.

No hours shall be credited beyond the recipient employee's return to work date or the commencement of social security or long-term disability benefits.

3 VOLUNTEERING OFFICER GUIDELINES

Officers must be off duty in order to volunteer time. Officers volunteering time while on approved leave shall perform that work in their own division, during their normal duty hours.

Officers volunteering on their regular day off or during non-duty hours shall coordinate with their supervisors to schedule voluntary hours in their own division unless divisional hours preclude such arrangements. Volunteering officers assigned to divisions with hours that preclude in-house work shall coordinate their voluntary hours with the shift supervisor in the recipient officer's division. The volunteering officer shall then report to the recipient officer's division for an appropriate assignment.

All officers shall notify their immediate supervisor of their intent to volunteer and the location the work shall be performed prior to reporting to volunteer time.

4 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

300-09, **Absence from Duty – Classified**

300-29, **Donation of Time**

§143.073(d), **Texas Local Government Code**



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

April 10, 2017

NO.

300-32

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-32, dated January 5, 2001

SUBJECT: PROCESSING COMPLAINTS AND EMPLOYEE ISSUES

POLICY

The department shall process issues and complaints related to employee performance through the Internal Affairs Division/Central Intake Office (IAD/CIO). Using the *Issue Record Form* (IRF), IAD/CIO shall standardize the initial intake of issues, complaints, and grievances (hereinafter referred to as issues). IAD/CIO shall refer these issues to the appropriate location for resolution. The chain of command assigned an issue shall track and monitor the issue until it is resolved.

Employees shall report activities, complaints, or misconduct as required by department policy.

This General Order applies to all employees.

DEFINITIONS

Alternative Dispute Resolution (ADR). A department unit assigned the task of processing job-related issues eligible for resolution by one of four separate sections: Mediation, Employee Relations, Grievance, and Employee Representative Council.

Alternative Dispute Resolution Process. The department process designed to provide employees alternative methods for resolving job-related issues. The ADR process is structured to focus on the following processes (these are not Internal Affairs Division [IAD] issues):

- a. Mediation
- b. Employee Relations
- c. Grievance
- d. Employee Representative Council (ERC)

To use any ADR process, employees should file their issues with IAD/CIO or ADR. IAD/CIO shall refer issues to ADR or to the process deemed most appropriate for addressing the issue.

Division Case Manager. Each division shall have a division case manager. The division case manager is assigned by the division's commander and is responsible for assisting supervisors with initiating IRFs and for ensuring the case management system time line is followed. The division case manager shall serve as the shift tracking coordinator for the day shift and as the division liaison to IAD/CIO.

Internal Affairs Division Case Management System (IADCMS). A specific database used to facilitate recording and tracking of all issues.

Issue Acknowledgement Form (IAF). The department form generated by the IADCMS after the shift tracking coordinator has entered the IRF. The IAF is given to citizens and employees as an acknowledgement that the department has recorded the issue. The IAF also provides the issue tracking number.

Issue Record Form (IRF). An electronically generated form obtained from the IADCMS used for receiving information related to an issue. The primary functions of this form are to generate issue tracking numbers and initiate the issue resolution process. The IRF template is available on the department's Intranet Portal if the IADCMS is not available.

Issue Resolution Record (IRR). A department form used by ERC representatives for documenting and presenting an employee's ERC issue to division commanders. This form is available on the ADR Website via the department's Intranet Portal.

Issue Tracking Number. A tracking number generated by the IADCMS. This is the reference number provided to the complaining party. An issue may be recategorized or rerouted, but the issue tracking number will remain the same.

Shift Tracking Coordinators. Each division commander shall assign shift tracking coordinators and alternates for each shift and unit within their area of responsibility. During their shift, shift tracking coordinators are responsible for assisting their supervisors with initiating IRFs, ensuring the IADCMS time line is followed, and assisting division case managers in all matters regarding the tracking of issues.

Alternates shall fulfill the division case managers' and shift tracking coordinators' responsibilities in the event of their absences. Whenever division case managers or shift tracking coordinators are no longer able to serve as coordinators, the division commander shall notify the captain of IAD in writing.

1 INTERNAL AFFAIRS DIVISION/CENTRAL INTAKE OFFICE

When possible, employees shall first attempt to resolve any routine managerial and employee matters within their immediate chain of command. However, the department recognizes that in some situations this may not be the best possible process for concerns that become issues.

IAD/CIO shall act as a centralized intake center for all issues requiring department intervention for both citizens and employees. IAD/CIO shall review each issue and process it according to its standard operating procedures (SOPs) and any applicable General Orders. IAD/CIO shall initiate an IRF when citizens or employees initially bring an issue to the attention of IAD/CIO. IAD/CIO shall provide the citizen or employee an issue tracking number at the time the issue is recorded into the system. IAD/CIO shall categorize the allegations and forward the issue electronically to the appropriate division for further processing.

Employees and citizens with issues shall be able to begin the process in the appropriate locations where IRFs can be completed and sent electronically to IAD/CIO. IAD/CIO shall process and categorize all incoming electronic, faxed, or emailed IRFs received from throughout the department. Any IRF sent to IAD/CIO after normal business hours shall be processed the next working day.

When the IADCMS is not functioning, the citizen's or employee's issue shall be handwritten on an IRF. A copy shall be provided to the person and a copy shall be faxed or emailed immediately to IAD/CIO. IAD/CIO shall provide the citizen or employee the appropriate information upon processing the issue.

Existing investigative and decision-making processes shall not be changed unless specifically stated within this General Order or by other official notice.

2 EMPLOYEE REPRESENTATIVE COUNCIL (ERC) ISSUES

Employee Procedures

Employees who have issues regarding a policy or procedure that cannot be resolved within their immediate chain of command may report issues to their divisions' ERC representatives. Employees shall describe the issue and requested resolution on non-letterhead correspondence and present the issue to their ERC representative. See General Order 300-26, **Employee Representative Council**, for more information.

ERC Representative Procedures

If an employee's issue is eligible for the ERC process, the ERC representatives shall complete an ERC *Issue Resolution Record* (IRR) form and include the employee's division commander's signature indicating whether the issue is able to be resolved at the division level. The IRR shall be faxed or emailed to the ERC section in the Alternative Dispute Resolution Unit.

ERC representatives are encouraged to follow an employee's chain of command whenever possible; however, ERC representatives are not restricted to chain of command rules and shall not be precluded from direct access to division commanders regarding an employee's ERC issue.

Exceptions

On rare occasions, certain ERC issues may not conform to the above criteria. These issues shall be addressed on a case-by-case basis at the discretion of an ERC section supervisor.

3 GRIEVANCE ISSUES

To initiate the grievance process an employee shall proceed directly to the ADR Unit. An ADR grievance coordinator shall screen the issue to determine if it is eligible for resolution via the grievance process. If the issue is determined to be eligible for the grievance process and is being filed in a timely manner as set forth by applicable statutes, an IRF shall be completed and an issue tracking number shall be assigned.

The grievance coordinator shall explain the grievance process to the employee and shall assist the employee in completing the necessary Step I grievance paperwork. See General Order 300-12, **Grievance Procedure**, for more information.

4 EMPLOYEE RELATIONS SECTION AND DISCRIMINATION ISSUES

Employee Procedures

When employees have issues alleging any form of prohibited conduct or discrimination (General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**, Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967 [ADEA], Title 1 Americans with Disabilities Act [ADA] of 1990, the Pregnancy Discrimination Act, or the Genetic Information Nondiscrimination Act of 2008 [GINA], including applicable amendments to such acts), employees shall immediately report the issues in accordance with General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**.

Supervisor Procedures

Supervisors shall abide by General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**, when they are advised of any matter that may involve discrimination or harassment. Supervisors who witness or are advised of misconduct as outlined in General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**, shall ensure IRFs are generated and transmitted electronically to the Central Intake Office. Supervisors shall give employees initiating such issues a copy of the IAF including the issuing tracking number. Supervisors shall then refer employees to CIO and ADR when applicable for further processing.

5 EARLY WARNING SYSTEM ISSUES

Both classified and civilian employees may be referred to the Early Warning System as outlined in General Order 300-24, **Early Warning System**.

The Early Warning System Unit supervisor shall be responsible for initiating an IRF for all Early Warning System issues and transmitting those issues electronically to IAD/CIO.

6 MEDIATION ISSUES

Mediation provides a forum in which an impartial third party, the mediator, assists the disputing parties in resolving their conflicts through communication. This promotes reconciliation, settlement, understanding, and agreement. The process is confidential and nonpunitive. Mediators include, but are not limited to, trained department employees. Department issues shall be processed and completed in 60 *calendar* days or less.

Employee Procedures

When employees have issues involving miscommunication and want to promote understanding and reconciliation, they may report the issue to IAD/CIO or ADR in accordance to General Order 300-33, **Mediation**.

Supervisor Procedures

IAD/CIO administrative lieutenants and intake sergeants, and the ADR lieutenant are responsible for determining if issues are appropriate for resolution by the mediation process.

IAD/CIO intake sergeants or ADR shall generate an IRF and forward hard and electronic copies to the appropriate unit for further processing. IAD/CIO intake sergeants or ADR shall give the employee initiating such an issue a copy of the IAF including the issue tracking number.

The assistant chief over ADR has the authority to order a mandatory mediation for issues other than sexual harassment.

7 SUPERVISORY INTERVENTION (SI) ISSUES

Supervisor Procedures

The *Corrective Action Manual* governs the use of the SI process. Supervisors shall abide by this manual when processing SI issues. When a supervisor elects to use the SI process, the supervisor shall have the shift tracking coordinator initiate an IRF and obtain an issue tracking number from the IADCMS. The intervening supervisor shall inform the party raising the issue of the outcome within 30 *calendar* days of initiating the IRF and make an entry in the IADCMS indicating that notice was given.

Supervisory Intervention issues shall be tracked for audit purposes only. Documentation and files developed during the Supervisory Intervention itself shall be maintained only at the subject employee's current division.

8 INTERNAL AFFAIRS ISSUES

Employee Procedures

All complaints coming to the attention of an employee shall be brought to the attention of the employee's immediate supervisor who shall ensure the division commander is notified.

Supervisor Procedures

Class I and II Investigations

Supervisors shall accept and record phone-in complaints if the complaints involve allegations of serious misconduct (Class I). Other phone-in complainants shall be advised they need to make the complaint in person so a notarized sworn statement can be obtained or mail a notarized statement with specific details of the complaint to IAD/CIO. Supervisors who receive phone-in complaints regarding allegations of serious misconduct shall immediately make the appropriate notifications, including notifying IAD, as required by this and related General Orders (see section 12).

Supervisors shall obtain sworn statements from walk-in complainants. Supervisors shall have their shift tracking coordinators initiate IRFs and transmit them electronically to IAD/CIO immediately. A thorough description of the issues shall be included while entering the IRF information into the IADCMS. Shift tracking coordinators shall then print a copy of the IRFs. Supervisors who receive issues shall sign the IRFs and send the original to CIO immediately. If the walk-in complainant refuses to provide a sworn statement, then the supervisor shall make a notation of the refusal on the IRF.

At the time the complaint is received, receiving supervisors shall give all walk-in complainants an IAF including the issue tracking number for the case. Likewise, phone-in complainants shall be provided the information verbally.

Class II (X) (Expedited) Investigations

Supervisors shall refer to the department's *Corrective Action Manual* for specifics regarding expedited investigations.

IAD/CIO Procedures

When IRFs are electronically transmitted to IAD/CIO, the IRFs shall be reviewed for completeness and shall be correctly routed according to IAD/CIO's SOPs and any applicable General Orders.

When complainants contact IAD/CIO directly, intake sergeants shall conduct interviews and initiate IRFs. Complainants shall be given an IAF including the issue tracking number. IAD/CIO shall review all issues and route them to the appropriate divisions or units for processing.

Notice of the Nature of the Complaint

IAD/CIO shall provide, in a timely manner, the subject employee with written notice of the nature of the complaint.

9 ROUTING INVESTIGATIONS

IAD/CIO shall review all IRFs and categorize and route the issues according to criteria set forth in IAD/CIO's SOPs and any applicable General Orders. If IAD classifies an issue as a Class I or II investigation, the following shall occur:

Class I Investigations

IAD/CIO shall send the initial investigation packet to the IAD/CIO case manager for processing. The IAD lieutenant receiving the packet shall assign it to an investigator using the IADCMS. The IADCMS entry shall be made by the next business day.

Class II Investigations

If an issue is classified as a Class II investigation issue or as a Supervisory Intervention issue, it shall be assigned to the target employee's division or unit for processing. If the issue is classified as a Class II investigation, that division's IAD lieutenant shall receive the packet and assign it to an investigator using the IADCMS. These IADCMS entries shall be made by the next business day.

Changing an Issue Classification

Once IAD/CIO has entered the initial classification into the IADCMS, only IAD/CIO may change the classification of an issue. Any division commander may consult with the IAD captain in order to seek modification of an issue classification.

10 EVIDENCE

Supervisors shall process any evidence submitted to them in accordance with General Orders and cross-reference the property tag numbers on the IRFs in the IADCMS.

11 BACK-UP PROCEDURES**Tracking Coordinators Unavailable**

If both the shift tracking coordinator and alternate are not available to assist the supervisor receiving the complaint, the supervisor shall contact the Command Center to initiate the IRF and tracking process in accordance with this General Order. The Command Center shall give an issue tracking number to the supervisor.

If the complaint is made in person, the IAF shall be given to the complainant at the time the complaint is received.

If the complaint is accepted by telephone, the information from the IAF shall be given to the complainant at the time the complaint is received.

12 RELATED GENERAL ORDERS

200-03, Investigation of Employee Misconduct
200-08, Conduct and Authority
200-16, Firearm and Soft-Impact Weapon Discharges
200-36, Solicitation, Gifts, and Bribery
300-11, Discrimination, Harassment, and Other Prohibited Conduct
300-12, Grievance Procedure
300-24, Early Warning System
300-26, Employee Representative Council
300-33, Mediation
500-20, Treatment of Prisoners, Suspects, and Other Citizens
600-17, Response to Resistance
600-42, Racial Profiling Prohibited



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 19, 2018

NO.

300-33

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-33, dated February 26, 2013

SUBJECT: MEDIATION

POLICY

The department, through the alternative dispute resolution process, seeks to enhance communication between employees or between employees and citizens and resolve work-related issues in a timely, fair, and equitable manner at the lowest possible level.

When appropriate, the *mediation procedure* is provided to employees and citizens as an alternative to other department dispute resolution processes and is not intended to replace any existing process.

The department's *mediation procedure* is established in accordance with applicable statutory provisions and the Code of Ordinances, City of Houston, Texas, Chapter 14. The *mediation procedure* is coordinated by the department's Alternative Dispute Resolution Unit.

This General Order applies to all employees.

DEFINITIONS

Ineligible Issue. An issue is ineligible for any alternative dispute resolution process, including mediation, if it can be substantively described as a Class I policy violation or if it is so egregious that it threatens the integrity of the Houston Police Department (e.g., child abuse or neglect). An issue may be ineligible for mediation if the nature or magnitude of the issue makes it impractical for mediation. Certain management decisions, discipline, or policy issues may not be eligible for mediation.

Mediation. A forum in which an impartial person, the *mediator*, facilitates communication between parties to promote understanding, reconciliation, or settlement that may result in an agreement.

Mediation Procedure. The term used to describe all mediation-related activities collectively, including intake, education, interviews, *mediation sessions*, evaluations, and file closure.

Mediation Process. The steps constituting the structure of a *mediation session*, including introduction, opening statements, two-way exchange, issue clarification, option generation, negotiation, agreement writing, reality testing, and closure.

Mediation Session. The mediation meeting wherein the parties and the *mediator* assemble in private to discuss and negotiate the issues of concern.

Mediator. An individual selected to act as a neutral participant during a mediation session to facilitate the discussion of issues.

Participant. Any party, Alternative Dispute Resolution Unit personnel, or mediator who has a role in the mediation procedures including any interview or meeting.

Party. Any person having an interest in an issue or dispute forwarded to the Alternative Dispute Resolution Unit for resolution.

1 INITIATING MEDIATION

Employees may request mediation themselves by directly contacting the Alternative Dispute Resolution (ADR) Unit.

Division commanders may refer issues directly to ADR with a recommendation that they be mediated.

Issues received first by the Central Intake Office (CIO) shall be screened to determine if they may be eligible for mediation. If the issue is possibly eligible for mediation, CIO shall refer it to ADR's Mediation Section.

Ineligible Issues

ADR shall review issues referred to the Mediation Section to ensure that they are mediation eligible. Issues ineligible for mediation may be:

- a. Returned to CIO.
- b. Referred to another section of ADR.
- c. Closed in ADR as indicated in section 11, *Unresolved Issues*, of this General Order.

2 TIME CONSIDERATIONS

Issues eligible for resolution through mediation shall be processed and completed within 60 *calendar* days from the date the issue was received in the Mediation Section.

Reception of issues in the Mediation Section that are eligible for resolution through other department processes (e.g., grievance, Internal Affairs, Employee Representative Council) causes the applicable issue processing time requirements to be suspended up to, but no more than, 60 *calendar* days.

3 48-HOUR NOTICE REQUIREMENT

The 48-hour notice requirement is waived for all issues referred to the mediation procedure due to its nonpunitive nature. Employees may not object to any mediation meeting because a 48-hour notice was not issued.

4 COOPERATION WITH ADR PERSONNEL

Employees shall cooperate with ADR personnel in scheduling appointments for interviews, mediation meetings, and any other procedures deemed necessary by ADR personnel.

Participants shall make a diligent effort to keep appointments and attend mediation sessions. If attendance is not possible, participants shall notify ADR personnel in a timely manner and provide an explanation.

The assistant chief over ADR may mandate a participant's attendance in mediation.

Employees asked to participate in an evaluation of the mediation process shall provide the requested information to ADR personnel in a timely manner.

5 MEDIATION SESSION

Unless indicated otherwise in this section, only the parties in mediation and the mediator may participate in a mediation session. A translator may assist in the mediation if necessary.

A mediator evaluator or a mediator in training may be permitted to observe mediation.

6 REPRESENTATION

A party shall not have a representative present during a mediation interview or session. A party may consult with a representative prior to or after a mediation interview or session.

7 INTEGRITY OF MEDIATION

Mediators and ADR personnel performing duties in connection with ADR and mediation procedures are required to know and abide by the provisions of this General Order and the Mediation Section's standard operating procedures.

All participants involved in the mediation procedure, including nonemployees, are required to abide by the mediation rules, procedures, and policies communicated to them by the mediators and ADR personnel.

Mediators and ADR personnel shall not request or accept any gift or other form of personal benefit, either directly or indirectly, from any party in the mediation procedure when such benefit is for services provided in the mediation procedure.

8 MEDIATION PROCEDURE RULES

The rules listed below apply to every aspect of the department's mediation procedure.

- a. In cases with multiple parties in the mediation, each party shall speak one at a time and only for himself or herself.

- b. The mediation procedure is confidential and all applicable laws and policies governing confidentiality bind all participants. The confidentiality rules apply to all aspects of the mediation procedure including intake, interview, mediation session, caucus, and case processing by ADR personnel.
- c. All persons participating in a mediation session are prohibited from bringing a weapon of any type to the mediation session. This applies even to employees in uniform. There are no exceptions to this rule.
- d. Lock boxes shall be available in ADR to safely secure weapons. At all other facilities where mediation sessions are to be held, ADR personnel shall identify secure locations for weapon storage.
- e. Each participant in the mediation session shall contact ADR to confirm his or her attendance at least 24 hours prior to the scheduled mediation.
- f. Violations of any mediation procedure law, department policy, or mediation agreement, including confidentiality, during or after any mediation proceeding, shall be grounds for disciplinary action.
- g. If any participant fails or refuses to follow any mediation rule, procedure, or policy to the extent the mediator is unable to control the mediation, the mediation shall be stopped.

9 CONFIDENTIALITY

The mediation procedure is confidential. All interviews, mediation sessions, and documents created during the procedure are confidential according to applicable laws and department policies.

If a mediation procedure participant has a question regarding whether a particular matter about which he has knowledge should be reported, the participant may consult with ADR personnel about the effect of the confidentiality guidelines without violating the confidentiality requirement.

No photograph, video, or audio recording is permitted during the mediation procedure, including any part of the mediation process, mediation session, interview, or meeting.

Only the parties to a mediation agreement may disclose their agreement pursuant to the disclosure agreement reached during mediation.

Except as required by applicable laws and department policies, no employee shall be compelled to disclose or otherwise testify regarding any matter discovered during any mediation procedure, including an interview or mediation session.

Exceptions to the confidentiality rule include substantive allegations of child abuse or neglect and substantive allegations of abuse, exploitation, or neglect of an elderly or disabled person discovered during an interview or mediation session. These cases shall be reported in accordance with applicable laws and department policies.

See section 14, *Mediation Documents*, regarding the confidentiality and handling of documents and other materials created during a mediation procedure.

10 MEDIATORS

Mediators shall conduct each mediation session in accordance with all applicable laws, rules, and policies. Mediators shall conduct each mediation session in a manner that avoids causing undue harm to all parties participating in the mediation process.

Mediators shall withdraw from service in a mediation session if their participation in the mediation session would violate a law or policy or if they lack sufficient experience to manage the issues in dispute.

Qualifications

All mediators must acquire and maintain the necessary skills to mediate prior to conducting department sponsored mediation. Mediators may be temporarily or permanently removed from the mediator pool for good cause.

Qualifications and standards for mediators shall be determined by ADR. All mediators, regardless of their assignment, shall adhere to these qualifications and standards.

Failure to provide a valid excuse for a mediation absence may result in a mediator being removed from the mediator pool and disciplinary action.

Selection

Each party to mediation shall have an opportunity to participate in the selection of a mediator. In special circumstances (e.g., the parties cannot agree, the selected mediator is not available, an emergency situation occurs) a mediator may be appointed by an ADR supervisor.

Neutrality

Mediators and ADR personnel shall not serve in cases in which they have a personal interest in the outcome of the mediation.

Every mediator shall be neutral while conducting a mediation session and shall avoid the appearance of favoritism, prejudice, or bias. Prior to the mediation session, mediators shall disclose any circumstances likely to create an appearance of bias.

11 UNRESOLVED ISSUES

A situation in which parties in a mediation process are unable to reach an agreement is called an impasse. The rules of confidentiality also apply to cases ending in impasse.

When handling unresolved issues, ADR may do any of the following:

- a. Return them to CIO.

- b. Refer them to another section of ADR.
- c. Refer them to the assistant chief over ADR for ADR closure as indicated below.

ADR Closure of Unresolved Issues

The assistant chief over ADR may close an unresolved mediation issue if one of the following situations applies:

- a. Mediation is the only appropriate process to resolve the issue and the parties have reached an impasse or a party refuses to participate in the mediation procedure.
- b. Mediation is the appropriate first step in the department's issue resolution process and a party refuses to participate in the mediation procedure.

12 RESOLVED ISSUES

Issues resolved through the mediation procedure are closed and shall not be eligible for resolution in any other department process.

13 MEDIATION SESSION ATTIRE

Each participant in a mediation session is required to dress appropriately for the mediation. Male mediators shall wear a suit and tie or a sports coat and tie. Female mediators shall wear a business suit and blouse combination, or a conservative dress, pantsuit, or blouse and skirt combination. All other employees shall wear business or casual business attire, or their City issued uniform. Employees shall not wear jeans, shorts, beach attire, athletic shoes, or any clothing that distracts from the mediation process.

14 MEDIATION DOCUMENTS

All mediation case files are strictly confidential. Only a notice of referral and information originally received from CIO shall be returned to CIO or routed to another ADR section. At the conclusion of the mediation session, all documents, writings, forms, materials, and other records generated as part of the mediation session shall be destroyed except the mediation agreement and the original *Issue Record Form*, including attachments. These records shall be retained according to approved records retention guidelines.

Documents created and information discovered prior to or subsequent to and outside the mediation procedure may be disclosed.

15 MEDIATION AGREEMENTS

Agreements made during a mediation session shall be documented and may be reduced to writing. The agreement shall be enforceable according to applicable laws and department policies.

Mediation agreements may not violate or circumvent any law or Police Department policy.

Each party must possess the authority to agree to each provision of the agreement and possess the ability to abide by those provisions.

The parties may agree among themselves to restrict disclosure of their agreement. However, parties may not restrict the right of enforcement or disclosure in cases involving a breach of the agreement or a breach of confidentiality.

ADR personnel may release a copy of the mediation agreement only to a party to the agreement.

16 OVERTIME

Whenever possible, mediation procedures and training shall be scheduled during the normal work shift of the participants. All employees participating in mediation procedures or training, including mediators, shall be compensated for participation according to department policy.

All requests for payment of overtime or the accrual of compensatory time related to mediation procedures or training shall be submitted to ADR for verification prior to being submitted to the employee's own division.

After ADR has verified the request, the employee shall submit the overtime request form to the employee's regular assigned division for approval and entry.

17 MEDIATION REPORTS

Mediation reports generated by ADR shall not contain any specific participant information that could be used to identify any party to a mediation or that would violate confidentiality.

18 PENALTIES

The mediation procedure is not punitive and participants shall not be penalized or disciplined for participating.

However, mediation cannot shield any employee from an investigation of a violation of the law, for any issue not resolved, or for any issue not eligible to be resolved in mediation.

Any violation of the confidentiality laws or policies, breach of a mediation agreement, or act of retaliation related to mediation shall be investigated according to department policy and may be grounds for disciplinary action.

19 RELATED GENERAL ORDERS

200-08, **Conduct and Authority**

300-11, **Discrimination, Harassment, and Other Prohibited Conduct**

300-12, Grievance Procedure
300-24, Early Warning System
300-26, Employee Representative Council
300-32, Processing Complaints and Employee Issues
900-03, Employee Concern Resolution Program



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 5, 2018

NO.

300-34

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-34, dated June 6, 2005

SUBJECT: STRATEGIC OFFICER STAFFING PROGRAM

POLICY

This General Order outlines the Strategic Officer Staffing Program (SOSP), which maintains minimum staffing levels needed to deliver necessary police services while establishing staffing programs and procedures allowing:

- a. Classified employees to take time off from work when the *Red Book* is full.
- b. The department to staff *special programs* with less budgetary and personnel impact.

This policy applies to police officers, senior police officers, sergeants, and all classified employees holding the pay grade of VI or below. Officers participating in the Phase Down Program are not allowed to work any HPD SOSP without the prior written approval of the Chief of Police.

This General Order applies to all classified employees.

DEFINITIONS

Red Book. City issued calendar used to record personal leave for employees and to document minimum staffing levels for each particular day and shift.

Replacement Program. Allows an officer to take time off from work and be replaced by another qualified officer.

SOSP Compensation (For Pay). Pay calculated at straight time (base and longevity pay) plus HPD training pay only. Compensation for pay is at the discretion of the department and must receive the prior approval of the division commander from whose account the funds will be paid.

SOSP Compensation (For Time). For pay grade VI or below, time credited to an officer's compensatory time bank at the rate of time and a half.

Special Program. Any temporary assignment or event designated at the discretion of the department and with the approval of the Chief of Police for staffing in whole or in part.

1 PROCEDURES

Replacement Program

Officers having their request for time off denied because the *Red Book* is full may find qualified officers to work as replacements.

The request for time off and the designation of a replacement officer must be:

- a. Made no less than 72 hours prior to the shift during which the time off is to be taken. If the request is made less than 72 hours prior to the shift then the affected shift commander may waive the minimum time requirement.
- b. Indicated on the *Strategic Officer Staffing Program Request* form, which is available on the department's Intranet Portal.

Officers requesting time off under the SOSP are responsible for finding a qualified replacement and ensuring the roll call sergeant documents the replacement's name in the *Red Book* before taking time off. The division commander may elect to develop another method of finding a qualified replacement officer (e.g., a volunteer roster). However, the requesting officer is still responsible for ensuring the replacement's name is listed in the *Red Book* by the roll call sergeant prior to taking time off.

Once the request for time off has been granted, the supervisor responsible for maintaining the *Red Book* shall document the following in the book:

- c. Name of the requesting officer
- d. Number of hours being taken off
- e. Type of time off being taken
- f. Name of the replacement officer
- g. Type of compensation (pay or time)

Special Programs

The department may designate certain temporary assignments or events as eligible to be staffed, in whole or in part, under the SOSP. Staffing of the assignment or event will be at the discretion of the division commander in charge. A special program may also consist of manpower shortages, emergency call-ups, special assignments, or providing additional staffing to patrol shifts.

Strategic Officer Staffing Program Compensation Request Form

At the end of the shift, officers working an SOSP shall complete and submit a *Strategic Officer Staffing Program Compensation Request* form, which is available on the department's Intranet Portal.

2 RESTRICTIONS

Officers holding the rank of sergeant or classified pay grade VI or below whose compensatory time banks are at or above 460 hours shall not be allowed to work any SOSP for compensatory time.

Officers may utilize replacements in order to take time off on a maximum of two separate occasions per *calendar* month. Any request beyond two separate occasions per *calendar* month may be approved by the roll call sergeant. Such instances shall be reviewed by the shift and division commander in order to prevent abuse of SOSP.

Officers shall not:

- a. Volunteer as SOSP replacements for time during which they are otherwise scheduled to work.
- b. Obtain a replacement officer under the SOSP and then serve as a replacement for the same officer during the same or immediately following pay period unless authorized by a shift commander.
- c. Use (burn) all or part of their regular shift in order to work SOSP or some other overtime program in the same shift.
- d. Use (burn) unscheduled leave for all or part of their regular shift in the 24-hour period before or after working SOSP or any overtime program unless one of the "Earn and Burn" policy exceptions outlined in General Order 300-07, **Overtime Compensation – Classified** applies.

Replacement officers holding the rank of sergeant or classified pay grade VI or below are not qualified for straight time pay unless the replacement works 86 hours or less in the designated 14-day pay period. Any leave taken during the 14-day pay period will not count as *time actually worked* for purposes of calculating Fair Labor Standards Act overtime in the SOSP.

See General Order 300-07, **Overtime Compensation – Classified**, for additional information and restrictions regarding SOSP, the 86-hour limit, and the "Earn and Burn" policy.

3 QUALIFICATIONS

Officers and sergeants assigned through the SOSP to regular patrol in the call for service loop may be utilized departmentwide. Officers assigned to these positions must have served in the call for service loop within the previous 36 months or successfully completed the department's "Plainclothes to Patrol Retraining" program within the last 12 months.

Officers and sergeants who are not assigned to patrol but who wish to work SOSP shall first have completed the required Body Worn Camera (BWC) training and shall utilize a BWC while working any SOSP in the call for service loop. An assistant chief in Field Operations may grant exceptions in exigent circumstances, such as when the department is fully mobilized and officers will be assigned to a patrol function without a BWC. For further policies regarding BWCs, see General Order 400-28, **Body Worn Cameras**.

Replacements for specialized units (e.g., Radar, Truck Enforcement, K-9, SWAT, Bomb Squad) or investigative divisions must possess the requisite knowledge, current training, and expertise necessary to fill the position.

All SOSP replacements and special program assignments are subject to approval by the receiving division commander. Non-selection to an SOSP is not a grievable matter.

4 VIOLATIONS

A first violation for failure to ensure a replacement is listed in the *Red Book* may be handled as a Supervisory Intervention and may result in a 30-day disqualification from participating in any aspect of SOSP. Subsequent violations within a 12-month period shall result in a mandatory 6-month disqualification from SOSP participation and shall be investigated in accordance with the department's disciplinary system.

First time failure of a replacement officer to report to duty at the SOSP's scheduled time or location, or to cover the designated shift shall result in a 90-day disqualification from participating in any aspect of the SOSP and may be investigated in accordance with the department's disciplinary system. The only exceptions will be if the replacement officer is on Americans with Disabilities Act (ADA) or Family and Medical Leave Act (FMLA) leave. Any subsequent violation shall result in a mandatory 6-month disqualification from SOSP participation and shall be investigated in accordance with the department's disciplinary system.

5 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

100-03, **Definitions of Terms**

200-26, **Workday and Workweek**

300-04, **Compensation**

300-07, **Overtime Compensation – Classified**

300-36, **Exempt Time Compensation and Exempt Time Credit**

400-28, **Body Worn Cameras**

U.S. Department of Labor, Fair Labor Standards Act (FLSA)

Meet and Confer, 2015, Article 37



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

February 22, 2021

NO.

400-02

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-02, dated June 19, 2018

SUBJECT: HPD BADGES AND IDENTIFICATION CARDS

POLICY

Employees shall not alter, duplicate, modify, substitute, exchange between employees, or transfer to another person their department issued HPD badge, HPD hat shield, or official identification (ID) card, unless otherwise authorized in this General Order or approved by the Chief of Police.

Employees shall not use any badge, hat shield, or ID card that does not conform to department policy or specifications. All department issued equipment remains the property of the department and shall be carried and used only as issued and authorized.

This General Order applies to all employees.

1 BADGES AND IDENTIFICATION CARDS

Issuance

The Employee Services Division (ESD) is responsible for issuing employee ID cards. The Investigative & Special Operations, Transfers, Allocations, and Promotions (TAP) Unit, is responsible for issuing, maintaining, and ordering HPD badges and HPD hat shields.

Identification and Recognition

Employees shall carry their ID card with them while on duty, wearing a department uniform, performing police-related extra employment, or on police property (see General Order 400-22, **Keys, Passwords, and Personal Identification Numbers**). Officers who are not in uniform and who are acting in an undercover capacity are exempt from this requirement, although officers in plainclothes and civilian employees are always required to present their ID card to enter a police building.

Officers shall give their name, badge number, and other pertinent information to any person requesting such facts unless doing so would compromise a police assignment.

Whenever away from police property, uniformed police officers shall not acknowledge or show recognition of another police officer in civilian clothes unless that officer first addresses the uniformed officer.

Whenever employees are on police property, they shall wear their official HPD identification prominently displayed at or above the waist on the front of their person so that the employee's photograph and name are easily visible. Only classified employees wearing a department uniform are exempt from this requirement (see General Order 300-15, **Appearance and Grooming Standards**).

2 OFFICIAL BADGES

Official badges are the full size badge or hat shield issued by HPD to cadets graduating from the Police Academy, to rehires, or to classified employees during official promotional ceremonies.

Classified employees are not permitted to purchase a duplicate or replica of the official full size HPD badge or HPD hat shield from an outside business. Classified employees shall only wear the department issued badge or hat shield and are not authorized to wear a full size duplicate or replica.

Oval Badge and Hat Shield

Classified employees may self-purchase a department approved oval badge and hat shield by completing a *Houston Police New Uniform & Hat Shields* order form, available on the department's Intranet Portal, and forwarding it to the Organizational Development Command (ODC) for approval. Upon receipt of the oval badge and hat shield, classified employees shall only be permitted to wear the oval badge and hat shield and will no longer wear their previously issued badge and hat shield, if applicable.

Detective Badge and Hat Shield

Classified employees at the rank of police officer or senior police officers who work in an investigative assignment and have met the requirements to have the "detective" title may self-purchase the oval detective badge and hat shield. The oval detective badge and hat shield shall be worn only while assigned to an investigative assignment and can be worn on the uniform. The detective badge and hat shield shall not be worn once the employee transfers out of the investigative assignment or obtains a supervisory rank.

The following requirements must be met in order to acquire the detective badge and hat shield:

- a. A minimum of four years with the department.
- b. One year of cumulative HPD investigative experience.
- c. Completed the Basic Investigator training course.
- d. Completed one additional investigative training course.

Once the above requirements have been met, officers shall complete a *Houston Police New Uniform & Hat Shields* order form and deliver it to the Organizational Development Command.

3 SPECIALTY BADGES

Specialty badges are badges that are **not** the HPD official full size badge or hat shield. Only the Chief of Police may authorize the purchase and/or utilization of a specialty badge.

Miniature Badges

Officers desiring to purchase a miniature badge for use in an official law enforcement capacity shall submit a written request through their chain of command (assistant chief level) to the assistant chief of the Organizational Development Command. Once reviewed and approved, ODC shall forward the letter to the TAP Unit for processing.

If approved to purchase a miniature badge for use in an official law enforcement capacity, officers are prohibited from transferring miniature badge to another person. Officers are also urged to consider that if a miniature badge is displayed or presented in an inappropriate manner, persons displaying or presenting the badge may be investigated for misrepresenting themselves as peace officers in violation of Texas Penal Code §37.12.

Special Event Badges

Special event badges are badges that recognize HPD or law enforcement involvement in a local or national event (e.g., Super Bowl, commemorative 9/11 badge). Special event badges that are offered to classified employees by an outside vendor may be purchased at the employee's own expense and shall not impose any financial obligation on HPD or the City of Houston.

Officers may wear special event badges only as permitted by the Chief of Police. Officers may also permanently mount the badge on a plaque or other form of display to commemorate the event and the officers' contributions.

4 RETIREMENT STATUS

A police officer or a TCOLE licensed civilian who retires from the Houston Police Department may be granted honorably retired status if the employee qualifies as noted below and is eligible to receive Houston police or municipal pension payments, as applicable, assuming no other disqualifiers exist.

To determine the retirement status of a retiring HPD officer and certain TCOLE licensed civilians, the department shall utilize the separation criteria set forth on the *Separation of Licensee (F-5)* form from the Texas Commission on Law Enforcement (TCOLE). Employees may review the separation criteria on the F-5 at the TCOLE website. Retirement status shall be based on the following three TCOLE separation categories:

- a. ***Honorably Discharged.*** If a retired officer or a TCOLE licensed civilian meets one of the conditions for honorably discharged as listed on the F-5, the employee may receive, upon request, a retirement identification card issued by HPD and the employee shall be afforded all rights and privileges of an honorably retired employee.

If the employee retires during a pending internal investigation in which the employee is a target or potential target and the employee cooperates in the investigation and the investigation results in a Category D cite or less against the employee, the retired employee may be granted honorably discharged status and receive the rights and privileges of an honorably retired employee.

- b. **General Discharge.** If a retired officer or a TCOLE licensed civilian meets one of the conditions for general discharge as listed on the F-5, the employee shall not be given any type of HPD identification.
- c. **Dishonorably Discharged.** If a retired officer or a TCOLE licensed civilian meets one of the conditions for dishonorably discharged as listed on the F-5, the employee shall not be given any type of HPD identification.

5 RETENTION OF BADGE AND HAT SHIELD

Under certain conditions, officers who honorably retire or promote may retain their badge and hat shield. Officers shall submit a written request through their chain of command (assistant chief level) to the assistant chief of the Organizational Development Command. The request must specify the badge and hat shield shall be mounted permanently on a plaque or other form of display.

A badge and hat shield may be retained or obtained if requested by:

- a. An officer retiring honorably from the Houston Police Department.
- b. An officer receiving a promotion.
- c. A designated beneficiary (or estate if no beneficiary exists) of a deceased officer who did or would have resigned or retired honorably from the department.

When a designated beneficiary or estate of a deceased officer requests an officer's badge and hat shield, the request shall be routed to the Organizational Development Command. That command shall contact the beneficiary in writing with instructions regarding how to obtain the badge and hat shield. The department letter shall state that the badge and hat shield are to be mounted permanently on a plaque or other form of display.

An officer, designated beneficiary, or estate may retain or obtain only one badge and hat shield for each rank obtained.

6 RETIREMENT ID CARD

When retired officers meet the requirements of honorably retired, their HPD retirement ID cards shall indicate such and they shall be afforded all rights and privileges of an honorably retired police officer. Retired officers may also be eligible for certification of firearm proficiency. See General Orders 400-05, **Firearms Qualification and Control**, and 400-06, **Carrying Concealed Firearms**.

If the investigative process has not been completed at the time of an officer's final separation, the retiring officer shall not receive any type of retirement identification and ESD shall temporarily retain the retiring officer's badge and hat shield. Upon determination that the officer meets the criteria for honorably retired status, the employee shall be allowed to pick up the requested items from ESD. Officers are required to sign a receipt for all items received.

Any retired officer failing to meet honorably retired status criteria shall not be given any type of HPD ID card. The Chief of Police shall have the final say as to an employee's retirement status and whether or not the retired officer receives any badge, hat shield, or HPD ID card.

A civilian employee who honorably retires from the department is eligible to receive an HPD retirement ID card when the employee becomes eligible to receive Houston municipal pension payments, assuming no other disqualifiers exist. The civilian employee must have completed at least ten years of service with the City of Houston including at least five years of service with the Police Department immediately preceding retirement or deferred retirement unless the employee qualifies for a disability pension or the employee receives approval by the Chief of Police.

7 SUSPENSION

During suspensions the below procedures shall be followed regarding an employee's badge, hat shield, ID card, and keys (see General Order 400-22, **Keys, Passwords, and Personal Identification Numbers**). These procedures apply to all employees except those approved for positive discipline.

When employees receive disciplinary suspensions of 15 days or less and the discipline is handled at the division level, employees shall be allowed to retain their badge, hat shield, ID card, and keys. The suspension paperwork shall instruct employees regarding limitation of activities and use of credentials during the term of the suspension.

Suspensions of 16 days or greater shall be administered by the Internal Affairs Division (IAD). In these instances, the employee's badge, hat shield, ID card, and keys shall be confiscated and stored in IAD.

8 RELIEVED OF DUTY

When employees are relieved of duty, their badge, hat shield, all official ID and security credentials, and keys (as defined in General Order 400-22, **Keys, Passwords, and Personal Identification Numbers**) shall be confiscated and stored in IAD (see General Order 200-03, **Investigation of Employee Misconduct**).

9 REPLACEMENT

Whenever a badge, hat shield, or ID card is lost, stolen, or damaged, the employee's supervisor shall give the employee a 48-hour notice and an investigation shall be conducted in accordance with the department's disciplinary range system in which it may be handled as an expedited investigation.

While the incident shall not be handled as a supervisory intervention investigation, any corrective action may include a supervisory intervention, if appropriate. The department shall seek restitution from the employee for the total cost of the property if the loss or damage is a result of negligence. See General Order 400-18, **Responsibility for City and Other Government Property**, for additional requirements on making restitution.

When employees' badges, hat shields, or ID cards are lost, stolen, or damaged, employees shall do all of the following:

- a. Report the incident immediately to their supervisor.
- b. Generate a *Significant Event Report* and send it to the Command Center. See General Order 200-10, **Emergency Management**.
- c. Have an incident report generated.
- d. Send an administrative letter, including the issue record form (IRF) number, to their division commander via the chain of command.
- e. For a replacement HPD badge and/or HPD hat shield, bring a copy of the *Significant Event Report*, incident report, and administrative letter with IRF number to the TAP Unit. The TAP Unit will ensure a replacement HPD badge and/or HPD hat shield is ordered for the employee. The TAP Unit will also issue the employee a mandatory HPD badge and HPD hat shield matching loaner set until the employee's replacement badge and/or hat shield order is received.

The TAP Unit will contact the employee when the replacement HPD badge and hat shield are received and will inquire if the investigation is concluded and if restitution is required. If restitution is required, the employee shall provide the TAP Unit with a receipt from the Office of Budget & Finance before the replacement badge and/or hat shield is issued to the employee. The employee shall return the matching loaner HPD badge and HPD hat shield set upon picking up the replacement HPD badge and/or HPD hat shield.

- f. For a replacement ID card, bring a copy of the incident report, a copy of the administrative letter signed by a supervisor, and a receipt for restitution from the Office of Budget & Finance to the Employee Services Division.

The employee's immediate supervisor shall investigate the incident and submit to the division commander a written report that includes all of the following:

- g. A copy of the incident report.
- h. A copy of the *Significant Event Report*.
- i. The employee's administrative letter.
- j. A description of the item including its replacement or repair value as determined by ESD for identification card or the TAP Unit for HPD badge and/or HPD hat shield shall be added to the expedited form, as applicable.

The supervisor shall ensure that the employee immediately contacts ESD to replace a lost, stolen or damaged identification card and/or the TAP Unit to replace a lost, stolen, or damaged HPD badge and/or HPD hat shield, as well as to receive a mandatory loaner badge and/or hat shield.

At the conclusion of the investigation, if it is determined that an employee shall make restitution, the employee shall be directed to contact the Office of Budget and Finance. The supervisor's

written report shall be presented to the Office of Budget and Finance. Single-payment reimbursements shall be accepted with only exact cash or check.

ESD and the TAP Unit may establish additional procedures for replacement of lost, stolen, or damaged ID cards, badges, or hat shields. Such procedures shall not conflict with this General Order. These replacement procedures shall be made available to employees upon request. Employees shall obey these additional procedures.

10 PERSONAL BUSINESS CARDS

Employees are not permitted to have personal business cards that show a connection to the Police Department if such cards bear any information not directly pertaining to their work in the department.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

February 3, 2021

NO.

400-05

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-05, February 6, 2017

SUBJECT: FIREARMS QUALIFICATION, TRAINING, AND CONTROL

POLICY

Officers shall carry only those firearms that meet department standards. Officers are responsible for attaining and maintaining proficiency in the use of the approved firearms they carry and shall obey all department policies and procedures related to firearms control.

This General Order applies to all employees.

DEFINITIONS

Academy Firearms Range. The firearms training facilities located in the Houston Police Academy firearms complex and supervised by Houston Police Department *Academy range personnel*.

Academy Range Personnel. Texas Commission on Law Enforcement (TCOLE) certified firearms instructors assigned to an *Academy firearms range* or certified firearms instructors for the department's Tactical Training Unit, Narcotics Training Unit, or Special Weapons and Tactics (SWAT) Detail (designated SWAT officers only). These officers have the authority to remove anyone from an *Academy firearms range* for unsafe practices.

Attempt to Qualify. When an officer during an official qualifying line scored by *Academy range personnel* shoots and attempts to pass the appropriate firearms *qualification* course with a firearm the officer intends to carry.

Back-up Weapon. A firearm that is carried in conjunction with a *primary weapon*.

Off-duty Weapon. A handgun registered in the department's firearms registration database and that may be carried in an off-duty capacity once guidelines set forth in this General Order are met. An *off-duty weapon* may also be carried as a *back-up weapon* when all criteria and *qualifications* have been met.

Plainclothes. For the purpose of this General Order only, *plainclothes* refers to all manner of dress other than approved department uniforms.

Primary Weapon. A handgun that meets the guidelines set forth in this General Order, that is registered in the department's firearms registration database as a *primary weapon*, and that may be carried alone.

Qualification. When an officer during an official qualifying line scored by *Academy range personnel* shoots and passes the appropriate firearms *qualification* course with a firearm the officer intends to carry.

Qualification Quarter. The quarter of the year dedicated to department wide *primary weapons qualification*.

Redress Firearms Training. Individualized training sessions scheduled by the Training Division for officers who have failed all three attempts during the *qualification quarter*.

Shoulder Fired Weapon. A shotgun or carbine that meets the guidelines set forth in this General Order, that is registered in the department's firearms registration database, and that may be carried only with a *primary weapon* if the officer is in police uniform, on duty, or working police-related extra employment.

Specialized. Only divisions, units, weapons, and ammunition so designated in writing by the Chief of Police shall be considered *specialized*. Only officers assigned full or part time to a *specialized* division or unit and while carrying out those assignments, duties, and functions are allowed to carry *specialized* weapons and ammunition.

Under the Influence of Alcohol. Any measurable concentration of alcohol in a person's blood, breath, or urine.

1 GENERAL PROVISIONS

Except as noted in this General Order, officers shall carry only those firearms listed in the *Attachments* to this General Order. All approved weapons used by officers in the performance of their official duties shall not be altered from the manufacturer specifications nor changed in any way that affects the safety or function of the weapons.

All *primary, back-up, and off-duty weapons* shall be professional and conservative in appearance and shall be, except as noted herein, of a blued, black, or silver finish. Officers shall not adorn their firearms with any symbol or design other than the standard manufacturer emblem, or with any equipment or additions not listed in this General Order.

A description including the make, model, and serial number of all firearms carried by each officer shall be listed in the Houston Police Department's firearms registration database maintained by the Training Division.

Officer's firearms shall be maintained in good working order and are expected to be cleaned and lubricated on a regular basis.

2 PRIMARY WEAPONS

Except as noted in this General Order, officers shall carry a *primary weapon* for which they hold current *qualification* while in police uniform, on duty, or working police-related extra employment. Regardless of assignment or exceptions outlined in this section, all officers shall qualify annually with an approved *primary weapon* on the department's *primary weapons* course as outlined in this General Order and as dictated by *Academy range personnel*.

Plainclothes officers shall carry a weapon included in *Attachments A or B* in the *primary weapons* lists for uniformed officers, based on the officer's Academy class, or a weapon included in *Attachment C* in the *primary weapons* list for *plainclothes* officers.

3 OFF-DUTY WEAPONS

Officers are reminded that even if they elect not to carry a firearm while off duty, they are considered to be a Houston police officer 24 hours a day, 7 days a week. Officers shall remain responsible for complying with all department policies and procedures, and are still required to take appropriate action when required. If unarmed, appropriate action may include contacting 9-1-1 or the police dispatcher about a crime in progress rather than attempting to make an arrest.

Off-duty officers working police-related extra employment or wearing a police uniform are required to carry a *primary weapon* in accordance with all applicable provisions of this General Order.

If an off-duty officer not wearing a police uniform and not working police-related extra employment elects to carry a handgun, the officer shall carry a *primary weapon* or an *off-duty weapon* that matches one of the following descriptions:

Handguns carried off duty must hold a minimum of five rounds of ammunition.

Officers shall ensure that any *off-duty weapon* they intend to carry is registered in the department's firearms registration database. Officers do not need to qualify with *off-duty weapons*, unless the weapon is of a different type than their *primary weapon*. (e.g., *primary weapon* is a semiautomatic and the *off-duty weapon* is a revolver).

Off-duty weapons are to be carried in a concealed and inconspicuous manner. Open carry of an *off-duty weapon* is prohibited regardless of whether the officer has obtained a license to carry a handgun issued by the state of Texas or other state with a reciprocity agreement.

[REDACTED]

[REDACTED]

[REDACTED]

Shotguns

Only those shotguns listed in *Attachment D* of this General Order have been approved by the department.

Officers who successfully complete the department's appropriate shotgun *qualification* and training courses may carry a shotgun as a *back-up weapon* while in uniform, on duty, or working police-related extra employment. Officers shall qualify annually on the department's shotgun *qualification* course during the *qualification quarter*. *Academy range personnel* shall inspect shotguns at the time of *qualification* for compliance and un-authorized modifications.

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[REDACTED]

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[REDACTED]

Carbines

Officers of any rank from any division who successfully complete all portions of the requisite carbine rifle training may carry approved carbines as a *back-up weapon* while in uniform, on duty, or working police-related extra employment. Once trained, officers shall qualify annually on the department's carbine *qualification* course, either during the *qualification quarter* or their birth month.

Approved carbines shall be black in color. The only exception is a monochromatic olive drab color carbine, provided the officer qualified with it prior to January 23, 2017, and the carbine has remained continuously registered with the department to that officer since before January 23, 2017. Multicolor or camouflage carbines are prohibited.

No officer shall carry a rifle or a carbine of a type or configuration different than that specified in this subsection unless specifically authorized in writing by the Chief of Police.

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[REDACTED]

7 GRIPS

All weapons carried while an officer is in uniform, on duty, or working police-related extra employment shall have black or brown grips made of wood, plastic, metal, or rubber.

Grips shall not be adorned with emblems or designs other than the standard manufacturer logo.

8 HOLSTERS

Approved uniform holsters are listed in *Attachment D* of this General Order. The following procedures regarding uniform holsters shall be followed.

- a. Holsters shall not be modified in any way.
- b. Each holster is to be used for only the particular weapon or configuration for which it was made.
- c. Officers shall bring their "Sam Browne" and uniform holsters when reporting to qualify with their *primary weapon* for uniformed officers during the *qualification quarter*. *Academy range personnel* shall inspect the holsters to ensure they are in good working order and are appropriate for the type and configuration of weapons the officers are carrying.
- d. Officers shall contact Uniform Supply before acquiring a new *primary weapon* to determine if an approved holster is available through the City's current holster vendor.
 1. If an approved holster is available, officers shall go to Uniform Supply and pick up the appropriate holster.

Before the holster can be worn on duty, officers shall report to an *Academy firearms range* and qualify with the new *primary weapon* and holster on the *primary weapons* course. The *qualification* score shall be entered into the department's weapons *qualification* database. Officers shall return the old holster to Uniform Supply within two business days.

If an officer does not qualify within 14 calendar days after picking up the new holster, the officer shall contact Uniform Supply to make arrangements to return the new holster.

2. If an approved holster is not available, officers shall be responsible for purchasing an appropriate holster and having it approved by *Academy range personnel* before qualifying or using it on duty.
- e. Officers requiring replacement of a damaged holster for their existing weapon shall contact Uniform Supply to determine availability and replacement requirements.
- f. Officers may, at their own expense, purchase and wear custom made holsters provided the holsters meet all criteria and specifications set forth for the official City-issued holsters or approved alternatives and are approved by the Firearms Training lieutenant.

Prior to wearing any alternative holster, officers shall demonstrate proficiency with the holster to *Academy range personnel*.

Any rejected holster may be submitted with justification for the alternative or modification to the Chief of Police who may direct the department's Office of Planning & Data Governance to evaluate the holster. Following this evaluation, the Chief of Police shall determine whether the holster may be used.

- g. Officers shall demonstrate proficiency when transitioning to a different approved holster before using it on duty.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 QUALIFICATION WITH FIREARMS

Except as noted in this General Order, each year during the *qualification quarter*, officers shall attempt to satisfy the department's mandatory firearms *qualification* requirement for their *primary weapons* and *back-up weapons* (including *off-duty weapons* used as *back-up weapons*). Officers may *attempt to qualify* during the *non-qualification quarter* months with a new or replacement weapon, or when returning to full duty from a leave of absence.

The annual *primary weapons qualification* shall be conducted on duty. Commanders shall give priority to officers needing time off in order to satisfy the department's *qualification* requirements.

Officers shall qualify with their *primary* or *back-up weapons* (including *off-duty weapons* used as *back-up weapons*) they intend to carry on duty. Failure to qualify with such weapon shall result in that weapon not being eligible for use as an on-duty or *off-duty weapon*.

Officers shall maintain current *qualification* with all firearms they intend to carry per the guidelines in this General Order. All firearms for which officers hold current *qualification* shall be listed in the department's firearms registration database.

Officers that have multiple *primary weapons* registered in department's database shall qualify with only the *primary weapon* they intend to carry on duty. Officers will be required to notify *Academy range personnel* which weapons they still own each year in the *qualification quarter* to keep their registered weapons list up to date.

All officers shall hold current *qualification* with an approved *primary weapon* prior to *qualification* with any other weapon. *Qualification* with a *primary weapon* shall be on the *primary weapons* course at an *Academy firearms range*. *Qualification* with other firearms shall also be performed at an *Academy firearms range*. Regardless of which *Academy firearms range* an officer uses, the officer shall comply with that facility's policies.

If not previously qualified, an officer desiring to qualify with and carry a model 1911 or 2011 pistol must attend the required 1911 pistol course. Officers from Academy class 231 or later, are not authorized to carry a model 1911/2011 as a *primary weapon*.

Firearms Range Safety and Conduct

[REDACTED]

[REDACTED]

[REDACTED]

Unsafe acts will not be tolerated at an *Academy firearms range*. Officers may be dismissed from the firearms range by *Academy range personnel* for the entire day for any unsafe act.

Proper dress code per General Order 300 06, **Training – Classified**, shall be enforced (e.g., no sleeveless shirts, and no flip-flop shoes, sandals, or open-toe shoes). Uniform shorts are allowed on the range. Officers attempting to qualify, practice, or attend firearms related training shall bring a department approved duty gun belt, duty holster, and reloading devices.

Cellular telephone use is prohibited while at *Academy firearms range* locations. Specifically, there shall be no cellular telephone use while inside the fenced area at the outdoor range, inside the SWAT range and the tactical range, or inside the *qualification* line at the indoor range. Use of cellular telephones in the above listed locations shall subject the user to being removed from the firearms range.

Ammunition

[REDACTED]

Qualification Content

Annual *qualification* includes demonstration to *Academy range personnel* of a working knowledge of each officer's *primary weapons*, *off-duty weapons*, and *back-up weapons* as outlined in this General Order and as dictated by *Academy range personnel*.

Passing Score

To pass the *primary weapons qualification* examination, a range score of at least 76 percent is required.

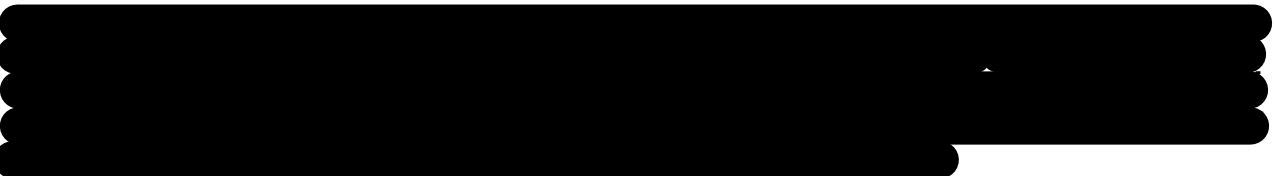
Scoring will be "Pass/Fail" (i.e., no numerical score or proficiency level will be given).

With exception of the Distinguished Expert (DE) medal, no shooting medals shall be worn on the HPD uniform. Classified employees who earned a DE medal may continue to wear that medal on the Class "A" Uniform throughout the remainder of their career.

Qualification Documents

All *qualification* scores shall be entered into the department's firearms registration database after the officer's *qualification*. A printed copy of the *qualification* line shall be maintained by *Academy range personnel*.

Specialized Divisions and Units



12 FAILED ATTEMPT TO QUALIFY

Except as otherwise noted in this General Order, all handguns and *shoulder fired weapons* for which officers do not hold a current *qualification* shall not be carried by officers until they have qualified with those weapons.

Failing Primary Weapon Qualification

Any officer who attempts but fails to qualify with an approved *primary weapon* on the *primary weapons* course by the last day of the *qualification quarter* or who experiences three failed attempts to qualify with a *primary weapon* shall notify their division commander in writing by the next workday. In the event the officer fails their first attempt, the officer will have 30 calendar days from the date of their first attempt to pass the *qualification* course.

Any officer who attempts but fails to qualify with an approved *primary weapon* on the *primary weapons* course by the last day of the *qualification quarter* shall not work an assignment that requires the officer to be armed and shall not work police-related extra employment until that officer meets the *qualification* standards with an approved *primary weapon*.

Any officer who fails to qualify after three attempts with an approved *primary weapon* on the *primary weapons* course during the *qualification quarter* shall be required to schedule and attend four hours of *redress firearms training* with *qualification* range instructors within seven calendar days. Officers who then fail to shoot a passing score of 76 percent or higher shall be required to schedule and attend sixteen hours of *redress firearms training* with indoor firearms range instructors. The four-hour and sixteen-hour *redress firearms training* shall be conducted on duty.

The Chief of Police shall be notified in writing to determine the appropriate action to be taken when an officer fails to shoot a passing score of 76 percent or higher after receiving sixteen hours of *redress firearms training*.

Supervisors' Responsibilities

Upon receiving written notification of an officer's failure to qualify as described above, it is the immediate supervisor's responsibility to ensure that corrective measures are taken until the officer is able to qualify with an approved *primary weapon*.

For officers whose *primary weapon qualification* has expired, corrective measures shall include assigning the officer to duties that do not require the officer to be armed and ensuring the officer does not carry a firearm until *qualification* standards have been met. This includes suspending the officer's police-related extra employment.

If necessary, and dependent upon the nature of the officer's assignment, the supervisor shall reassign the officer to ensure safe and appropriate execution of duty. The Chief of Police shall determine any other corrective action.

13 NO ATTEMPT TO QUALIFY OR ATTEND QUARTERLY TRAINING

All records relating to officers not attempting to qualify with a *primary weapon* are to be maintained by the officers' division commander.

Except as noted below, officers who make no *attempt to qualify* during the *qualification quarter* with an approved *primary weapon* shall be subject to appropriate disciplinary action. Such action may include involuntary reassignment, relief from duty, or dismissal from service.

Officers who make no *attempt to qualify* during the *qualification quarter* with an approved *primary weapon* shall not be assigned to duty that requires them to be armed and shall not be allowed to work police-related extra employment until *qualification* requirements are met.

Legitimate Reason

Officers who have a legitimate reason for not attempting to qualify with an approved *primary weapon* during the *qualification quarter* or attending quarterly training shall not be subject to disciplinary action, but shall notify their division commander. Some examples of legitimate reasons include, but are not limited to, authorized absences, documented illnesses or injury, pregnancy, and special assignments.

Officers who are physically unable to qualify shall provide sufficient, acceptable documentation to their division commander. An officer who has been declared physically unable to qualify shall

not be assigned to any duty requiring the officer to be armed and shall not be allowed to work police-related extra employment until the officer has met the *qualification* standards with an approved *primary weapon*.

Officers shall *attempt to qualify* as soon as possible after returning to a normal duty assignment. Officers shall be given 30 calendar days to qualify after returning to normal duty. Unless an exigent circumstance exists, an officer on normal duty at least one day during the *qualification quarter* shall not be granted the extension.

Officers granted a *qualification* extension shall not be assigned to duty that requires them to be armed and shall not be allowed to work police-related extra employment until *qualification* requirements are met.

Division commanders shall inform the Training Division via email at TrngQualiRange@HoustonPolice.Org of an officer's legitimate reason for not attempting to qualify or attend quarterly training. Division commanders or above who have a legitimate reason for not attempting to qualify during the *qualification quarter* shall notify their immediate supervisors.

14 LOAN AND FIREARM REPLACEMENT

Any officer who temporarily does not have a *primary weapon* to carry on duty may request the loan of a replacement *primary weapon* if one of the following circumstances exists:

- a. The officer's *primary weapon* has been rendered temporarily inoperable and is being repaired or replaced.
- b. The officer's *primary weapon* has been stolen and properly reported as required by HPD.
- c. The department has retained the officer's *primary weapon* as part of an investigation and the weapon has not been returned.

An officer requiring the loan of a *primary weapon* due to a circumstance outlined in either item (a) or (b) above, shall have an email request from the officer's supervisor submitted through the officer's chain of command to the division commander. If approved, the commander shall forward the email request to the firearms range supervisor at TrngQualiRange@HoustonPolice.Org.

The loan of a *primary weapon*, while waiting for a replacement weapon or for the original *primary weapon* to be returned, shall not exceed 30 calendar days without additional written justification from the officer's division commander.

Prior to carrying any loaned or replacement weapon, officers shall first qualify with the weapon on the appropriate *qualification* course.

15 QUALIFICATION FOR RETIRED OFFICERS

Chapter 411 of the Texas Statutes, Government Code and Chapter 1701 of the Texas Statutes, Occupations Code govern the firearms *qualification* for honorably retired peace officers holding a license to carry handguns in the state of Texas.

The following guidelines shall be followed for all honorably retired HPD officers who have submitted a sworn statement from the Chief of Police as required in order to comply with Section 411.199(b) of the Texas Statutes, Government Code.

- a. Proficiency testing shall be required annually and shall be conducted at an *Academy firearms range*. Qualifying scores may also be accepted from any municipal police department with a firearms range approved by TCOLE or from any law enforcement firearms range associated with a Texas county sheriff's department.
- b. Testing shall be consistent with the requirements, procedures, and *qualification* course designated for retirees by the Training Division.
- c. Proficiency testing at an *Academy firearms range* shall be provided as available at no cost to any person honorably retired from HPD as a law enforcement officer and who currently resides in the state of Texas.
- d. A certificate documenting firearm proficiency shall be provided to honorably retired HPD officers so they may report the successful demonstration of proficiency to the Texas Department of Public Safety.

Retired officers wanting certification under the federal Law Enforcement Officer Safety Act (LEOSA) to carry a concealed firearm in any jurisdiction in the United States or United States Territories shall see General Order 400-06, **Carrying Concealed Firearms**.

16 QUALIFICATION FOR PHASE DOWN PROGRAM OFFICERS

Officers in the Phase Down Program shall refer to General Order 300-35, **Phase Down Program**, for specific guidelines regarding firearms *qualification*. Any firearm issues not specifically addressed in General Order 300-35, **Phase Down Program**, are governed by this General Order or other applicable department policy.

17 LIMITATIONS

[REDACTED]

[REDACTED]

d. **Under the Influence of Medication.** Officers shall exercise prudence when taking prescribed or over-the-counter medications that may impair their physical or mental faculties. Medications affect individuals differently and numerous medications come with warnings that they may cause drowsiness or other impairing side effects. Officers who take medication or a combination of medications that they know will cause impairment or that have a high probability of causing impairment shall not carry a firearm. Officers shall not carry a firearm while experiencing impairing side effects from any medication.

[illegible]

[illegible]

Officers often own or possess firearms for which they have no reasonable expectation of being called upon to use while acting in a police capacity (e.g., firearms normally used only for hunting or as part of a personal collection). Firearms possessed solely for such purposes and that are never carried while the individuals are acting in the capacity of police officers, need not be registered with the department.

City ordinance prohibits City employees (except classified employees) from carrying firearms or other dangerous weapons while on duty, in a City vehicle, or in any City owned or controlled building, except as provided by federal or state law. Specifically, state law allows a City employee who holds a license to carry a handgun under Subchapter H, Chapter 411, Texas Government Code or who lawfully possesses a firearm, to transport or store a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a City parking lot, City parking garage, or other City parking area that the City provides for its employees.


Art Acevedo
Chief of Police

IACLS.ORG

GENERAL ORDER 400-05

[REDACTED]

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GENERAL ORDER 400-05

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General Order

Houston Police Department



ISSUE DATE:

April 3, 2017

NO.

400-06

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-06, dated April 28, 2015

SUBJECT: CARRYING CONCEALED FIREARMS

POLICY

This General Order applies to all active and retired classified employees desiring to carry a concealed firearm under the Law Enforcement Officers Safety Act of 2004 (LEOSA) as amended by the Law Enforcement Officers Safety Act Improvements Act of 2010 and the National Defense Authorization Act of 2013.

Under LEOSA, qualified active and qualified honorably retired police officers may be allowed to carry a concealed firearm in any jurisdiction in the United States or United States Territories. However, the act does not create a right to do so. Active officers who are carrying a firearm while off duty in another state do not have law enforcement authority unless specifically granted that authority by that state. LEOSA pertains only to the authority to carry concealed firearms.

Any state may restrict where an officer may carry a concealed firearm while in their jurisdiction. LEOSA does not authorize active or retired officers to carry a firearm in otherwise prohibited locations. Officers should check the laws of the states where they intend to carry to ensure they are in compliance before traveling out of state.

Officers shall be responsible for adhering to LEOSA standards and following all department policies regarding qualification with and carrying and control of firearms.

Retired officers applying for certification to carry a concealed firearm in Texas only shall see General Order 400-05, **Firearms Qualification and Control**, section entitled, *Qualification for Retired Officers*.

DEFINITIONS

Firearm. For the purposes of this General Order, a firearm is any weapon capable of expelling a projectile by the action of an explosive. This includes any lawful ammunition.

A firearm does NOT include any type of:

- a. Machine gun.
- b. Silencer for a firearm.
- c. Destructive device (as defined in 18 United States Code Annotated [U.S.C.A.] §921).
- d. Antique firearm (or replica) made in or before 1898 or firearm using ammunition no longer manufactured.

Qualified Active Officer. An employee of a governmental agency who meets all of the stipulations as outlined in LEOSA. Stipulations include all of the following.

The officer:

- a. Has statutory powers of arrest and is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law.
- b. Is authorized by the employing agency to carry a firearm.
- c. Is not the subject of any disciplinary action by the employing agency that could result in suspension or loss of police powers.
- d. Meets all standards established by the employing agency requiring the employee to regularly qualify in the use of a firearm.
- e. Is not under the influence of alcohol or any intoxicating or hallucinatory drug or substance (see General Order 300-28, **Use of Intoxicants**).
- f. Is not prohibited by federal law from receiving a firearm.

Qualified Retired Officer. Any retired law enforcement officer who meets all of the stipulations as outlined in LEOSA.

LEOSA stipulations include that the individual:

- a. Separated from service in good standing with a public agency as a law enforcement officer.
- b. Prior to separation, had statutory powers of arrest and was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law.
- c. Served as a law enforcement officer for an aggregate of 10 years or more; or after completing any applicable probationary period, separated from service as a law enforcement officer due to a service connected disability as determined by the employing agency.
- d. During the most recent 12-month period, met the agency's or state's standards for training and qualification for active law enforcement officers to carry a firearm of the same type (revolver, semi-automatic, or both) as the concealed firearm.
- e. Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health.
- f. Has not entered into an agreement with the agency, in which that individual acknowledges he or she is not qualified for reasons relating to mental health.
- g. Is not under the influence of alcohol or any intoxicating or hallucinatory drug or substance (see General Order 300-28, **Use of Intoxicants**).
- h. Is not prohibited by federal law from receiving a firearm.

1 RESTRICTIONS

Qualified active and qualified retired officers are permitted to carry a concealed firearm under LEOSA subject to the following restrictions:

Federal Restrictions

- a. Federal, state, and local governments, and sovereign tribal nations can prohibit or restrict the possession of firearms on its properties, airports, buildings, bases, installations, parks, or other designated gun free zones. Additionally, any person, business, or entity is permitted to prohibit or restrict the possession of concealed firearms on property under the control of that person, business, or entity.
- b. Qualified active or qualified retired law enforcement officers must have on their person a current photographic identification (ID) issued by their employing agency or former employing agency if retired. It is also suggested employees carry on their person an additional government photographic ID (e.g., driver license or passport).

HPD Restrictions

- a. Employees shall comply with all department directives, orders, policies, and procedures concerning qualification with and carrying and control of concealed firearms (see General Order 400-05, **Firearms Qualification and Control**).
- b. Active and retired officers who have been issued an ID by HPD are restricted from carrying a firearm if they are under the influence of alcohol or any intoxicating or hallucinatory drug or substance. Active and retired officers are also restricted from carrying a firearm if over-the-counter or prescribed medicine may impair their mental or physical condition.

2 PHOTOGRAPHIC ID REQUIREMENTS

Under 18 U.S.C.A. §926B(d), the photographic ID issued to qualified active officers by their employing governmental agencies is sufficient to comply with the requirements of LEOSA. The Houston Police Department's ID cards for active officers shall contain the language, "The holder qualifies for the right to carry a firearm under federal law, 18 U.S.C.A. §926B."

In order for a qualified retired officer to comply with the requirements of LEOSA, the photographic ID must be issued by the agency from which the individual separated from service. The retired officer must also be tested and found to meet the standards for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

The identification issued by the Houston Police Department to retired officers qualifying under LEOSA shall contain the language, "The holder qualifies for the right to carry a firearm under federal law, 18 U.S.C.A. §926C."

When questions arise regarding the legal status of a person who is carrying a firearm under LEOSA, classified officers shall consult the Harris County District Attorney's Office. If there is a question regarding the validity of a particular ID, the issuing agency shall be contacted.

3 PROCEDURES AFTER SEPARATION FROM HPD

Upon initial separation, honorably retired HPD officers may be issued a photographic departmental identification by the Employee Services Division (ESD) indicating their retirement status.

Applications to carry a concealed firearm should be submitted to ESD no more than two weeks prior to the retirement date. ESD shall verify that all the requirements have been met prior to certification.

Upon approval, applicants shall be required to demonstrate firearm proficiency prior to receiving certification. The proof of proficiency shall be for the same type of firearm as the concealed firearm.

4 RENEWAL OF ID WITH CERTIFICATE OF FIREARM PROFICIENCY

ESD shall conduct an internal review, criminal history check, and state driver license verification on all renewal applicants. TCOLE licenses may be checked since retired police officers might be working as peace officers for other law enforcement agencies.

Correspondence, including the results of the background check and firearm proficiency test, shall be prepared by ESD and forwarded to the Office of Legal Services for review. Upon final approval, ESD shall issue the retiree the appropriate honorably retired ID with certificate of firearm proficiency.

5 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

100-03, Definitions of Terms
200-08, Conduct and Authority
200-16, Firearm and Soft-Impact Weapon Discharges
300-10, Transitional Duty Assignment
300-15, Appearance and Grooming Standards – Classified
300-28, Use of Intoxicants
300-35, Phase Down Program
400-02, HPD Badges, Identification Cards, and Challenge Coins
400-05, Firearms Qualification and Control
500-01, Effecting Arrests and Searches
600-05, Special Threat Situations
600-17, Response to Resistance
700-01, Property/Evidence Control Regulations
18 U.S.C.A. §921, §926B, and §926C


Art Acevedo
Chief of Police


Approved
Art Acevedo
Chief of Police

3/31/2017

General Order

Houston Police Department



ISSUE DATE:

September 17, 2018

NO.

400-07

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-07, dated October 17, 2005

SUBJECT: VEHICLE USE AND ASSIGNMENT

POLICY

Department vehicles are assets belonging to or under the control of the City of Houston and are provided to employees for the purpose of carrying out police missions. All department vehicles are allocated to divisions or assigned to specific personnel through the authority and approval of the Chief of Police.

This General Order applies to all employees.

DEFINITIONS

City Vehicle (a.k.a. Department Vehicle). For purposes of this General Order, these terms are used interchangeably to refer to a vehicle owned or leased by the City of Houston or assigned by an outside agency, including a federal agency, for use by the Houston Police Department.

Motor Pool Vehicles. Department vehicles available for authorized employees to temporarily check out to use while performing official City business. These vehicles include motor pool vehicles assigned to the HPD Fleet Unit or to an HPD command, office, division, or unit and are differentiated in this General Order when policies differ as either Fleet Unit motor pool vehicles or *divisional* motor pool vehicles.

Operational Necessity. The fact of being critical to operational continuity and/or functions in fulfillment of the mission of the Houston Police Department. As applied in this General Order, take-home vehicle assignments, either permanent or rotational, are determined by *operational necessity* when vehicle resource availability is immediately required or expected.

Out-of-Town Travel. A destination to which it cannot be reasonably expected that an employee can travel, conduct business, and return within a business day.

Permanent Take-Home Vehicle. A department vehicle assigned to an employee who, because of assignment and/or job duties, is deemed to have a perpetual need for a take-home vehicle with home storage privileges based on, but not limited to, *operational necessity*. The employee is generally assigned to a division in which employees are on-call and often are:

- a. Routinely called out to perform an assignment beyond normal duty hours.
- b. Required to report directly to various work sites.
- c. Required to carry and/or maintain specialized equipment.

Primary Household. For purposes of this General Order, a *primary household* is where an employee resides on a regular basis. This includes an employee's true, fixed, principal, and

permanent home to which that employee intends to return and remain even though currently residing elsewhere. The Chief of Police reserves the right to make the final determination of *primary household* considering evidence such as, but not limited to, driver licenses, voter registration rolls, homestead exemptions, property tax rolls, registered utilities, and mailing addresses.

Rotational Take-Home Vehicle. A department vehicle rotationally assigned as a take-home vehicle to divisional employees sharing on-call status in increments of 90 *calendar* days or less. Rotational take-home vehicle assignments are not a requirement of a position, but are based on the needs of a division. Officers with rotational on-call assignments that cumulatively last more than 90 *calendar* days in the *calendar* year shall pay the *take-home vehicle fee* only for the time period over the 90 *calendar* days in the same *calendar* year.

Take-Home Vehicle Committee (THVC). Committee appointed by the Chief of Police to hear, review, and recommend which job duties or assignments are such that take-home vehicle assignments are appropriate and beneficial to the department. The THVC evaluates employee requests for take-home vehicle assignments and makes recommendations to the Chief of Police. These recommendations are based on, but not limited to, *operational necessity*.

Take-Home Vehicle Fee. A fee assessed to employees assigned a permanent take-home vehicle or, in some cases, a *rotational take-home vehicle* as noted above to reimburse the City for non-City business driving. The fee is paid via payroll deduction.

1 VEHICLE ALLOCATION

City vehicles shall be allocated based on documented needs, available resources, and department goals. See General Order 400-20, **Vehicle Allocation**.

2 GENERAL GUIDELINES

No employee has a right or entitlement to the use of a City vehicle. Employees, by nature of job assignments and responsibilities, will be assigned and/or allowed to use City vehicles at the discretion of the Chief of Police.

Employees who operate a City vehicle shall adhere to the rules and restrictions outlined in this General Order and other applicable department policies. Employees who utilize vehicles owned or leased by an outside agency (e.g., federal vehicles) shall follow any additional rules and restrictions for the use of those vehicles as set by the providing agency.

Employees shall adhere to the reporting requirements of relevant General Orders. See General Orders 200-02, **Employees Facing Legal Action** and 400-08, **City Vehicle Crashes**.

Driving a motor vehicle is an essential job function necessary to the carrying out of the duties of a police officer. Therefore, all classified employees shall maintain a current valid Texas driver license.

On an annual basis, the department shall obtain and review the driving record of each employee (see General Order 200-11, **Employee Integrity Program**). Employees shall be disqualified from driving a City vehicle if they:

- a. Do not have a current valid Texas driver license.
- b. Have been convicted of a felony involving the use of a motor vehicle.
- c. Have been convicted of DWI or DUI within 36 months prior to review.
- d. Have been convicted of any combination of three moving violations or at-fault crashes within 36 months prior to review.

Neither the City nor the department is required to find or create a new position to accommodate an employee who has been disqualified from driving on City business. The disqualified employee may apply for a posted position anywhere in the City, including the employee's own department, for a non-driving position for which the employee qualifies.

3 ASSIGNMENT OF TAKE-HOME VEHICLES

Only the Chief of Police may authorize the assignment of take-home department vehicles.

Requests for assignment of take-home vehicles shall be evaluated by the *Take-Home Vehicle Committee* (THVC), which shall make a recommendation to the Chief of Police. All forms mentioned herein and related to take-home vehicle assignments are available on the department's Intranet Portal.

Employees assigned a take-home vehicle, whether permanent or rotational, shall submit a *Take-Home Vehicle Assignment* form to the chair of the THVC. This form shall be resubmitted when changes occur (e.g., address change, change in vehicle). This form is required regardless of the funding source or vehicle provider and regardless of any exemption from the take-home vehicle fee. Failure to update this information may result in the suspension of take-home vehicle privileges.

Unless given an exemption, all employees assigned a *permanent take-home vehicle* shall pay the take-home vehicle fee. See the definition of *rotational take-home vehicle* for information about when the take-home vehicle fee applies to a *rotational take-home vehicle*. To authorize the payroll deduction, the employee shall complete and submit a *Take-Home Vehicle Fee Authorization* form to the THVC via their division commander. It is the employee's responsibility to complete and submit a *Take-Home Vehicle Fee Cancellation* form to the THVC when the take-home vehicle fee no longer applies.

All employees who have received authorization to have a take-home vehicle are reminded that the authorization is valid for only the residence address and job assignment and duties listed at the time of approval. An employee who changes residence or job assignment or duties after receiving prior approval must resubmit an application to the THVC and meet the current guidelines to retain take-home vehicle privileges.

Mileage Radius Limit

All employees authorized a take-home vehicle must reside within a 30-mile radius (one way) from the Houston Police Department Edward A. Thomas Building located at 1200 Travis Street, Houston, Texas. The executive assistant chief of the requesting employee may make an exception to this mileage limit of up to a 50-mile radius (one way) from the Edward A. Thomas Building (1200 Travis). However, outside agencies, e.g., federal agencies, may impose more restrictive residential mileage radius limits for take-home vehicles they provide the department. In such cases, division commanders are responsible for ensuring compliance.

The determination of the distance from the Edward A. Thomas Building shall be based on the *primary household* of the employee. The distance shall be determined by a straight line measurement of miles. If it is questionable whether an employee's *primary household* is within the applicable mileage radius limit the employee shall prepare and submit correspondence through the chain of command to the Chief of Police describing where the residence is located and clarifying the nature of the ambiguity.

No employee may park a department vehicle at a non-assigned location and then continue his daily commute beyond the applicable mileage radius limit in order to circumvent the intent of this General Order. Employees shall not operate City vehicles for non-City business driving outside the area that includes Harris County and its surrounding counties (Montgomery, Liberty, Chambers, Galveston, Brazoria, Fort Bend, and Waller). Travel directly to and from the employee's permanent work assignment(s) is excluded from this order and is governed by the applicable take-home vehicle mileage radius limit.

Absences

Employees assigned a take-home vehicle and who will be absent from duty for more than five consecutive working days, shall ensure their assigned vehicle is available on police property during that time period for use by others, as determined by the division commander.

4 MOTOR POOL REGULATIONS

Motor pool vehicles, both Fleet Unit and *divisional*, are to be used for official City business only. Motor pool vehicle usage records are audited and improper use of a motor pool vehicle shall lead to disciplinary action. No motor pool vehicle shall be assigned as a take-home vehicle unless authorized by this General Order or the Chief of Police.

The HPD Fleet Unit and all Command Staff members shall:

- a. Ensure motor pool vehicles assigned to their respective organizational units are inspected on a regular basis and that vehicle condition is properly recorded.
- b. Maintain a central location for the storage of keys to motor pool vehicles assigned under their direct control.

Checkout

Employees shall follow the below guidelines when checking out a motor pool vehicle:

- a. Employees must have an immediate need for the vehicle.
- b. Employees may check out a vehicle for the duration of their duty hours with their division commander's approval.
- c. In order to check out a *divisional* motor pool vehicle, employees shall properly complete the vehicle usage log. To check out a Fleet Unit motor pool vehicle, employees shall complete a motor pool slip and give it to motor pool personnel in the Transportation Office. Employees shall retain a copy of the slip until the vehicle is returned.
- d. Prior to operation employees shall inspect the assigned vehicle and note the starting mileage. Any damage to the vehicle shall be reported immediately to the appropriate supervisor. Additionally, any damage to a Fleet Unit motor pool vehicle shall be reported immediately to the Transportation Office. Damage not reported prior to operation shall be assumed to have occurred while the vehicle was in the employee's possession. This does not preclude the reporting of crashes as required under department policy.

Overnight Use

Employees may check out a vehicle from the *divisional* motor pool for overnight use with the approval of a supervisor in the employee's division who holds the rank of lieutenant or higher or civilian equivalent. The division shall maintain documentation of the use and approval.

Long-Term Use

Long-term temporary motor pool vehicle checkouts are appropriate for authorized *out-of-town travel* or when an assigned take-home vehicle is unavailable for more than 48 hours due to repairs.

Long-term temporary motor pool vehicle checkouts not involving take-home privileges require approval of the employee's division commander.

Parking

Motor pool vehicles shall be parked in authorized areas only.

Check-In

When there is no longer an immediate need for a motor pool vehicle, employees shall check in the vehicle without delay. For HPD Fleet Unit motor pool vehicles, Fleet Unit personnel shall monitor the Central Police Complex and surrounding parking areas to ensure compliance with this policy.

Employees shall follow the below guidelines when checking in a motor pool vehicle:

- a. Employees shall return a motor pool vehicle by parking it in an authorized area. A Fleet Unit motor pool vehicle shall be parked in the motor pool turn-in area at the central police garage.

- b. All trash and personal property shall be removed from the vehicle by the employee returning the vehicle. The department is not responsible for items left in a motor pool vehicle.
- c. Employees returning a vehicle shall physically inspect the vehicle upon return. Any damage to a vehicle shall be reported immediately to the appropriate supervisor. Additionally, any damage to a Fleet Unit motor pool vehicle shall be noted on the motor pool return slip and reported immediately to the Transportation Office. This does not preclude the reporting of crashes as required under department policy.
- d. The vehicle's keys shall be returned to the appropriate personnel or storage place. Keys to Fleet Unit motor pool vehicles shall be returned to the Transportation Office or, if after hours, to the Motor Pool drop box, which is located in front of the Transportation Office.
- e. Employees shall record the ending mileage on the appropriate log or form.
- f. For Fleet Unit motor pool vehicles, the employee shall sign the motor pool return slip. Motor pool inspection personnel shall inspect the vehicle and countersign the motor pool return slip.

Duplicate Keys

Only authorized personnel from the HPD Fleet Unit may make duplicate keys for a motor pool vehicle.

Motor Pool Records

The HPD Fleet Unit and all Command Staff members shall maintain accurate records as noted below on all department vehicles assigned under their direct control. Records shall include:

- a. An accurate inventory of the vehicles.
- b. A log for recording vehicle usage including:
 - 1. Appropriate vehicle identification information.
 - 2. Name and employee number of employee checking out the vehicle.
 - 3. Date and time of checkout and check-in.
 - 4. Mileage at checkout and check-in.
- c. A log or form for recording damage to the vehicles.
- d. A log or form for recording the vehicles' regular inspections and condition.

The above records shall be maintained according to the records retention schedule.

5 OPERATING RULES FOR DEPARTMENT VEHICLES

Employees operating a City vehicle shall do so in a safe and responsible manner. Employees shall operate motor vehicles in accordance with the applicable laws of the state of Texas and the City of Houston. Employees shall adhere to any operating rules provided by department policy. Department vehicles:

- a. Shall be used only as authorized by department policy.
- b. Shall be driven by only authorized department employees, unless approved by a supervisor or directed by a police employee during an emergency.
- c. Shall be driven by only employees who possess a valid and appropriate Texas driver license. The Chief of Police reserves the right to require Defensive Driving Certification (DDC) training or any other training on a routine or special basis for any employee who operates a City vehicle. An employee who causes a motor vehicle crash while driving a City vehicle regardless of previous DDC training attendance shall be required to make every reasonable attempt to successfully complete DDC training.
- d. Shall be parked in a legal manner except during emergency situations.
- e. Shall not be placed in motion until the driver and all passengers have been fastened in their available seat restraints (e.g., seat belts and shoulder harnesses).
- f. Shall be inspected by the employee before being driven and any unsafe condition, disrepair, or damage shall be reported to a supervisor immediately.
- g. Shall not be modified without prior authorization from the appropriate department official.
- h. Shall not be used to haul any type of cargo unless the cargo is properly secured and the height of the cargo is such that it will safely pass under obstructions along the intended route.
- i. Are subject to all tolls, parking, or other fees associated with driving a City vehicle and utilizing such services. Employees shall be personally liable for any citations or violations of this provision. It is incumbent on employees to register their take-home vehicle license plates for appropriate toll road access privileges. Toll and other fees may be reimbursed upon the presentation of appropriate documentation.
- j. Shall be kept clean (see section 6 of this General Order, *Care and Maintenance of Vehicles*).
- k. May be used for *out-of-town travel* to conduct City business with the prior approval of the Chief of Police or designee when this mode of travel is the most cost effective. See General Order 200-17, **Travel Authorization and Reimbursement Procedures**.
- l. May be subject to additional restrictions regarding operation and use at the discretion of the Chief of Police.

Consumption of alcoholic beverages in a City vehicle by a driver or passenger is prohibited. No alcoholic beverage container shall be allowed in a City vehicle unless it is in the scope of the employee's duties or responsibilities (see General Order 300-28, **Use of Intoxicants**, section 3, *Exceptions*).

Employees shall not drive a City vehicle while under the influence of alcohol or a controlled substance. Employees using prescription or non-prescription medication or substances having side effects that may hinder or impair safe driving shall not drive a City vehicle.

Utilizing earphones or non-emergency use of electronic devices while driving a City vehicle is prohibited. The use of cellular telephones in hands-free mode is permitted.

Employees are prohibited from using any tobacco product or electronic cigarette or charging an electronic cigarette in a City vehicle. See General Order 200-31, **Smoking, Tobacco Use, and Electronic Cigarettes**.

Employees operating City vehicles shall conduct a vehicle check upon taking care, custody, and control of the vehicle to ensure that no weapon, narcotic, or item of evidence is in the vehicle prior to operation. All vehicles used for patrol type functions shall be checked at the beginning and end of each shift, as well as immediately after transporting a prisoner, suspect, or citizen for any reason. All other City vehicles shall be searched immediately prior to and immediately following the transportation of a prisoner, suspect, or citizen for any reason.

Employees shall ensure no bumper sticker, sign, or insignia is placed anywhere on a department vehicle without the authority of the Chief of Police.

Attention to Duty

Classified employees, at all times while operating a City vehicle, shall maintain radio contact with the department. Officers shall monitor the radio channel corresponding to the districts through which they travel. Officers shall serve as a supplementary force to the regular police units, taking appropriate police action when necessary.

Civilian employees, at all times while operating a City vehicle, shall be prepared to notify the police dispatcher of any situation warranting immediate police attention.

6 CARE AND MAINTENANCE OF VEHICLES

All department vehicles shall receive regular preventative maintenance checks. Division vehicle coordinators shall receive biweekly preventive maintenance forecasts by the City of Houston's Fleet Management Department (FMD). Based on this information, division vehicle coordinators shall contact FMD personnel to schedule needed vehicle preventive maintenance work. If a major repair is needed during the check, the vehicle shall remain in the shop until the problem is corrected. Notification of such action shall be given to the appropriate division or individual.

Employees with take-home vehicles are responsible for ensuring that all required maintenance is performed. Replacement vehicles may be provided with proper authorization for take-home vehicles due to regular preventative maintenance or repair.

All employees who drive a department vehicle shall:

- a. Secure the vehicle and all department owned items in the vehicle.
- b. Empty the vehicle interior of debris and trash after each use.
- c. Keep the interior and exterior of the vehicle clean and presentable.
- d. Add fuel to the vehicle under their control when needed.
- e. Routinely check tire air pressure and fluid levels, particularly engine oil, when filling up with gas.
- f. Enter all required information into the Automated Fuel Information System terminal or obtain fuel via other department approved methods (e.g., Voyager Card, reimbursement).

Before employees refuel a nondepartment vehicle, division commanders must send written approval to the Transportation Office via the chain of command on the approved Appendix B travel/training form. Drivers shall ensure that all information is provided to the Transportation Office.

Vehicle Abuse

The Fleet Unit shall report through the appropriate chain of command any known abuse or neglect of a police motor vehicle. The Chief of Police may revoke privileges for the use of a City vehicle for an employee found to abuse, neglect, or otherwise keep a City vehicle in an unrepresentable condition.

Employees may be held liable for damages to vehicles and required to make full restitution to the City for repair costs in cases of vehicle abuse. Vehicle abuse includes, but is not limited to:

- a. Excessively racing a cold engine.
- b. Continuing to operate a vehicle or item of equipment when engine instruments or warning lights indicate malfunctions.
- c. Overloading a vehicle or using it for purposes other than those for which it was designed.
- d. Failing to ensure that the appropriate preventative maintenance is accomplished.

7 DISABLED VEHICLES

When a City vehicle needs to be serviced or repaired, employees shall:

- a. Take the vehicle to the assigned or nearest City garage facility.
- b. Park the vehicle in the appropriate repair lot.
- c. Complete a shop card and submit it to the garage supervisor.

Employees operating a department vehicle that becomes disabled shall notify the dispatcher and remain with the vehicle until it is removed by a department approved wrecker.

8 VEHICLE INSURANCE

Employees are insured by the City of Houston for liability to a third person arising from the operation, maintenance, or use of motor vehicles *owned or leased by the City*.

Employees need not carry insurance riders to provide liability coverage for the operation, maintenance, or use of motor vehicles *owned or leased by the City of Houston*; therefore, no reimbursement for such riders will be honored by the City of Houston.

Employees who operate a vehicle *owned or leased by an outside agency*, e.g., a federal agency, shall verify if the outside agency provides insurance on the vehicle for use during official City business.

9 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-02, Employees Facing Legal Action

200-11, Employee Integrity Program

200-17, Travel Authorization and Reimbursement Procedures

200-31, Smoking, Tobacco Use, and Electronic Cigarettes

300-17, Employee Drug and Alcohol Testing

300-28, Use of Intoxicants

400-08, City Vehicle Crashes

400-20, Vehicle Allocation

City of Houston Administrative Procedure No. 2-5 Revised, Authorization and Reimbursement for Local and Out-of-Town Travel and Travel Related Expenses



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 24, 2020

NO.

400-08

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-08, dated March 2, 2012

SUBJECT: CITY VEHICLE CRASHES

POLICY

All traffic crashes involving City vehicles or equipment, whether on public or private property, and whether the City vehicle is being driven, is occupied, or is parked, shall be reported immediately by the employee having care and custody of the vehicle or equipment at the time of the crash.

City vehicle crashes that occur on a freeway or major roadway shall be immediately moved to a safe site off the freeway or roadway when no person is injured and each involved vehicle can be normally and safely driven. Vehicles are not to be moved to the shoulder of the roadway, but are to be moved to a location completely off the roadway. An officer who is involved in a crash in which no one is injured shall immediately notify the dispatcher and then move the vehicle off the roadway. If any person reports an injury, only a Vehicular Crimes Division supervisor may authorize the crash to be moved off the freeway to a safe location completely off the roadway.

This General Order applies to all employees.

DEFINITIONS

Blue Form. The Texas Department of Transportation's *Driver's Crash Report* (Form CR-2) available on the department's Intranet Portal.

City Vehicle. For purposes of this General Order, a vehicle owned or leased by the City of Houston or a department of the City of Houston.

Crash Investigation Area (CIA). The geographic area that falls within the boundaries of the city limits of Houston, Texas or within a 30-mile radius from the Houston Police Department Edward A. Thomas Building (Police Headquarters).

Crash Packet. The documentation associated with the administrative investigation regarding an employee's City vehicle crash.

Crash Report. The Texas Department of Transportation's *Texas Peace Officer's Crash Report* (Form CR-3) contained in the *Crash Reporting for a Safer Houston* (CRASH) system accessible via a mobile computing device (MCD) or the department's Intranet Portal.

Damage to Shop. For purposes of this General Order, minor dents, scratches, dings, or similar cosmetic damage to a City vehicle and that are reasonably estimated to require less than \$1,000 to repair and are logged by the division in custody of the City vehicle.

1 REPORTING REQUIREMENTS

If a City vehicle crash occurs within the city limits of Houston, the involved employee shall immediately notify the Emergency Communications Division. The immediate supervisor of an employee involved in a City vehicle crash shall be contacted by the involved employee as soon as possible and the supervisor shall report to the scene if on duty. If the supervisor is not on duty or is not readily available, an alternate on-duty supervisor from the employee's division shall be notified by the involved employee and the alternate supervisor shall report to the scene.

If a City vehicle crash occurs outside the city limits of Houston, but within the *Crash Investigation Area* (CIA), the involved employee shall notify the law enforcement agency having jurisdiction over the crash location and an on-duty Vehicular Crimes Division supervisor as soon as possible.

Any employee involved in a crash with a City vehicle outside the CIA shall have a crash or incident report prepared in accordance with the procedures of the law enforcement agency having jurisdiction over the crash location. Employees involved in City vehicle crashes that are not investigated by the Vehicular Crimes Division shall generate correspondence describing the incident. The correspondence and a copy of any reports generated by the outside agency shall be sent through the chain of command to the Vehicular Crimes Division. If the outside agency refuses to generate any type of report, the HPD employee involved in the crash shall document the names of the persons and circumstances connected with the event in correspondence that shall be forwarded through the chain of command to the Vehicular Crimes Division.

If the City vehicle crash occurs outside the CIA and involves *serious bodily injury* or a fatality, the employee shall notify the Command Center as soon as possible.

In all cases, the employee shall obtain the below listed information from all persons involved in the crash unless the information is obtained by a Vehicular Crimes Division officer investigating the crash, the employee is incapacitated, or the employee is advised otherwise by a supervisor:

- a. Complete names, addresses, and telephone numbers (home, cellular, and business).
- b. Driver license number and other identification when applicable.
- c. Make, model, year, vehicle identification number, and license plate number of all vehicles involved.
- d. Name, address, telephone number, and policy number of the vehicle owner's insurance carrier.
- e. Witness information, including complete names, addresses, and telephone numbers (home, cellular, and business).

An incident that does not involve an unstable situation with at least one vehicle in motion (e.g., door ding, cracked windshield from minor road debris) is not a crash and shall not be investigated as a City vehicle crash. The employee in custody of the City vehicle shall immediately report the damage to an on-duty supervisor. The notified supervisor may classify the incident as *Damage to Shop* and may conduct an investigation under General Order 400-18, **Responsibility for City and Other Government Property**, if appropriate.

2 CRASH INVESTIGATION

Unless the City vehicle crash involves an exception from section 3 of this General Order, the dispatcher shall assign a Vehicular Crimes Division investigator and supervisor to investigate any City vehicle crash occurring inside the CIA that involves any of the following:

- a. An HPD or Houston Fire Department (HFD) vehicle.
- b. *Serious bodily injury* or a fatality or a possible fatality to any person.

The dispatcher shall assign a patrol unit to investigate City vehicle crashes that occur within the city limits and that do not meet the above criteria.

The investigating officer shall confirm that the involved employee has notified an on-duty supervisor from the employee's division. The investigator shall complete the crash investigation in accordance with standard operating procedures and document the incident by generating a *Crash Report*, which is contained in the *Crash Reporting for a Safer Houston* (CRASH) system accessible via a mobile computing device (MCD) or the department's Intranet Portal. The Vehicular Crimes Division supervisor shall give a 48-hour notice and administrative crash questionnaire to any HPD employee involved in a City vehicle crash.

In the event that a citizen is seriously injured or killed as a result of a City vehicle crash, the Vehicular Crimes Division supervisor shall be responsible for notifying the next of kin as soon as possible.

If a City vehicle crash occurs at a signalized intersection and is a major crash involving fatalities or possible fatalities, the Vehicular Crimes Division supervisor shall advise the dispatcher to notify the City of Houston's Department of Public Works and Engineering of the incident.

The investigator shall determine whether employees while driving or riding in a City vehicle were wearing their seat restraints (i.e., seat belts and shoulder harnesses) at the time of the crash and shall include that information in the *Crash Report*.

Under no circumstances shall an employee give a *Blue Form* to any person for a City vehicle crash or *Damage to Shop* incident.

3 EXCEPTIONS

All incidents of a City vehicle making accidental contact with a vehicle or person without apparent injury or damage may be classified as *Damage to Shop* with the consent of the involved citizen(s). The notified supervisor shall conduct a preliminary investigation. The notified supervisor shall obtain a voluntary recorded statement from the involved citizen(s) that they do not wish to have a *Crash Report* generated and that they have no injuries from the crash. After obtaining such a statement from each involved citizen, the notified supervisor shall conduct a 360-degree review of all involved vehicles in order to document the lack of apparent damage. The notified supervisor shall use a body worn camera (BWC) to obtain both this statement and the 360-degree review. In the event that the citizen does not give this voluntary recorded statement, the City vehicle crash shall be investigated as normal.

The notified supervisor may also classify a City vehicle crash that does not involve a person or non-City vehicle as *Damage to Shop* if the supervisor estimates the damage to the City vehicle to be less than \$1,000, the crash does not involve any damage to a fixed object, and no employee sustains any injury. Examples of such crashes include a City vehicle bumping into a parking pole with minor damage to the vehicle and no damage to the pole, a City vehicle backing into another City vehicle in the parking lot with minor damage to both vehicles, or a City vehicle striking a curb or debris with minor damage to the vehicle. The notified supervisor should consult a Vehicular Crimes Division supervisor if there is any question about whether a crash may be classified as *Damage to Shop*.

Any intentional act that inadvertently causes a collision involving a City vehicle *may* be investigated as a City vehicle crash at the discretion of the notified Vehicular Crimes Division supervisor. An example of such a crash would be a suspect attempting to hit an officer on foot and inadvertently striking a City vehicle. The resulting *Crash Report* shall not be submitted to the Texas Department of Transportation. The Vehicular Crimes Division shall not generate a *Crash Packet* unless an involved employee was not wearing his seat restraint as required by policy at the time of the crash. Any crash involving the PIT Maneuver shall be investigated as required by General Order 600-04, **Motor Vehicle Pursuits**.

4 COMMAND CENTER NOTIFICATION

The first supervisor making the scene of a crash involving an on-duty City employee or a City vehicle shall immediately notify the Command Center of the incident, if the crash:

- a. Involves a fatality or a possible fatality.
- b. Involves an employee or citizen who is transported for serious injuries.
- c. Involved three or more City vehicles.
- d. Involves a vehicular police pursuit.
- e. Creates a hazardous condition that could endanger life (e.g., damaged bridge or overpass, downed electrical lines).
- f. Is likely to draw the attention of the media.

In these situations, the supervisor shall provide the following information:

- g. The number of fatalities.
- h. The name and number of persons seriously injured.
- i. The number of vehicles involved.
- j. The time and location of the crash.
- k. The name, division or assignment, and telephone number of the person investigating the crash.

The Command Center shall immediately provide the above information to the City of Houston Risk Management Division's Safety Section. The crash investigation shall not be delayed in order to await the arrival of Safety Section personnel.

5 ADMINISTRATIVE INVESTIGATION OF POLICE VEHICLE CRASHES

Upon completion of the investigation regarding an HPD employee involved in a City vehicle crash, the Vehicular Crimes Division shall forward a copy of the *Crash Packet* to the involved employee's command.

Upon receiving the *Crash Packet* from the involved employee's command, the HPD employee involved in a City vehicle crash shall prepare correspondence detailing the circumstances of the crash. The employee's supervisor shall complete the *Police Vehicle Crash Information Worksheet*, supplied by the Vehicular Crimes Division, and reference the *Crash Investigation and Disciplinary Procedure Review Sheet* and accompanying *Supervisor Checklist*, available on the department's Intranet Portal, for additional requirements. Employees and supervisors should be aware that the administrative questionnaire and correspondence are not taken into account by the Vehicular Crimes Division investigator while completing the *Crash Report*.

The employee's supervisor shall forward the *Crash Packet* and all correspondence associated with the crash through the chain of command to the employee's assistant chief. If the crash is classified as *At-Fault* or *Double-Fault* or involves any employee who was not wearing a seat restraint as required by policy at the time of the crash, the correspondence shall be addressed to the Chief of Police.

6 CRASH REVIEW BOARD

The Crash Review Board (CRB) shall review all *Crash Packets* and associated correspondence. The CRB shall make recommendations regarding disciplinary action on all City vehicle crashes regardless of cause or fault. The CRB may take the crash investigation and the administrative questionnaire or correspondence into account when making a recommendation regarding discipline or fault. The CRB shall cover the *Crash Packet* with a letter to the Chief of Police indicating their recommendation regarding the outcome of the Crash (At-Fault, Not At-Fault, etc.) and discipline, if applicable.

The CRB shall be comprised of classified employees recommended by the board's presiding assistant chief and confirmed by the Chief of Police. Board members shall include one assistant chief who shall be the chairperson (appointed by the Chief of Police), one commander, one lieutenant, one sergeant, one police officer, and one representative from the majority bargaining agent (MBA), who shall have been selected by the MBA or named as their alternate and approved by the Chief of Police. Unless amended by the Chief of Police, all terms of office shall be for one year, as follows:

- | | |
|--------------------|-------------------|
| a. Assistant chief | June 1 - May 31 |
| b. Commander | Oct. 1 - Sept. 30 |
| c. Lieutenant | Aug. 1 - July 31 |
| d. Sergeant | Sept. 1 - Aug. 31 |
| e. Police officer | Sept. 1 - Aug. 31 |

f. MBA

Sept. 1 - Aug. 31

The Vehicular Crimes Division shall provide staff support to the CRB by compiling and providing fleet crash statistical data as requested. The Employee Services Division shall provide staff support to the CRB by documenting personnel actions arising from fleet crashes. The driver training staff of the Training Division shall serve in an advisory capacity to the CRB and act on any recommendations and suggestions relative to improving the department's fleet safety driver training.

7 CRASHES INVOLVING NON-CITY VEHICLES OPERATED BY OR ASSIGNED TO EMPLOYEES

Special circumstances exist when employees, as part of their duties with the Police Department, operate or are assigned vehicles that are not owned or leased by the City of Houston or the department. The following procedures and requirements shall apply to crashes involving such non-City vehicles.

Solo Motorcycles

The provisions under this subsection apply to crashes involving solo motorcycles operated by officers assigned to the Solo Motorcycle Detail and "non-assigned" officers registered with the Solo Motorcycle Detail for the purpose of extra employment.

Crashes involving solo motorcycles that occur while the employee is on duty or performing extra employment shall be investigated by the Vehicular Crimes Division. Each investigation shall be handled and subject to the same provisions, procedures, and requirements established in this General Order for crashes involving City vehicles or police vehicles, including referral to the CRB and consideration for possible discipline.

Crashes involving solo motorcycles that occur while the employee is off duty shall be investigated by the Vehicular Crimes Division if it occurs within the city limits of Houston. The Vehicular Crimes Division shall not generate a *Crash Packet* for crashes involving solo motorcycles that occur while the employee is off duty and not performing extra employment at the time of the crash.

Employees shall notify their division commander in writing of any crash that is not investigated by the Houston Police Department.

Vehicles Owned or Leased by an Outside Agency

The provisions under this subsection apply to crashes involving vehicles that are owned or leased by outside agencies such as the Federal Bureau of Investigation (FBI) or other federal or state agencies and that are assigned to employees by virtue of their employment with the Houston Police Department.

Crashes involving vehicles owned or leased by outside agencies and that occur while an employee is on duty shall be investigated by the Vehicular Crimes Division. The investigation shall be handled and subject to the same provisions, procedures, and requirements established in this General Order for crashes involving City vehicles or police vehicles, including referral to the CRB and consideration for possible discipline.

Crashes occurring while an employee is off duty shall be investigated by the Vehicular Crimes Division if it occurs within the city limits of Houston. The Vehicular Crimes Division will not generate a *Crash Packet* for crashes involving outside agency vehicles and that occur while the employee is off duty.

Employees involved in an outside agency vehicle crash shall notify their division commander in writing of the crash. The employee shall provide copies of any reports or correspondence received from the outside agency regarding the crash including any notice received by the employee that the outside agency is conducting an administrative investigation into the crash. These documents shall be provided to the employee's supervisor. The supervisor shall provide the documents to the Vehicular Crimes Division if that division is investigating the crash on behalf of the department.

8 CORRECTIVE ACTION

The Chief of Police reserves the right to require any employee to attend the At-Fault Crash Remediation course or the pursuit driving course when the employee is involved in a crash while operating a City vehicle, regardless of fault. This includes a crash while operating a solo motorcycle or outside agency vehicle while on duty. Required attendance at the At-Fault Crash Remediation course or the pursuit driving course shall not preclude appropriate disciplinary action or restitution.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

April 30, 2021

NO.

400-12

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-12, dated December 12, 2019

SUBJECT: SURVEILLANCE EQUIPMENT

POLICY

The Houston Police Department shall uphold the values enshrined in the U.S. Constitution and follow all federal, state, and local laws governing the use of surveillance equipment. HPD employees utilizing surveillance equipment shall remain cognizant and mindful of the implications of the Fourth Amendment in their use of such equipment.

This General Order applies to all employees.

DEFINITIONS

Authorized Divisions. Divisions or personnel authorized by the Chief of Police to acquire or utilize *surveillance equipment*. *Authorized divisions* may consult with Technical Surveillance Detail (TSD) as necessary before acquiring or utilizing surveillance equipment.

Surveillance Equipment. Any equipment (e.g., audio, video, infrared, thermal imaging, or tracking device) designed specifically for covert surveillance.

1 GENERAL PROVISIONS

All employees using any type of surveillance equipment shall be properly trained in its operations and legal restrictions. Division commanders shall ensure their personnel are properly trained by the appropriate entity before officers are allowed to seek or operate surveillance equipment (e.g., the District Attorney's Office for legal issues and the equipment vendor or qualified department personnel for proper operational use).

Employees who are not properly trained shall not use surveillance equipment.

Only authorized divisions and personnel are permitted to purchase or receive surveillance equipment. Whenever the use of surveillance equipment is required in an investigation, divisions and personnel not authorized by this policy shall utilize the services of the Technical Surveillance Detail (TSD) of the department's Criminal Intelligence Division (CID).

The use of any audio or video equipment by an employee for department purposes shall be governed by all applicable laws and department policy. Such use must also be approved by the employee's immediate supervisor.

Covert surveillance equipment shall only be used as part of a criminal investigation.

Equipment for personal use or equipment not specifically designed for covert use (e.g., video equipment used in marked patrol vehicles, manned cameras, personal recording devices, home surveillance equipment, or exposed monitoring, building security, audio, and

video interview systems) are not governed by this General Order. If there is a question concerning a piece of equipment, employees shall contact CID.

2 AUTHORIZATION

The following divisions are authorized by the Chief of Police to acquire *surveillance equipment* in compliance with normal equipment procurement policies:

- a. Air Support
- b. Auto Theft
- c. Criminal Intelligence
- d. Gang
- e. Internal Affairs Division (IAD)
- f. Major Offenders
- g. Narcotics
- h. Tactical Operations
- i. Vice

All other divisions or personnel shall seek written authorization from the Chief of Police on a case-by-case basis to acquire or utilize *surveillance equipment*. Once approved, the division shall coordinate the acquisition of the surveillance equipment with the assistant chief of Homeland Security Command and CID's Technical Surveillance Detail (TSD).

3 TECHNICAL SURVEILLANCE DETAIL RESPONSIBILITIES

CID's TSD shall be considered the department's Subject Matter Expert (SME) regarding *surveillance equipment*. As the SME, TSD is responsible for all of the following:

- a. Keeping abreast of emerging technology in the surveillance equipment industry.
- b. Ensuring the department has sufficient surveillance equipment.
- c. Maintaining a master database of all department surveillance equipment except equipment assigned to IAD.
- d. Monitoring and controlling surveillance equipment used by divisions that are not authorized to acquire or maintain surveillance equipment.

4 DIVISION RESPONSIBILITIES

All divisions except IAD shall:

- a. Notify TSD of any *surveillance equipment* acquisitions.
- b. Maintain a current, detailed, and accurate inventory of that division's surveillance equipment.
- c. Forward a copy of that division's surveillance equipment inventory to TSD by January 15 of each year.
- d. Utilize the Narcotics Operations Control Center (NOCC) to ensure there are no conflicts during an investigation.

5 COVERT VIDEO RECORDING

TSD is responsible for conducting all covert video recording assignments for all divisions not authorized to maintain covert video recording equipment. *Authorized divisions* not having the required equipment to complete the assignment shall utilize TSD.

This policy shall not restrict classified personnel from using manned video equipment not specifically designed for covert use.

6 COVERT AUDIO RECORDING

Audio *surveillance equipment* (e.g., body microphones and disguised audio transmitters) are specifically intended for officer safety as well as the collection of critical evidence. Except as provided below, only the assistant chief of Homeland Security Command may authorize the placement of disguised audio transmitters and/or covert audio equipment on civilians or citizens. In the absence of the assistant chief of Homeland Security Command, the commander of CID may give authorization.

Proactive Internal Affairs investigators shall seek approval from the IAD commander prior to the use of audio surveillance equipment. IAD is not required by this General Order to obtain an assistant chief's authorization when using audio surveillance equipment. If the requirements of the investigation are so time sensitive that waiting for approval would hamper the investigation, notification to the IAD commander shall be made as soon as practicable after its use.

All other divisions not approved to have audio *surveillance equipment* on a permanent basis shall utilize the services of TSD whenever a covert audio surveillance recording device is required during an investigation.

This policy does not restrict classified personnel from using personal recording devices not specifically designed for covert use (e.g., non-disguised digital voice recorders).

7 ELECTRONIC COUNTERMEASURES

TSD is the only department entity authorized to acquire or use electronic countermeasure equipment. Electronic countermeasure sweeps shall be used only for department and local government personnel and facilities, or as directed by the Chief of Police.

Requests for electronic countermeasure sweep operations involving the department must be made by officers holding the rank of commander or above and approved by the division commander of CID. Operations involving local government facilities or personnel shall be approved by the Chief of Police or his designee. Any requests for electronic countermeasure sweeps not falling within these parameters must be approved by the Chief of Police before the operation commences.

8 SURVEILLANCE EVIDENCE

Each division is responsible for maintaining the proper chain of custody of evidence created as a result of that division's surveillance activity. Any surveillance evidence created shall be retained by the investigative division and evidence control procedures shall be established and documented in that division's standard operating procedures. To ensure compliance, the entire created video evidence shall be preserved in accordance with General Order 700-01, **Property and Evidence Control Regulations**.

9 RADIO FREQUENCIES AND MICROWAVE SITE RECEIVERS

All *authorized divisions* utilizing *surveillance equipment* requiring the use of radio frequencies shall use only frequencies authorized by TSD. Only CID, Air Support, IAD, Narcotics, and Special Operations divisions are authorized to maintain permanent microwave site receivers for surveillance purposes. All other divisions must contact TSD for assistance.

10 VEHICLE TRACKING

Only Auto Theft, Gang, Major Offenders, Narcotics, Vice, CID, and IAD are permitted to maintain vehicle tracking systems on a permanent basis. If a division not permitted to maintain vehicle tracking devices requires the use of a vehicle tracking system, TSD shall be utilized. This section does not apply to global positioning system (GPS) equipment installed in department vehicles.

Divisional Crime Suppression Teams (CSTs) are authorized to check out and use vehicle tracking devices from the Criminal Intelligence Division's TSD for use in their criminal investigations if they have been trained in the proper use of the devices. Vehicle tracking devices may be checked out as needed. CSTs may utilize vehicle tracking equipment provided by outside agencies if they are working in partnership with that agency during a criminal investigation, but shall still follow all vehicle tracking rules outlined in this General Order.

Classified personnel shall consult with the Harris County District Attorney's Office if they have an investigative need for a tracking device. All requests for tracking devices, whether for vehicles or for property, shall be based on **probable cause**. Placement of a vehicle tracker utilizing GPS technology constitutes a search and as such, requires a signed court order ("sealed" under Texas law) based on probable cause **prior** to the placement of any tracking device on a vehicle.

Divisions shall maintain copies of all court orders they received authorizing deployment of any vehicle tracking device. CSTs shall also provide copies of all tracking orders for devices they deploy to CID on a monthly basis or at the time the tracker is checked out.

11 EQUIPMENT

Divisions that obtain equipment from TSD are responsible for the cost of repairs or replacement should the equipment become lost, damaged or unusable.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 17, 2022

NO.

400-13

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-13, dated October 31, 2014

SUBJECT: ACCEPTABLE USE OF COMPUTER SYSTEMS

POLICY

Access to and use of the department's computer systems is strictly controlled. Except as provided by this General Order, all computers owned, leased, rented, or under the control of the department shall be used for business purposes in serving the interests of the city, and any data created (whether on- or off-site) on a department owned or controlled computer or computer system is the property of the department.

This General Order applies to all employees.

DEFINITIONS

Computer. For purposes of this General Order, computer includes, but is not limited to, the software and hardware of any personal computer, laptop computer, tablet computer, smartphone, mobile computing device (MCD), or any other device that is owned or controlled by the department and is capable of accessing network or Internet resources.

Computer Systems. Databases and systems accessible by computers controlled by the department or to which the department has non-public access, including but not limited to the CAD system, records management system, Intranet Portal and associated programs (e.g., Police Personnel System), and various local, state, and federal databases approved for law enforcement use.

Malicious Programs. Viruses, worms, email bombs, Trojan horse codes, or other destructive or disruptive programs.

Spam. Unauthorized or unsolicited messages sent to a large number of recipients via the Internet or the act of sending such messages.

1 ACCEPTABLE USE OF COMPUTERS AND COMPUTER SYSTEMS

Under no circumstances is an employee authorized to engage in any activity involving computers that is illegal under local, state, federal, or international law.

Much of the information obtained through a computer or computer system contains confidential and sensitive data that must be carefully controlled to ensure that the department is in compliance with applicable local, state, and federal guidelines and statutes. Employees shall only obtain, use, release, and/or disseminate criminal justice information from computer systems for legitimate law enforcement purposes. Security clearance and access to computer systems is restricted to official police business and does not permit an employee to access data for personal

reasons. Employees are reminded that criminal history checks are restricted to official police business, as required by General Order 800-06, **CJIS Compliance**.

Employees shall only obtain, use, release, and/or disseminate information about department administration, including information about employees gathered from any computer system, for legitimate and authorized administrative purposes. Employees shall not provide information about or a list of department employees to any party outside the department without the express direction of the Office of Planning & Data Governance, Open Records Unit, or other authorized department entity. All outside requests for information shall be carefully considered in light of the Open Records Act of the Texas Civil Statutes and departmental resources. When appropriate, such requests for information shall be directed to the proper authority, as required by General Order 800-10, **Police Records**.

Employees may use computers for personal reasons for a brief period, such as 3-5 minutes, to check the weather forecast or news sites. However, employees shall exercise good judgment regarding personal use.

Employees are reminded that all transactions performed over a computer or computer systems are logged for record-keeping purposes.

Prohibited Computer Activities

Employees shall not use a computer to:

- a. Violate the rights of any person or company protected by copyright, trade secret, patent or other intellectual property laws, or similar laws or regulations. This includes, but is not limited to, the installation or distribution of "pirated" materials or other software products that are not appropriately licensed for use by the department. The department purchases licenses for the use of software from a variety of outside companies. Employees shall use all software according to the applicable software license agreement.
- b. Copy or use copyrighted material including, but not limited to, digitization and distribution of photographs, music, or literary works that are not authorized. This also includes the installation of any copyrighted software for which the department or the end user does not have an active license.
- c. Export software, technical information, or encryption software or technology that is not authorized. The appropriate level of management shall be consulted prior to exporting any material in question.
- d. Intentionally introduce malicious programs into the network or server.
- e. Procure or transmit material that is in violation of sexual harassment or hostile workplace laws, or harass any person via email, telephone, or any type of paging or communication device, including through language, frequency, or size of messages, as prohibited by General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**.
- f. Make fraudulent offers of products, items, or services originating from any department account, or make statements about warranty, expressed or implied, unless it is within the scope of assigned duties.

- g. Commit security breaches such as accessing data the employee is not intended to receive, logging into a computer, server, or account the employee is not expressly authorized to access, or disrupting network communication through methods such as network sniffing, ping floods, packet spoofing, denial of service, and forged routing information, unless these activities are within the scope of assigned duties.
- h. Conduct port scans or security scans unless authorized by the Office of Technology Services (OTS).
- i. Execute any form of network monitoring that intercepts data not intended for the employee's host unless it is within the scope of assigned duties.
- j. Circumvent user authentication or security of any host, network, or account.
- k. Interfere with or deny service to any user other than the employee's host (e.g., denial of service attack).
- l. Send messages or use any program, script, or command of any kind with the intent to interfere with or disable a user's terminal session, via any means.
- m. Send junk mail, spam, or other advertising material including sales solicitations of any type to individuals who did not specifically request such material.
- n. Use or forge email header information that is not authorized.
- o. Create or forward "chain letters" or "Ponzi" or other "pyramid" schemes of any type.
- p. Solicit email for any other email address, other than that of the employee's account, with the intent to harass or to collect replies.
- q. Send unsolicited email that advertises any group or service sponsored by the department.
- r. Perform any action that would cause disruption of any MCD or cause interference with the reasonable supervision of officers.

Supervisors shall ensure department and City of Houston policies and procedures regarding computers and mobile devices are implemented and observed. All employees shall comply with all computer related policies, procedures, and software licensing agreements the department or City of Houston holds.

For security and network maintenance purposes, authorized individuals within the department may monitor equipment, networked systems, and network traffic at any time. The department reserves the right to audit any department owned or controlled equipment on a periodic basis to ensure compliance with this policy.

2 USE OF INFORMATION FROM COMPUTER SYSTEMS

Employees shall not receive security access to any computer system unless authorized by the employee's division commander.

Authorized use of computer systems is restricted to:

- a. Entering, modifying, or inquiring records in local, state, and national databases.
- b. Dispatching.
- c. Obtaining information necessary for the efficient and expeditious performance of the department's operations.

Information received from a computer system shall not be considered probable cause for arrest until it has been properly verified for accuracy. Information received through a computer system should be considered in conjunction with other information about the circumstances of an offense before any arrest decision is made.

When an incident report is flagged "Confidential" by an investigative division (e.g., Homicide, Narcotics), only the division that initiated the flag can authorize access to the report.

Confidential Status for Employee Information

The Crime Analysis & Command Center Division (Command Center) shall coordinate all requests for confidential status of employee information. Classified and civilian employees wanting their home address and telephone number to be confidential shall write a letter of justification via their assistant chief to the Command Center giving specific reasons for the request.

The following employees shall be prioritized for confidential status of employee information:

- a. Officers who spend the majority of time serving as an undercover investigator, if access to the officer's home address or telephone number would endanger the officer or family members.
- b. Officers who primarily investigate possible criminal violations committed by department personnel.
- c. Employees who have received a personal or family-directed threat of death or serious bodily injury, if the employee's division commander and Criminal Intelligence Division personnel have determined that the threat is legitimate.
- d. Employees who have a spouse with confidential status.

Employees not meeting any of the above guidelines may request an exception from the Chief of Police via the employee's chain of command. The request shall include details about the employee's duties and responsibilities and explain why there would be a high level of danger to the employee or family members if the home address or telephone number were accessible.

Employees shall provide justification for confidential status to the Command Center on an annual basis or it shall be removed. The Command Center shall distribute a quarterly list of employees with confidential status to each affected division for review and corrections. If an employee transfers, has a change of duties, or the situation posing a threat changes, the division commander where the confidential status originated shall write a letter to the Command Center to advise of the change. The employee's information shall then become readable in the computer system.

Command Center personnel have access to confidential address and telephone information at all times and can be contacted for emergency requests.

3 SECURITY AND PROPRIETARY INFORMATION

Any information accessed via computer systems may be classified as confidential (e.g., law enforcement private information, organizational strategies, specifications, telephone and contact lists, and research data). Employees shall prevent unauthorized access to this information by any person, including all authorized personnel affiliated with third parties, as required by General Order 800-06, **CJIS Compliance**.

Each employee shall use a unique username and password to access a computer system. Employees shall keep passwords and personal identification numbers (PINs) secure and shall not share accounts, as required by General Order 400-22, **Keys, Passwords, and Personal Identification Numbers**. Authorized users are responsible for the security of their passwords, PINs, and accounts. System level user passwords and PINs shall be changed every 90 calendar days.

Any computer that connects to computer systems, regardless of who actually owns the computer, shall be:

- a. Protected and continually scanned by approved anti-virus software.
- b. Maintained to current levels of protection.
- c. Configured to obtain operating system patches and updates from OTS or an authorized software vendor.

All servers and desktop, laptop, and workstation computers shall be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less. Employees shall log off their computers if they are going to be away from it for more than two hours. All other computers and mobile devices shall have an idle timed screen-lock secured with a unique password or six-digit PIN.

Employees who forget their HPD Windows password should contact their division technology coordinator to get it reset. If the technology coordinator is not available, the employee should contact the Service Desk for OTS. A Service Desk employee shall initiate a process to confirm the employee's active status and reset the employee's password to a temporary password. At the earliest opportunity, the employee shall change the temporary password to something known only to the employee. Once the employee's password has been reset by the technology coordinator or the Service Desk, the employee may go to the "Password Enrollment" link on the department's Intranet Portal to enroll in the HPD Password Self-Service feature.

NOTE: The HPD Password Self-Service feature can be used to reset or unlock only an employee's HPD Windows password. Once enrolled, employees will be able to reset or unlock their own Windows password by clicking on the "Need help with your password?" link on the Windows log-in screen of any computer connected to the HPD computer network.

Because information contained on computers and mobile devices is especially vulnerable, employees shall exercise special care when using such equipment. Some data is extremely sensitive and employees should have multiple layers of protection on such data.

All postings by employees from a department email address to an external forum shall contain a disclaimer stating, "The opinions expressed are those of the author and not necessarily those of the department," unless they are posted in the course of business duties.

Using Data From Outside Sources

Employees shall use extreme caution when using any data brought in from an outside source. When outside data is used, employees shall first scan the files for malicious programs before downloading or using the information, even if the data comes from the employee's personal computer.

Employees shall use extreme caution when dealing with all email attachments, especially those received from unknown senders, or unexpected attachments from known senders. Emails frequently carry malicious programs that can easily, quickly, and irrevocably destroy or corrupt all data within a computer, server, or a computer system and compromise the entire HPD computer network.

Employees shall use extreme caution when using USB drives (thumb drives). Simply inserting a USB drive containing malicious programs can easily, quickly, and irrevocably destroy or corrupt all data within a computer, server, or a computer system and compromise the entire HPD computer network.

4 USAGE OF MOBILE COMPUTING DEVICES AND LAPTOPS

The MCD system shall be used to aid in the dispatching and servicing of calls for service while reducing the amount of voice radio usage. Emergency Communications Division personnel shall use voice communications as the primary assignment medium in all instances in which an officer's safety would be best served by having other field personnel aware of the officer's location and assignment. Follow-up information may be transmitted over the MCD system, as permitted by General Order 600-01, **Response Management**. Field personnel shall use an MCD, if so equipped, to maintain their unit status in a timely and proper fashion.

All officers assigned and trained in the use of laptop computers or MCDs shall use the laptop or a suitable MCD for incident report entry whenever possible. Any employee encountering problems with the approval of an incident report shall contact the Service Desk.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

January 27, 2021

NO.

400-14

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-14, dated February 19, 2019

SUBJECT: CONTROL OF POLICE DEPARTMENT PROPERTY

POLICY

Commands, offices, divisions, units, and squads shall at all times maintain a current and accurate database of all City property assigned to them. This General Order applies to City property valued at \$250 or more (except department-owned firearms, which shall be inventoried regardless of value, and furniture, which has a threshold of \$2,500 and above).

This General Order applies to all employees.

DEFINITION

Property. For purposes of this General Order, property is any item belonging to the City that is not consumable or disposable by design.

1 OPERATIONAL READINESS OF STORED PROPERTY

Commanders are responsible for ensuring all department equipment and property stored under their immediate authority is kept in a state of operational readiness. In addition, commanders are responsible for the correct storage, physical inventory, inspection, maintenance, and disposition of the equipment and property under their authority.

2 INVENTORY DATABASE

Employees are responsible for assigned City property until it is officially removed from their care and the removal is properly documented and logged into the department's designated inventory database, the Enterprise Asset Management system (EAM). EAM is accessible through the department's Intranet Portal.

All possible fields in EAM shall be filled out. Every item shall be logged into the database and all of the following applicable information shall be included for each item:

- a. Date the item was received into inventory ("Service Date" field).
- b. A thorough description including any colors (the "Notes" field allows for additional descriptions).
- c. HPD inventory control number (HPD tag number).
- d. City of Houston capital asset tag number. This is the "P" or "G" tag number. A "G" tag is for non-grant fund purchased assets and a "P" tag is for grant fund purchased assets.

- e. Manufacturer, model number, and serial number.
- f. Exact location (the facility and street address in the "Room" field).
- g. Division, unit or squad, and employee (if applicable), to which item is assigned.
- h. Original or estimated cost of the item.
- i. Acquisition Type (i.e., PO#, P-Card, or Donation).

3 INVENTORY OF DEPARTMENT PROPERTY

All commands, offices, divisions, units, and squads shall maintain a current and accurate inventory in EAM. EAM shall be updated with transactions such as acquisitions, transfers, and disposals with the appropriate documentation. The only exception is for department-owned firearms, which shall be inventoried and entered into EAM regardless of the value.

HPD Inventory Control and Capital Asset Tags

Each HPD asset valued at \$250 or more (except furniture, which has a threshold of \$2,500 and above) shall have an HPD inventory control tag. If the HPD asset is valued at \$5,000 or greater, it shall also have a secondary tag.

HPD inventory control tags can be obtained from the Office Services Section of the Office of Planning & Data Governance (OPDG). Capital asset tags are obtained from and affixed by Office of Budget and Finance (B&F) Fixed Asset Group personnel. The tags shall be affixed in such a way as to be readily visible, but not likely to be marred or defaced. If tagging is not feasible due to size of item, location, or operational use (e.g., undercover, surveillance, or firearms) the assigned tag number shall be recorded and kept in the division's inventory file or in another location at the discretion of the division's commander.

Vehicles are not tagged. Instead, shop and vehicle identification numbers (VIN) shall be used.

Divisional Inventories

Starting in December and finishing no later than April 30th, all divisions shall conduct an annual physical inventory of all property valued at \$250 or more (except furniture and firearms as noted above). Division commanders shall send their inventory results via correspondence along with the *Annual Inventory Form* to the division's assistant chief or director and send a copy to B&F. The *Annual Inventory Form* can be obtained from B&F Fixed Asset Group personnel. The working papers used during the inventory process shall be kept in the division's files for reference and review.

In addition, the B&F Fixed Asset Group shall provide each division a list of that division's capital assets valued at \$5,000 or more for the purpose of verification. These inventory findings are recorded in the City of Houston's Systems Applications and Products (SAP) financial system.

Risk Management Division may conduct separate asset audits at any time.

4 TRANSFER OR DISPOSAL OF CITY PROPERTY

The procedures in this section apply to all City of Houston owned property unless otherwise indicated. These procedures do not apply to computer equipment, computer peripherals, or fleet equipment. The Office of Technology Services shall relocate, dispose, and maintain an inventory of all microcomputer hardware, components, and software (see General Order 400-19, **Microcomputer Regulations**). HPD Fleet Unit shall coordinate fleet equipment inventory.

Transfer of Grant Funded Property

Transfer of grant funded property to another division may occur only with written approval from the B&F Grant Section. The documentation of a completed transaction shall be forwarded to the B&F Grant Section.

Transfer of Non-Grant Funded Property

The concerned assistant chief or deputy director has approval authority for the transfer of non-grant funded property. When a division has items for transfer to another division, the inventory coordinator with the property shall email the division commander the request. The division commander shall email the assistant chief or deputy director requesting approval to initiate the transfer process.

Disposal and Salvage

When a division has items for disposal, the inventory coordinator shall email their division commander the *Transfer or Disposal of Surplus Material* form. This form is available on the department's Intranet Portal. Division commanders shall email their assistant chief to request approval to dispose of the items. The division commander shall attach to the email the completed *Transfer or Disposal of Surplus Material* form, which must include the following information:

- a. Property description.
- b. Manufacturer, model number, and serial number.
- c. Inventory tag numbers.
- d. Condition of each item.

If the division's assistant chief approves the disposal, the assistant chief shall forward an email with the inventory list indicating approval to the Deputy Director of the OPDG.

The OPDG shall determine if personnel assistance from the originating division will be needed to remove the items. The OPDG shall then contact the originating division to schedule pickup of the items for disposal. An authorized employee of the originating division shall sign the disposal documents when the items are picked up.

The OPDG shall check the paperwork for completeness and ensure the property is listed in the appropriate inventory database. The OPDG shall send the B&F Fixed Asset Group correspondence verifying that the items listed were disposed and whether the items were sent to surplus, transferred, or scrapped. The OPDG shall file copies of all related documents.

Upon receipt of the disposal correspondence, B&F shall retire the assets from the appropriate inventory database (SAP or EAM).

5 CONVERSION OF PROPERTY TO HPD INVENTORY

When a division needs to convert an item from the Property Division to the requesting division's inventory, division commanders shall email the request to their assistant chief. If the request is approved, the assistant chief shall forward the email request for final approval to the division commander of the Property Division.

When the requested item becomes available, the Property Division shall email the requesting division commander. The Property Division shall coordinate the transfer of the property with the requesting division and shall keep hard copies of all approval emails. The receiving division shall record the item and inventory control numbers in EAM.

Once added to HPD inventory, an item shall not be moved from the assigned division or used for any other purpose than originally intended without approval of the assigned commander.

Donations

When an outside entity (e.g., business, foundation) wants to donate items, merchandise, equipment, or money to the department, the commander of the concerned division receiving the items shall be responsible for ensuring the donations benefit the operations of the department.

If the property being donated to HPD has a value of more than \$250, is considered "safety equipment" for the protection of employees, or is a technology or radio item, then it shall be evaluated by the concerned division below for consideration of acceptance.

- a. Office of Technology Services for all technology or radio related items.
- b. OPDG for items that may be considered "safety equipment" for the protection of employees.
- c. HPD Fleet Management for vehicle related items.
- d. HPD General Services for furniture related items.
- e. B&F for all items being donated where there is any type of budgetary impact for future maintenance or licensing concerns.

The concerned division shall initiate paperwork to the Chief of Police making an official request for consideration of formal acceptance. The correspondence shall include:

- f. A complete description of the property or money, estimated values, quantity, and intent of use.
- g. Verification of the feedback from the command or unit that completed the evaluation.
- h. A "Thank You" letter for the signature of the Chief of Police.

The Office of Legal Services shall be copied on the correspondence for completing acceptance paperwork for the City of Houston, if applicable.

If approved, the Office of Legal Services shall prepare the requisite acceptance paperwork. Once formally accepted, inventory and asset tags will be affixed and a control number entered into EAM.

The 100 Club Purchases

The constitution and bylaws of The 100 Club dictate that all requests for assistance or funding must come from the chief executive officer of the requesting law enforcement agency and be on departmental letterhead.

In order to facilitate an effective relationship with The 100 Club, all correspondence requesting any type of funding or assistance from The 100 Club of Houston shall be forwarded to the Chief of Police for evaluation and approval.

Only items designed for the welfare or safety of officers may be requested.

Any information or assistance needed for a proper request can be obtained from the department's liaison officer assigned to The 100 Club by the Chief of Police.

1033 Program

Property obtained through the department's 1033 Program shall follow the agreement set forth in the current State Plan of Operations contract.

Firearms

Divisions intending to convert firearms to HPD inventory shall research each firearm (e.g., TCIC/NCIC). A documented TCIC/NCIC search shall be conducted every three years on firearms with unknown histories.

Firearms with obliterated serial numbers shall not be converted to HPD inventory.


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

July 28, 2015

NO.

400-20

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-20, dated October 27, 1995

SUBJECT: VEHICLE ALLOCATION

POLICY

Vehicles shall be allocated to divisions (and other department organizational units) based on documented needs, available resources, and department goals.

This General Order applies to all employees.

1 GUIDELINES

The following guidelines apply to the allocation of vehicles:

- a. Vehicles shall not be allocated to any division that has reasonable access to a Central Motor Pool vehicle. Exceptions are those approved by the Chief of Police.
- b. Consideration for vehicle allocations shall be given to divisions with special needs (e.g., undercover operations, transport of burdensome equipment, or customized vehicles).
- c. All take-home vehicles (except those assigned to lieutenants and above) shall be included in the division's vehicle allocation.
- d. Vehicles within the department shall be shared when practical.
- e. Vehicles that become unrepairable shall not be automatically replaced. A vehicle need should be documented and sent via the chain of command to Staff Services Command for approval.

Vehicle needs shall be based on the number of authorized personnel for and the

services provided by the division. Replacement of vehicles shall be based on the replacement criteria established by City policy.

2 RESPONSIBILITIES

The following responsibilities pertain to the allocation of vehicles:

- a. The head of each command, office, and division is responsible for preparing and reviewing his allocation requests.
- b. The department's Fleet Unit shall review allocation requests and furnish a recommendation to the Staff Services Command for approval.
- c. The Fleet Unit shall maintain records of vehicle allocations and notify each division about its authorized vehicle strength.

3 PROCEDURES

The following procedures pertain to the allocation of vehicles:

- a. Each year the Fleet Unit shall survey all divisions to determine their vehicle needs for the following fiscal year.
- b. At other times, a division may request a change in its vehicle allocation if the services it provides change significantly and the division documents the use of all its vehicles.
- c. Requests for replacement and additional vehicles shall be submitted to the Fleet Unit.

4 RELATED GENERAL ORDERS

400-07, Vehicle Use and Assignment

400-08, City Vehicle Crashes



Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

December 9, 2020

NO.

400-22

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-22, dated May 11, 2015

SUBJECT: KEYS, PASSWORDS, AND PERSONAL IDENTIFICATION NUMBERS

POLICY

No department key, password, or personal identification number will be exchanged with or transferred to any other person unless exigent circumstances clearly necessitate the sharing of such information in furtherance of department goals and objectives. No department key will be altered or duplicated without the appropriate division commander's approval.

This General Order applies to all employees.

DEFINITIONS

Key. Any device (e.g., metal key, key fob, magnetic swipe card, card with computer chip) used to open a locking mechanism or that allows access to or control of City property or information.

Password. Any code or combination (e.g., computer password, telephone access code, combination or code for mechanical or electrical door lock) that allows access to or control of City property, information, or services.

Personal Identification Number (PIN). A numeric only password (usually four to six digits in length) shared between a user and a system, application, or device that can be used to authenticate the user to the system, application, or device.

1 DUPLICATING AND REPLACING KEYS AND LOCKS

Only the HPD Fleet Unit is authorized to duplicate keys and rekey or replace locks for department vehicles. The Fleet Unit shall house duplicate keys to all motor pool and Fleet Unit vehicles, as well as lieutenants', commanders' and chiefs' take-home vehicles. All other divisionally assigned vehicles' duplicate keys will be kept by the division's vehicle coordinator.

Only City of Houston General Services Department personnel are authorized to alter, replace, exchange, or rekey locks, or duplicate keys for department facilities. The General Services Department shall house duplicate keys to department facilities. (This paragraph does not apply to keys for desk drawers, file cabinets, safes, etc.)

Any request to alter, replace, rekey, duplicate, or exchange a City owned lock or key shall be routed to the General Services Department representative responsible for that facility. Requests for these services at Police Headquarters shall be routed to the Security Detail.

Only the General Services Department and the Security Detail are authorized to oversee the housing of grand master or sub-master keys for department facilities.

Field & Support Operations may establish additional procedures regulating locks, keys, and security. These procedures shall be documented in an appropriate standard operating procedure. Such procedures shall not conflict with this General Order. Employees shall adhere to any additional procedures.

2 USE OF KEYS, PASSWORDS, AND PERSONAL IDENTIFICATION NUMBERS

Employees shall not access any City property or information they are not authorized to access.

Employees shall not reveal a City of Houston *password* or *Personal Identification Number (PIN)* to another person, nor allow their *password*, *PIN*, or *key* to be used by another person to gain access to any City property or information unless exigent circumstances clearly necessitate the sharing of such information in furtherance of department goals and objectives.

Employees shall:

- a. Use only their own *passwords* or *PINs* when accessing City property, information, or services.
- b. Access City property, information, or services only when acting within the scope of their assigned duties.
- c. Ensure property, information, and services are properly secured from unauthorized access at all times.

3 RESPONSIBILITY FOR CITY PROPERTY

Employees are responsible for the security of City property, information, *keys*, *passwords*, *PINs*, and services. When security is breached by any method (e.g., improper security measures used, unauthorized personnel admitted to secure areas, codes compromised by hacking), the incident shall be reported and investigated in the same manner as set forth in General Order 400-18, **Responsibility for City Property**.

When security of City property or information is compromised by loss of a *key* or compromise of a *password* or *PIN*, the division commander or designee shall take action necessary to reestablish security.

4 REPLACEMENT OF KEYS

When a *key* is lost, stolen, or compromised, it shall be replaced in accordance with General Order 400-18, **Responsibility for City Property**.


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 27, 2021

NO.

400-23

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-23, dated August 24, 2007

SUBJECT: MOBILE VIDEO EQUIPMENT

POLICY

Officers shall follow the procedures established in this General Order for the use of mobile video equipment and for the storage, management, retrieval, and release of video and audio recordings captured by mobile video equipment.

Officers trained in the use of and operating vehicles equipped with mobile video equipment shall record entire transactions with citizens whenever video or audio equipment is activated.

Employees shall refer to General Order 400-28, **Body Worn Cameras**, for policy regarding body worn cameras.

This General Order applies to all employees.

DEFINITIONS

Classification. The process whereby an employee categorizes a video for evidentiary or information purposes resulting in the recording being retained based on an established retention schedule. The *classification* options are: a) Class B and Above, b) Class C Offenses and Traffic Stops, and c) Information.

Deactivate. When the *mobile video recorder (MVR)* is placed in *Standby Mode* after having been activated.

Digital Recordings. For purposes of this General Order, *digital recordings* consist of video footage, which may include audio captured by an *MVR* and stored digitally.

Law Enforcement Activity. Any event during which an officer exercises police authority or conducts any type of investigation, whether consensual or otherwise.

Mobile Video Recorder (MVR). Vehicle mounted video equipment that processes and stores *digital recordings* through cameras and microphones.

Mode. Various settings of the *MVR* as described below:

- a. **Activate Mode.** The *mode* in which the *MVR* is on, has been activated by the officer, and is actively recording an event. Once the *MVR* is activated from the *Standby Mode*, up to two minutes of video prior to activation will be captured in addition to video and audio recorded during activation.
- b. **Off Mode.** The *mode* in which the *MVR* has been turned off and is no longer recording.
- c. **Standby Mode.** The *mode* in which the *MVR* is turned on but not actively recording an event.

Video Evidence Management System (VEMS). The repository for the video systems in use by the Houston Police Department. The *VEMS* is a combination of hardware and software used to generate, collect, store, back up, retrieve, review, transmit, and archive videos that are created from various departmental video sources, including mobile video equipment.

1 INTEGRITY OF VIDEO RECORDINGS

The use of any mobile video equipment not issued by the department is prohibited unless approved by the Chief of Police. All *digital recordings* from mobile video equipment shall be used for only official law enforcement purposes and are the property of the Houston Police Department. Employees shall not erase, alter, copy, or tamper with any department video or audio recording or equipment unless otherwise authorized by this General Order, the Chief of Police, or a court of law.

To maintain the integrity of evidence and ensure accountability in police operations, departmental personnel shall utilize only the authorized *Video Evidence Management System (VEMS)* for digital evidence collected or maintained by the department.

VEMS shall be managed and maintained by the HPD Office of Technology Services as directed by the Chief of Police. The use of any other video systems is prohibited unless approved by the Chief of Police.

All audio and video footage captured by mobile video equipment of a *law enforcement activity* shall be treated as evidence and will only be purged or altered as permitted by law and policy by the Office of Technology Services.

2 MOBILE VIDEO EQUIPMENT

Mobile video equipment is mounted on the patrol vehicle and may consist of:

- a. *MVR*
- b. *MVR* Display
- c. Front Facing Camera
- d. Cabin Camera
- e. Secondary Camera

When equipped with a body worn camera (BWC), officers shall ensure that the BWC is synced with the *MVR*. The BWC serves as the wireless microphone for the *MVR*.

Unless authorized by the Chief of Police, employees shall not disassemble mobile video equipment or attempt to access the internal storage, files, programs, or configurations of the *MVR* wirelessly or by direct connection.

3 USE OF MOBILE VIDEO EQUIPMENT

Assigned mobile video equipment shall be used to record *law enforcement activities*, including, but not limited to:

- a. Traffic and pedestrian stops
- b. Arrests arising from stops
- c. Driving while intoxicated (DWI) investigations
- d. Pursuits
- e. Prisoner transports
- f. Any incident in which the officer believes a recording would be useful

Activation of Mobile Video Recorder

The MVR has three *modes*: *Off*, *Standby*, and *Activate*. Normally, while performing routine matters and prior to participating in any *law enforcement activities*, officers shall keep the MVR in *Standby Mode*, ready to create a recorded event.

When at a location where a law enforcement action is taking place, officers shall continue recording until the *law enforcement activity* by all officers is completed or until there is a reason, as permitted by this policy, to *deactivate* the MVR. Officers are not required to cease recording an event, situation, or circumstance solely at the demand of a citizen.

Officers shall place the MVR in *Activate Mode* to record all *law enforcement activities* regardless of dispatch status.

The MVR shall be activated as follows:

- a. **Priority One or Two call for service.** Activate upon being dispatched or immediately upon driving to the call regardless of dispatch status.
- b. **Any other call for service.** Activate prior to exiting the vehicle.
- c. **Self-initiated *law enforcement activity*** (e.g., traffic or pedestrian stop) **or on-view incident** (e.g., being flagged down). Officers shall activate the MVR prior to taking any police action including vehicle and foot pursuits.
- d. **Prisoner or passenger transports.** Officers using a vehicle equipped with mobile video equipment shall record in their entirety all prisoner or passenger transports.

Once officers arrive at a secured jail facility with surveillance cameras, the MVR may be *deactivated*.

Once the MVR is on *Activate Mode*, the MVR will continue in this *mode* until it is *deactivated*, a loss of power occurs, or the MVR hard drive storage is full.

Failure To Record an Event

Although the MVR is required to be activated prior to initiating a *law enforcement activity*, there may be circumstances that require an officer to act immediately to ensure the officer's own safety or the safety of others. In those situations, it may be impractical or unreasonable for the officer to activate the MVR before taking police action. In these instances, the officer shall activate the MVR as soon as it is safe to do so to ensure that the remainder of the incident is properly recorded. An officer's justification for failing to activate the MVR because it is unsafe, unrealistic, or impractical shall be evaluated based on whether a reasonable officer under the same or similar circumstances would have made the same decision.

Failure to record an event should be rare due to synchronization of mobile video equipment and BWC. If either is activated, the other will be triggered to activate and record. See General Order 400-28, **Body Worn Camera**, for guidelines on failure to activate BWC. If an officer is required to and fails to activate the MVR, the officer shall notify the supervisor and document the reason for not activating the MVR in the incident report or call history.

Deactivation of Mobile Video Recorder

Except as specifically provided otherwise in this General Order, an officer's MVR may be *deactivated* only when:

- a. All contacts with the public on the scene are completed, and if applicable, all arrests have been made and arrestees have been transported or are being transported to a secure jail facility by a transporting unit.
- b. Approved by a supervisor on extended scenes. Extended scenes do not include scenes that still have ongoing activity with suspects or when the scene is not fully contained and under control. Additionally, extended scenes do not include scenes that may require any interaction with citizens or may require any *law enforcement activity*.
- c. The inner perimeter of a scene is cordoned off with crime scene tape, and a supervisor has permitted the *deactivation* of the BWC and MVR for officers within the inner perimeter.

Driving While Intoxicated

During encounters with drivers who are suspected of DWI, officers shall use both BWCs and mobile video equipment to record any field sobriety tests before proceeding to an intoxilyzer testing facility.

Vehicular Crimes Division (VCD) and Traffic Enforcement Division (TED) units shall continue to follow their units' standard operating procedures pertaining to the handling of DWI investigation video recordings.

4 RESPONSIBILITIES**Division Commanders**

Division commanders shall ensure mobile video equipment is being properly utilized and maintained.

Shift commanders shall ensure that all officers under their command that are required to use mobile video equipment are trained in the proper use of the mobile video equipment in accordance with current departmental policy prior to officers using mobile video equipment.

Supervisors

Supervisors shall ensure:

- a. Only officers trained in the proper use of mobile video equipment are assigned department vehicles with such equipment.
- b. When notified of equipment malfunction or damage, that the vehicle or the mobile video equipment is as soon as practicable taken to the Office of Technology Services (Mobile Technology Shop) for service.

Supervisors shall review relevant MVR recordings prior to submitting any administrative reports as they relate to incidents involving use of force or pursuits. Supervisors shall complete the *Use of Force After-Action Report* within 5 days of the use of force incident. If the video recording is not available in the VEMS, supervisors shall complete the *Use of Force After-Action Report* within 5 days of the video becoming available. Supervisors shall notify their direct supervisor when there is a delay and they cannot meet the initial 5 day requirement.

Officers

All officers assigned vehicles with mobile video equipment shall be responsible for the equipment installed in that vehicle. Officers who are assigned vehicles with mobile vehicle equipment and who are trained in the operation of mobile video equipment shall:

- a. Check the equipment for proper operation at the beginning of the shift.
- b. Immediately report any malfunctioning equipment to a supervisor.
- c. Ensure adequate time is left on the MVR hard drive for use during the shift.
- d. Ensure the BWC, which also serves as the microphone for the MVR, has sufficient charge.
- e. Ensure *digital recordings* stored on the MVR (if any) transfer to the VEMS wirelessly (officers shall not remove the USB thumb drive to transfer *digital recordings*).
- f. Document in an incident and/or crash report if video equipment was used.
- g. Ensure the officer logs in to the MVR at the beginning of each shift and logs out of the MVR at the end of each shift.

5 CLASSIFICATION OF MVR RECORDINGS

Proper *classification* is critical for ensuring videos are retained in accordance with department mandated and legally required retention schedules. Officers shall classify videos based on the most serious offense.

Officers shall perform the *classification* of recordings utilizing the MVR display in their assigned vehicle or within the VEMS. Officers shall classify each and every video captured on the MVR.

Retention Schedule

Once an officer completes the *classification* of the *digital recording*, the retention period is automatically applied as set forth below.

- a. **Class B and Above.** For recordings related to criminal offenses that are Class B misdemeanors and above, the retention schedule is 10 years.
- b. **Class C and All Traffic Stops.** For Class C offenses and all traffic stops, the retention schedule is three years.
- c. **Information.** For all other video recordings the retention schedule is 180 calendar days.

6 DOCUMENTATION IN INCIDENT REPORTS

An MVR recording is not a substitute for a thorough and complete original or supplement report.

The fact that a recording was made shall be documented in all reports and any corresponding documentation associated with the incident.

Any officers responding to a scene shall notify the primary unit if their MVR was activated while on the scene or on any scene associated with the incident and provide their name and employee number to the primary unit. Regardless of the reason an officer with mobile video equipment is on a police scene, the officer shall ensure that they are added to the call slip.

The primary unit shall include, in the narrative of the incident report, references to all employees (by name and employee number) that recorded video on their BWC and MVR on the primary unit's scene or on any scene associated with the incident being reported.

Officers shall continue data collection as required by General Order 600-42, **Racial Profiling Prohibited**, regardless of whether they are utilizing video equipment as described herein.

7 PROHIBITED USAGE

Unless approved by the Chief of Police, officers are prohibited from making copies of digital evidence for non-law enforcement purposes or uploading digital evidence to public or social media sites at any time. While viewing MVR recordings for official purposes, officers shall not take a screen shot or make any separate recording of the MVR recording.

Recordings made by officers while performing their police duties shall not be shared or used for personal gain or entertainment.

8 REVIEWING AND VIEWING OF MOBILE VIDEO EQUIPMENT DIGITAL RECORDINGS

Employee Reviews

Officers may, but are not required to, review MVR videos before completing an incident report. Officers should view their own *digital recording* prior to providing testimony at hearings, trials, or depositions.

Investigative Divisions

If an investigator determines MVR video is available for an assigned case, the investigator shall associate the video with the case/incident number in *VEMS*. When a video is associated with a case/incident number, the retention schedule is placed in suspension.

Internal Affairs Division

Internal Affairs Division shall have authority to view any MVR video recording and to flag as "Confidential" any video recording it deems necessary, including any and all video obtained by any involved officer.

Internal Affairs Division investigators and designated division level Internal Affairs investigators have the authority to show a complainant or witness an MVR video recording only after a complaint has been made in accordance with civil service law.

Officers are entitled to access any BWC and MVR (if applicable) recording of an incident involving the officer before the officer is required to make a statement about the incident.

Requests for Recordings and Auditing Reviews

Auditing reviews and other requests for recordings shall be handled in accordance with policy as established in General Order 400-28, **Body Worn Cameras**.

9 OFFICE OF TECHNOLOGY SERVICES

The department's Office of Technology Services shall be responsible for:

- a. Deploying, maintaining, and supporting the functionality of mobile video equipment, peripheral devices and cables, video transfer devices, work station software, system settings, and any other equipment located on-site.
- b. Maintaining a master inventory of HPD mobile video equipment and conducting an annual inventory.
- c. Coordinating with Houston Information Technology Services (HITS) Department to maintain network connectivity, server availability, backup copies, and storage availability.
- d. Providing assistance to employees performing audit protocols.
- e. Handling special requests to access videos not normally accessible by employees.

- f. Providing assistance with accessing the *VEMS* and addressing other technological issues.
- g. Provide assistance with uploading *digital recordings* to the *VEMS* utilizing the back up storage USB thumb drive located inside of the MVR when the MVR fails to transfer the *digital recordings* wirelessly.

Repair and Maintenance

Upon notification of equipment malfunction or damage, a representative from the division shall contact the Office of Technology Services for further direction. The Office of Technology Services shall have sole responsibility to liaise with the equipment manufacturer for parts and replacement, if needed.

The Office of Technology Services personnel shall also be responsible for issuing replacement mobile video equipment and assuming responsibility for updating the database to reflect changes in equipment status and assignment.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

February 27, 2015

NO.

400-24

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-24, dated October 21, 2003

SUBJECT: CHILD SAFETY SEATS

POLICY

Employees transporting children shall do so in compliance with all applicable laws and department policies.

This General Order applies to all employees.

DEFINITIONS

Child. A person less than 5 years of age or a person less than 36 inches in height.

Child Safety Seat System (Child Seat). A seat specifically designed to transport a child in a motor vehicle. Such a seat must meet or exceed all safety standards for a child transportation system in accordance with the Federal Motor Vehicle Safety Standard (currently Standard No. 213).

1 VEHICLES

Department personnel shall transport a child only in accordance with National Highway Traffic Safety Administration (NHTSA) recommendations. Specifically, a child shall not be transported in a vehicle that:

- a. Has a prisoner cage system.
- b. Does not have the rear seat installed as intended by the vehicle's manufacturer for typical passenger use.

Captains of Juvenile and patrol divisions shall ensure a vehicle complying with NHTSA standards is available at all times for this purpose. Commanders of any other division that may need to transport children shall also comply with this rule.

2 CHILD SEATS

Commanders of divisions that may need to transport children shall ensure:

- a. An appropriate number of approved vehicles and child seats are available for official use in the division.
- b. The child seats are maintained according to the manufacturer's standards.
- c. The owner's information is on file with the manufacturer in case there is a recall on a child seat model that is in the department's possession.

Employees transporting a child shall:

- d. Use a child seat.
- e. Use the seat in accordance with the manufacturer's instructions.
- f. Ensure the seat is clean and free of contaminants (e.g., feces, urine, lice) before and after each use.

Division equipment coordinators and desk sergeants shall ensure child seats are stored in such a way as to keep the seats clean and operationally ready at all times.

3 RELATED GENERAL ORDER

600-08, Missing, Kidnapped, and Found Persons


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 19, 2015

NO.

400-25

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-25, dated October 2, 2006

SUBJECT: ACCEPTABLE USE OF COMPUTERS

POLICY

Except as provided by this General Order, all *computers* or *networked systems* owned, leased, rented, or under the control of the department shall be used for business purposes in serving the interests of the city. Except as provided by this General Order, any data (e.g., file, program, email) created (whether on- or off-site) on a department owned or controlled *computer* or *networked system* is the property of the department.

This General Order applies to all employees, including all authorized personnel affiliated with third parties (see General Order 800-06, **CJIS Compliance**).

DEFINITIONS

Computer. For purposes of this General Order, computer includes, but is not limited to, any personal computer, laptop computer, tablet computer, smartphone, or any other device that is owned or controlled by the department and is capable of accessing network or Internet resources.

Disruption. This term includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.

Networked System. For purposes of this General Order this term refers to any department owned or controlled Internet, Intranet, or Extranet related systems. This also includes workstations, desktops, laptops, tablets, or server systems, and the hardware and software to operate those systems.

Malicious Programs. Viruses, worms, email bombs, Trojan horse codes, or other destructive or disruptive programs.

Security Breach. This term includes, but is not limited to, accessing data the employee is not intended to receive or logging into a computer, server, or account the employee is not expressly authorized to access.

Spam. Unauthorized or unsolicited messages sent to a large number of recipients via the Internet. Also, the act of sending *spam*.

1 DIRECTIVES

All *networked systems*, computer equipment, software, operating systems, and storage media, as well as network accounts providing email, Internet browsing, or file transfer protocols that are owned, leased, rented, or controlled by the department are to be used for business purposes in serving the interests of the city and users in the course of normal operations. The City does not prohibit the limited use of a *networked system* for personal use. Brief personal usage of 3-5 minutes to check email, the weather forecast, or news sites are examples of acceptable use of department computers for personal reasons. However, employees are responsible for exercising good judgment regarding personal use.

Each office, command, division, and unit is responsible for creating guidelines concerning the use of department owned or controlled computers and *networked systems*. In the absence of such policies, employees shall be guided by department regulations regarding personal use. If there is any uncertainty, employees shall consult with their supervisor before using a *networked system*.

2 AUDIT INFORMATION

For security and network maintenance purposes, authorized individuals within the department may monitor equipment, *networked systems*, and network traffic at any time. The department reserves the right to audit any department owned or controlled *networked system* on a periodic basis to ensure compliance with this policy.

3 SECURITY AND PROPRIETARY INFORMATION

Any information accessed via a *networked system* may be classified as confidential (e.g., law enforcement private information, organizational strategies, specifications, telephone and contact lists, and research data). Employees shall prevent unauthorized access to this information. See also General Order 800-06, **CJIS Compliance**.

Employees shall keep passwords and personal identification numbers (PINs) secure and shall not share accounts (see General Order 400-22, **Keys, Passwords, and Personal Identification Numbers**). Authorized users are responsible for the security of their passwords, PINs, and accounts. System level user passwords and PINs shall be changed every 90 *calendar* days.

Any computer that connects to a *networked system*, regardless of who actually owns the computer, shall be:

- a. Protected and continually scanned by approved anti-virus software.
- b. Maintained to current levels of protection.
- c. Configured to obtain operating system patches and updates from the Office of Technology Services or an authorized software vendor.

All servers and desktop, laptop, and workstation computers shall be secured with a

password-protected screensaver with the automatic activation feature set at 10 minutes or less. Employees shall log off their computers if they are going to be away from it for more than two hours. All tablet computers shall have an idle timed screen-lock secured with a six-digit PIN.

Because information contained on portable computers (e.g., laptops, tablets) is especially vulnerable, special care shall be exercised. At a minimum, the use of a unique password or PIN shall be used. Some data is extremely sensitive and employees are strongly encouraged to have multiple layers of protection on these files.

All postings by employees from a department email address to a newsgroup shall contain a disclaimer stating, "The opinions expressed are those of the author and not necessarily those of the department," unless they are posted in the course of business duties.

Using Data From an Outside Source

Employees shall use extreme caution when dealing with all email attachments, especially those received from unknown senders, or unexpected attachments from known senders. Emails frequently carry *malicious programs* that can easily, quickly, and irrevocably destroy or corrupt all data within a computer, server, or *networked system* and compromise the entire HPD computer network.

Employees shall use extreme caution when using any data brought in from an outside source. When outside data is used, employees shall first scan the files for *malicious programs* before downloading or using the information, even if the data comes from the employee's personal computer.

Employees shall use extreme caution when using USB drives (thumb drives) from unknown or untrusted sources. Simply inserting

a USB drive containing malicious software can easily, quickly, and irrevocably destroy or corrupt all data within a computer, server, or a *networked system* and compromise the entire HPD computer network.

4 UNACCEPTABLE USE OF COMPUTERS

Under no circumstances is an employee authorized to engage in any activity that is illegal under local, state, federal, or international law.

The following subsections include lists of prohibited activities that are by no means exhaustive, but attempt to provide a framework for activities that fall into the category of unacceptable use of computers.

Prohibited Computer and Networked System Activities

Employees shall not:

- a. Violate the rights of any person or company protected by copyright, trade secret, patent or other intellectual property laws, or similar laws or regulations. This includes, but is not limited to, the installation or distribution of "pirated" materials or other software products that are not appropriately licensed for use by the department.
- b. Copy or use copyrighted material including, but not limited to, digitization and distribution of photographs, music, or literary works that are not authorized. This also includes the installation of any copyrighted software for which the department or the end user does not have an active license.
- c. Export software, technical information, or encryption software or technology that is not authorized. The appropriate level of management shall be consulted prior to exporting any material in question.
- d. Intentionally introduce *malicious programs* into the network or server.
- e. Reveal their account password or PIN to others or allow the use of their account by others (see General Order 400-22, **Keys, Passwords, and Personal Identification Numbers**). This includes family and other household members when work is being done at home.
- f. Use any department equipment to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws (see General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**).
- g. Make fraudulent offers of products, items, or services originating from any department account.
- h. Make statements about warranty, expressed or implied, unless it is within the scope of assigned duties.
- i. Commit *security breaches* or *disruptions* of network communication, unless these duties are within the scope of assigned duties.
- j. Conduct port scans or security scans unless otherwise authorized by the Office of Technology Services.
- k. Execute any form of network monitoring that intercepts data not intended for the employee's host, unless it is within the scope of assigned duties.
- l. Circumvent user authentication or security of any host, network, or account.
- m. Interfere with or deny service to any user other than the employee's host (e.g., denial of service attack).
- n. Use any program, script, or command, or send messages of any kind with the

intent to interfere with or disable a user's terminal session, via any means, locally or via the *networked system*.

- o. Provide information about or a list of department employees to any party outside the department without the express direction of the Office of Public Affairs, Open Records Unit or other authorized department entity.

Personnel are reminded that criminal history checks are restricted to official police business. Employees are accountable for the correct use and dissemination of this information.

Prohibited Email and Communication Activities

There are no exceptions to these prohibited activities. Employees shall not:

- a. Send junk mail, *spam*, or other advertising material including sales solicitations of any type to individuals who did not specifically request such material.
- b. Harass any person (see General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**) via email, telephone, or any type of paging or communication device, whether through language, frequency, or size of messages.
- c. Use or forge email header information that is not authorized.
- d. Create or forward "chain letters" or "Ponzi" or other "pyramid" schemes of any type.
- e. Solicit email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.

- f. Send from or through HPD's *network system* or any other service provider unsolicited email that advertises any group or service sponsored by the department.

- g. Post or *spam* the same or similar non-business related messages to large numbers of Usenet newsgroups.

5 ENFORCEMENT

Any employee found intentionally violating this policy shall be subject to disciplinary, civil, or criminal actions.

6 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-14, Telephone Regulations
300-11, Discrimination, Harassment, and Other Prohibited Conduct
400-11, Paging Devices
400-13, Police Computer Systems
400-14, Control of Police Department Property
400-18, Responsibility for City Property
400-19, Microcomputer Regulations
400-21, Mobile Computing Devices
400-22, Keys, Passwords, and Personal Identification Numbers
800-06, CJIS Compliance
800-09, Official Document Archives
800-10, Police Records
City of Houston Administrative Procedure (A.P.) 8-1, Use of City Information and City Information Technology Resources; and A.P. 8-2, Cybersecurity Program


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 19, 2020

NO.

400-26

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-26, dated November 4, 2019

SUBJECT: CONDUCTED ENERGY DEVICES

POLICY

The Conducted Energy Device (CED) is intended to control a violent or potentially violent individual while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects and bring dangerous situations safely and effectively under control. CEDs are intermediate weapons and are not substitutes for lethal force. However, officers who use force against any person shall be able to state in detail the specific reasons for using force. CEDs are authorized for use against suspects who are *actively resisting* or exhibiting *active aggression*, or to prevent individuals from harming themselves or others.

This General Order applies to classified employees only.

DEFINITIONS

Activation. The act of depressing a CED trigger causing the CED to arc or to fire probes.

Active Aggression. A threat or overt act of an assault (through physical or verbal means) coupled with the present ability to carry out the threat or assault that reasonably indicates that an assault or injury to any person is imminent.

Actively Resisting. Physically evasive movements to defeat an officer's attempt at control, including bracing and tensing in an aggressive manner, pushing, or verbally signaling a clear and deliberate attempt to avoid or prevent being taken into or retained in custody. This also includes the suspect persisting with aforementioned activities after being given the opportunity to comply with an officer's commands.

Battery. A CED's digital power magazine.

CED Cycle. Duration of a CED electrical *discharge* following CED *activation*.

CED Incident Checklist. A checklist to be used by supervisors when reviewing and supplementing another officer's incident or supplement report that documents a CED *discharge*.

Conducted Energy Device (CED). A weapon primarily designed to disrupt a subject's central nervous system by means of discharging electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

Darted. When a suspect is struck by the probes (darts) fired from a CED.

Discharge. The firing of a CED, whether intentional or unintentional, unless specified otherwise. This term includes using a CED in a *drive stun* manner.

Drive Stun. When a CED with no air cartridge or a spent air cartridge is placed in direct contact with the body of an individual or an animal and *discharged*. This is generally the secondary option for a CED.

Excited Delirium. A state of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, hostility, exceptional strength, or endurance without fatigue.

Passive Resistance. Physical actions or a lack thereof that do not prevent the officer's attempt to control. It is a tactic of civil disobedience and labor disputes (e.g., a person who remains in a limp, stiff, or prone position, refuses to comply with simple directions, participates in a sit-in, locks arms in a chain, or blocks an entry way).

Secondary Injury. Physical trauma indirectly associated with CED use (e.g., injuries from falls).

Sensitive Area. A person's head, neck, or groin area, or a male or female breast.

Stun. The proper term for using a CED to jam and override the central nervous system or cause uncontrollable contractions of muscle tissue when a suspect is *darted* or *drive stunned*.

Unintentional Discharge. Any time a CED air cartridge fires due to mechanical failure of the device or other inadvertent cause.

1 APPROVED CEDS

Officers shall use only CEDs and CED-related equipment (batteries, air cartridges, and holsters) that are approved by the Training Division. No changes, alterations, or modifications are permitted to the device or the related equipment without specific approval by the Training Division.

Officers with an HPD registered CED shall wear it at all times while wearing the *official classified uniform*, including while working extra employment, except as directed by a supervisor. Officers who regularly work in a uniformed capacity, including crime suppression units, shall wear a CED unless otherwise approved by the assistant chief in the officer's chain of command. Classified commanders have the option to carry their CED. The CED shall be worn in a cross-draw manner as approved by the department.

Officers in plainclothes, whether on or off duty, are not required to carry a CED. However, officers with an HPD registered CED shall wear it when there is an expectation of participating in an arrest situation. Officers in plainclothes, whether on or off duty, who choose to carry a CED shall abide by the same use policies as uniformed officers. A CED carried by an on-duty plainclothes officer shall be carried in an approved holster attached to the officer's belt in a cross-draw manner. Alternatively, these officers may carry a CED in a purse or a pack, but the device shall be housed in an approved holster.

To prevent overheating of a CED, officers shall ensure that the safety switch remains in the down (Safe) position when not in use.

Personal CEDs

For personally owned CEDs, officers may purchase only CED models and related equipment approved by the Training Division. Personal CEDs and air cartridges shall be registered with the department and are subject to the same restrictions, guidelines, and policies as if they were furnished by the department.

The term CED also includes personally owned CEDs.

2 USE OF CEDS

CEDs will not eliminate all physical confrontations with suspects. The CED has limitations and restrictions requiring consideration before its use. Although the CED is generally effective in controlling most individuals, officers should be alert to the potential for failure and be prepared with other options.

Generally, CEDs are not intended to be used when confronting a suspect with a potentially lethal weapon. If an officer is going to attempt to use a CED when encountering a suspect believed to possess a potentially lethal weapon, a secondary officer should be present to provide cover with a firearm. Officers should always remember to use time, distance, numbers, cover and concealment to their advantage.

When practical, officers shall give a warning to a suspect prior to *activating* the CED unless to do so would place any person at risk.

Officers are authorized to use a CED on an animal to prevent injury to themselves or others.

CED Use NOT Permitted

Officers shall not:

- a. Display a CED in an unprofessional or unsafe manner.
- b. Use a CED on individuals presenting only *passive resistance*.
- c. Use a CED on a person in close proximity to gas fumes, methamphetamine labs, aerosol chemical agents, or other flammable or combustible environments.
- d. Discharge a CED from a moving vehicle or at the operator of a vehicle or its occupants.
- e. Mounted Patrol Officers shall not discharge a CED from horseback.

CED Use to Be Avoided Under the Following Conditions

The use of the CED shall be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the officer, the suspect or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the CED.

- a. Persons sprayed with any chemical by a person outside the department. HPD policy requires a non-flammable chemical spray.
- b. Deployment simply to protect property against destruction or damage.
- c. Individuals who are handcuffed or otherwise restrained.
- d. Individuals known to be mentally ill, but not *actively resisting* or attempting to harm himself or others.
- e. A person who is obviously or known to be pregnant.
- f. A person known to use internal cardiac devices.
- g. A person who is elderly medically infirm, visibly frail, or a young child.
- h. A suspect who is fleeing, running or moving under momentum. However, officers are justified to use their CED if the situation justifies the increase risk to immediately effect an arrest to protect the public from a violent suspect attempting to avoid apprehension, taking into consideration their surroundings and potential hazards.
- i. An individual who is on an elevated surface, unstable surface, or other location where a fall may cause substantial injury or death.
- j. An individual who is suspected of possessing or wearing an improvised explosive device (IED).

Laser pointing (a.k.a. “red dotting”) can be an effective psychological tool. However, officers shall refrain from abusing the use of the CED’s laser pointer and shall refrain from intentionally red dotting *sensitive areas*. Officers shall not red dot a person or animal unless the situation warrants the use of a CED.

Minimizing the Risk from CED Exposure

Minimize the number and duration of CED exposures. Officers shall keep *CED cycling* to a minimum, especially against persons displaying symptoms of *excited delirium*, and use the shortest duration of CED exposure necessary to apply authorized restraint devices and effect an arrest. Officers shall constantly reassess the circumstances and the subject’s behavior, reaction and resistance after each *CED cycle* and before initiating or continuing the exposure.

Avoid simultaneous CED exposures. Unless an exigent circumstance exists that would cause a reasonable officer to believe prompt action is necessary to prevent serious physical harm to himself or others, officers shall not use multiple CEDs at the same time and no more than one officer should *activate* a CED against a suspect at a time.

Control and restrain immediately. Officers shall begin control and restraint procedures, including during CED exposure, as soon as reasonably safe and practical to minimize the total duration of exertion and stress experienced by the suspect.

Avoid touching probes and wires during CED discharge. Controlling and restraining a suspect during CED exposure may put the discharging officer and those assisting at risk of accidental or unintended shock. Officers shall avoid touching the probes and wires and the areas between the probes during the CED discharge.

3 CED DISCHARGE INSIDE THE CITY LIMITS OF HOUSTON

Unintentional Discharge in Non-Field Situation

If an *unintentional discharge* occurs in a non-field situation (e.g., during roll call) and the supervisor determines the incident was an *unintentional discharge* and there is no injury or damage to property, the supervisor shall forward correspondence to the officer's division commander outlining the circumstances of the *unintentional discharge*. Other reporting requirements outlined in this General Order are not required for such non-field *unintentional discharges*.

Officer's Responsibilities

Except as otherwise noted in this General Order, whenever an officer *discharges* a CED, that officer shall notify the dispatcher, who shall dispatch a supervisor. If the officer is unable to notify a dispatcher, the most senior officer at the scene shall contact dispatch.

The officer shall generate an incident report or supplement an existing incident report. If more than one officer *discharges* a CED during an incident, each officer shall supplement the incident report describing his actions and observations. The incident or supplement report shall document the incident following the guidelines in the *CED Incident Checklist* form and General Order 600-20, **Response to Resistance Reporting**.

In addition, the report shall also:

- a. Specify the number of trigger *activations*.
- b. Describe the location on the suspect's body where the CED made contact either with darts or by *drive stun*.
- c. Identify the person who removed the darts (name and affiliation).

Officers shall download body worn camera data involving CED cases before going off duty.

Emergency Communications Division's Responsibilities

When notified of a CED *discharge*, the dispatcher shall send the officer's supervisor to the scene. If that supervisor is not available (e.g., off duty or on another call), the dispatcher shall send another supervisor from the officer's division to the scene. Should no supervisors from the officer's division be available to respond, the dispatcher shall send a supervisor from the patrol division responsible for the location where the incident occurred.

Supervisor's Responsibilities

The supervisor responding to the scene of a CED incident shall first check to see if anyone is injured. The Houston Fire Department shall be contacted if the suspect has been *darted* in a *sensitive area* or has sustained *secondary injuries*, or if otherwise needed. If the incident involves *serious bodily injury* or death, the scene supervisor shall contact the Command Center.

The scene supervisor shall conduct an inquiry of the CED incident and gather sufficient information to perform the following tasks in addition to the procedures outlined in General Order 600-20, **Response to Resistance Reporting**.

- a. Notify the owner of any animal that was *darted* or *drive stunned*.
- b. Obtain the CED download data before going off duty.
- c. Issue new air cartridges.
- d. Ensure each officer involved wrote any required incident or supplement report before going off duty and that the report contains sufficient details justifying the CED *discharge*.
- e. Ensure data from body worn cameras involving CED cases are downloaded before going off duty.
- f. Upon completion, forward copies of the *CED Incident Checklist*, *Significant Event Report*, CED download data, email confirmation, and the incident and supplement reports to the division commander.

The supervisor's supplement report shall be written using the CED supplement template and shall include all of the following:

- g. Name and employee number of the officers discharging a CED.
- h. Description of location of dart strikes or *drive stun*.
- i. Name and affiliation of the person who removed the darts.
- j. Medical condition of the suspect and where and by whom the suspect was transported.
- k. Make, model, and serial number of the CED and the serial number of the air cartridges used.
- l. CED download data, including the date, time, number of *activations*, and duration of the *CED cycles*. A CED download shall be done for each CED device that was *discharged* during the incident. The date range of the download shall be sufficient to capture the time period from the beginning of the officer's shift until the *discharge*.

The narrative of the supervisor's supplement shall include:

- m. Date and time the supervisor arrived at the scene.

- n. Officer, witness, suspect, or reportee statements that are not already included in the incident or supplement reports.
- o. A brief statement reiterating the officer's justification to *activate* the CED.
- p. A brief statement that the supervisor reviewed the incident report and it contains all of the required facts in accordance with this General Order.

If a supervisor *discharges* a CED, another supervisor shall be dispatched to the scene to conduct the inquiry and complete all required paperwork and notifications.

Command Center's Responsibilities

If the incident involves *serious bodily injury* or death, the Command Center shall contact Homicide Division and Internal Affairs Division.

Division Commander's Responsibilities

Division commanders shall review all CED incidents and *CED Incident Checklists* generated by personnel under their command and ensure the reports contain detailed justification for the CED *activation*. Then division commanders shall approve the *CED Incident Checklists* via the *Response to Resistance* application on the department's Intranet Portal.

4 CED DISCHARGE OUTSIDE THE CITY LIMITS OF HOUSTON

If officers are outside the city limits of Houston and *discharge* their CED, then officers shall immediately contact the law enforcement agency having jurisdiction, appropriate medical personnel, and the HPD Command Center if applicable. See General Order 600-20, **Response to Resistance Reporting** regarding the response and documentation of CED discharges outside the city limits of Houston.

5 CED EVIDENCE

The unique air cartridge number that correlates with the Anti-Felon Identification (AFID) tags shall be documented in all CED incident reports.

CED probes and AFID tags shall be collected and preserved as evidence only for incidents in which:

- a. A suspect has been *darted* in a *sensitive area* or has sustained a *serious bodily injury*.
- b. A suspect has sustained a *secondary injury* needing medical treatment.
- c. An officer has sustained an injury needing medical treatment and the injury is related to the CED incident.
- d. Officers believe the CED evidence may be needed in a future investigation or hearing.

If CED probes are not collected for evidence, they shall not be left at the scene or simply thrown away. Officers shall consider the probes as “used needles” or “sharps” waste and they shall be disposed of in proper “sharps” disposal receptacles located at any jail facility or with permission in any other proper disposal receptacles (e.g., at hospitals and in ambulances).

6 DART REMOVAL

A CED trained officer may remove CED darts from suspects if there is no indication for medical personnel to be called to the scene.

In addition to those situations in which an ambulance would normally be called to a CED scene, medical personnel shall be immediately summoned to the scene if any of the following are true:

- a. A person is *darted* in a *sensitive area*.
- b. A dart is too deeply embedded for easy removal.
- c. The person exhibits an adverse reaction.
- d. The person has a significant *secondary injury*.

7 JAIL BOOKING

Before booking a prisoner who has been *darted*, officers shall notify the jail personnel and jail HPD sergeant that the suspect has been *darted* or *drive stunned* by a CED. “CED Event” shall be entered into the Records Management System (RMS) where the physical condition of the prisoner is noted; and documentation of the jail HPD sergeant that was notified of the event shall be entered into the narrative of the incident report.

8 CED SPARK TEST

Officers shall conduct a five-second spark test at the beginning of their shift in order to keep the internal CED capacitor charged and to avoid a delayed spark or software corruption. Roll call supervisors shall document witnessing spark tests on the roll call sheet and ensure all officers on the sheet conducted a spark test. All other officers carrying a CED on duty, whether in uniform or plainclothes, shall conduct a five-second spark test in front of a supervisor and shall document the test separately. This documentation should be kept for a minimum of 90 *calendar* days.

Uniformed officers working extra employment shall conduct a five-second spark test at the beginning of their extra employment. The test shall be conducted out of public view and shall be documented separately. This documentation should be kept for a minimum of 90 *calendar* days.

Officers may test their CEDs more frequently if there is an operational reliability concern (e.g., the unit gets wet or dropped). When the CED is tested for reliability concerns, a supervisor shall be present and the circumstances regarding the test shall be documented separately, preferably on the roll call sheet.

All officers who are not mandated by General Orders to carry their CED on a daily basis or at extra employment shall conduct a spark test at least once a week. The test shall be documented separately and this documentation should be kept for a minimum of 90 *calendar* days.

9 DAMAGED, MALFUNCTIONING, OR WET CEDS

When replacement of a CED is needed, officers shall follow the replacement procedures outlined in section 10 of this General Order.

Damaged or Malfunctioning CEDs

Officers shall not carry a CED that shows obvious signs of damage (beyond normal wear) or is malfunctioning.

If a CED is dropped or officers think there may be a problem with their CED, they shall conduct a thorough inspection of the unit looking for any possible signs of damage (e.g., broken central information display or a cracked laser or flashlight lens) before it is used.

Warning: Officers are advised even after a CED has been checked and no apparent damage is found, the CED may *unintentionally discharge* when the safety switch is placed in the up (Armed) position.

Wet CEDs

Warning: A CED exposed to extreme moisture may *unintentionally discharge* with the safety switch in the down (Safe) position due to short-circuiting of the electronic components.

Static Electricity

Warning: A CED exposed to extreme amounts of static electricity may *unintentionally discharge* with the safety switch in the down (Safe) position due to short-circuiting of the electronic components.

CED Inspection Procedures

When a CED malfunctions, is suspected of being damaged, or becomes wet or exposed to extreme moisture, officers shall not move the safety switch to the up (Armed) position until the following procedures are performed:

- a. Immediately remove the air cartridge and do not replace it until the device is checked as described below and functions normally.
- b. Remove the CED's *battery*.
- c. Thoroughly inspect the CED for damage or moisture.
- d. If exposed to moisture or rain, wipe the CED thoroughly with a dry cloth.

If there is any visible moisture inside the *battery* well, officers shall follow the procedures outlined in section 10 of this General Order.

If no moisture is found in the *battery* well, officers shall ensure all components are completely dry for at least 24 hours before reinserting the *battery*.

- e. If no damage is detected and the CED is thoroughly dried (after the 24-hour waiting period), insert the *battery* and then place the safety switch in the up (Armed) position. If the weapon *unintentionally discharges* without pulling the trigger, place the safety switch in the down (Safe) position and remove the *battery*. The CED is unsafe and is not to be used in any manner. Officers shall then follow the steps in section 10 of this General Order.
- f. If the weapon does not *discharge unintentionally*, officers shall conduct a full five-second spark test in front of a supervisor. A rapid pulse should occur and the electrical discharge should stop after five seconds. Officers shall conduct the wet and damaged test in front of a supervisor. The supervisor shall document the test on the roll call sheet.
- g. If the CED does not operate normally, place the safety switch in the down (Safe) position, remove the *battery*, and follow the steps in section 10 of this General Order.
- h. If the CED functions normally, place the safety switch in the down (Safe) position and replace the air cartridge. The device can now be carried.

10 CED, BATTERY, HOLSTER, OR AIR CARTRIDGE REPLACEMENT

When any CED equipment (CED, *battery*, holster, or air cartridge) needs replacing for any reason, the following steps shall be followed:

- a. Officers shall immediately notify their supervisor of the reason a replacement is needed.
- b. The supervisor shall determine if a replacement is warranted.
- c. Upon approval from a supervisor, the officer shall report to the Training Division or other designated station to obtain a CED equipment replacement.
- d. CED equipment may be exchanged by only the employee assigned the equipment requiring replacement.

Lost, Stolen, or Damaged CED Equipment

When loss, theft, negligence, or abuse of a CED or any CED equipment occurs, officers and supervisors shall follow the guidelines in General Order 400-18, **Responsibility for City and Other Government Property**. In order for officers to obtain any CED equipment replacement due to loss, theft, negligence, or abuse, they shall follow the procedures listed earlier in this section and also provide copies of the following documents to the replacement location:

- a. The incident report with the serial number of the item (if applicable) listed in the *Article* section.

- b. The supervisor's administrative letter to the division commander. See General Order 400-18, **Responsibility for City and Other Government Property**, for information regarding the administrative letter.
- c. A *Restitution Receipt* from the department's Office of Budget and Finance (if applicable).

CED Equipment Replacement Locations

Officers may obtain all approved CED equipment replacements at the Training Division's CED Unit during its normal business hours, at the Academy Qualification Range after hours, or at the Downtown Division. Air cartridges and batteries are also available at all patrol stations.

11 CED FIRMWARE UPDATES AND DATA DOWNLOADS

Periodic CED firmware updates are necessary to maintain functionality of the CED. The latest firmware number should be displayed on the designated system. Any critical or emergency firmware updates shall be announced by department Circular or mail manager for immediate action.

Division commanders shall ensure that CEDs assigned under their command have data downloads performed twice per year to check for abuse and functionality.

Instructions regarding how to maintain CEDs in good working order, firmware updates, or perform a data download are located on the department's Intranet Portal.

12 AUDITS

Commanders shall periodically conduct random audits of CED data downloads and reconcile response to resistance reports with recorded *activations*. Supervisors shall take necessary action as appropriate when inconsistencies are detected.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

April 9, 2015

NO.

400-29

REFERENCE: This newly created General Order supersedes all prior conflicting Circulars, Directives, and General Orders

SUBJECT: AUTOMATED LICENSE PLATE RECOGNITION

POLICY

An automated license plate recognition (ALPR) system is an information technology system with the capability to quickly scan vehicle license plates and compare the information to a database for possible matches. The ALPR system provides many opportunities for the enhancement of productivity, effectiveness, and officer safety.

This General Order establishes guidelines for all employees of the Houston Police Department in the deployment, maintenance, training, data storage, and associated uses of the ALPR system used by the department. All employees shall abide by the guidelines set forth in this General Order when using the ALPR system.

This General Order applies to all employees.

DEFINITIONS

Alert. An indication, by visual and/or audible signal, of a potential "hit" on a license plate.

Alert Data. Information captured by the ALPR system relating to a license plate that matches the license plate number on a *hot list* or *limited time entry*.

ALPR Analyst. A classified officer or civilian employee of the department who has been designated as an authorized ALPR analyst by the ALPR manager and who has received ALPR training approved by the department. Only an ALPR analyst may access ALPR stored data.

ALPR Manager. Executive Staff level employee so designated by the Chief of Police and who is responsible for the administration and management of the ALPR program including oversight of the department's use of the ALPR system and ALPR stored data, as well as problem resolution, training, repair, and other aspects of the ALPR program and system.

ALPR Operator. A classified officer who has received training approved by the department in the use of the ALPR system utilized in police vehicles.

ALPR Stored Data. Refers to all information captured by an ALPR device and stored in the ALPR system. The term includes the recorded image of a scanned license plate and *optical character recognition* data, global positioning system (GPS) data (when the ALPR is equipped with a GPS receiver) or other location information, and the date and time of the scan.

Automated License Plate Recognition (ALPR) System. Equipment consisting of camera(s), computer and computer software, and related equipment used to automatically capture an image of a vehicle's license plate, transform that image into alphanumeric characters using *optical character recognition* or similar software, compare the plate number acquired to a database of vehicles of interest, and to alert an ALPR operator when a vehicle from the *hot list* or *limited time entry* has been observed. Stored data may also be analyzed at a future date for investigative purposes.

Crime Scene Query. Refers to the process of accessing and reviewing ALPR stored

data that had been originally scanned at or about the time and in the vicinity of a reported criminal event for the purpose of identifying vehicles that might be associated with the specific criminal event.

Crime Trend Analysis. Refers to the analytical process by which ALPR stored data is used, whether alone or in conjunction with other sources of information, to detect crime patterns by studying and linking common elements of recurring crimes to predict when and where future crimes may occur and to link specific vehicles to potential criminal activity.

Criminal Justice Agency. For purposes of this General Order, criminal justice agency includes courts or a governmental agency or any subunit of a governmental agency that performs the administration of criminal justice pursuant to a statute or executive order *and* that allocates a substantial part of its annual budget to the administration of criminal justice. The term also includes campus police departments that have obtained an originating agency identifier from the Federal Bureau of Investigation as described in Section 411.082 of the Texas Government Code.

Download. The transfer of *hot list* data to ALPR devices from the ALPR database.

Hit. A read matched to a license plate number that has previously been entered on the *hot list* or entered as a *limited time entry*.

Hot List. License plate numbers of vehicles of interest such as stolen or wanted vehicles and license plate numbers related to traffic warrants that have been provided to the ALPR system so an ALPR operator will be alerted if the image of a license plate captured matches a license plate number on the hot list.

Limited Time Entry. A license plate number manually entered by an ALPR operator into the ALPR system in a police vehicle.

Optical Character Recognition (OCR). The electronically readable format of license plate alphanumeric characters.

Personal Information. For purposes of this General Order, personal information means information obtained from motor vehicle records that identifies a person, including an individual's photograph or computerized image, social security number, driver identification number, name, address (but not the zip code), telephone number, or medical or disability information.

1 ALPR MANAGER'S RESPONSIBILITIES

The ALPR manager shall do the following:

- a. Oversee integration of the ALPR program into day-to-day police activities of the department's patrol and investigative functions.
- b. Determine any restrictions for use of the ALPR system.
- c. Oversee the utilization of ALPR system resources and ALPR stored data.
- d. Validate training for ALPR operators and ALPR analysts to ensure they are properly trained before participating in ALPR field operations or accessing ALPR stored data. This responsibility also includes ensuring training is timely and adequate, ensuring proper operations are in accordance with departmental policies, and ensuring all training is documented.
- e. Recommend policy changes to the Executive Staff.
- f. Designate and approve personnel who can conduct analyses of stored data.
- g. Ensure compliance with records retention requirements, ensure compliance with ALPR stored data extension requests,

facilitate responses to open records requests for ALPR stored data, ensure periodic audits are conducted, manage compilation of the hot list, ensure all maintenance and repair of the ALPR system is completed, and designate trained personnel to check equipment on a regular basis to ensure functionality and camera alignment.

2 ALPR TRAINING

ALPR operators shall receive training approved by the department prior to using the ALPR system.

ALPR analysts shall receive training approved by the department prior to conducting any search of ALPR stored data.

3 RESTRICTED USAGE

The ALPR system and data generated or stored by the ALPR system shall be used only for official law enforcement purposes.

Employees that misuse the ALPR system or associated databases or data, may be subject to disciplinary action up to and including indefinite suspension.

4 ALPR OPERATOR'S RESPONSIBILITIES

Inspection of ALPR Cameras

ALPR operators shall visually inspect the exterior ALPR cameras each day to ensure the lenses are clear and the cameras have not been altered in any way.

ALPR operators may clean the ALPR camera lenses with an approved lens cleaner and a soft, non-abrasive cloth.

ALPR operators shall not attempt to adjust any of the cameras nor attempt to repair any portion of the ALPR system.

Start-Up Procedures and Operations

Prior to utilizing ALPR equipment, an ALPR operator shall ensure the download of the most recent hot list.

ALPR operators shall activate and leave the ALPR system operational while patrolling throughout the duration of the shift. The ALPR screen can be minimized in the background and the system remains operational.

ALPR operators shall immediately advise a supervisor of any malfunctioning or damaged ALPR equipment.

Responding to ALPR Alerts

An ALPR alert shall not be considered probable cause for arrest until it has been properly verified for accuracy. Information received through the ALPR system should be considered in conjunction with other information about the circumstances of an offense before any arrest decision is made.

Prior to initiating a stop, the ALPR operator shall adhere to the below tasks upon receiving an ALPR alert:

- a. The ALPR operator shall ensure there is a *hit*, which requires the ALPR operator to visually verify the vehicle license plate number matches the license plate number read by the ALPR system, including both alphanumeric characters (i.e., numbers and letters) and the state of issuance.
- b. If the alert is solely related to a warrant (e.g., municipal traffic warrant or any arrest warrant), the ALPR operator shall ascertain information about the person named in the warrant via dispatch or mobile computing device (MCD) query.
- c. If the alert is NOT related to a warrant and is another type of alert (e.g., stolen vehicle, wanted vehicle, alert from a

limited time entry), the ALPR operator shall verify the current status of the license plate through dispatch or MCD query when circumstances allow.

Once the ALPR operator has confirmed there is a *hit*, the ALPR operator shall take appropriate action based upon the type of alert in accordance with training and department policy.

Nothing in this policy restricts or prohibits an officer from taking appropriate police action based on facts or reasons obtained independently from the ALPR operation.

Documentation

When a vehicle is stopped or police action is taken as a result of an ALPR alert, the ALPR operator shall provide a disposition (e.g., arrest made, vehicle recovered) in the notes section of the ALPR system.

Additionally, whenever a citation is issued or an incident report is generated as a result of a vehicle being stopped based upon an alert, the ALPR operator shall document this on the citation or incident report, as applicable.

Limited Time Entry

ALPR operators may make *limited time entries* only when any of the following situations exist:

- a. Amber alert
- b. Silver alert
- c. Missing person
- d. A license plate number is associated with criminal activity that is in progress or that has just occurred.

ALPR operators making *limited time entries* shall state the purpose for the entry in the ALPR system.

Prior to submitting a *limited time entry*, the ALPR operator shall do all of the following:

- e. Enter the begin date, which shall match the actual date of entry.
- f. Enter the begin time of the entry.
- g. Enter the end date, which shall match the date on which the ALPR operator's shift ends.
- h. Enter the end time, which shall match the ALPR operator's end of shift time or any time prior to the ALPR operator's end of shift time.

5 ALPR ANALYST'S RESPONSIBILITIES

ALPR analysts shall:

- a. Access ALPR stored data by providing their established user name and password.
- b. Access and use ALPR stored data only as part of an active investigation or for any other legitimate law enforcement purpose including, but not limited to, a hot list query, a *crime scene query*, or *crime trend analysis*.

6 DIVISION COMMANDER'S RESPONSIBILITIES

Division commanders shall ensure:

- a. ALPR equipment assigned to the division is being properly utilized and maintained.
- b. Any damaged or malfunctioning ALPR equipment is reported to the ALPR manager.
- c. Only trained ALPR operators utilize ALPR equipment.

- d. Only trained ALPR analysts research ALPR stored data.

7 SUPERVISOR'S RESPONSIBILITIES

Supervisors shall:

- a. Notify the division commander of any damaged or malfunctioning ALPR equipment.
- b. Document any damage in accordance with established procedures.
- c. Monitor the use of the ALPR system and ensure it is being utilized regularly and by ALPR operators only.
- d. Ensure only trained ALPR analysts research ALPR stored data and only for the purposes set forth herein.

8 REPAIR AND MAINTENANCE

Each division that is allocated an ALPR device is responsible for properly maintaining the equipment. If repairs are needed, the vehicle with malfunctioning ALPR equipment shall be taken to the Office of Technology Services, Mobile Technology Shop for technicians to evaluate issues related to the equipment problems. Technicians are trained to properly adjust cameras and troubleshoot problems that may occur with the ALPR system.

The ALPR system shall not be modified without approval from the ALPR manager.

Damage to the ALPR system shall be immediately reported to a supervisor. The supervisor shall document any damage in accordance with established procedures. Should it be determined that an investigation is warranted, the supervisor shall follow departmental procedure as described in General Order 400-18, **Responsibility for City Property**. Damage shall also be report-

ed to the division commander and the ALPR manager. The ALPR manager shall be notified of any ALPR system needing maintenance or repair.

9 RETENTION PROCEDURES

ALPR stored data shall be stored on a department database residing on a City of Houston server and shall not be stored outside the control of the department.

All ALPR stored data shall be automatically purged on the 180th calendar day from the date of the read unless there is an extension of the retention period as set forth below.

If ALPR stored data is evidence in a criminal investigation or prosecution, the investigating officer shall notify the ALPR manager prior to the initial 180-calendar-day purge:

- a. That the data needs to be retained.
- b. The purpose for such retention.
- c. The time frame for the retention.

Upon notification of an extension for evidentiary data, the ALPR manager shall ensure the data is retained accordingly.

10 DISSEMINATION OF ALPR STORED DATA

All ALPR stored data including, but not limited to, *alert data* shall be considered "For Official Use Only" and can be disseminated only to another criminal justice agency as defined herein for legitimate law enforcement purposes. Dissemination means to make available or make known by any means of communication. Dissemination is not intended for large volume requests (e.g., file transfers, batch requests) of ALPR stored data.

When ALPR stored data is disseminated, such disclosure shall be documented in a

Dissemination Log containing at minimum the:

- a. Description of the ALPR stored data disclosed.
- b. Date the information was released.
- c. Identity of the individual to whom the information was released, including the criminal justice agency and contact information.
- d. Purpose for which the ALPR stored data shall subsequently be used.

Dissemination Log forms are available on the department's Intranet Portal.

Employees shall not disseminate *personal information* that is or can be associated with ALPR stored data to any person outside the department.

An outside entity, other than a criminal justice agency, requesting information about ALPR stored data shall be referred to the Office of Public Affairs.

11 INVENTORY

The responsibility for and inventory of the ALPR system shall be consistent with General Order 400-14, **Control of Police Department Property** and General Order 400-18, **Responsibility for City Property**.

12 SECURITY AND STORAGE OF DATA

The Office of Technology Services shall ensure:

- a. All ALPR stored data is kept in a secure data storage system.
- b. ALPR stored data is maintained electronically for the time periods set forth above in section 9, *Retention Procedures*.
- c. There is computer and network infrastructure to provide adequate system performance and availability of the ALPR system.

13 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

400-14, **Control of Police Department Property**

400-18, **Responsibility for City Property**

800-10, **Police Records**

Chapter 51, Section 51.203 of the Texas Education Code

Chapter 411, Section 411.082 of the Texas Government Code

Title 7, Chapter 730, Motor Vehicle Records Disclosure Act

Title 18 United States Code, Chapter 123, Section 2721-Prohibition on Release and Use of Certain Personal Information From State Motor Vehicle Records


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 2, 2019

NO.

500-01

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-01, dated July 24, 2012

SUBJECT: EFFECTING ARRESTS AND SEARCHES

POLICY

The highest regard possible shall be given to arrested individuals' and officers' safety and well-being.

Prisoners shall be thoroughly searched at the time of arrest and by each employee in the chain of custody to ensure no weapons, contraband, or evidence remains on the prisoner.

Except as noted in this General Order, all persons under arrest shall be properly handcuffed behind the back prior to being thoroughly searched and shall remain handcuffed while being transported in any police vehicle.

This General Order applies to classified employees only.

DEFINITIONS

Body Cavity Search. A search involving the internal physical examination or probing of all body cavities.

Gender Identity. An individual's innate identification as either male or female, although it may not correspond to the individual's body or gender as assigned at birth.

Interlocking. A technique used to accomplish the arrest or restraint of a violent person by handcuffing the wrists and ankles together behind the back.

Positional Asphyxia. An impairment of the respiratory system due to body positioning that results in the reduction of oxygen or the increase of carbon dioxide in the bloodstream and tissues.

Strip Search. A search of an individual requiring the removal of some or all of the clothing to allow visual inspection of the breasts of a female or the genitalia of either sex.

Systematic Search. A thorough search of a prisoner including removing the prisoner's shoes and socks for inspection.

Transgender. An umbrella term that describes individuals whose *gender identity* is different from their assigned sex at birth.

1 JURISDICTION

Officers may exercise full police powers within the city limits of Houston. Further, officers may arrest a person for a violation of Transportation Code, Subtitle C, Title 7 (Rules of the Road)

occurring in the officer's presence or view anywhere in any county in which any part of the city of Houston is located.

Outside the city limits of Houston, but within the state of Texas, officers may arrest without warrant a person who commits an offense in the officer's presence or view, remembering that the jurisdiction to make arrests for violation of Transportation Code Rules of the Road noted above extends to only those counties in which a part of the city of Houston is located – currently Harris County, Fort Bend County, and Montgomery County. Arrests made outside Houston city limits should, whenever possible, be made in cooperation with the law enforcement agency having primary jurisdiction in order to facilitate the presentation of the person arrested before a magistrate as required by the Code of Criminal Procedure.

For additional parameters, refer to the Texas Code of Criminal Procedure, Chapter 14, Arrest Without Warrant.

2 LEGAL WARNING

When suspects are arrested, they shall be told as soon as possible they are under arrest and the charge or cause for the arrest.

If custodial interrogation is to take place, suspects shall be given the legal warnings as set out in the Texas Code of Criminal Procedure.

3 RESPONSE TO RESISTANCE

When dealing with citizens, suspects, or prisoners, employees shall limit their use of force and physical contact to only the amount reasonably necessary to protect themselves or others, to effect an arrest, or to bring an incident under control. See General Order 600-17, **Response to Resistance**.

Officers who use force against any person must be able to state in detail the specific reasons for using the force. If force is utilized during an incident, the officer and the supervisor must ensure that such force is documented according to General Order 600-17, **Response to Resistance**.

Suspects Who Ingest Contraband

The department's primary objectives in dealing with suspects who are believed to have ingested narcotics or other contraband are the preservation of life and the safety of the officer. The secondary objective is to preserve and recover evidence whenever possible.

Officers are prohibited from choking and/or restricting the airway of a suspect in an attempt to extract contraband from the suspect's mouth. Officers using reasonable force to extract contraband from a suspect's mouth should be cognizant of the risks and dangers associated with putting the officer's hands in or near the suspect's mouth.

Employees should be aware of and look for potential signs of distress following an ingestion, which could include, but are not limited to, loss of consciousness, trouble breathing, choking, profuse sweating, non-responsiveness, loss of mobility, and/or vomiting.

When an employee reasonably believes that a suspect has ingested narcotics or other contraband, which could present a health hazard, the employee shall immediately summon emergency medical personnel to provide assessment and treatment.

When a suspect has been transported to a medical facility after ingesting narcotics or other contraband, the arresting officer shall:

- a. Notify a supervisor as soon as is practical.
- b. Advise the attending physician of the situation, including an estimate of the amount of time elapsed since the ingestion and, if possible, the type, quantity, and packaging of the item(s) ingested.
- c. Generate an incident report or supplement that includes a detailed statement of the incident, medical treatment received (if known), and any actions taken by those on the scene.

Employees are advised that when a suspect ingests narcotics or other contraband and evidence is destroyed, they are to consult with the appropriate district attorney's office to discuss the acquisition of a search warrant, if necessary, and the possibility of filing all applicable charges including, but not limited to, Tampering with Evidence.

In the event that, after medical evaluation, medical personnel release the prisoner back to the officer, the officer shall:

- d. Immediately transport the prisoner to the designated jail facility.
- e. Document in the RMS "Arrest Tab" under "physical condition" that the prisoner "possibly ingested narcotics/contraband."
- f. Notify the jail HPD sergeant and jail personnel of the incident upon arrival at the jail facility.

4 RESTRAINTS AND TRANSPORTATION

Handcuffs

An exception to the handcuff policy is if a medical or specific physical condition (e.g., suspect's age or size) precludes handcuffing behind the back. Then the prisoner shall be secured in the safest possible manner before being placed in a police vehicle.

If a prisoner cannot be handcuffed, the transporting officer shall clearly document the reasons and specific justifications for not doing so in the incident or supplement report. The safety of the officer and the suspect or prisoner must be assured before the decision to transport without handcuffs is made. Unless otherwise approved by a supervisor, only two-officer units shall transport prisoners without handcuffs.

Transporting

When placing a prisoner in a police vehicle, officers shall position the prisoner's back toward the upper back seat with the prisoner sitting upright and facing forward. Officers shall then properly secure the prisoner in the seat restraint (seat belt and shoulder harness). The transporting officer shall watch the prisoner and ensure the prisoner does not become entangled in the seat restraint and that the seat restraint does not wrap around the prisoner's neck.

If the design or configuration of the transporting vehicle is such that it cannot safely transport a prisoner in accordance with this General Order, a more appropriate unit shall be dispatched.

Interlocking Technique

The *interlocking* technique shall be used by only officers trained in and utilizing the approved interlocking devices.

No changes, alterations, or modifications are permitted to approved leg restraints or interlocking devices.

In all arrest or transporting situations, especially those involving an interlocking technique, employees shall ensure prisoners are placed in a position that enables them to breathe freely and is the most comfortable position possible. Additionally, while officers may use their weight to initially gain control over a prisoner and to maintain control if necessary, officers are to use caution that the resulting compression of the chest or abdomen does not interfere with the prisoner's breathing.

WARNING: DO NOT leave the prisoner face down when using the interlocking technique as *positional asphyxia* may occur.

Interlocking is meant only as a temporary measure and suspects must be released from the interlocked position as soon as it is safe and practical.

Officers may encounter individuals who attempt to spit on them or others. Due to the potential health hazards associated with bodily fluids, officers shall have the option of employing department-issued spit covers on aggressive individuals. The use of a spit cover shall be only in response to the behavior exhibited or the immediate threat made by the person. Only department-issued spit covers shall be used. Spit covers shall be applied as described below:

If a suspect should spit on an officer or other public servant, the officer shall contact the appropriate district attorney's office to discuss possible felony harassment charges. Officers are reminded that the use of spit covers constitutes a response to resistance and shall be reported as described in General Order 600-17, **Response to Resistance**. Transporting officers shall notify jail personnel in the event a spit cover was used on a suspect.

Spit covers are to be used once and then disposed. Officers shall not reapply a used spit cover. If a subsequent application is required for the same individual, a new spit cover shall be used. Due to possible biological contamination, spit covers shall be disposed of properly as described in General Order 300-21, **Communicable Disease Policy**.

If a spit cover has been applied to an individual who subsequently dies in custody, the spit cover shall be placed in an evidence bag pursuant to the evidentiary property procedures outlined in General Order 700-01, **Property and Evidence Control Regulations**.

5 SEARCH**Persons****Terry Frisk/Pat Down:**

When an officer temporarily detains a person without probable cause because the officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime *and* has a reasonable belief that the person may be armed and presently dangerous, the officer may perform a limited protective search for weapons of the outer clothing and of those areas which may be within the suspect's wingspan and therefore pose a danger to the officer.

High Risk Search:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Search Incident to Arrest:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

If the gender of an individual needing to be searched comes into question, officers should respectfully inquire as to whether the individual identifies as *transgender*. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

An employee who searches a person shall document the search and the results in an incident or supplement report. Whenever practicable, officers should have a witness to the search. An officer taking custody of a prisoner shall search the prisoner for weapons and contraband even if the prisoner was searched by another officer.

If an officer becomes aware of the presence of contraband or evidence on a person, whether as the result of a search, Terry pat down, or the receipt of credible information, the officer shall attempt to safely secure the contraband or evidence.

Evidence or Contraband in Sensitive Areas:

If an officer has reasonable suspicion that evidence, contraband, or a weapon is located in a sensitive area of a person's body, including the person's genitalia, breasts, or buttocks, the

[illegible][illegible]

Body cavity searches may be conducted only subsequent to an arrest when there is probable cause to believe that weapons, contraband, or other evidence of a crime has been concealed in a body cavity. [REDACTED]

A supervisor shall be notified of the necessity to conduct a body cavity search prior to the search. Upon approval from the supervisor, [REDACTED]
[REDACTED] The supervisor shall ensure that all necessary documents (e.g., consent form, search warrant) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Body cavity searches shall be conducted privately and with the suspect's dignity as a consideration. [REDACTED]

Whenever a body cavity search is conducted, an incident report shall be initiated or supplemented containing the following information:

- a. The name of the supervisor who authorized the search.
- b. The probable cause for the search.
- c. The date, time, and location of the search.
- d. The names and identifying information of all persons who witnessed or participated in the search.
- e. Results of the search.

Vehicles

Officers may search a vehicle when at least one of the following applies:

- a. There is probable cause to believe that there is evidence of a crime within the person's reach.
- b. The officer reasonably believes a search is necessary for the officer's own safety (weapon).
- c. Contraband is found in plain view.
- d. The search is related to the suspect's arrest.

Inventory of a vehicle is required when a vehicle is to be towed.

Property

Officers may search a residence or other premises without a search warrant or consent when any of the following exigent circumstances apply:

- a. A person is in imminent danger.
- b. The escape of a suspect.
- c. Reasonable belief that a suspect poses a danger to the public and/or officers on a scene.

- d. A welfare check of the property for persons who may need medical assistance.
- e. Reasonable belief that contraband or evidence is about to be destroyed.

The above is not an exhaustive list of exigent circumstances. [REDACTED]
[REDACTED]
[REDACTED]

6 CONSENT SEARCH

Both federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. Consent to search is considered a waiver of what would otherwise be a warrant requirement and, as such, the waiver must be voluntary and knowing. When a person consents to a search the officer shall remember the following:

- a. A person with a possessory or proprietary interest in the property or place to be searched may give consent.
- b. A person can refuse to consent to a search. However, if consent is granted, the person remains in control of the search and may limit the scope of the search or revoke the consent entirely.
- c. All searches shall be conducted with dignity and courtesy. Officers shall also explain to the person being searched the reason for the search and how the search will be conducted.
- d. When the search involves property, the property being searched, when feasible, shall be returned to its original condition prior to the search.

Search Protocol

The following search protocols and supervisor responsibilities apply, except in those instances for which a divisional standard operating procedure addressing searches has been specifically approved by the Chief of Police.

When practicable, the voluntary consent should be obtained in written or audio recorded form. Non-written or non-recorded consent shall be fully documented in an incident report if one is generated. When an incident report is not generated, such as a traffic stop, full documentation must be included in the required database entry.

Officers shall utilize only department approved *Consent to Search* forms located in the *Departmental Forms* section on the HPD Intranet Portal. Any exceptions require approval by the Chief of Police.

[REDACTED]
[REDACTED]
[REDACTED] Employees are reminded that these types of searches have specific protocols, may require specific training, and shall be conducted in consultation with the concerned division and the district attorney's office. These specific types of consensual searches shall always be documented in the appropriate incident report.

If the person granting consent is not present during the search, as in the case of electronic or digital devices that are removed to a police facility for examination, the case investigator shall provide the owner of the property a telephone number where the investigator may be contacted. If the property to be searched is being removed by officers not assigned to the division handling the investigation, those officers shall provide the person granting consent the telephone number to the proper concerned investigative division.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

If a supervisor is unable to be at the scene in a reasonable amount of time, the officer shall, with approval from the supervisor, continue the investigation. The supervisor, however, is expected to arrive on the scene as soon as practicable and shall supplement the original incident report documenting the circumstances.

7 DOCUMENTATION OF CONSENT

Documentation of consent may be necessary in defending the search in court.

Verbal Consent

When an officer receives only verbal consent to proceed with a search, the officer shall document the outcome of that consent to search request [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Recorded Documentation

Audio/video recordings shall be handled under the appropriate department guidelines, depending on the type of audio/video recording. Examples include, but are not limited to, mobile video, body worn cameras, and/or personal recording devices. See General Orders 400-28, **Body Worn Cameras** and 400-23, **Mobile Video Equipment**. If an officer records a verbal consent to search request, the officer shall document the outcome of that consent [REDACTED]

Consent Form Disposition

If a consent form is completed and no charges are filed and no contraband or evidence is seized, the original consent to search form shall be submitted at the end of the shift with the officer's work card or placed in the case file. If the original is placed in the case file then a copy shall be forwarded to the division commander's administrative office. The consent request, including the outcome of that consent to search request (granted, refused, withdrawn), shall be documented [REDACTED] A copy or the original shall be kept in the division commander's administrative office for two years.

[REDACTED]

[REDACTED]

[REDACTED]

Data Collection

All consensual searches involving vehicles relating to traffic stops shall be documented in either the Demographic Tracking Database or an Electronic Ticket Writer device, but not both.

All consent to search requests involving non-traffic related incidents shall be documented in the Demographic Tracking Database. When an officer completes a written consent form, receives verbal consent, or records consent on a recording device, the officer shall document the outcome of that consent to search request (granted, refused, withdrawn) [REDACTED]

[REDACTED]

Data Reporting

The Office of Planning shall compile and place consent to search data into an annual report.

8 TRESPASS AFFIDAVITS

The trespass affidavit, which assists the department with enforcing trespass laws, continues to be a valuable law enforcement tool. It is in no way mandatory that a particular location have a trespass affidavit on file and officers shall provide a consistent level of service to all locations.

[REDACTED]

[REDACTED]

[REDACTED]

Officers utilizing trespass affidavits shall follow the current *Guidelines for Obtaining and Maintaining Trespass Affidavits* found on the department's Intranet Portal to assist citizens who wish to file a trespass affidavit with HPD.

[REDACTED]

[REDACTED]

[REDACTED]

Any time an arrest is made that directly or indirectly involves the use of a trespass affidavit for a location, the on-scene officer shall verify that a trespass affidavit for the location is on file with the concerned patrol division and notify a field supervisor that a trespass affidavit was used in an arrest. In addition, officers shall scan the trespass affidavit, if utilized, into the incident report and complete a detailed report. The original affidavit shall be placed back in the divisional trespass affidavit files.

Trespass affidavits shall be kept at the division commander's administrative office and retained according to the division's records retention schedule.

9 RESTRICTIONS

Off-duty officers shall not initiate traffic stops using a non-HPD marked police vehicle equipped with emergency equipment unless the officer suspects felony activity (not including Evading as a state jail felony) and the officer's vehicle meets the requirements as stated in General Order 600-04, Motor Vehicle Pursuits. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

An officer, whether on or off duty [REDACTED]

[REDACTED]

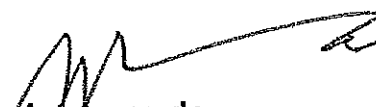
[REDACTED]

[REDACTED]

[REDACTED] Also, if police action is required and the suspect's identity is unknown or cannot be determined, the officer may detain such person.

Officers shall not communicate in any manner, directly or indirectly, information that may delay an arrest. Officers shall not enable persons who have committed criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.

Officers shall not exercise police authority while under the influence of any drug, medicine, alcoholic beverage, or substance that affects the normal use of mental or physical faculties, unless under an exception outlined in a division's standard operating procedures. In the case of alcohol, "under the influence" means having any measurable concentration of alcohol in one's blood, breath, or urine.


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

November 25, 2019

NO.

500-03

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-03, dated January 5, 2012

SUBJECT: GUARDING PRISONERS AT AREA HOSPITALS

POLICY

Officers shall use sound judgment to prevent the escape of a prisoner receiving medical treatment. When possible, officers shall maintain visual contact with the prisoner during treatment. The attending physician is the final authority in such matters.

Officers shall remain within reasonable proximity to the prisoner during medical procedures that exclude their immediate presence.

Officers shall consider their personal safety, the safety of the medical staff, and the safety of the prisoners at all times.

This General Order applies to all classified employees.

DEFINITION

Blind Book. The process of registering prisoner information and/or property into the Harris County Operations Management System at a Harris County jail facility without the prisoner physically being in the facility.

1 PROCEDURES

The patrol division to which an arresting officer is assigned shall have primary responsibility for guarding a prisoner until the prisoner is booked into jail or transferred to a Harris County sheriff's deputy, a To-Be Warrant has been filed, or the prisoner is released as otherwise required.

Requirements

The shift commander, or the sergeant in the shift commander's absence, shall review and evaluate the circumstances surrounding a prisoner's arrest and hospitalization to determine whether the prisoner should be guarded. The shift commander shall consider the following:

- a. The current manpower needs of the division.
- b. The degree of incapacitation of the prisoner.
- c. The seriousness of the crime charged (e.g., Class A or B misdemeanor).
- d. Any circumstances indicating the prisoner could be targeted for retaliation.

If the shift commander authorizes the prisoner to be left unguarded, the shift commander shall obtain an updated status at least every four hours on the unguarded prisoner. Because of federal

medical privacy laws, hospitals may be unwilling to disclose the prisoner's status; therefore, the shift commander must be prepared to assign an officer to check on the prisoner's status.

Shift commanders shall ensure the next shift commander is briefed about the prisoner. The incoming shift commander shall conduct an independent review to determine if the prisoner needs to be guarded. When the prisoner's condition improves sufficiently to make the prisoner capable of flight from the hospital, the prisoner shall be guarded.

Officers' Responsibilities

Officers guarding an arrested person requiring hospitalization and charged with a Class B misdemeanor or greater offense shall notify the roll call sergeant.

Officers shall give the roll call sergeant all the information needed including the prisoner's name, race, gender, and location of confinement (e.g., hospital, floor, room, or ward number), the charge, as well as any other pertinent information.

Officers guarding prisoners shall contact the roll call sergeant one hour prior to the end of their shift regarding the status of the hospitalized prisoner. Officers shall remain on hospital assignment until an on-duty officer relieves them or the prisoner's status changes.

Officers assigned to relief duty for hospital assignments shall proceed directly to the hospital assignment without any stops other than those approved by a supervisor.

Prisoners in custody at a medical facility are allowed visitors only with a supervisor's approval.

Supervisors' Responsibilities

When the roll call sergeant is informed an officer is guarding a prisoner who has been charged with a Class B misdemeanor or greater offense, the sergeant shall determine if the prisoner should be transferred to the custody of the Harris County Sheriff's Office (HCSO). The supervisor shall contact the HCSO Intake and come to a mutually agreed upon time for transfer of that prisoner. If no time can be agreed upon, the primary patrol division shall maintain responsibility for the prisoner until such time the HCSO agrees to the transfer.

When an officer is assigned to guard a prisoner, the roll call sergeant is responsible for ensuring the officer is relieved in a timely manner and the relieving roll call sergeant is made aware of the hospital assignment. This process shall continue until the prisoner's status changes or the HCSO takes custody of the prisoner.

When prisoners are ready for transfer to HCSO custody, the roll call sergeant shall contact the HCSO Intake. Once the HCSO has a unit available and the roll call sergeant has confirmed the transfer of custody has been completed, the roll call sergeant shall immediately notify the officer on guard to terminate the hospital assignment. If a deputy is not available, the roll call sergeant shall notify the guarding officer of the estimated transfer time and inform the incoming roll call sergeant of the updated status.

If the hospitalized prisoner has not been charged, the roll call sergeant shall determine whether the criteria has been met to file a To-Be Warrant (see section 3, *To-Be Warrants*). In all of the above circumstances, roll call sergeants shall notify the shift commander.

2 GUIDELINES FOR TRANSFER OF CUSTODY AT AREA HOSPITALS

HCSO will not complete the transfer of custody for prisoners who are in an operating room, labor and delivery room, the emergency room, or a clinic.

HCSO will take custody of a prisoner at a hospital once the prisoner has been assigned to a room or bed *and* one or more of the following criteria have been met:

- a. Charges are filed and approved by the Harris County District Attorney's (DA's) Office. The hospital, doctor's name, and room number or bed number shall be included in the charges.
- b. The prisoner has confirmed open warrant(s).

Officers guarding prisoners that meet the above criteria shall notify the roll call sergeant to initiate the transfer of custody to HCSO.

If a deputy is available and the required criteria for transfer of custody has been met, the officer shall deliver the prisoner's paperwork, money, and personal property to the jail and complete the registration (*blind book*) process. The prisoner's paperwork, money, and personal property shall remain the responsibility of the officer until the transfer of custody is complete.

Officers shall notify the roll call sergeant when the transfer is complete.

3 TO-BE WARRANTS

To-Be Warrants may be filed on hospitalized prisoners if all of the following exist:

- a. The DA's Office has approved the filing of a To-Be Warrant.
- b. The prisoner has a serious medical condition requiring hospitalization.
- c. The prisoner is a non-violent offender.
- d. The prisoner has been positively identified through fingerprint identification, a valid federal or state issued identification, or personal knowledge of the arresting officer.
- e. The prisoner is not believed to be a flight risk.

If charges have already been filed, the charging document must not have been assigned to a court.

If charges have already been filed in the case and the charging document has been assigned to a court, a To-Be Warrant shall not be acquired and the prisoner shall follow the HCSO jail bonding procedures.

The arresting officer shall contact the roll call sergeant to ensure the suspect meets the aforementioned requirements before filing a To-Be Warrant.

Procedures

Officers filling a To-Be Warrant shall adhere to the following procedures:

- a. Officers shall contact the DA's Office to discuss the nature of the case and charges. Only the DA's Office may authorize the filing of a To-Be Warrant on a suspect in custody.
- b. A completed incident report shall be entered into the Records Management System (RMS).
- c. Charges through DIMS (District Attorney Intake Management System) may be entered from a remote location or at the DA's Office along with the probable cause statement.
- d. The above referenced documents shall be presented in person to the DA's Office for review.
- e. The assigned officer shall present the charges to a magistrate. The To-Be Warrant process should be initiated only if a magistrate can reasonably be located. A magistrate is available 24 hours a day at the Harris County Criminal Justice building.
- f. Officers shall advise the district attorney and the magistrate that, upon the warrant being signed, the prisoner shall be left unguarded at the hospital.
- g. A supplement documenting the To-Be Warrant information (e.g., assistant district attorney's name, warrant number, bond, and court number) must be entered immediately.

When the assigned officer obtains the To-Be Warrant, the officer shall notify a jail HPD sergeant and the concerned division regarding the prisoner's final release. The guarding officer shall remain with the prisoner until the prisoner's release has been completed and approved by the concerned division and roll call sergeant.



Art Acevedo
Chief of Police

General Order

Houston Police Department

**ISSUE DATE:**

October 3, 2018

NO.

500-04

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-04, dated May 1, 2001

SUBJECT: DRIVING WHILE INTOXICATED

POLICY

The Houston Police Department shall investigate and, if probable cause exists, arrest and charge persons who violate the driving while intoxicated (DWI) laws of the state of Texas. As part of the department's efforts to ensure the safety of members of the community and emergency responders, officers who become aware of or have knowledge of a possible intoxicated driver shall investigate the incident to determine if probable cause exists to make an arrest for DWI. This includes if the offense occurs on private property open to public use. A lesser charge of a traffic violation or public intoxication shall not be filed in lieu of the DWI charge. An officer who is found to have failed to investigate a suspected intoxicated driver shall be subject to disciplinary action up to and including indefinite suspension.

This General Order applies to all employees.

DEFINITIONS

Child. A person who is 10 years of age or older and under 17 years of age.

Minor. A person who is under 21 years of age.

1 DWI FACILITY

After arresting a DWI suspect and properly disposing of the suspect's vehicle, the officer shall transport the prisoner to the nearest police facility capable of processing a DWI suspect.

An intoxilyzer facility identified by the Houston Police Department, the Texas Department of Public Safety Breath Alcohol Testing Program, or the District Attorney's Office shall be utilized for processing a DWI arrest. Unless participating in a joint DWI task force operation, the breath test shall be conducted in the same county as the arrest.

Upon arrival at the police DWI facility capable of processing a DWI suspect, the arresting officer shall:

- a. Ensure prisoners are handcuffed at all times while in the video section except while being recorded or given an intoxilyzer (breath) test.
- b. Complete all applicable forms.

Note: Employees should be sensitive to the fact there are health conditions (e.g., diabetic shock) that appear as intoxication. Leaving such conditions untreated could cause death or severe injury to the prisoner. Employees having reason to believe such a condition could be present shall call an ambulance to evaluate the prisoner's medical condition.

DWI Evidence Technicians

There are DWI evidence technicians on duty during all shifts to assist officers with their DWI cases. DWI evidence technicians' responsibilities shall include:

- a. Administering breath tests.
- b. Drawing blood on DWI suspects.
- c. Administering standardized field sobriety tests.
- d. Assisting officers with completing paperwork.
- e. Maintaining a sign-in log sheet and blood kit sign-out log.

Violent DWI Prisoners

Violent prisoners shall remain handcuffed and shall be taken directly to a designated jail facility. Violent prisoners shall not be taken into a video room to be recorded or given a breath test. In such cases, the arresting officer shall complete applicable Driver Improvement Center (DIC) forms, indicating the prisoner refused a breath test and document in the incident report why a breath or blood specimen was not obtained.

2 INTOXILYZER (BREATH TEST)

Before requesting a breath specimen, the arresting officer shall complete a criminal background check on the suspect to determine whether or not the suspect qualifies for a mandatory specimen (see section 4, *Blood Test*). If the suspect does qualify for a mandatory blood specimen then the arresting officer shall request blood from the suspect and execute a *Mandatory Blood Specimen* form (THP-51) only in the event the suspect refuses to provide the required specimen.

If the arresting officer is assisted by an evidence technician at the DWI processing facility, the officer must remain present during the entire time the evidence technician is conducting the breath test and video recording. Since the evidence technician is not a sworn peace officer, the arresting officer shall read the *Statutory Warning* (DIC-24) to the suspect on the video recording and request the specimen of breath and/or blood.

The arresting officer is responsible for completing the following procedures prior to the administration of a breath test from a suspect:

- a. Read aloud the DWI statutory warning.
- b. Furnish the prisoner with a copy of the DIC-24 (*Statutory Warning*).
- c. Explain the charges.
- d. Request the taking of a specimen of breath or blood in order to analyze and determine the alcohol concentration.

Once a specimen is requested and the prisoner provides a breath specimen of 0.08 or higher, the arresting officer shall complete the *Peace Officer's Sworn Report* form (DIC-23). The arresting officer shall also complete the *Notice of Suspension* form (DIC-25) and give the prisoner the Driver's Copy, which outlines the procedures for requesting an administrative hearing regardless if the suspect has a license or not.

Refusal or Failure of Breath Test

In DWI arrests in which a person either refuses to be tested or fails the breath test, the arresting officer is required to confiscate the person's Texas driver license, if the person has a license, and issue a DIC-25 (*Notice of Suspension*) to any person refusing to provide a specimen.

When the license is confiscated, the arresting officer shall paper clip (not staple) the Texas driver license to the Administrative License Revocation (ALR) forms and submit the package to the Vehicular Crimes Division hold desk. The ALR forms include the following:

- a. *Peace Officer's Sworn Report* (DIC-23).
- b. *Statutory Warning* (DIC-24).
- c. *Notice of Suspension* (DIC-25). The officer shall give the prisoner the Driver's Copy, which outlines the procedures for requesting an administrative hearing regardless if the suspect had a license or not.
- d. Other equivalent forms applicable to a commercial vehicle (DIC-55, DIC-57).

If the suspect refuses to be processed or provide a breath specimen, then one of the following, as applicable, shall occur:

- e. If the arresting officer in the field is equipped with a body worn camera, the officer shall record the refusal on the body worn camera by reading aloud the *Statutory Warning* (DIC-24) verbatim. The officer shall give the suspect an opportunity to sign the DIC-24 indicating that the suspect has refused to provide a specimen. If the suspect does not sign the DIC-24, the officer shall check the box on the DIC-24 indicating that the suspect refused to provide a specimen and also refused to sign the DIC-24. The officer shall document in the incident report that the refusal was recorded on the officer's body worn camera. The officer shall proceed to a designated DWI facility, complete the process, and file the appropriate charge.
- f. If the suspect refuses to provide a breath specimen while being processed at a designated DWI facility, the intoxilyzer operator shall give the suspect an opportunity to sign the DIC-24 indicating that the suspect has refused to provide a specimen. If the suspect does not sign the DIC-24, the intoxilyzer operator shall check the box indicating that the prisoner refused to provide a specimen and also refused to sign the DIC-24.

Officers shall follow the procedures listed in section 5 of this General Order when handling prisoners who pass the breath test and yet appear to be impaired.

3 VIDEO SESSION

The arresting officer shall notify a DWI evidence technician when a prisoner is ready to be video recorded to complete the intoxilyzer procedures. The following procedures shall be completed:

- a. The reading of the DIC-24 and all breath testing shall be video recorded. It is not required to record the 15-minute waiting period.
- b. All blood specimens drawn at an HPD DWI facility shall be video recorded.
- c. If possible, blood specimens taken at an off-site facility or hospital shall be recorded.

At no time shall a suspect be forced into the video room. If the suspect refuses to enter the room, such actions shall be noted in the officer's incident report. The officer shall then book the suspect on all appropriate charges.

Video Operator's Responsibilities

The video operator shall follow the guidelines and requirements set forth by the Traffic Enforcement Division and the District Attorney's Office. At the end of the video recording the operator shall classify the recording in the appropriate manner in accordance with the media that captured the recording.

Arresting Officer's Responsibilities

The arresting officer shall accompany the suspect into the video room and remain in the room during the entire video recording session.

After leaving the video room, the arresting officer shall:

- a. Enter the prisoner's hold card and charge information under the "Arrest" tab in the department's Records Management System (RMS) and jail initialize.
- b. Obtain the prisoner's criminal history and driver license records including FBI, state ID, and SPN numbers, if available.
- c. Complete the incident report including the "DWI" tab.
- d. Enter charges in the District Attorney Intake Management System (DIMS).
- e. Book the suspect into jail.

The arresting or transporting officer shall deliver all original completed forms including the DIC forms, breath test slip, and video tracking form to the Vehicular Crimes Division hold desk.

4 BLOOD TEST

Mandatory Blood Specimen

If a suspect refuses the officer's request for a voluntary blood sample after the officer reads the suspect a DIC-24 (*Statutory Warning*), a blood sample shall be required from a suspect if any of the following circumstances existed regarding the same incident:

- a. At the time the suspect was arrested, the officer reasonably believed that a person died or may die as a direct result of the crash and the suspect's intoxication was the cause of the crash.
- b. At the time the suspect was arrested, the officer reasonably believed that a person other than the suspect had experienced serious bodily injury as a direct result of the crash and the suspect's intoxication was the cause of the crash.
- c. At the time the suspect was arrested, the officer reasonably believed that someone other than the suspect suffered bodily injury and was transported from the scene for medical treatment.
- d. The officer had information from a credible source that the suspect has two or more prior convictions for DWI, flying while intoxicated, boating while intoxicated, or assembling or operating an amusement ride while intoxicated.
- e. The officer had information from a credible source that the suspect had a child 14 years of age or younger in the vehicle at the time the suspect committed the offense.
- f. The officer had information from a credible source that the suspect has been convicted of DWI with a child passenger, intoxication assault, or intoxication manslaughter.

If a specimen is required, the arresting officer shall request the taking of a blood specimen. If the suspect refuses a blood specimen, the officer shall complete and submit a *Mandatory Blood Specimen* form (THP-51). The officer shall then contact a District Attorney and complete an affidavit for a search warrant blood draw. Once the warrant is completed, notarized, and signed by a judge, the officer shall have the suspect's blood drawn. Requested or required blood samples shall be drawn by only qualified medical personnel on duty at a hospital or medical facility, a qualified technician provided by the District Attorney's Office, or a qualified technician at an HPD DWI processing facility.

There may be certain situations or exigent circumstances in which an officer cannot wait for a warrant prior to having blood drawn. In these cases, the officer shall contact the on-call Vehicular Crimes Prosecutor prior to having blood drawn.

DWI blood vials shall be tagged at the Property Division located at 1202 Washington or other approved location. This shall allow for timely refrigeration of the evidence prior to lab analysis.

Refusal of Blood Test

If a suspect refuses to provide a blood specimen at the request of the officer and further refuses to allow the taking of a specimen when there is a mandatory requirement or search

warrant for a specimen, then the officer shall use the minimal force necessary in order to obtain the specimen.

No Refusal Programs

The District Attorney's Office for the county of arrest may conduct a "No Refusal Night." On these nights the suspect shall be processed as requested by the District Attorney's Office and the officer shall complete an application for a search warrant for a specimen of the suspect's blood if the suspect refuses to provide the legally required specimen. The District Attorney's Office may provide a qualified technician that can be used to execute the blood warrant, and if they do not, the officer shall proceed to a hospital or medical facility where a qualified technician is on duty.

Blood Search Warrants

During any shift, officers shall contact the Intake Division at the District Attorney's Office for assistance completing an application for a blood warrant. In these cases, the officer shall be required to take the prisoner to a hospital or medical facility **if there is not a DWI evidence technician or no-refusal nurse on duty**. The officer shall be responsible for returning the warrant to the district clerk's office after it has been executed.

During "No Refusal Nights" the District Attorney's Office shall provide the personnel needed to secure a warrant and execute the warrant at the location where the "No Refusal Night" is implemented.

DWI Suspect's Personal Blood Sample

If a DWI prisoner has already given a sample of breath, the prisoner may request a blood sample be drawn by a person of the suspect's own choosing if all of the following conditions are met:

- a. The sample is taken by a physician, registered nurse, or qualified technician.
- b. The prisoner agrees to pay for the expense of the drawing and analysis of the sample.
- c. The blood sample is taken within two hours following the arrest.
- d. The person drawing the blood sample must come to the prisoner to take the sample. The person must also furnish the required equipment to properly take the sample.
- e. The officer shall obtain one of the specimens drawn as evidence to be tested by the department. The specimen shall be tagged according to HPD policy set forth in regards to any other blood specimen drawn.

5 SUSPECTS REGISTERING LESS THAN 0.08 BREATH-ALCOHOL CONTENT

If a suspect has less than 0.08 breath-alcohol content and the arresting officer believes the prisoner is under the influence of another substance, the officer shall contact the Command Center. The Command Center shall attempt to arrange for the prisoner to be evaluated by a

department Drug Recognition Expert (DRE). The evaluation shall be conducted at a designated DWI facility with a video room. A DRE shall not be requested until after a breath test has been administered. There is no requirement that a suspect's breath specimen be 0.00 for a DRE to be called, only that the impairment does not appear to match the test result. If the suspect refuses a breath test, the arresting officer shall contact an assistant district attorney to apply for a search warrant.

If a department DRE is unavailable, a supervisor shall contact the Harris County Sheriff's Office or the Texas Department of Public Safety dispatcher to determine if a DRE is available through these agencies. When a DRE from another agency conducts an evaluation, the evaluation shall be conducted at a location determined by the DRE.

If the suspect passes a DRE's evaluation and probable cause exists for filing other charges, the arresting officer shall contact an assistant district attorney for approval to file the other charges.

If the suspect passes all tests and evaluations and has a level of alcohol less than 0.05 and no other charges are filed, the arresting or transporting officer shall make an effort to recover the suspect's vehicle. If the suspect has a level of alcohol greater than 0.05, officers shall not attempt to recover the suspect's vehicle. The DWI traffic case report along with the DIC-24 and breath test slip shall be completed and submitted with the word "PASSED" written on the front of the report.

An operator of a commercial vehicle with a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or greater shall be read a DIC-55 (*Statutory Warning*), which states that the driver license shall be disqualified for a refusal or a test result of 0.04 or greater. The officer shall confiscate the driver license and provide him with a DIC-57 (*Notice of Disqualification*), and provide the Vehicular Crimes Division hold desk with the license and appropriate paperwork to be forwarded to the Texas Department of Public Safety (DPS).

6 DRUG RECOGNITION EXPERT (DRE)

A DRE shall be called for all fatal crashes when the at-fault driver is not deceased. If fault cannot be determined prior to a crash reconstruction being completed, the DRE shall be called. Once a determination has been made that a DRE is needed at the scene, the driver/suspect shall be detained as a possible criminal suspect. Before, during, and after the completion of the evaluation, the DRE is responsible for communicating directly with the Vehicular Crimes Prosecutor to determine any charges. If the suspect is intoxicated, it is the responsibility of the DRE to gather the information necessary to file the appropriate charges.

A DRE shall be called if an HPD employee is possibly under the influence of an intoxicant or at the request of an Internal Affairs Division (IAD) supervisor.

Cases involving fatal crashes or IAD investigations shall be handled by only DREs meeting qualifications set forth by the Agency DRE Coordinator. If one is not on duty, an off-duty DRE shall be called. An updated list of qualified DREs shall be kept at the Command Center. The Agency DRE Coordinator is responsible for updating the list.

7 URINE SPECIMEN

If a suspect refuses to take the intoxilyzer test or the blood test, but submits to having a urine sample taken, a refusal shall be indicated on the DIC-23, DIC-24, and DIC-25 for the tests refused by the prisoner.

A urine specimen may be taken from a prisoner when any of the following are true. The suspect:

- a. Consents.
- b. Was driving any commercial vehicle.
- c. Is suspected of being under the influence of drugs and has been examined by a DRE who then requests the urine sample.

8 CHILDREN AND MINORS DRIVING UNDER THE INFLUENCE

DWI Suspects Under 17 Years of Age

DWI suspects under 17 years of age shall be taken to the intoxilyzer testing room and given the opportunity to submit to a breath test, but the request to give a specimen must be video recorded. If the juvenile refuses the intoxilyzer test, a blood specimen shall not be requested unless the juvenile has an attorney present. If it is a case in which a mandatory blood specimen could normally be taken, a search warrant shall be completed and the specimen shall be taken without waiting for consent from an attorney. A copy of all paperwork pertaining to the juvenile shall be turned over to the Juvenile Division. Original copies shall be turned in to the Vehicular Crimes Division hold desk.

Juveniles shall be kept separate from adults both physically and by sight and sound. The juvenile suspect and copies of all paperwork shall be turned over to the Juvenile Division after the suspect has been processed through the Traffic Enforcement Division. Additionally, officers shall follow all procedures in General Order 500-06, **Disposition of Arrested Juveniles**, when handling juveniles.

DWI Suspects Under 21 Years of Age

Adult DWI suspects who are under 21 years of age shall be investigated the same as any other DWI suspect. If during the investigation an officer determines that the suspect does not meet the legal definition of intoxication but has any detectable amount of alcohol, the suspect should be charged with the Class C offense of Minor Driving under the Influence of Alcohol or Minor DUI. A minor commits an offense if the minor operates a motor vehicle in a public place, or a watercraft, while having any detectable amount of alcohol in the minor's system.

Note: The following does not apply to suspects who are under 21 years of age AND have been arrested for DWI.

If a suspect is going to be charged with Minor Driving under the Influence of Alcohol, officers shall complete the following:

- a. Read the DIC-24 to the suspect.
- b. Complete the DIC-23 and DIC-25.
- c. Provide the suspect with a copy of both the DIC-24 and DIC-25 prior to release or booking into a jail facility.
- d. Turn in all DIC paperwork with the driver license to the Vehicular Crimes Division hold desk so that it can be delivered to DPS.
- e. Confiscate the suspect's driver license if it is a Texas license.
- f. Issue a traffic citation titled "As a Minor Driving under the Influence of Alcohol."
- g. Tow the suspect's vehicle if a parent or registered owner of the suspect's vehicle cannot come to the scene.

Officers shall not allow a minor to drive away from a scene after issuing a citation for Minor DUI.

Authorization for a Child's Breath or Blood Specimen

An officer who takes a child into custody and who has reasonable grounds to believe that the child has been operating a motor vehicle in a public place while having any detectable amount of alcohol in the child's system shall do one of the following:

- a. Take the child to a place to obtain a specimen of the child's breath or blood.
- b. Arrange for intoxilyzer processing and video recording of the child in an adult processing office of a law enforcement agency.

Breath Specimen: Child Can Submit or Refuse Without Attorney

A specimen shall not be taken if a person refuses to submit to the taking of a specimen designated by a peace officer. A child taken into custody may submit to the taking of a breath specimen or refuse to submit to the taking of a breath specimen without the concurrence of an attorney, but only if the request made of the child to give the specimen and the child's response to that is video recorded.

The video recording made must be maintained until the disposition of any proceeding against the child relating to the arrest is final and it must be made available to an attorney representing the child during that period.

Blood Specimen: Child Can Submit or Refuse With Attorney Only

A child cannot voluntarily submit to a blood specimen on his own; the child and his attorney would have to agree to give up the child's rights.

Search Warrants and Mandatory Blood Draws

In the event that a juvenile is arrested for DWI and one of the situations exists that mandates the officer take a blood specimen, the officer shall complete the THP-51 and complete a search warrant in order to obtain a specimen of the juvenile's blood as outlined in section 4, *Blood Test*, subsection "Mandatory Blood Specimen."

If a juvenile arrested for DWI refuses to provide a specimen of breath as requested by the officer (on video), the officer may apply for a warrant to have an authorized specimen taken from the juvenile. In those instances, the juvenile shall be processed as outlined in section 4, *Blood Test*, subsection "Blood Search Warrants." Remember that the juvenile shall be kept separate from adult prisoners during this process.

9 DWI SUSPECTS FROM OTHER LAW ENFORCEMENT AGENCIES

Officers from other law enforcement agencies shall be allowed to process their suspects through the department's intoxilyzer and video recording system if it is not feasible for them to go to another location.

Their prisoners shall be placed in their agency's designated jail facility and no holds shall be authorized by this department.

10 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

400-23, **Mobile Video Equipment**
400-28, **Body Worn Cameras**
500-01, **Effecting Arrests and Searches**
500-06, **Disposition of Arrested Juveniles**
600-17, **Response to Resistance**
700-01, **Property/Evidence Control Regulations**
Texas Family Code Section 52.02
Texas Transportation Code Section 724.013



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 8, 2022

NO.

500-06

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-06, dated April 3, 2017

SUBJECT: JUVENILE AND YOUNG ADULT ENCOUNTERS

POLICY

Employees shall follow established procedures regarding interactions with juveniles. Interactions between law enforcement and juveniles are governed by the Family Code as well as by specific guidelines approved by the Juvenile District Court of Harris County. All employees shall understand that procedures for juveniles differ significantly from those used for adults; therefore, interactions with juveniles may require the implementation of different techniques than those used with adults under similar circumstances. The goal of juvenile interaction is intervention and correction, whenever feasible.

Employees shall follow established procedures regarding interactions with young adults. There are certain legal procedures that must be followed when dealing with persons who are legally adults but below the age of 20.

This General Order applies to all employees.

DEFINITIONS

Juvenile. A person younger than 17 years of age.

Young Adult. A person who is 17 to 19 years of age.

1 GENERAL PROVISIONS

Officers are regularly called upon to assume custody of juveniles who have been accused of violations ranging from status offenses to capital felonies, as well as young adults. Officers are reminded that juveniles and young adults often show less ability to use sound judgment in their decision making and understanding of consequences.

When encountering juveniles or young adults, employees shall limit their use of force and physical contact to only the amount reasonably necessary to protect themselves or others, to effect an arrest, or to bring an incident under control. Officers responding to incidents involving juveniles or young adults where use of force is likely shall attempt to de-escalate in a manner that reflects an age-appropriate approach, whenever feasible under the circumstances.

Except as directed in this General Order or by the Juvenile Intake Unit, officers assuming custody of a juvenile shall coordinate the juvenile's disposition with supervisors from the Juvenile Intake Unit and the applicable concerned division, and exercise one of the below disposition options:

- a. Release the juvenile in the field to a parent, legal guardian, custodian, or other responsible adult.

b. Return the juvenile to the school they attend if that school is in session and the school principal, principal's designee, or school police officer agrees to assume responsibility for the juvenile for the remainder of the school day.

c. Release the juvenile to Child Protective Services.

Young adults shall be handled as adults except as otherwise noted in this General Order.

2 CLASS C MISDEMEANORS

Citations

Traffic and non-traffic Class C misdemeanor citations cannot be issued to juveniles younger than 10 years of age. Officer shall return juveniles younger than 10 years of age to a parent, legal guardian, or custodian, or to any other responsible adult with the approval of the juvenile's parent or legal guardian. Officers shall complete an incident report as required by Section 5, *Documentation*.

Officers may issue traffic and non-traffic Class C misdemeanor citations to juveniles 10 through 16 years of age as outlined below:

- a. A juvenile 10 through 13 years of age may be issued a traffic or non-traffic Class C misdemeanor citation, but shall not be assigned a court date. The issuing officer shall write the word "Juvenile" at the top center of the citation.
- b. A juvenile 14 through 16 years of age may be issued a traffic or non-traffic Class C misdemeanor citation. Officers shall set the court date for the officer's regular arraignment court, day, and time. The issuing officer shall write the admonishment to "Bring One Parent to Court" at the top of the citation.

Officer shall release juveniles taken into custody for Class C misdemeanor Public Intoxication to a parent, legal guardian, or custodian, or to any other responsible adult with the approval of the juvenile's parent or legal guardian. Officers may issue a citation as outlined above.

For applicable offenses, the officer shall write the incident number on the citation and complete an incident report that includes the ticket numbers, court number (if any), and the date and time required to appear (if applicable) in addition to the requirements of Section 5, *Documentation*.

The Municipal Court's internal filing and docket system automatically diverts these cases to the Juvenile Court.

Municipal Court Arrest Warrants

Officers shall not arrest a person who is under the age of 18 for a traffic warrant. Instead, the warrant is to be left on file and may be active for arrest once the person becomes 18 years of age.

Officers are reminded that an incident report is still required when an investigation reveals a juvenile has traffic related warrants but is released.

3 PROTECTIVE CUSTODY AND STATUS OFFENDERS

Officers may take a juvenile into custody immediately for the juvenile's own protection or for a status offense under the following conditions:

- a. The officer has probable cause to believe that the juvenile is a missing person or runaway.
- b. The officer has probable cause to believe that the juvenile is a truant.
- c. The juvenile is in violation of the Curfew Ordinance as written in Chapter 28, Article V of the City of Houston Code of Ordinances.
- d. The officer has probable cause to believe that the juvenile is in immediate danger and removal is necessary for the juvenile's own protection.

When taking a juvenile into custody in this manner, the officer shall release the juvenile only as set forth in Section 1, *General Guidelines*.

If the juvenile is listed as a missing person or runaway, then the officer shall also follow the procedures outlined in General Order 600-08, **Missing, Kidnapped, and Found Persons**.

If an officer believes the juvenile is experiencing a mental health crisis, then the officer shall follow the procedures outlined in General Order 500-12, **Response to Mental Health Incidents**.

Curfew Ordinance

Violation of the Curfew Ordinance can only occur during curfew hours, which means the period between the hours of 11 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 6 a.m. of the following day, or between the hours of 12 a.m. (midnight) and 6 a.m. on any Saturday and Sunday. As ordered by the Mayor, curfew hours may also include the hours between 9 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday, or Friday. At any time that daytime curfew hours are to be enforced, the City notifies the public at least seven days before the daytime curfew becomes effective. Prior to issuing a daytime curfew citation, officers shall confirm the curfew is in effect.

An officer may issue a citation for violation of the Curfew Ordinance only if the officer determines that the juvenile is not homeless and unsuccessfully attempts to contact the juvenile's parent or guardian. If the officer is able to contact the juvenile's parent or guardian, the officer shall transport the juvenile home to the juvenile's parent or guardian without issuing a citation. If the officer determines that a juvenile is homeless, the officer shall not issue a citation and shall instead take the juvenile to a shelter or other safe harbor.

The Houston Police Department shall provide enforcement procedures and data that relate to the enforcement of juvenile curfew upon written request from any party.

Curfew Citation Titles

Officers shall use the applicable title when issuing a citation for curfew violation:

- a. As a Minor, (Remain) (Walk) (Run) (Stand) (Drive) (Ride About) in a Public Place during the Daytime Curfew on (Monday) (Tuesday) (Wednesday) (Thursday) (Friday).
- b. As a Minor, (Remain) (Walk) (Run) (Stand) (Drive) (Ride About) in a Public Place during the Night Time Curfew.

4 ARREST PROCEDURES

Employees shall exercise particular care to ensure that a juvenile is not detained in or committed to a jail facility in which adults arrested for, charged with, or convicted of crimes are detained or committed. Juvenile prisoners shall be kept separated from adult prisoners both physically and by sight and sound.

If charges are to be filed, officers taking a juvenile into custody for offenses that occurred in Harris County shall jail initialize the juvenile prior to arriving at the Juvenile Intake Unit with the correct name and other identifying information.

In the instance that an adult is arrested for an incident that occurred when the adult was a juvenile, the adult shall be processed by the Juvenile Intake Unit. The transporting officer shall call a Juvenile Intake Unit supervisor before entering the building to ensure all juveniles have been removed from the intake area. The officer will then transport the adult to the Joint Processing Center.

Arrested juveniles with medical concerns or injuries shall be cleared at the nearest hospital that provides medical clearance for arrested juveniles prior to arrival at the Juvenile Intake Unit. A medical release form provided by the hospital must be submitted upon arrival to the Juvenile Intake Unit.

When an officer has probable cause to believe that a juvenile is in possession of marijuana within Harris County, the officer shall contact Harris County Juvenile Probation (HCJP) to place the juvenile in the Juvenile Marijuana Diversion Program (JMDP) if eligible. In such cases, the officer shall tag the marijuana as evidence but not order it to be tested unless instructed to do so under HCJP procedures.

Officers who have detained a juvenile based on reasonable suspicion or who have probable cause to arrest a juvenile who is wearing an electronic monitoring device shall contact the HCJP to determine if the individual is wanted for a probation violation.

When juveniles are arrested for driving while intoxicated, officers shall follow procedures in General Order 500-04, **Driving While Intoxicated**.

When juveniles are arrested in Fort Bend County or Montgomery County, officers shall follow procedures in General Order 500-07, **Filing Proper Charges**.

School Notification

Officers shall contact the Juvenile Intake Unit when they arrest a juvenile or young adult and know that the person is enrolled in a public or private primary or secondary school. Officers shall

document the name of the person within the Juvenile Intake Unit to whom they provided this information and the name of the school in the narrative of the incident report.

As required by Article 15.27 of the Texas Code of Criminal Procedure, the Juvenile Intake Unit shall notify the school of the juvenile or young adult who is charged with any of the following offenses:

- a. Any felony.
- b. Unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threat, or engaging in organized criminal activity.
- c. The unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana.
- d. The unlawful carrying of a weapon.

The Juvenile Intake Unit shall complete the school notification form and send the form to the listed school. The Juvenile Intake Unit shall then complete a supplement report with the school notification information.

Prisoner's Disposition Regarding Falsification of Appropriate Age

Officers shall not automatically send a jail prisoner to the Juvenile Intake Unit solely because of a claim to be a juvenile. HPD Joint Processing Center Unit (JPCU) supervisors shall assist in determining the correct age of that prisoner. An HPD JPCU supervisor shall notify a supervisor in the applicable concerned division prior to having a prisoner transported to the Juvenile Intake Unit.

When a prisoner who was originally believed to be a juvenile is found to be an adult, officers shall contact the Juvenile Intake Unit for guidance. Officers shall follow these instructions without unnecessary delay and transfer the adult prisoner to appropriate the custody in an expedient manner.

5 DOCUMENTATION

Officers shall document all incidents with juvenile involvement in an incident report, excluding casual or incidental contact. The incident report shall include the following information:

- a. The juvenile's name, address, phone number (if applicable), date of birth, gender, and race.
- b. Physical description of the juvenile (e.g., height, weight, hair and eye color).
- c. Any alias or nickname used by the juvenile.
- d. The school the juvenile attends (or last attended if no longer in school) and the juvenile's grade level.
- e. Location of the incident, offense (if applicable), and the circumstances surrounding the encounter.

- f. Names, address, and home and work telephone numbers of the juvenile's parents or legal guardians, even if the juvenile was released to someone else.
- g. Name, address, and home and work telephone numbers of the person to whom the juvenile was released.
- h. The receiving person's relationship to the juvenile and the date and time the release of the juvenile was made.
- i. The name of the supervisor(s) from the concerned division (if applicable) and Juvenile Intake Unit authorizing the release.
- j. The officer's actions regarding the encounter with the juvenile.

Officers shall complete a report concerning a juvenile in custody or public service transportation prior to leaving the Juvenile Intake Unit or concerned division (if either are applicable). In all other circumstances, officers shall complete a report as soon as practical.

6 INTERROGATION AND INTERVIEWING PROCEDURES

When conducting interviews or interrogations of juveniles, officers shall ensure that all constitutional and statutory rights guaranteed to an individual under the law are respected prior to, during, and after any questioning involving a juvenile. Officers shall specify the purpose of the interview and the subject matter to be discussed. Officers should ask open-ended, non-leading questions that encourage the juvenile to produce a narrative answer. If the interview is lengthy, officers shall interrupt questioning with breaks after 120 minutes to provide the juvenile an opportunity to eat, drink, and use the restroom.

Legal Counsel and Parent/Guardian Presence

As with adult defendants, juveniles may have legal counsel present during interviews or interrogations. Juveniles also have the right to have a parent or guardian present during any form of interview by law enforcement, unless that parent or guardian is suspected of being a perpetrator towards the juvenile.

Officers shall stop questioning when the juvenile has requested an attorney, parent, or guardian. Officers may resume questioning when the attorney, parent, or guardian is present. However, no parent or guardian may waive the juvenile's right to counsel.

Custodial Interviews

Officers should be aware that a reasonable juvenile being questioned by an officer will sometimes feel pressured to submit when a reasonable adult would feel free to go. Prior to asking questions, officers shall inform a juvenile who is not in custody that the juvenile is free to go.

Officers shall record all custodial interviews of juveniles. The officer shall turn on the recording device the moment the officer begins talking to the juvenile, ensure that the magistrate's warning is recorded, and shall not turn off the device until the last question is answered. Prior to

interrogating a juvenile who has been taken into police custody in connection with an incident and who is the focus of the police investigation, officers shall present the juvenile to a magistrate in the county in which the incident occurred in order for the magistrate to read the juvenile the statutory warnings. Officers shall give the recording device to the magistrate to record the warnings. This order also applies to an adult who is 17 years old and is being interviewed for a crime that occurred when the adult was a juvenile.

7 RECORDS

Incident reports, fingerprints, and mug shots taken pursuant to arrest and booking of juveniles shall be marked "Juvenile" and shall be maintained and disseminated in a manner consistent with the provisions of state law.

Except as mandated by the Texas Commission on Jail Standards (TCJS) as required by Section 8, *Juvenile Log for the Texas Commission on Jail Standards*, officers shall purge a juvenile's jail records, photographic images, and fingerprints from all adult files if a prisoner is discovered to be a juvenile in jail custody. The juvenile prisoner and all jail documents pertaining to the juvenile shall be released to a Juvenile Intake Unit officer.

Department files and records regarding a juvenile are neither open to public inspection nor may their contents be disclosed to the public. Inspection of the files and records is permitted by the Juvenile Courts, Juvenile Probation Department, district attorneys, or members of other law enforcement agencies when necessary for the discharge of their official duties.

8 JUVENILE LOG FOR THE TEXAS COMMISSION ON JAIL STANDARDS

The TCJS requires Texas law enforcement agencies operating any type of secure holding facility for adults to submit a log listing all juveniles held securely in any of the department's locations. In order to comply with this requirement, each "responsible division" as designated by TCJS shall submit a quarterly log to the Juvenile Intake Unit, even if no juveniles were held securely during the specified time period. The division shall list all juveniles (including those giving false dates of birth) held securely for any length of time in a Houston Police Department controlled access area in the log report. Additionally, the division shall list all juveniles held securely in a court holding facility or other Houston Police Department facility on the log.

For each responsible division, the division commander shall designate a liaison to oversee the collection of the quarterly logs and ensure proper submission to the Juvenile Intake Unit. Each division shall submit the name and contact number for the division's liaison to the Juvenile Intake Unit, which shall maintain a list of all designated responsible divisions.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 2, 2019

NO.

500-07

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-07, dated May 10, 2017

SUBJECT: FILING PROPER CHARGES

POLICY

The Houston Police Department shall work cooperatively with district attorney's offices to help reduce the number of cases dismissed. Proper documentation of the facts and supervisory review should help reduce incidents of charges being dismissed as well as protect officers from frivolous Internal Affairs complaints.

Effective law enforcement requires cooperation between police officers and members of the district attorney's offices. This General Order outlines procedural guidelines for officers and supervisors to use when consulting with the district attorney's offices in Harris, Fort Bend, and Montgomery counties regarding the filing of charges.

This General Order applies to classified employees only.

1 ARRESTS MADE IN HARRIS COUNTY

Before filing charges with the Harris County District Attorney's Office, the officer filing the charges shall speak with an assistant district attorney to ensure that the charges will be accepted.

During the consultation, the officer shall provide the elements of the offense, sufficient details to show that probable cause existed to arrest the person, and evidence that the person being charged did in fact commit the offense. These probable cause details shall be included in the charges filed via the District Attorney Intake Management System (DIMS).

An assistant district attorney shall also be consulted before the simultaneous filing of both county and municipal charges against one suspect if these charges are based on the same set of circumstances or the same criminal action. This consultation eliminates the possibility of a case being dismissed because of noncompliance with the Speedy Trial Act or because of violations of legal restraints against placing a defendant in double jeopardy.

Whenever an officer is unsure of the elements of a particular case, he shall discuss the matter with his immediate supervisor or contact the Harris County District Attorney's Office.

Under no circumstances shall a lesser charge be filed merely as a matter of convenience. For example, a charge of Public Intoxication shall not be filed if the actual offense was Driving While Intoxicated (DWI). Appropriate charges shall be filed according to the elements of the offense.

Rejection of Charges by Assistant District Attorneys

If an officer tries to file charges through the Harris County District Attorney's Intake Office and the charges are rejected, the officer shall include all of the following information in the original or supplemental incident report:

- a. Time and date the officer spoke with the assistant district attorney about filing charges in the case.
- b. Name of the assistant district attorney who rejected the charges.
- c. Reasons given by the assistant district attorney for rejecting the charges.

If the officer feels that the appropriate charge was not accepted by an assistant district attorney, then the officer shall notify a supervisor. If the supervisor finds mishandling on the part of the officer, the supervisor shall instruct the officer on policy and proper procedures to avert recurrences.

Filing Charges on Prisoners for Class "B" or Greater Offenses

Officers shall ensure that all elements of the offense and sufficient details are included in the charge filed via the DIMS or Juvenile Offender Tracking System (JOTS). Details of the offense need to show that probable cause existed to arrest the person and that there was evidence to prove that the person being charged did in fact commit the offense.

It is imperative that there is a compelling probable cause statement in the charge details, given that this may be the only information available to the assistant district attorney when the defendant is arraigned before a magistrate during a probable cause hearing. The officer filing charges shall document the exact time of arrest.

When officers are required to file Class B or greater charges on suspects, the officer shall do all of the following:

- a. Complete a General Person's Inquiry on the prisoner.
- b. Complete the required incident or supplement report and related paperwork.

Officers shall refer to General Orders 500-08, **Required Booking Information and Procedures** and 800-07, **Criteria for Submitting Incident Reports**, for further information.

- c. Enter charges in DIMS or JOTS, as applicable. Officers shall not delay entering the charge documents in order to wait for a fingerprint identification number.

Upon completion of charges being filed and after required information and paperwork has been provided and accepted, officers shall return to service.

The officer transmitting the charges via DIMS shall confirm with District Attorney (DA) Intake that they have received all necessary information.

2 RESISTING ARREST, SEARCH, OR TRANSPORTATION; EVADING ARREST OR DETENTION; AND INTERFERENCE WITH PUBLIC DUTIES

Officers shall use their training and experience in evaluating the totality of the circumstances when assessing whether charges should be pursued. If an event warrants an officer making an arrest of a person for Resisting Arrest, Search, or Transportation; Evading Arrest or Detention; or Interference with Public Duties, the arresting officer shall immediately notify a supervisor of the arrest and request his presence at the scene.

A supervisor shall check by on all scenes involving any of the above incidents. Once at the scene, the supervisor shall do all of the following:

- a. Observe the suspect's physical condition, if possible.
- b. Ensure the suspect receives medical attention if injured.
- c. Speak with all officers at the scene and review the facts with them.
- d. Review all the facts with the arresting officer and discuss with the arresting officer the range of charges that may be applicable.

If the incident occurs in Harris County, then after the supervisor has completed the above requirements, the officer shall contact the District Attorney's Office to determine if criminal charges will be accepted. After the officer speaks with the District Attorney's Office, the officer shall immediately notify the scene supervisor of the assistant district attorney's decision.

If the incident occurs in Fort Bend or Montgomery county, then officers shall follow the procedures outlined under the appropriate section of this General Order.

In addition to the above listed requirements, the supervisor shall do all of the following:

- e. Take and maintain accurate field notes related to the incident.
- f. Review the officer's incident report to ascertain that sufficient details of the incident are documented to support the arrest charge.
- g. Ensure any response to resistance is properly documented.

The officer shall also document in the incident report the name of the supervisor that checked by on the scene and reviewed the facts with the officer.

3 DRIVING WHILE LICENSE INVALID (DWLI)

Texas driver license suspensions shall be verified through the department's Vehicular Crimes Division. A license is considered invalid if it is confirmed to be suspended, revoked, cancelled, non-renewed, or expired. A DWLI first offense is a Class C misdemeanor. DWLI becomes a Class B misdemeanor if the person has a previous conviction for DWLI or the person's driver license was previously suspended as the result of an offense involving the operation of a motor vehicle while intoxicated.

4 USE OF RETAIL VALUE

The value of items in theft cases shall be determined by the retail value of the stolen goods.

5 ARRESTS MADE INSIDE THE CITY LIMITS OF HOUSTON IN FORT BEND COUNTY

Adults arrested inside the city limits of Houston in Fort Bend County shall be taken before a magistrate in Fort Bend County to be given their legal warnings. All property and evidence shall be tagged properly according to Houston Police Department policy. Original incident reports and supplements shall be submitted to the concerned division of the Houston Police Department.

An arrest packet including a copy of the incident report, suspect criminal history, and the Warrant Information Sheet shall be forwarded to the commander of the Southwest Division. The Fort Bend County District Attorney Warrant Information Sheet and arrest packet information are accessible via the HPD Intranet Portal under *Documents in General > Departmental Forms > Intake* and must be completed by the arresting officer.

After regular business hours, the arrest packet shall be delivered to Fort Bend County Intake by the Southwest Division liaison.

Filing Charges on Prisoners for Class "B" or Greater Offenses

Adults arrested in Fort Bend County for felony or Class A or B misdemeanors shall be transported to the Fort Bend County Jail. Officers shall file charges at the Fort Bend County District Attorney's Intake Division. A copy of the incident report shall be delivered to Fort Bend County Intake.

DWI Arrests

When an adult is arrested for DWI in Fort Bend County, the arresting officer shall take the prisoner to the Fort Bend County Jail for an intoxilyzer and video test. The officer shall contact the HPD dispatcher who shall notify the Fort Bend County Sheriff's Office to have an on-duty intoxilyzer operator meet the arresting officer at the Fort Bend County Jail facility.

The video shall be submitted to the Fort Bend County District Attorney's Intake Division with copies of all necessary paperwork. A copy of the paperwork shall also be delivered to the HPD Vehicular Crimes Division.

If the arrest occurs after normal business hours, the officer shall deliver the original paperwork and video to the desk sergeant at the Southwest Division. The Southwest Division liaison shall submit the paperwork and video to the Fort Bend County District Attorney's Intake Division during normal business hours.

Juvenile Arrests

Juveniles who are arrested in Fort Bend County shall be transported to the Fort Bend County Juvenile Detention Center. When juveniles are going to be interrogated as suspects, they shall be taken before a magistrate in Fort Bend County for their legal warnings.

Officers shall not leave the Fort Bend County Juvenile Probation Department until they have obtained the juvenile's fingerprints and fingerprint identification number and completed the Juvenile CJIS form. The juvenile arrest packet with the juvenile warrant information sheet including a copy of the incident report must be left with juvenile probation personnel and a copy must be delivered to the Fort Bend County District Attorney's Juvenile Intake Division.

Officers shall contact the HPD Juvenile Division and forward a copy of the incident report to them. Juveniles arrested in Fort Bend County shall not be taken to Harris County.

Deaths

During the investigation of a death that occurred in Fort Bend County, officers shall ensure that a Fort Bend County Justice of the Peace is summoned to rule on the cause of death. A Fort Bend County Sheriff's Office dispatcher will contact the Justice of the Peace.

6 ARRESTS MADE INSIDE THE CITY LIMITS OF HOUSTON IN MONTGOMERY COUNTY

Adults arrested in Montgomery County inside the city limits of Houston shall be processed in Montgomery County.

Original incident reports and supplements shall be submitted to the concerned division of the Houston Police Department. All property and evidence seized in Montgomery County shall be tagged properly according to Houston Police Department policy.

Filing Charges on Prisoners for Class "B" or Greater Offenses

All adult female suspects arrested inside the city limits of Houston in Montgomery County for a felony or a Class A or B misdemeanor shall be processed through the Montgomery County Jail in Conroe. Adult male suspects may be processed through either the Montgomery County Jail in Conroe or the East Montgomery County Jail Annex (non-violent and non-CIT prisoners only) in New Caney.

Officers shall complete all necessary paperwork found on the HPD Intranet Portal under *Patrol > Kingwood > General Information* while processing adult suspects at the jail facility. Officers shall file charges at the Montgomery County Attorney's Office Monday through Friday from 8 a.m. to 5 p.m.

After normal business hours, officers shall process the suspect and fax a copy of the incident report to the Montgomery County Attorney's Office immediately.

DWI Arrests

When an adult is arrested for DWI inside the city limits of Houston in Montgomery County, the arresting officer shall take the prisoner to the Montgomery County Jail in Conroe for an intoxilyzer and video test. The officer may also utilize the Harris County Sheriff's Office Annex in Humble, HPD intoxilyzer locations, or Texas Department of Public Safety (DPS) intoxilyzer locations.

Officers shall contact the dispatcher, who shall contact the Montgomery County Sheriff's Office dispatcher in order to have DPS personnel meet the officer at the jail facility to administer the intoxilyzer test. Montgomery County deputies may also administer the intoxilyzer test. The suspect shall then be processed and charges filed as indicated above.

A copy of the paperwork shall be delivered to the HPD Vehicular Crimes Division.

Juvenile Arrests

Juveniles who are arrested in Montgomery County shall be transported to the Montgomery County Juvenile Detention Center located in Conroe where the juvenile shall be fingerprinted. The officer shall complete the Referral/Identification portion of the DPS *Juvenile Justice Tracking* form and leave a copy of the probable cause statement and, if completed, the HPD incident report with Detention Center personnel.

Normal intake hours are Monday through Friday from 8 a.m. to 5 p.m. After hours officers should contact the Montgomery County Juvenile Detention Center, Juvenile Intake Control Center at 936-538-7755.

When juveniles are going to be interrogated as suspects, they shall be taken before a magistrate in Montgomery County for their legal warnings.

Officers shall complete all necessary paperwork and forward a copy of the incident report to the HPD Juvenile Division. A copy of the incident report must be faxed to the Montgomery County Attorney's Office immediately upon completion of the paperwork.

Deaths

During the investigation of a death that occurred in Montgomery County, officers shall ensure that a Montgomery County Justice of the Peace is summoned to make the official ruling on the cause of death. A Montgomery County Sheriff's Office dispatcher will contact the Justice of the Peace.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

October 4, 2019

NO.

500-08

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-08, dated October 20, 2006

SUBJECT: REQUIRED BOOKING INFORMATION AND PROCEDURES

POLICY

The department's booking procedures shall be uniform and prisoners shall be identified before their release or transfer to another law enforcement agency. Officers shall remain with the prisoner and maintain visual contact of the prisoner during the booking and registration process until the transfer of custody of the prisoner is complete.

This General Order applies to all employees.

DEFINITIONS

Jail Initialize. To transmit electronic booking information complete with the preliminary case and biographical information of an arrested person to the jail through the department's Records Management System (RMS).

Primary Division. The authorizing division responsible for investigating the most serious offense involved in a criminal investigation. When multiple offenses occur that are of equal offense classification according to the Texas Penal Code, the primary division shall be determined by which offense occurred first.

Secondary Division. Any authorizing division other than the primary division.

Valid Identification. Forms of identification including, but not limited to, current driver license, passport, lawful Permanent Resident card ("Green Card") issued by the U. S. Citizenship and Immigration Services, any issued Department of State consular identification card, Mexico's Matricula Consular de Alta Seguridad card (MCAS), or U. S. military identification. Officers are to presume these forms of identification are valid unless circumstances bring their authenticity into question.

1 PROCEDURES

Officers shall adhere to the following procedures when detaining or arresting any person:

- a. Officers have the discretion to check the wanted status of anyone legally detained.
- b. Officers shall check the wanted status of everyone that is ticketed, arrested, or jailed by comparing their *valid identification* to the information received from the computer search. However, if there is a warrant hit and confirmation is not received within 15 minutes, officers may release the detainee if they do both of the following:
 1. Obtain a supervisor's approval.

2. Document the detainee's identification information.

Consideration shall be given to the nature of the warrant and the circumstances of the detention.

- c. Thoroughly search each prisoner.
- d. Acquire all information required for reports and charges.

The following applies to persons arrested and booked in Harris County:

- e. All individuals arrested and booked into jail shall be entered into the Automated Reporting System (ARS) in the department's Record Management System (RMS). All municipal and county charges and/or warrants shall be listed and this information shall be sent to the jail through the *jail Initialization* process.
- f. Officers shall complete the jail registration process and scan the prisoner's 2 index fingers utilizing the designated fingerprinting system to verify the prisoner's identity and to determine if a prior criminal history exists.
- g. Officers shall inventory the prisoner's property and money during the registration process.
- h. Officers shall enter Class B or higher charges via the District Attorney Intake Management System (DIMS) within 2 hours of the booking and registration process.
- i. The transporting officer is responsible for completion of the booking and registration process.
- j. Suspects arrested for either "Outside Fugitive Warrants" or Southeast Texas Crime Information Center (SETCIC) warrants outside Harris County shall be taken before a magistrate to receive the magistrate warnings before being booked into jail.

Jail Safety

Officers entering a prisoner processing room shall secure all of their weapons and the keys to their vehicle in a weapon lock box prior to entry, except in emergency situations.

Weapons include:

- a. Firearms
- b. Conducted Energy Devices (CED)
- c. Knives
- d. Batons
- e. Oleoresin Capsicum (OC) Spray or Chlorobenzalmalononitrile Spray (CS)

Officers shall remain vigilant in regards to their surroundings and the other prisoners in the booking area while completing the booking and registration process.

Fort Bend County or Montgomery County

Persons arrested within the city limits of Houston but in Fort Bend County or Montgomery County should be dealt with as outlined in General Order 500-07, **Filing Proper Charges**.

2 MUNICIPAL PRISONERS**New Traffic or Municipal Charges**

Arresting officers shall book all prisoners on municipal charges and "new traffic" via the electronic citation (e-citation) writing machine. Only the arresting officer's name shall be used to login into the e-citation device. The electronic citation shall indicate that the person is "in custody" and the prisoner's Harris County Sheriff's Office (HCSO) registration number or the HPD booking number shall be entered in the "Incident Number" field. The names of any complainants and/or witnesses who need to be subpoenaed to court shall be placed in the "Witness" section of the e-citation machine.

Officers shall conduct a public intoxication or a Class C assault query via RMS for all prisoners being arrested for public intoxication or Class C assault for possible charge enhancement.

Booking a suspect for public intoxication or new traffic shall require a supervisor's approval and documentation of the explanation for booking the suspect in jail.

Municipal Warrants

Officers shall call the City of Houston Municipal Courts Warrants Verification Section to verify that the municipal warrants are active, the number of active warrants, and if the active warrants are *capias pro fine* (cash only) warrants. If the municipal warrants are *capias pro fine*, then the officer shall take the suspect immediately to a City of Houston magistrate prior to booking the suspect into jail. If the warrants are not *capias pro fine* warrants, then the officer shall immediately book the suspect into jail and complete the booking and registration process.

Southeast Texas Crime Information Center (SETCIC) Warrants

When an officer contacts the warrant-issuing agency and verifies that a suspect has a SETCIC warrant, the officer shall then have the SETCIC confirmation of the warrant(s) against the suspect sent to the jail, enter "SETCIC Warrants" in the charge screen in ARS, and enter the SETCIC warrants into the jail registration system. Officers shall ensure that the SETCIC confirmation has been received by jail personnel during the booking and registration process.

Officers are reminded to attempt a field transfer of a suspect with only a SETCIC warrant and no new local or county charges prior to transporting the suspect to jail. See General Order 500-17, **Transferring Prisoners in the Field**.

Suspects without new local or county charges who have a Class C SETCIC warrant from a Harris County Constable Precinct or any of the local agencies contracted with HCSO will be allowed to be booked into the jail. Suspects with SETCIC *capias pro fine* warrants will not be presented to a City of Houston magistrate in regards to the warrant fine. Suspects with SETCIC warrants outside Harris County shall be taken to a magistrate to receive the magistrate warnings.

3 CLASS B MISDEMEANOR OR HIGHER WARRANTS AND PROCEDURES

Inside Fugitive Warrant

A warrant originating inside Harris County is considered an Inside Fugitive Warrant. The suspect shall be placed in jail and the officer shall complete an original incident report (not an HPD case) or supplement (an HPD case) using the original offense title and enter the appropriate codes into ARS. The officer shall also enter the warrant information in the appropriate section and ensure that the warrant was received by jail personnel. When a suspect is arrested on a Harris County warrant that pertains to an *active* HPD case, the officer shall notify the concerned division investigating the case.

Suspects arrested on court administrative charges (e.g., bond forfeitures, failure to appear, and motions to revoke probation) that are *not* active Houston Police Department cases should be booked into jail and the concerned division notified of the arrest.

Outside Fugitive Warrant

When a suspect is arrested for a warrant originating outside Harris County, the officer shall contact the MSG1 operator (message center operator) and have the operator forward a copy of the TCIC/NCIC wanted hit confirmation to the jail. The officer shall enter the appropriate Outside Fugitive Warrant code in ARS as well as the warrant information and ensure that the warrant was received by jail personnel.

The officer shall call the agency directly requesting a hit confirmation only when the teletype system is down. A teletype shall be sent as soon as the teletype system is back up and operational.

Out-of-State Fugitive

When a suspect is wanted as an out-of-state fugitive and has new county charges or warrants, the officer shall take the suspect to jail, advise jail personnel that the suspect has an out-of-state warrant, and book the suspect into jail.

When a suspect is wanted as an out-of-state fugitive and has no other in-state warrants or charges, then the officer shall verify the warrant, ensure that the warrant confirmation was sent to the jail and contains the proper extradition language, and contact the warrant-issuing agency to have them send a copy of the warrant to the jail. The officer shall complete the affidavit and fax the affidavit, warrant confirmation, and a copy of the warrant to the Harris County District Attorney's (DA's) Office. After the officer receives the extradition packet from the DA's Office, the officer shall then take the suspect in front of a judge for an extradition hearing and book the suspect into jail.

Absent Without Leave (AWOL) from the Military

Persons arrested solely for being absent without leave (AWOL) from the military shall be booked into the county jail in the county where the arrest occurred.

4 IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) HITS

Officers who receive an NCIC immigration hit (Criminal Enforcement of Administrative Warrant of Removal or an Immigration and Customs Enforcement Detainer on Previously Deported Felons) on a person shall confirm the information as instructed by NCIC. Officers shall personally contact the Law Enforcement Support Center (LESC) and advise them of the NCIC information hit.

The Emergency Communications Division's (ECD's) MSG1 Operator is responsible for sending hit confirmation requests to the entering agency asking for positive or negative confirmation with a Routine or Urgent response. Once the identity of the person and the warrant or detainer is confirmed, personnel in ECD will send the hit confirmation to the jail. The officer shall confirm that the hit confirmation from dispatch has been received by jail registration personnel.

If a suspect has been arrested on other charges and is being booked into jail, LESC will send the immigration warrant or detainer to the jail. If an Immigration warrant or detainer is confirmed on an individual that has been detained and there are no other charges, then the officer shall follow the instructions given by the LESC personnel (e.g., meet the LESC personnel in the field).

Officers shall document the name of the LESC contact person, the warrant or detainer information, and the officer's actions in an incident report.

5 CONCERNED DIVISIONS AND PRISONER PROCESSING NOTIFICATIONS

When an officer books a prisoner into jail utilizing RMS, the concerned divisions related to Class B or higher offenses for which the prisoner is being booked will automatically receive a *Prisoner Processing for Concerned Division* notification through RMS that the prisoner is being processed into jail.

An officer who requires assistance to process or further investigate an incident may contact his direct supervisor or the concerned division for guidance. Officers are reminded that certain offenses require the officer to contact the related concerned division (e.g., Homicide, Juvenile, CID) for processing scenes and suspects.

Concerned division supervisors may assign investigative personnel immediately to the prisoner for additional follow-up and/or case enhancement, or they may instruct the arresting officer to proceed with the follow-up investigation and the filing of charges. The arresting officer shall be required to comply with any other prisoner processing procedures deemed necessary by the concerned division's authorized personnel (e.g., legal warnings, handwriting samples, or prisoner photos).

Concerned divisions have the opportunity to view a prisoner at the jail or other authorized HPD facilities. Concerned division personnel shall inform the arresting officer where to take the prisoner for the viewing. If the viewing is to take place in the jail, then the officer shall inform a jail HPD sergeant. If a viewing is to take place at another HPD facility, then only concerned division supervisors can authorize an exception to the rule requiring the prisoner's immediate transfer to a jail facility.

Secondary concerned divisions have the option of viewing the prisoner. If viewing is requested, the prisoner shall be transported to the secondary divisions (unless directed otherwise by the primary division). If no other viewing is requested, the prisoner shall be transported to jail as soon as possible. If an officer anticipates a delay in transporting a prisoner to the secondary division, then the officer shall contact the secondary division's supervisor and explain the cause of the delay.

Investigative Hold Authorization

An investigative hold shall apply to only prisoners who have not been charged with an offense and the filing of a criminal charge is considered imminent (e.g., within several hours) due to the need to complete additional police work before the Harris County DA's Office will accept a criminal charge. The arresting officer shall notify jail personnel and the jail HPD sergeant that the prisoner is being held as an investigative hold. The officer shall document the name of the concerned division supervisor who authorized the investigative hold and the jail HPD sergeant who was notified of the investigative hold in the incident report.

If circumstance warrants an investigative hold, the arresting officer shall follow the instructions given by the investigative hold authorizing supervisor.

Once an investigative hold has been placed on a prisoner, one of the following shall occur within 24 hours of the arrest. The prisoner is:

- a. Released without charges.
- b. Charged and eligible to post bond.
- c. Transferred to an outside agency.
- d. Granted an extension from the District Attorney's Office or appears before a magistrate for a detention hearing (i.e., the magistrate sets bail and authorizes the return of the prisoner to jail pending the posting of bail or the filing of a charge).

Additional Charges After a Prisoner is Booked into Jail

When an additional charge must be added to a prisoner who has already been charged with municipal or county charges and processed into jail, the arresting officer shall immediately notify the division concerned and jail personnel. The officer notifying the jail personnel shall ensure the charge information is received by the jail. Additionally, a supplement to the incident report or a new incident report, depending on the circumstances of the arrest or charge, shall be completed and include the name of the jail personnel who were informed of the additional charge.

6 INVENTORY OF PRISONER PROPERTY

A list of each prisoner's inventoried property shall be included in or on official department records (e.g., wrecker slips, incident reports, or prisoners' property records).

Before taking custody of a prisoner from another officer, officers shall inventory the prisoner's property and compare their inventory with that of the officer who is relinquishing custody. If at

any point in the custody of a prisoner a dispute arises in regards to the safeguarding of a prisoner's property, the immediate supervisor of the officer involved in the custody of the prisoner shall be contacted and a preliminary investigation shall be conducted. If the dispute is not settled, an Internal Affairs Division (IAD) *Issue Record Form* and details of the initial investigation (conducted by the immediate supervisor) shall be forwarded to IAD per General Order 200-03, **Investigation of Employee Misconduct**, within 24 hours.

Prisoner's Personal Property

Officers shall search all prisoners and enter a list of all of the prisoner's personal property into the jail registration system during the booking and registration process. Officers shall list every item separately and enter a detailed description of each item. The description shall include the following if applicable:

- a. Item (e.g., ring, bracelet, watch, cellular telephone, driver license, identification)
- b. Brand
- c. Color (e.g., yellow ring with clear round stone)
- d. Identification or serial number
- e. Damage (e.g., red Samsung cellular telephone cracked screen)

Upon completion of the registration process, the officer shall give the prisoner's personal property to the jail processing personnel.

Prisoner's Money

Officers shall utilize the money kiosk for inventorying the prisoner's money (U.S. currency). Officers shall collect the prisoner's money, enter the required prisoner information, and insert the money into the kiosk. The officer shall review the prisoner's information and money amount to ensure that it is correct before finalizing the transaction. If the prisoner does not have any money, then the officer shall make sure the transaction shows a zero balance. The officer shall acquire the transaction receipts and complete the booking process.

Prisoners who possess currency from other countries or currency that they perceive as personal property (e.g., keepsake \$2 bills) shall have those items inventoried as personal property. Officers shall not circumvent entering the prisoner's money into the money kiosk by claiming the money is a keepsake.

There is no limit to how much money can be entered into the prisoner's account; however, if the kiosk does not have the capacity, the officer shall utilize another machine to complete the transaction.

Officers are reminded that if the prisoner is in possession of large amounts of money that may be related to the prisoner's case, then the officer should refer to the procedures outlined in General Order 700-08, **Asset Seizure and Forfeiture**.

Mandatory Items to be Tagged at the HPD Property Room

The following items of prisoners' property shall be tagged in the HPD Property Room and documented in the incident report:

- a. Firearms or prohibited weapons (e.g., machetes).
- b. Large items such as luggage or bags, packages, or boxes that will not fit into the jail's property room (e.g., items larger than an airline carry-on bag).
- c. Property of unknown ownership or that does not belong to the prisoner. The officer shall investigate and determine the reason for the prisoner possessing the item. The officer shall tag the property as evidence or safe keeping as determined by the officer's investigation and document the details in the incident report (e.g., credit cards, identifications, birth certificates).
- d. Unopened beer, wine, liquor when an officer determines that no other disposition is possible (e.g., items are inventoried with a vehicle or given to a responsible third party, or permission is granted by the property owner to dispose of the property).
- e. Perishable food items, excluding single serving sizes, when no other disposition is possible (e.g., a shoplifting suspect arrested with groceries and the store offers a refund, items are inventoried with a vehicle or given to a responsible third party, or permission is granted by the property owner to dispose of the property).

Officers tagging items in the HPD Property Room as safekeeping shall complete the appropriate paperwork and list the items as safekeeping in the original incident or supplement report.

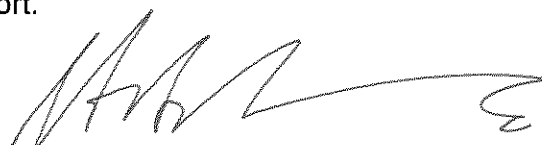
7 ARREST OF MULTIPLE SUSPECTS

Division commanders responsible for planning large arrest operations shall contact the jail HPD lieutenant to coordinate jail resources. The commander shall document the notification in the plan of action prior to submitting the plan of action for approval.

In all unplanned incidents when seven or more suspects will be transported to a jail facility, the on-scene supervisor shall ensure jail HPD supervisors are notified of the specific number of prisoners being transported to the facility.

8 SYSTEM DOWN TIME

If the department's RMS is down and a suspect cannot be *jail initialized*, the suspect shall be taken directly to jail and the officer shall complete the jail registration process and include the RMS issue and the officer's actions in the incident report.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

October 4, 2019

NO.

500-11

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-11, dated July 15, 2016

SUBJECT: PUBLICLY INTOXICATED PERSONS

POLICY

When appropriate and available, officers are encouraged to use approved alternatives for handling persons who are in violation of Texas Penal Code, Section 49.02, Public Intoxication. When circumstances meet the criteria outlined in this General Order, officers shall divert publicly intoxicated individuals to the custody of a responsible adult or the Houston Center for Sobriety (herein referred to as the "Center") as an alternative to arrest.

The goal of diverting such persons from the criminal justice system is to reduce the use of criminal justice resources and to assist individuals in receiving needed services.

This General Order applies to all employees.

DEFINITIONS

Active Aggression. A threat or overt act of an assault (through physical or verbal means) coupled with the present ability to carry out the threat or assault that reasonably indicates that an assault or injury to any person is imminent.

Intoxicated. Not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or having an alcohol concentration at or above the concentration level as set by Section 49.01 of the Texas Penal Code.

Public Intoxication. A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger himself or another person.

1 AUTHORITY

State law (Code of Criminal Procedure, Article 14.031) authorizes a peace officer to take or send a publicly intoxicated person to certain places under certain conditions. The law states that:

In lieu of arresting an individual who is not a child as defined by Texas Family Code, Section 51.02 and who commits an offense under Texas Penal Code, Section 49.02, a peace officer may release the individual if:

- a. The officer believes detention in a penal facility is unnecessary for the protection of the individual or others; and

b. The individual:

1. Is released to the care of an adult who agrees to assume responsibility for the individual; or
2. Verbally consents to voluntary treatment for chemical dependency in a program in a treatment facility licensed and approved by the Texas Commission on Alcohol and Drug Abuse, and the program admits the individual for treatment.

The Center *is* able to serve as the responsible adult under the state law referenced in item "b(1)" above.

2 PERSONS NOT ELIGIBLE FOR THE CENTER

The following persons are *not* eligible to be transported to the Center:

- a. Intoxicated individuals less than 18 years of age. State law does not allow the Center to accept anyone less than 18 years of age. These individuals shall be handled in the following manner:
 1. Persons seventeen years of age and charged with public intoxication may be released to a parent or legal guardian or arrested and placed in jail.
 2. For juveniles (less than 17 years of age) investigated for public intoxication, see General Order 500-06, **Disposition of Arrested Juveniles**.
- b. Intoxicated individuals who are unconscious, bleeding from a head injury, or experiencing a serious medical condition. (Officers shall request medical personnel to evaluate the individual.)
- c. Intoxicated individuals displaying signs of *active aggression*. (Individuals shall be transported to jail.)
- d. Intoxicated individuals who are exhibiting signs of being suicidal and/or having a mental health crisis. (Individuals shall be transported to the NeuroPsychiatric Center [NPC] at Ben Taub Hospital.)
- e. Intoxicated individuals who cannot be identified as noted in this General Order. (Individuals shall be transported to jail.)
- f. Intoxicated individuals with a Class C or higher warrant. (Individuals shall be transported to jail.)
- g. Intoxicated individuals who are also being charged with a Class C offense involving violence, narcotics, vice, or criminal mischief, or any greater offense. (Individuals shall be transported to jail.)

- h. Intoxicated individuals who are suspected of driving under the influence of alcohol or other drugs. (Individuals shall be processed in accordance with General Order 500-04, **Driving While Intoxicated**.)
- i. Intoxicated individuals with an Immigration and Customs Enforcement detainer. (Individuals shall be transported to jail.)

3 PROCEDURES

As set forth above, when circumstances meet the criteria outlined in this General Order, officers shall divert publicly intoxicated individuals to the custody of a responsible adult or the Center as an alternative to arrest.

Accordingly, whenever either of the below exists, supervisor approval is required to place an individual in jail instead of taking the person to the Center or releasing custody of the person to a responsible adult:

- a. An individual is arrested solely for public intoxication.
- b. An individual arrested for public intoxication is to be charged with a less serious Class C misdemeanor offense *not* involving violence, narcotics, vice, or criminal mischief.

Officers deciding to place an individual in jail when either of the above applies shall request a field supervisor to the scene. Upon notification, the field supervisor shall immediately respond to the scene. Supervisors shall not grant permission to place the individual in jail without being present at the scene. The arresting officer shall explain to the responding supervisor why the individual requires placement in jail. The arresting officer shall document the approving supervisor's name, employee number, and reason for placing the individual in jail in the Arrest Details box located in the Arrest/Charges tab of the department's Automated Reporting System (ARS).

If an individual is intoxicated on a substance other than alcohol, such as marijuana, glue, paint, or any other drug, the individual shall be handled in the same manner as if he were under the influence of alcohol.

For individuals accepted by the Center or who are released to a responsible adult, officers shall *not* issue a Class C citation for the offense of public intoxication.

Other Less Serious Class C Charges

If an individual arrested for public intoxication is to be charged with a less serious Class C misdemeanor offense *not* involving violence, narcotics, vice, or criminal mischief, the officer shall issue a citation for the less serious Class C misdemeanor charge(s) when the person is taken to the Center or is released to the custody of a responsible adult.

If the individual is unable or refuses to sign the citation, the officer shall complete a *Refused or Unable to Sign Affidavit* form (available on the department's Intranet Portal) and attach it to the citation. See General Order 500-14, **Class C Misdemeanors**.

Medical Conditions

Officers observing persons whom they believe to be intoxicated are reminded that certain medical conditions can be mistaken for intoxication. Officers shall check for a medical identification bracelet or other similar item that may indicate the person has a medical issue.

A detainee who exhibits signs of possible acute alcohol intoxication (alcohol poisoning) or other serious medical condition shall be evaluated by Emergency Medical Services. If responding medical personnel determine that the individual requires transportation to a hospital for further treatment, officers may assist, but shall not transport the intoxicated person themselves. If the person is not being charged with a crime and does not pose an immediate threat to medical personnel, there is no need for officers to follow medical personnel to the medical facility.

Identifiable symptoms of acute alcohol intoxication may include:

- a. Unconsciousness or semiconsciousness
- b. Repeated episodes of vomiting
- c. Vomiting while sleeping or passed out and not waking after vomiting
- d. Inability to walk or stand

Identification

If an officer believes it is necessary to take an intoxicated individual into custody for his or her own safety or for the public's safety, the officer shall check the person's identification and check for outstanding warrants or fugitive status.

Prior to an individual being taken to the Center, officers shall verify the person's identity. Some form of government issued photo identification is preferable. If this or other photo identification is not available, officers shall use the department's computer system, mobile computing device, fingerprint identification system, mug shot identification system, etc. to confirm the validity of the personal information provided by the person in custody.

Intoxicated individuals without satisfactory identification, but known to the officer, may be transported to the Center based on the officer's familiarity with the individual.

Unsatisfactory identification requires officers to transport intoxicated individuals to jail with the criminal charge of public intoxication.

Search and Transport

Officers shall release all eligible non-aggressive adult individuals (age 18 years or older) found to be publicly intoxicated to the custody of a responsible adult or the Center located at 150 N. Chenevert St., Houston, Texas. At the Center, officers shall enter the facility using the marked "Police Entrance."

When transporting publicly intoxicated individuals, officers shall handcuff, search, and transport them in the same manner as prisoners in accordance with General Orders 500-01, **Effecting**

Arrests and Searches and 500-02, Handling and Transporting Prisoners and Other Persons.

If an intoxicated individual is found to be in possession of illegal weapons, illegal narcotics, or contraband, officers shall contact the District Attorney's Office to seek appropriate charges. If charges are accepted the individual shall be placed in jail.

If charges are not accepted by the District Attorney's Office, the intoxicated individual shall be released to the custody of a responsible adult or the Center. Officers shall tag all firearms, illegal weapons, illegal narcotics, and contraband according to department policy and complete an incident report. These items shall not be left at the Center.

4 PROCESSING AT THE CENTER**Property**

Center personnel are responsible for the inventory, safekeeping, and return of all property to individuals processed through the Center.

Medical Screening

All individuals transported to the Center will be subject to a brief medical evaluation by personnel at the Center. If medical issues are present that are beyond the scope of the services at the Center, personnel at the Center will assume custody of the intoxicated individual and arrange for medical transportation. Officers are not required to wait while medical transportation is arranged.

Documentation

Officers utilizing the Center shall complete the Center's *Public Intoxication Jail Diversion* form available in the officer work area at the Center. Officers shall leave a copy of the form with the Center staff. No incident report is required unless circumstances addressed in General Order 800-07, **Criteria for Submitting Incident Reports**, are present.

5 REMOVING INDIVIDUALS FROM THE CENTER

During the Center's intake procedure, the trained staff may reject the admission of a person for specific reasons. When this occurs the officer will be given a rejection slip with the reasons listed. Depending on the reason, the officer may be directed to NPC or to the jail. Upon arrival at the appropriate location, the officer shall give the rejection form to the staff to assist in processing the person.

On occasion Center personnel may find it necessary to request a police response to the location in order to address the criminal behavior of an individual placed at the Center. Officers responding to calls for service at the Center must remain cognizant of the fact that a decision to arrest must be based on probable cause that a crime has occurred. Officers responding to the Center shall clearly establish the elements of the offense existing at the time they respond (e.g., assault, threat, criminal mischief).

Intoxicated individuals who remain in the Center may not be charged with public intoxication because the Center shall not be considered a public place.

Individuals who choose to leave the Center may be charged with public intoxication if the responding officer determines that the individual is intoxicated, appears in a public place, and is a danger to himself or others.

If an individual is to be arrested for the offense of public intoxication, it shall be based on the officer's observations at the time of responding to the call for service at the Center and not based on the observations of the officer who originally brought the individual to the Center.

Officers responding to calls for service from the Center to deal with persons at the Center for criminal violations shall request a supervisor to the scene for authorization prior to arresting and removing the person from the Center. Officers shall include the supervisor's name and the statement, "Sobriety Center Client" in the Arrest Details box located in the Arrest/Charges tab of the department's ARS.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

January 28, 2021

NO.

500-12

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-12, dated March 21, 2014.

SUBJECT: RESPONSE TO MENTAL HEALTH INCIDENTS

POLICY

Incidents involving persons displaying symptoms of a mental health crisis may be volatile and unpredictable. In all emergencies stemming from a mental health crisis, department employees shall utilize the least coercive measures to secure the welfare of all those concerned, unite consumers with needed services, and divert them from the criminal justice system whenever appropriate. Employees shall be professional and respond humanely to individuals in a mental health crisis.

Whenever reasonably possible, the department will utilize Crisis Intervention Trained (CIT) officers to respond to incidents or calls for service involving persons displaying symptoms of a mental health crisis. For safety purposes, and when resources allow, two officers shall be dispatched to incidents when available information indicates the involvement of persons who are exhibiting symptoms of a mental health crisis.

This General Order applies to only classified employees and Emergency Communications Division employees.

DEFINITIONS

Crisis Intervention Response Team (CIRT). A team comprised of a uniformed CIT officer partnered with a licensed mental health professional to respond to persons exhibiting a *mental health crisis*.

Crisis Intervention Trained (CIT) Officer. An officer who has successfully completed the Texas Commission on Law Enforcement (TCOLE) 40-hour Mental Health Officer or TCOLE 40-hour CIT course.

Medical Condition. For the purposes of this General Order, a *medical condition* is a physical injury, illness, or condition other than a psychological disorder or *mental illness*.

Mental Health Crisis. A condition in which a person is a substantial risk of harm to themselves or others due to a *mental illness*. A substantial risk may be demonstrated by the person's behavior, or by evidence of severe emotional distress and deterioration of the person's mental condition.

Mental Illness. An illness, disease, or condition, other than epilepsy, dementia, substance abuse, or intellectual disability, that substantially impairs a person's thought, perception of reality, emotional process, or judgment, or grossly impairs behavior as demonstrated by recent disturbed behavior. A person with mental illness may not be denied admission or commitment to a mental health facility because the person also suffers from epilepsy, dementia, substance abuse, or intellectual disability.

Notification of Emergency Detention (NED). For the purpose of this General Order, a *NED*, which is also referred to as an Emergency Detention Order (EDO), is a standard notification form that allows a Texas peace officer to detain a person who is mentally ill for psychological evaluation because the person is an immediate threat to self or another person. This form, which is available on the department's Intranet Portal, does not require notarization. The *NED* only guarantees an evaluation will be done; it does not guarantee any form of treatment.

1 AUTHORITY TO APPREHEND

The authority to apprehend a person in a *mental health crisis* by using the *Notification of Emergency Detention (NED)* is granted by the Texas Health and Safety Code, Section 573.001. A peace officer, without a warrant, may take a person into custody, regardless of age, if the officer has reason to believe and does believe both of the following apply:

- a. The person is a person with *mental illness* and because of that *mental illness* there is a substantial risk of serious harm to the person or others unless the person is immediately restrained, and;
- b. The officer believes that there is not sufficient time to obtain a warrant before taking the person into custody.

A "substantial risk of serious harm to the person or others" may be demonstrated by either of the following:

- c. The person's specific recent behavior, overt acts, attempts, or threats.
- d. Evidence of severe emotional distress and deterioration in the person's mental condition to the extent that the person cannot remain at liberty.

Officers may form the belief that the person meets the above criteria for apprehension based on either of the following:

- e. Information from a credible person.
- f. Conduct of the person or the circumstances under which the person is found.

2 PERSONS EXHIBITING A MENTAL HEALTH CRISIS WITHOUT CRIMINAL CHARGES

Officers who take into custody any person exhibiting a *mental health crisis* shall follow the procedures outlined in General Order 500-02, **Handling and Transporting Prisoners and Other Persons**.

If a person who is believed to be in a *mental health crisis* is in need of emergency mental health treatment and the District Attorney's Office does not accept Class B or higher charges, then the officer shall take the person into custody without a warrant. When a person is apprehended under a *NED*, consent of the person is not required. Officers who take a person into custody in this manner shall immediately inform the person in simple, non-technical terms the reason for and location of the detention, that a staff member of the facility shall inform the person of the person's

rights within 24 hours after the person is admitted to a facility, and that the detention could result in a longer period of involuntary commitment.

Officers shall first attempt to utilize the Neuropsychiatric Center (NPC) if there are no co-existing *medical conditions*. If the NPC is on diversion, officers may utilize the services of any hospital with a dedicated emergency department, or, if eligible, the VA Medical Center. A private psychiatric facility may also be utilized if officers have confirmed there is a bed available and the person has an accepted health insurance.

If a person exhibiting a *mental health crisis* also has a co-existing *medical condition* that requires treatment by a medical facility, the person shall be taken directly to a hospital with a dedicated emergency department.

Upon arrival at the appropriate mental health facility, the officer shall complete the *NED* and provide it to the medical staff. Once the person has been accepted by facility staff under emergency detention, the officer shall complete an incident report and return to duty. Officers should be aware that the person shall undergo a preliminary examination by the facility and shall be admitted under emergency detention only if the examining physician believes that the person meets the criteria discussed in Section 1 of this General Order and that emergency detention is the least restrictive means by which the necessary restraint may be accomplished. Officers should be aware that the person shall be released by the facility if the above criteria are not met or within 48 hours, whichever occurs first. Officers shall not file Class C misdemeanor charges if the person is admitted to a treatment facility.

If officers have knowledge that the person taken into custody under a *NED* has been declared a ward by a probate court, the officer shall notify the applicable probate court as soon as practicable.

Persons Not in Need of Emergency Mental Health Treatment

If a person undergoes preliminary examination by the facility while the officer is present and it is determined that the person is not eligible for emergency detention, the officer shall transport the person back to the location of the person's apprehension, the person's local residence, or another suitable location. The officer shall not transport the person if the person objects to the transportation or if the person wants to voluntarily seek admission for mental health treatment. Any person 16 years of age or older may voluntarily request admission for inpatient mental health treatment. The officer shall not transport the person to a second facility for a second mental health examination.

Juveniles Exhibiting Mental Health Crisis

In addition to the requirements above, officer shall contact a Juvenile Division supervisor for guidance and to coordinate all juvenile dispositions per General Order 500-06, **Disposition of Arrested Juveniles** when dealing with juveniles exhibiting *mental health crisis*.

When taking a juvenile into custody for emergency detention, officers shall first attempt to utilize the NPC. If the NPC is on diversion, officers may utilize the services of Texas Children's Hospital or any hospital with a dedicated emergency department. Whenever possible, a parent or guardian should accompany the juvenile to the treatment facility. If a person is under the age of 18 and his or her behavior meets the elements for emergency detention under Chapter 573 of

the Health and Safety Code, consent of the person or a parent or a guardian is not required. Nevertheless, officers should obtain parental consent whenever possible before transporting a person under the age of 18 for emergency mental health treatment.

A parent or guardian may voluntarily sign the juvenile in for treatment. A private psychiatric facility may also be used if officers have confirmed there is a bed available and if the juvenile has an accepted health insurance.

Juveniles Not in Need of Emergency Mental Health Treatment

If a person under the age of 18 is transported to NPC or another treatment facility for psychiatric evaluation, but is found not to be in need of immediate mental health treatment, hospital staff will not be able to provide voluntary treatment to juveniles 15 years of age or under without parental consent. For this reason, the officer shall remain with the juvenile until a parent or guardian is contacted and arrives. A person 16 years of age or older may consent to voluntary treatment, with or without the consent of a parent or guardian.

If a parent or guardian of a person under the age of 18 cannot be located, the officer shall contact the Statewide Intake Division of Child Protective Services (CPS) and the Special Victims Division for further instructions. Officers shall list the CPS case number and the name of the person taking the report in the incident report. Because each situation involving a juvenile is different, officers should adhere to the requests of the NPC or other facility staff when releasing custody of a juvenile, with authorization from the Juvenile Division supervisor.

3 PERSONS EXHIBITING A MENTAL HEALTH CRISIS WITH CRIMINAL CHARGES

Officers shall thoroughly investigate all reported crimes, including crimes of family violence, regardless of any history of or reported *mental illness*. Officers shall be reminded that only a court of proper jurisdiction may determine the mental competency of a suspect charged with a criminal offense.

When the District Attorney's Office accepts charges (Class B misdemeanor or higher) against an adult who is exhibiting a *mental health crisis*, the officer shall not transport the suspect to the NPC. The officer shall do the following:

- a. Follow the procedures outlined in General Order 500-07, **Filing Proper Charges** and General Order 500-02, **Handling and Transporting Prisoners and Other Persons**.
- b. Notify the concerned division.
- c. Upon arrival at the jail, inform jail personnel that the prisoner is exhibiting a *mental health crisis* and secure the prisoner in accordance with jail procedures. Officers are responsible for the direct care, custody, and control of a prisoner until the prisoner is accepted by jail personnel.
- d. Complete the jail booking process required by the jail facility as outlined in General Order 500-08, **Required Booking Information and Procedures**.

Charges Filed Against Juveniles Exhibiting Mental Health Crisis

When the District Attorney's Office accepts charges (Class B misdemeanor or higher) against a juvenile who is exhibiting a *mental health crisis*, the officer shall transport the juvenile suspect to the Juvenile Division for expedited processing. The transporting officer shall then transport the juvenile to the NPC for a mental health evaluation.

If the NPC determines that the juvenile does not require emergency mental health treatment, the officer will receive a *Brief Psychiatric Assessment Form* completed by the NPC personnel documenting any treatment and the release of the juvenile. The officer shall then inform the Juvenile Division of the NPC's mental health determination and transport the juvenile to Harris County Juvenile Probation (HCJP).

If the NPC determines the juvenile requires emergency mental health treatment, the officer shall complete a *NED* for the juvenile suspect, inform the NPC personnel that the juvenile suspect has pending charges, and advise the Juvenile Division. Juvenile Division personnel will contact HCJP and confirm if the juvenile should be transported to HCJP after the juvenile has received treatment or be released to a parent or guardian. Juvenile Division personnel shall advise the officer so that the officer can inform the NPC that the juvenile will be released to a parent, guardian, or be held and taken to HCJP when released from the NPC.

In either circumstance, the arresting officer shall complete the incident report and charges. If the juvenile is to be left in the custody of the NPC, then the first line in the charges shall state "Juvenile is at the NPC under a *NED* for mental health treatment."

4 CRISIS INTERVENTION RESPONSE TEAM (CIRT)

Officers requiring the assistance of a *CIRT* unit at a scene shall follow the procedures described in General Order 600-01, **Response Management**. *CIRT* units are not to be utilized as "wagon units" for *mental health crisis* calls. *CIT* patrol officers shall continue to be the first responders to *mental health crisis* calls when possible.

5 JAIL DIVERSION

Officers may consider jail diversion services through the Mental Health Diversion Center when an officer believes that symptoms of *mental illness* are a contributing factor to the offense and the individual does **not** pose a public safety threat. Officers may divert non-violent, low-level misdemeanor offenders who are **not** in crisis and **not** a danger to themselves or others to the Mental Health Diversion Center instead of filing charges or writing a citation.

To be eligible for jail diversion, the suspect must be 18 years of age or older and must agree to go to the Diversion Center. Driving while intoxicated (DWI), assault (including domestic violence), and weapons offenses are not eligible for consideration for jail diversion. The officer shall determine, based on the totality of the facts, whether or not the suspect would be appropriate for jail diversion. The officer shall consider the following when determining the totality of the facts:

- a. The complainant's decision to press charges on the suspect or utilize jail diversion services.

- b. The District Attorney's decision to press charges on the suspect or utilize jail diversion services.
- c. The suspect does not have a violent criminal history.
- d. The suspect is not a sex offender, does not have open warrants, or a pending detainer from Immigration and Customs Enforcement.
- e. Whether the suspect has previously participated in the jail diversion program without a good faith effort to seek voluntary assistance.

If an officer needs additional information (e.g., mental health history, diagnosis) to help determine if jail diversion is appropriate, they may consult with the Joint Processing Center (JPC) Triage Diversion Desk to inquire about the person's mental health history, if available.

6 DOCUMENTATION

Incident Report

Officers shall complete an original incident report for any incident in which a person is exhibiting a *mental health crisis*. Officers shall articulate in the narrative of their incident report why they believe the person is mentally ill and why the person is a substantial risk of serious harm to self or others. Substantial risk shall be supported based on specific recent behaviors, overt acts of self-harm, attempts to harm others, severe emotional distress and deterioration in the person's mental health condition, or threats observed by the officer or reliably reported from a credible person. Additionally, evidence of severe emotional distress and deterioration should be thoroughly documented, if used as a basis for determining substantial risk. Officers should avoid using only generic or vague statements such as "consumer was a danger to self and others" or "consumer needed psychiatric treatment." Such statements do not adequately detail the justification for the apprehension by an officer without a warrant, as required by the Texas Health and Safety Code, Chapter 573.

The title of the incident report shall always be listed by the highest criminal offense and "*Investigation - Mental Illness*" shall be listed as a secondary title. If a criminal offense was **not** reported, the incident report shall be titled "*Investigation - Mental Illness*."

If a person is reported to have committed a criminal offense, regardless of whether or not charges are filed, the person shall be listed as a suspect and the offense shall be thoroughly investigated per General Order 600-27, **Preliminary and Follow-Up Investigations**. If the person is not reported to have committed an offense and is being handled for only mental health purposes, the individual shall be listed as a complainant.

Officers shall document all license information pertaining to individuals who hold a License to Carry (LTC), Private Security Armed Registration, or Peace Officer License. Officers shall include the LTC license number, Private Security license number, or Peace Officer Personal Identification Number (PID) in the report narrative. This documentation should also list the company or employing agency of the individual.

Officers shall properly document items (e.g., knives, rope, pill bottles) located at a mental health scene within the narrative of the incident report and contact the appropriate concerned division for guidance, but shall **not** tag the items as evidence under the Mental Health Division (MHD).

If the incident involves a completed suicide or an attempted suicide that may cause the death of an individual, officers shall contact the Homicide Division for guidance and authorization to tag the items. Officers are reminded to follow the guidelines of General Order 700-01, **Property and Evidence Control Regulations**, and consult with the concerned investigative division to receive their authorization to tag firearms or property that may have evidentiary value due to involvement in a criminal investigation.

Notification of Emergency Detention (NED)

In accordance with the Texas Health and Safety Code, Section 573.002, the *NED* must contain specific and detailed information that shows that the substantial risk of harm is imminent unless the person is immediately restrained. The *NED* must contain:

- a. A statement that the officer has reason to believe and does believe that the person shows signs of *mental illness* and is a substantial risk of serious harm to self or others;
- b. A description of the risk of harm;
- c. A statement that the officer has reason to believe and does believe that the risk of harm is imminent unless the person is immediately restrained;
- d. A description of the person's recent behavior, acts, attempts, or threats observed by the officer or reported by a credible person to the officer; **and**
- e. If applicable, the name of the credible person, address, and relationship to the apprehended person, who reported or observed the behavior, acts, attempts, or threats.

For any incident resulting in a *NED*, officers shall document the name of the mental health facility or hospital where the person is to be evaluated, the name of the person who accepted the *NED*, and, if applicable, the Medical Record Number (MRN) in the incident report. Officers shall request a copy of the *NED* from facility personnel, then scan and upload the copy of the *NED* into the incident report via Intellinetics.

7 SEIZURE OF FIREARMS FROM PERSONS EXHIBITING MENTAL HEALTH CRISIS

No Criminal Charges

Pursuant to Texas Health and Safety Code, Section 573.001(h), officers are authorized to seize firearms **only** when the following criteria are established:

- a. The person is exhibiting a *mental health crisis*, taken into custody for a *NED* as specified in section 1, *Authority to Apprehend*;

- b. Upon detention the person is in possession of the firearm; *and*
- c. A criminal offense involving the use of the firearm has *not* been committed.

Firearms that were not within the person's immediate possession at the time of the person's detention cannot be legally seized (e.g., firearms stored in a bedroom closet). The MHD shall *not* authorize the seizure of firearms that do not meet the above criteria.

Officers shall obtain authorization to tag such firearms from an MHD *CIRT* supervisor. If unable to contact an MHD *CIRT* supervisor, officers shall contact a jail HPD supervisor for authorization. Officers shall tag the seized firearm in the Property Division. Seized firearms and other firearm components (e.g., magazines, ammunition) shall be entered into the property tab in ARS utilizing the involvement code "MHF." The required forms can be accessed on the department's Intranet Portal.

Officers who seize a firearm from a person taken into custody shall comply with the requirements of the CCP, Article 18.191, and immediately provide the person with the following:

- d. A written copy of the receipt for the firearm (*Receipt and Notice of Rights for Seized Firearms*).
- e. A written notice of the procedure for the return of a firearm.

Officers shall upload copies of the seizure forms along with a copy of the *NED* into the incident report via Intellinetics. Officers shall put the original *Receipt and the Notice of Rights for Seized Firearms* form, along with a copy of the *NED*, in the MHD Drop Box at the Property Division. The seized firearms shall be tagged in the Property Room following the procedures outlined in General Order 700-01, **Property and Evidence Control Regulations**.

Firearms Related to a Criminal Offense

Firearms used in the commission of a crime (e.g., Aggravated Assault with a Deadly Weapon, Deadly Conduct, Places Weapons Prohibited, Unlawful Possession of Firearm) shall be treated as evidence and shall not be seized under the CCP, Article 18.191. Instead, officers shall follow the guidelines of General Order 700-01, **Property and Evidence Control Regulations**, and consult with the concerned investigative division to tag firearms with evidentiary value.

8 PREMISE HISTORY PROCEDURES

If there is reason to believe that the mental health related information indicates a possible risk to the safety of responding officers, the mentally ill person, or another person at the location, then a premise history request shall be completed. Premise histories shall not be placed on a location solely because a person who resides at that location suffers from *mental illness*.

Officers can access the *Premise History Request* form on the department's Intranet Portal and email it to HPD.CIT@Houstonpolice.org. Officers and supervisors shall not contact the

Emergency Communications Division (ECD) to request that a mental health premise history be placed on a location.

The MHD shall authorize, enter, and maintain all mental health related premise history entries.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 21, 2022

NO.

500-13

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-13, dated December 11, 2019

SUBJECT: USE OF INTERPRETERS AND TRANSLATORS

POLICY

The Houston Police Department recognizes the diverse nature of the greater Houston community and strives to provide prompt and effective communication between department personnel and those individuals in need of police services, including those persons who are Deaf or Hard of Hearing (DHH) or limited English proficient (LEP).

The department strives to be in compliance with all local, state, and federal laws consistent with its obligations under Title VI of the Civil Rights Act of 1964 and by Part A, Title II of the Americans with Disabilities Act (ADA).

This General Order applies to all employees.

DEFINITIONS

American Sign Language (ASL). The predominant sign language of deaf communities in the United States and most English speaking parts of Canada. ASL is the official sign language that is accepted by ADA Title II entities.

Auxiliary Aids and Services. Effective methods of making aurally delivered materials available to individuals with hearing impairments, including deaf service videos, placards, DHH certified interpreters, written notes, video remote interpreting, and qualified employee interpreters.

Deaf or Hard of Hearing (DHH) Certified Interpreter. A professional interpreter utilized by the department who holds an advanced or master level certification with the Board of Evaluation of Interpreters (BEI) or who is certified through the Registry of Interpreters for the Deaf (RID).

Deaf or Hard of Hearing (DHH) Person. An individual who is unable to communicate or who has difficulty communicating and/or understanding communication through spoken words.

Informal Interpreter. An HPD employee or an age-appropriate friend or family member of a DHH or LEP person who is able to effectively facilitate communication.

Limited English Proficient (LEP) Person. An individual whose primary language is not English and who possesses a limited ability to read, speak, write, or otherwise understand the English language.

Professional Interpreter. Any person hired for a fee to interpret or translate.

Qualified Employee Interpreter. Any employee who has passed the appropriate language proficiency test and is therefore qualified to serve as an interpreter and paid for their proficiency in a language other than English, including ASL.

Video Remote Interpreting (VRI). A video telecommunication service that uses video conferencing through a device to facilitate American Sign Language communication between a DHH person and a DHH certified interpreter.

1 RESOURCES AND TRAINING

It is imperative that all HPD employees are properly trained on how to effectively communicate with DHH and LEP persons. The department shall provide periodic training to employees about the department's DHH and LEP policies, including how to access department authorized telephonic and in-person language assistance. The department shall conduct such training for new recruits at pre-service training at the Academy and at roll call for officers on a periodic basis as deemed necessary by the Chief of Police.

The department strives to foster positive interactions with all members of our community. Therefore, the department shall take reasonable steps to develop in-house language capacity through training and by hiring personnel with language diversity skills. In an effort to improve employees' ability to independently communicate with LEP persons, HPD offers several foreign-language training curricula in different formats. Employees interested in foreign-language training should contact the Training Division for details and scheduling.

The following department resources are available for communicating with DHH or LEP persons:

- a. **Qualified Employee Interpreters:** The department has qualified employee interpreters who provide language assistance for all department approved languages including ASL.
- b. **Foreign Language Identification Flashcards:** Foreign language identification flashcards ("I Speak" cards) that allow LEP persons to select their primary language from a list of 38 different languages, to assist employees in identifying the language if interpretation services are needed.
- c. **Department Forms:** In an effort to provide assistance to LEP persons, many common police-related forms are available in other languages. Employees shall check the department's Intranet Portal or the concerned division to determine which translated forms are available.
- d. **Interpreter Services:** The department maintains a contract for translation services by professional interpreters.
- e. **Language Line:** The department maintains a contract for translation services with Language Line Solutions for professional interpreters in over 240 languages, available to the department via telephone.
- f. **LEP Posters:** LEP posters are displayed in public areas of all HPD buildings. These posters list different languages and advise persons that language assistance is available upon request.
- g. **Video Remote Interpreting (VRI):** DHH certified interpreters are available through VRI services which are provided throughout the department.

Desk or intake employees, as well as shift supervisors, shall familiarize themselves with the usage and location of the VRI device that is in or nearest to their division. Instructions for VRI device usage shall be situated next to each VRI device.

Malfunctions discovered with the VRI device during regular business hours shall be reported to the divisional technology coordinator and a shift supervisor. If malfunctions are discovered after regular business hours, the malfunction shall be reported directly to the Office of Technology Services and to a shift supervisor.

Technology coordinators in any division that has a VRI device shall ensure that the device is operable. The device shall be tested at minimum once a month and the test shall be recorded in the usage log that should always be located next to the device. The divisional technology coordinator shall contact the Office of Technology Services for any further troubleshooting issues.

During shift transition, the supervisors working the shift in which the malfunction was discovered shall ensure that a work order number is posted on the device and shall inform the relieving shift supervisors of any malfunctions of the VRI device.

Division commanders who have managerial oversight over a VRI device shall ensure that the division's technology coordinator maintains the device for operational readiness.

2 FIELD RESPONSE

Department employees shall focus on establishing effective communication upon becoming aware of a DHH or LEP person, whether at the scene of a call for service, on-view incident, or simply interacting with a member of the public. While this may require utilizing an informal interpreter, effective communication may be achieved through a series of written notes, gestures, and lip reading in some situations. Officers shall consider the DHH person's preferred choice of communication.

When an officer is unable to communicate effectively with a DHH or LEP person, the officer may ask an age-appropriate citizen for assistance as an informal interpreter. If an emergency exists, employees shall act in the best interest of the DHH or LEP person. Employees shall use the most reliable, temporary language assistance available to obtain basic facts at the scene.

On-Duty Qualified Employee Interpreters for LEP or DHH Persons

If no one is able to assist at the scene, the officer shall ask the dispatcher to send out a request for an on-duty qualified employee interpreter to make the scene and assist with gathering general information.

Dispatchers have the authority to dispatch the following on-duty qualified employee interpreters in the following order:

- a. Officer within the beat.
- b. Officer within the district.
- c. Civilian employee within the beat.

- d. Civilian employee within the district.
- e. Any on-duty officer.
- f. Any on-duty civilian employee.

An employee responding to assist the primary officer shall obtain a supervisor's approval if responding from a different division.

Off-Duty Qualified Employee Interpreters or Professional Interpreters

If an on-duty qualified employee interpreter is not available to communicate with a LEP or DHH person, employees shall contact an on-duty supervisor who shall determine if an off-duty qualified employee interpreter or professional interpreter is needed. If the supervisor determines that there is a legitimate need, the supervisor shall then contact or have the dispatcher contact the Crime Analysis & Command Center Division (Command Center) to have one assigned.

Subject to the specific guidelines in this General Order regarding DHH persons, the Command Center should assign the below listed interpreters in the following order:

- a. Any off-duty officer.
- b. Any off-duty civilian employee.
- c. Use of a VRI device for DHH persons, if the on-scene supervisor determines that an on-scene interpreter is not necessary.
- d. Use of the Language Line service for LEP persons, if the on-scene supervisor determines that an on-scene interpreter is not necessary and if approved by the requesting employee's shift commander.
- e. A professional interpreter, including a DHH certified interpreter, if the on-scene supervisor determines that an on-scene interpreter is necessary and if approved by the requesting employee's division commander.

Employees must be aware that having a professional interpreter come to the scene is a lengthy process; it may take several hours before one arrives.

DHH Certified Interpreters

When an officer is at a scene for a Class B misdemeanor or higher offense involving a primary complainant, witness, or suspect who is DHH, the officer shall either use a VRI device or contact the Command Center to request a DHH certified interpreter. A qualified employee interpreter who is not a DHH certified interpreter shall not provide translation in these situations. Employees should respect the DHH person's preference regarding a VRI or an in-person DHH certified interpreter whenever possible, but shall not unnecessarily delay an investigation to do so.

Officers shall use a VRI device or an in-person DHH certified interpreter as soon as possible at the scene, hospital, or at the Joint Processing Center (JPC), if a DHH person is under arrest for

a Class B misdemeanor or higher offense or is being given the statutory DWI warning for an intoxilyzer, blood, or urine test. This requirement also applies when the DHH person is a juvenile.

Arrest

If an officer arrests or transports a DHH or LEP person, the officer shall advise the suspect of the reason for the arrest in the most effective means of communication reasonably available. The officer shall verbally advise the HPD JPC supervisor that the suspect is a DHH or LEP person when placing the suspect in jail.

Routine Traffic Citations and Crash Investigations

An officer issuing a traffic citation may be able to effectively communicate using an informal interpreter, written notes, and/or information obtained via documents produced by the driver. If further investigation is necessary to complete the law enforcement interaction, then the officer shall request a qualified employee interpreter.

When documenting a traffic crash investigation involving a DHH or LEP person, employees shall list the following in the body of a report and/or traffic citation:

- a. The language and dialect used or needed to communicate with the DHH or LEP person.
- b. That an interpreter was used or is needed for further investigation.
- c. Pertinent information about the interpreter, including the person's name, address, telephone contact information, and license or certificate numbers.

3 INVESTIGATION RESPONSE

Investigations may require the use of an interpreter in order to properly protect the rights of the suspect and/or to ensure the accuracy of the information provided by a DHH or LEP person, whether a complainant, suspect, or witness. Although the DHH or LEP person may approve the use of an informal interpreter or qualified employee interpreter to facilitate communication when filing a report, police personnel shall arrange an interview with a professional interpreter if necessary to protect the integrity of the report.

Investigators who need an interpreter shall follow the guidelines set forth in Section 2, *Field Response*. Investigators shall use an on-duty qualified employee interpreter whenever possible before using an off-duty qualified employee interpreter or a professional interpreter. If a professional interpreter is warranted, investigators shall obtain approval of the investigator's division commander and contact the Command Center to have one assigned. If a specific interpreter is needed, the investigator shall request the Command Center to contact that interpreter.

If a qualified employee interpreter is utilized to assist in the investigation, the entire interview shall be audio and video recorded and the DHH or LEP person shall be informed of the qualified employee interpreter's dual role.

Complaints

When handling a complaint involving an LEP or DHH person, intake employees shall use a qualified employee interpreter if possible. If no such interpreter is available, intake employees may use the Language Line for LEP persons if approved by the shift commander and may use a VRI device for DHH persons. The intake employee shall translate written communications regarding complaints with LEP complainants and witnesses into that person's primary language.

Investigations Involving DHH Persons

Officers shall use a VRI device or an in-person DHH certified interpreter by scheduling an interview at a mutually agreeable date and time if a DHH person is:

- a. Involved in a crash involving serious injuries.
- b. Suspected of a felony offense.
- c. Suspected of committing a Class B or higher offense and is being interrogated under conditions requiring *Miranda* warnings.
- d. Giving a sworn oral or sign language statement.

Employees should respect the DHH person's preference regarding a VRI or an in-person DHH certified interpreter whenever possible, but shall not unnecessarily delay an investigation to do so. The investigating division is responsible for ensuring that a DHH certified interpreter is used to communicate with the DHH person in all of the above circumstances. This requirement does not preclude field units from using auxiliary aids and services to obtain basic and/or emergency information.

The above requirements also apply when the DHH person is a juvenile.

4 SUPPORT RESPONSIBILITIES

Employee Services Division

The Employee Services Division (ESD) shall maintain an accurate and current list of all qualified employee interpreters. The ESD shall provide the current list to the Command Center on at least a quarterly basis.

Office of Planning & Data Governance

On an annual basis, the Office of Planning & Data Governance (OPDG) shall determine whether specific vital documents should be translated into additional languages. The OPDG shall assess demographic data, review utilization of contracted language access services, and periodically consult with community based organizations in order to determine if there are additional languages into which vital documents should be translated.

The OPDG shall serve as the custodian of all vital documents that have been translated. If an LEP person seeks information about a document that is not translated into his or her primary

language, the department shall then provide competent oral interpretation of that document in the LEP person's primary language.

Alternative Dispute Resolution Unit

The ADA coordinator is a departmental representative designated by the Chief of Police and is the lieutenant over the department's ADR Unit. Personnel in the Alternative Dispute Resolution (ADR) Unit, including the ADA coordinator, shall review grievances concerning the availability and/or use of auxiliary aids and services. ADR Unit personnel may visit locations that have a VRI device to ascertain operability and accessibility. All employees, regardless of rank, shall cooperate with ADR Unit personnel.

5 COMPENSATION

The department provides incentive pay to qualified employee interpreters whose language skills are deemed critical to the mission of their job assignment.

Off-duty employees called to duty to provide language assistance shall be compensated according to General Orders 300-07, **Overtime Compensation – Classified**, and 900-07, **Overtime Compensation – Civilian**. Compensation shall be authorized from the time the employee receives the notification to no more than one hour past the end of the call-up assignment. Overtime compensation shall be handled by the qualified employee interpreter's division. To verify these times, the employee's supervisor shall contact the Command Center.

Divisions requesting the services of a professional interpreter other than a VRI shall be responsible for the interpreter's fee.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

October 4, 2019

NO.

500-14

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-14, dated July 25, 2016

SUBJECT: CLASS C MISDEMEANORS

POLICY

Unless otherwise directed by policy, persons who commit serious Class C misdemeanors (e.g., offenses involving or related to violence, narcotics, vice, breaches of the peace, or criminal mischief) shall normally be incarcerated. If extenuating circumstances make incarceration unwarranted, officers shall seek approval from a field or station supervisor before issuing a citation to a serious Class C violator.

Persons who commit less serious Class C misdemeanors (e.g., traffic violations and regulatory offenses) shall normally be issued citations. In some circumstances, it may be necessary to incarcerate a violator to accomplish the police mission. A decision to do so shall be consistent with the department's values and principles. For department policies and procedures regarding parking violations, see General Order 600-29, **Parking Citations**.

This General Order applies to classified employees only.

DEFINITIONS

Abbreviated Incident Report. An incident report that lacks property information and a narrative and that is entered into the Automated Reporting System (ARS) within the department's Records Management System (RMS) for statistical or historical data purposes or for capturing an incident in the *FBI's National Incident-Based Reporting System (NIBRS)*. An abbreviated incident report shall be generated instead of a complete incident report for only certain incidents specified by the department.

Citation. A ticket issued for a Class C misdemeanor.

Citation Book. A book containing Class C misdemeanor citation forms.

Citation Pack. A correspondence package for dismissing a citation and that contains the following:

- a. A letter addressed to the Chief of Police from an officer requesting a citation dismissal.
- b. A letter written by a requesting officer addressed to the Municipal Courts Chief Prosecutor for the Chief of Police's signature.
- c. A copy of the pertinent citation.

E-Citation. A citation issued for a Class C misdemeanor generated on an electronic citation writing machine. To book an arrestee in jail on a new Class C municipal charge the e-citation device must be used.

Identifying Information. Data useful in identifying and locating an individual:

- a. Name
- b. Date of birth
- c. Social security number
- d. Driver license or identification number
- e. Addresses: home and work
- f. Telephone numbers: home, other
- g. Any other pertinent information that would help to identify and locate an individual

Ticket Supply. The Ticket Supply Office of the City's Municipal Courts Department.

1 CITATIONS

Except as otherwise noted herein, officers may issue citations by using either a citation book or an electronic citation writing machine (e-citation device).

When using a citation book, officers shall print all information on citations completely and accurately to ensure their names and employee numbers are legible on the court's copies of the citations. All blank lines on the citation form shall have the appropriate information entered on them. Officers shall ensure the incident number, any complainant and witness *identifying information*, and any other information necessary to process a municipal complaint is documented on the *front* (never the back) of the court's copy utilizing the available blank space on the citation. Any remaining information along with the citation number may be written on an additional piece of paper and attached to the citation. Officers shall submit all citations at the end of their shift.

Officers using an e-citation device shall ensure that information for all required fields and any complainant and witness *identifying information* are entered into the e-citation device. Officers shall upload e-citations prior to the end of their shift on the day the e-citations were created or following an arrest. Officers shall confirm that the e-citations successfully transferred into the e-citation system.

Citation Books

Officers shall complete a checkout slip for each citation book they obtain. Officers shall return the checkout slip to Ticket Supply or to the designated location in their division. All citations in a book shall be issued or returned to Ticket Supply within three months.

Officers who lose, damage, or misplace any part of a citation book shall write a letter via their chain of command to the Chief of Police explaining the circumstances. Procedures outlined in the *Houston Police Department Corrective Action Manual* shall be followed.

Traffic Citations

Violators who agree to sign the citation and who are operating a Texas licensed vehicle shall not be booked on a speeding charge if it is the only violation for which they are charged. Violators who agree to sign the citation and who are operating a Texas licensed vehicle shall not be booked on a failure to show proof of financial responsibility charge if it is the only violation for which they are charged.

Violators charged with speeding only and whose state of residence is part of the Nonresident Violator Compact of 1977 shall not be booked on the charge.

Violators charged with both speeding and failure to show proof of financial responsibility or other violations, regardless of residence, may be booked on the charges in accordance with section 4 of this General Order.

Violators driving another state's licensed vehicle or a resident of another state that is not participating in the Nonresident Violator Compact of 1977 may be booked on any citation in accordance with section 4 of this General Order.

Officers writing citations within the incorporated areas of Houston, but outside of Harris County, shall place the name of the county in which the violation occurred in parentheses on the same line as the location of the violation.

Refused or Unable to Sign

Officers shall advise violators who refuse to sign a citation that signing the citation is not an admission of guilt, but rather an acknowledgment of receiving a citation and a promise to appear in court at the designated time.

If a violator still refuses to sign the citation, the officer shall print *Refused to Sign* on the line set aside for the violator's signature. Refusal to sign a citation shall not be a basis for taking a violator into custody. The officer shall release the violator if there are no other charges.

After releasing the violator, the officer shall complete a *Refused or Unable to Sign Affidavit* form and attach it to the citation. The affidavit is available on the department's Intranet Portal. The affidavit must be notarized immediately. The citation and affidavit shall be forwarded to the officer's immediate supervisor for review by the end of the officer's shift.

If a violator is unable to sign a citation as a result of severe injury, the officer shall print *Unable to Sign Due to Injury* on the line provided for the violator's signature. The officer shall complete a *Refused or Unable to Sign Affidavit* form and attach it to the citation. The affidavit must be notarized immediately. The citation and affidavit shall be forwarded to the officer's immediate supervisor for review by the end of the officer's shift.

Class C Theft Citations

Citations shall be issued for Class C theft cases (including, but not limited to, shoplifting incidents) when the value of the stolen items is under \$100 and when the suspect's identity is verifiable (e.g., valid identification). Arrests for thefts under \$100 shall be made only with proper supervisory authorization.

When issuing a citation for Class C theft, officers shall document the following information on the e-citation or on the *front* of the court's copy of the citation form.

- a. Incident number
- b. All stolen items – listed on the citation directly after where the violation is written
- c. Complainant and witness *identifying information*
- d. Who has care, custody, and control of the stolen items
- e. Who initially detained the suspect
- f. Retail value of the stolen items

Officers are required to conduct a federated query in the department's Records Management System (RMS) on all suspects prior to issuing a citation or generating an incident report. Any data returned from the query on the suspect will also be available for import into the Automated Reporting System (ARS) within RMS.

In addition to the citation, officers shall complete an *abbreviated incident report* so the theft can be included in the department's statistical and historical data and NIBRS information. It is not necessary to enter property or a narrative in an *abbreviated incident report*. When entering an *abbreviated incident report*, officers shall adhere to the following procedures:

- g. Complete the *Incident* tab. If it is a shoplifting incident, use the report title "Theft-Shoplifting (Cited & Released)."
- h. Complete the *Persons* tab. For the suspect, use involvement "CIT" to indicate cited and released. For a business complainant, use involvement "CAB."
- i. Complete the *Modus Operandi* tab.
- j. Complete the *RCS* tab to owner approve the report.

Complete incident reports shall continue to be generated for theft cases for which no citation is issued.

For shoplifting cases, officers are also to document whether or not a trespass warning was given to the suspect by the place of business. This may be documented in the complete incident report if one is generated, or it may be documented in the call slip when only an *abbreviated incident report* is generated.

2 VOIDING OR DISMISSING CITATIONS

Citations may be voided or dismissed. Requests for citations to be voided or dismissed shall be allowed only for one or more of the following reasons:

- a. Error in writing the citation

- b. Other charges filed in county or district court
- c. Inappropriate charge

Voiding Citations

To void a citation (except parking citations), all copies of the citation must be gathered and the word *VOID* shall be written across the entire front of all copies. The issuing officer shall write the reasons for voiding the citation on the back of the number 2 copy and then place it on the bottom of all gathered copies. The issuing officer and each supervisor in the officer's chain of command through the assistant chief shall sign the number 2 copy. The assistant chief's office shall send all copies of voided Class C citations to Ticket Supply for filing.

For procedures regarding voiding parking citations, see General Order 600-29, **Parking Citations**.

Dismissing Citations

A citation (except parking citations), that has been forwarded to Municipal Courts cannot be voided and may be dismissed only by an official request from the Chief of Police and agreement of the Municipal Courts Chief Prosecutor or by other process of law.

The officer requesting the dismissal shall complete a *citation pack* and forward it to the Chief of Police through the requesting officer's chain of command. Letters for dismissal of citations shall include:

- a. Violator's name
- b. Citation number
- c. Docket number
- d. Court number
- e. Appearance date and time

The letter from the Chief of Police shall conclude by requesting the Municipal Courts Chief Prosecutor to make a recommendation to the court for dismissal of the citation.

Upon the determination of the Chief of Police that the dismissal is justified, the *citation pack* shall be sent to the Municipal Courts Chief Prosecutor.

3 SPECIAL SITUATIONS

Trespassing on School Property

Unless otherwise authorized by a supervisor, officers shall handle trespassing on school property incidents by incarcerating the violator and filing the appropriate trespassing complaint. Officers shall include the complete name and address of the school as well as the complainant and

witness *identifying information* in the detail or notes section of the complaint. Officers shall initiate an incident report and list the incident number on the e-citation.

If a supervisor authorizes an officer to write a citation for trespassing on school property without making an arrest, the officer shall list the incident number and complainant and witness *identifying information* on the e-citation or on the *front* of the court's copy of the citation.

For all trespassing on school property citations, the name of the school shall be listed on the citation following the appropriate charge (e.g., Trespassing on school property – Smith Elementary School).

Towing Vehicles When Drivers Fail to Produce a Driver License

If an officer determines a vehicle should be towed and the sole reason is that the driver does not have a driver license, the officer shall seek a supervisor's permission prior to towing the vehicle. Officers are not required to tow a vehicle if the sole reason for the tow is that the driver does not have a driver license and the officer is not making a custodial arrest. The officer's decision to seek a supervisor's permission to tow a vehicle in situations described above shall be reasonable and based on the principles of sound judgment, taking into consideration whether further operation of the vehicle would constitute a danger to the public to warrant towing the vehicle.

Municipal Courts Houston Homeless Court (HHC) Program

Officers shall not arrest individuals participating in the Houston Homeless Court (HHC) program solely for their outstanding municipal warrants. An individual claiming to be a participant in the HHC program should possess and provide officers with appropriate documentation. Individuals should at least possess a *Promise to Appear* form or officers can confirm their participation by calling the Coalition for the Homeless of Houston/Harris County at 713-739-7514.

4 AUTHORIZATION FOR INCARCERATION

Field supervisors, when present at an arrest scene, shall review the arrest of a violator who has committed a less serious Class C misdemeanor. Except as noted below, if a field supervisor is not at the arrest scene, a supervisor from the arresting officer's division shall, prior to booking, review the arrest of a violator who has committed a less serious Class C misdemeanor.

Officers shall obtain the authorization of a supervisor prior to booking a person who has committed a less serious Class C misdemeanor unless one or more of the following circumstances exist. The violator:

- a. Does not possess sufficient identification.
- b. Has outstanding warrants.
- c. Shall be charged with more serious offenses.

In all cases, jail HPD supervisors have the authority to divert officers and their prisoners to other locations due to the medical condition of the prisoners or jail overcrowding. Officers shall

generate an incident or supplement report if jail personnel or a jail HPD supervisor rejects a suspect for medical reasons.

A supervisor's review and approval is not required to incarcerate a person who commits a serious Class C misdemeanor. If extenuating circumstances make incarceration unwarranted, officers shall seek approval from a field or station supervisor before issuing a citation to a serious Class C violator.

The following options are available to supervisors when considering officers' requests to book or charge a violator:

- d. Approve the request for incarceration.
- e. Order a citation issued to the violator.
- f. Order the violator released without action being taken.

5 ENFORCEMENT OF TEXAS EDUCATION CODE

The Texas Education Code grants broad powers to local school district trustees to establish rules and regulations that address disruptive behavior in schools. However, under no circumstances shall officers issue a citation for disruption of classes, disruptive activities, or possession of cellular telephones using the Texas Education Code as the basis for the complaint. This policy does not preclude officers from enforcing other applicable laws or ordinances.

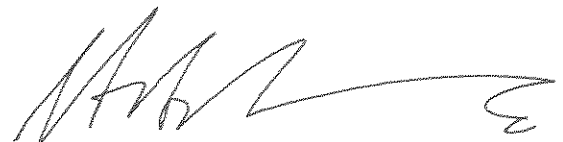
6 MUNICIPAL WARRANTS

To check whether a person has a municipal warrant, officers shall provide all of the following information to the Municipal Courts Warrants Verification Section:

- a. Whether or not the person is in custody.
- b. The person's name, race, gender, date of birth, and driver license or identification number.

The Municipal Courts Warrants Verification Section will advise the officer if there are any outstanding warrants on the person in question, the number of such warrants, and if the warrants are *capias pro fine* (cash only) warrants. Docket numbers and the amount of bond will not be given over the telephone.

If it is determined that a person has a municipal warrant, officers shall record this information in ARS during the "jail initialization" process by indicating the municipal warrant in the charge section. Officers shall refer to General Order 500-08, **Required Booking Information and Procedures**, regarding booking prisoners into jail.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

April 15, 2020

NO.

500-16

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-16, dated October 4, 2010

SUBJECT: REFERRAL OF DRIVERS FOR REEXAMINATION BY LICENSING AUTHORITY

POLICY

To enhance transportation safety, classified employees shall submit a *Law Enforcement Medical Evaluation Request* form when appropriate.

This General Order applies to classified employees only.

PROCEDURAL GUIDELINES

Any classified employee who comes into contact with the operator of a motor vehicle who has a medical or psychological condition that could prevent safe operation of a motor vehicle shall complete a *Law Enforcement Medical Evaluation Request* form. This form is available from the Vehicular Crimes Division (VCD). A person with such a condition may have their Texas driver license revoked by the Texas Department of Public Safety upon a hearing of the Medical Advisory Board of the Texas Department of State Health Services.

Pursuant to the Texas Transportation Code, the following persons may have their Texas driver license revoked:

- a. Anyone who is a chemically dependent person who is likely to cause serious harm to himself or others.
- b. Anyone who is a chemically dependent person who will, if not treated, continue to suffer abnormal mental, emotional, or physical distress, or to deteriorate in ability to function independently.
- c. Anyone who has been determined by a judgment of a court to be totally incapacitated or incapacitated to act as the operator of a motor vehicle.

Examples of motor vehicle operators who may have an unsafe medical or psychological condition include, but are not limited to, habitual abusers of alcohol or narcotics, epileptics, blind persons, and those who have been adjudged mentally incompetent and have not been restored to competency by a judicial decree or released from a hospital for the mentally incompetent.

Classified employees shall not confiscate the Texas driver license of any such suspected driver solely because the driver may be subject to revocation for medical reasons. Only the licensing authority may revoke a license after investigation and review of the information supplied.

The completed *Law Enforcement Medical Evaluation Request* form shall be reviewed by an on-duty VCD supervisor. VCD personnel will forward the form to the Texas Department of State Health Services.

A handwritten signature in black ink, appearing to read 'Art Acevedo', with a stylized flourish at the end.

Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

February 26, 2015

NO.

500-18

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-18, dated December 23, 1998

SUBJECT: TRAFFIC VIOLATIONS BY LEGISLATORS AND MILITARY PERSONNEL

POLICY

Under certain circumstances, legislators and United States military personnel are exempt from arrest or issuance of citations for traffic violations.

This General Order applies to classified employees only.

1 LEGISLATORS

The Texas Code of Criminal Procedure, Chapter I, Article 1.21, "Privilege of Legislators" states:

"Senators and Representatives shall, except in cases of treason, felony or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened."

Officers should use their discretion when deciding whether to issue a citation to a Texas Senator or Representative when the legislature is in session. Also, officers shall not unnecessarily or unreasonably delay the legislator.

2 MILITARY PERSONNEL AND EQUIPMENT

When military vehicles display a military license plate, they are exempt from equipment violations and do not have to comply with state regulations. If a military vehicle displays a state plate it is regulated as any other vehicle.

The following are exempt from driver license requirements as stated in the Texas Transportation Code, Chapter 521, "Driver's Licenses and Certificates:"

- a. Any person in military service of a state (e.g., National Guard) or the United States while operating an official motor vehicle in the scope of military service.
- b. Any nonresident on active duty in the armed forces of the United States who holds a license issued by the person's state or Canadian province of residence.

Military personnel are not exempt from moving traffic violations or arrest, unless extraordinary circumstances exist (e.g., martial law or war). However, before issuing a citation to military personnel who are on duty and in uniform, officers should try to contact the person's commanding officer through the dispatcher in an effort to resolve the situation so the outcome shall be mutually beneficial.

Officers should use their discretion when deciding whether to issue a citation to military personnel traveling on orders of reassignment.

Officers shall not interfere with a military convoy unless an unusual or extraordinary situation exists.

If the driver of a military vehicle is placed under arrest and there is no other person available to operate the vehicle, the vehicle shall be handled normally as per General Order 600-10, **Towing**. If the vehicle is unusual or extremely heavy (e.g., tanks and other similar equipment) and cannot be removed by normal means, officers shall

contact the dispatcher to have the military assign their personnel to remove the vehicle.

Military personnel arrested for any serious traffic offense (e.g., DWI, FSRA, or negligent homicide) shall be handled as any other citizen. This applies regardless of whether the person is operating a military or private vehicle or whether the person is on or off duty. But, before the prisoner is booked, officers shall call the district

attorney's office and make every effort to contact the prisoner's commanding officer and advise him of the situation. The district attorney's office shall make the decision whether to charge the suspect or turn him over to the suspect's commanding officer or the military police.

3 RELATED GENERAL ORDER

600-10, Towing


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 13, 2013

NO.

500-19

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-19, dated February 17, 1989

SUBJECT: WARRANT SERVICE PROCEDURES

POLICY

Houston police officers may serve criminal warrants within the Houston city limits. Officers may also serve civil warrants, including mental health warrants only when specifically directed to do so by a magistrate.

Officers may execute search warrants issued by any magistrate's court having jurisdiction, but only if the location to be searched is within the Houston city limits. If the location to be searched is outside the Houston city limits, officers shall seek the assistance of the police department, county sheriff, or precinct constable responsible for that jurisdiction.

If an officer is directed by a supervisor to serve a criminal warrant outside the city limits of Houston, the officer shall call the local law enforcement agency responsible for that jurisdiction and request assistance in executing the warrant. If the time delay involved is likely to result in the subject fleeing from the location where the warrant is to be served, the officer may serve the warrant.

Officers are not to permit private investigators or any other citizen to participate in the running of an open warrant. With the approval of a division commander or higher authority, officers may permit members of the media, employees of the district attorney's office, grand jurors, or citizens on a ride-along to view a warrant service from a safe distance. Barring this special authorization, citizens are not to accompany or be provided any information concerning the timing or details of a warrant execution.

This General Order applies to all employees.

1 OBTAINING WARRANTS

The Harris County Sheriff's Office is responsible for maintaining all criminal warrant files for Harris County. These files are available to officers 24 hours a day, 7 days a week. Harris County warrants can be obtained at the Harris County Sheriff's Office, Criminal Warrants Division.

Officers needing to obtain warrants from either the Montgomery County Sheriff's Office or the Fort Bend County Sheriff's Office shall contact that agency for assistance.

2 DUE DILIGENCE/PRIORITIZATION

All warrants shall be executed with due diligence and in accordance with the statutes of limitation. Officers' attention to warrants shall be based on the seriousness of the original offense. In general, warrants for which the original offense involved a violent felony shall receive priority attention over less serious offenses.

If an officer reasonably believes that the person named on a warrant may flee or if the information needed to arrest the suspect is known to be current, the officer shall give such warrants immediate attention.

In all cases, officers shall supplement the original incident report after attempting to serve a warrant, whether or not the attempt was successful. To ensure proper documentation of information when supplementing reports, officers shall use the department's main computer system in lieu of using only a mobile computing device (MCD) warrant service screen. See Section 10, *Documenting Warrant Service Attempts* for additional information.

3 REQUESTS FROM OUTSIDE AGENCIES

During its operating hours, the department's Fugitive Detail shall be responsible for executing all requests from outside agencies for assistance in locating and arresting fugitives who are wanted for felonies and who are located within the city limits of Houston.

4 INFORMATION FROM CITIZENS ON OUTSTANDING WARRANTS

If an officer receives information from a citizen about a wanted suspect, the officer shall first verify that the warrant is active and then contact the division responsible for the warrant to verify that execution of the warrant will not interfere with any ongoing investigation. After obtaining these verifications, the officer shall notify his or her supervisor, request permission to execute the warrant, and then execute the warrant.

6 ARRESTS BY ANOTHER AGENCY

When informed that a suspect in an HPD case has been arrested outside the city limits of Houston but within the state of Texas, the Fugitive Detail shall notify the division that originated the case. The originating division shall have the option of transporting the suspect to Houston or arranging for transportation by the Harris County Sheriff's Office.

7 EXTRADITION

The Fugitive Detail shall be notified if a suspect in an HPD case is arrested outside the state of Texas. After notification, the Fugitive Detail, together with the division that originated the case, shall determine whether the department should directly pursue extradition. If the department chooses not to pursue extradition on its own, the Fugitive Detail shall forward all necessary paperwork, including a copy of the warrant, to the Harris County Sheriff's Office, along with a request that it begin the extradition process.

8 CONFIRMATION OF WARRANTS HELD
BY THE HARRIS COUNTY SHERIFF'S
OFFICE

If the Harris County Sheriff's Office has an arrest warrant on a suspect, an officer should confirm that the warrant is still valid by contacting the Harris County Sheriff's Office, Criminal Warrants Division prior to attempting an arrest. The employee confirming the warrant should obtain the following information:

- Type of warrant (bond forfeiture, motion to revoke probation, "to-be," indictment)
- Warrant number, court of jurisdiction, and date the warrant was issued
- Bond amount

- d. Name of the Harris County deputy confirming the warrant

In addition to the above items, if the arrest warrant is a "to-be" warrant the name of the originating agency and the original case number should also be obtained for future reference.

If the suspect is arrested, the arresting officer shall immediately advise Harris County Sheriff's Office, Criminal Warrants Division personnel of the arrest, and request they place the warrant in the "Hold Box." This will prevent officers from trying to execute warrants that have already been served.

9 BOOKING

When a suspect is arrested on a warrant that pertains to an active Houston Police Department case, a "hold" shall be obtained from the concerned division and the suspect shall be placed in a City Jail.

Suspects arrested on court administrative charges that are not active Houston Police Department cases, such as bond forfeitures, failure to appear, and motions to revoke probation, shall also be booked into a City Jail and a "hold" obtained from the concerned division. An example would be a hold by Robbery Division for bond forfeiture on a robbery case.

Persons arrested within the city limits of Houston but within Fort Bend County or Montgomery County shall be handled as outlined in General Order 500-01, **Effecting Arrests and Searches**.

10 DOCUMENTING WARRANT SERVICE ATTEMPTS

Officers who attempt to serve a warrant shall supplement the original HPD incident

report whether or not the warrant was successfully served. The supplement shall contain all the details of the warrant service attempt. If the warrant service attempt was unsuccessful the narrative shall include any additional information that the officer was able to obtain as to the suspect's hang-outs, place of employment, vehicles driven, new address, etc.

Service attempts shall be documented by utilizing the appropriate screen on the department's main computer system or the Web Incident Report Entry System (WIRES) located on the department's Intranet Portal. It shall remain the responsibility of the officer who attempted to serve the warrant to ensure that the supplement has been entered properly into the computer no matter which method is used. After all the data have been entered and the transaction is complete, the Warrant Service Supplement becomes part of the permanent case record.

If the computer system is down, officers may use a hard copy of the Warrant Service Supplement form instead. Use of this form, however, must be approved by the officer's immediate supervisor.

Whenever a Warrant Service Supplement is made, a copy shall be furnished to the officer's divisional crime analyst.

11 RELATED GENERAL ORDERS

500-01, **Effecting Arrests and Searches**
500-12, **Handling Persons Exhibiting Mental Health Crisis**

Texas Code of Criminal Procedure, Article 15.17 and 15.18


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

April 3, 2017

NO.

500-20

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-20, dated August 11, 2010

SUBJECT: TREATMENT OF PRISONERS, SUSPECTS, AND OTHER CITIZENS

POLICY

Employees of the Houston Police Department shall treat all prisoners, suspects, and citizens in a humane and lawful manner. This General Order applies to all employees.

1 GUIDELINES

Employees shall avoid all unnecessary physical contact with all prisoners, suspects, and other citizens. Unnecessary contact may include, but is not limited to, pushing, shoving, dragging, punching, or kicking.

Employees shall not place handcuffs on prisoners tighter than is necessary to ensure the prisoner does not remove the handcuffs. Tightening the handcuffs to the point circulation is impaired is prohibited. Officers shall double lock the handcuffs to ensure that they are not inadvertently tightened during transport.

2 REPORTING REQUIREMENTS

All employees are reminded of their duty to ensure the safety of all suspects, prisoners, and citizens. Mandatory reporting requirements are outlined in General Order 200-03, **Investigation of Employee Misconduct**, regarding the mistreatment of prisoners, suspects, or citizens. Failure to report even minor mistreatment of any person shall result in disciplinary action.

Supervisors who witness mistreatment or are present at the scene where mistreatment is occurring or is alleged are responsible for ensuring the safety of suspects, prisoners, and citizens. Supervisors are also responsible for ensuring that all necessary department notifications are made, incident reports are generated, and forms are completed.

3 RELATED GENERAL ORDERS

200-03, Investigation of Employee Misconduct
200-08, Conduct and Authority
300-32, Processing Complaints and Employee Issues
500-01, Effecting Arrests and Searches
500-02, Handling and Transporting Prisoners and Other Persons
600-17, Response to Resistance


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 19, 2020

NO.

600-01

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-01, dated July 17, 2014

SUBJECT: RESPONSE MANAGEMENT

POLICY

The department has standards and procedures for managing responses to *calls for service* and *events* and Houston Police Department (HPD) unit activity.

Response management is primarily based on the level of the threat to human life and/or property and is considerate of the safety of citizens and officers.

This General Order applies to all employees.

DEFINITIONS

Assist Event. Any event for which emergency assistance is requested by or for any police or fire department personnel.

Beat and Boundary Descriptions. A reference guide that serves as the official designation of the jurisdictional beats and boundaries for the Houston Police Department.

Call Code. A code that represents the type of event, offense, or incident for which a *call for service* or on-view activity is being entered. See the *HPD Call Codes by Priority* list on the department's Intranet Portal.

Call for Service or Event. A record of a caller's request for police service or an event on-viewed by an officer that is entered into the *Computer Aided Dispatch (CAD)* system. Also referred to as a call or call slip.

Call Taker. An employee of the *Houston Emergency Center (HEC)* designated to enter calls for service into the CAD system as they are received from the public.

Call Type. The type of event, offense, or incident represented by a *call code*. Also event type.

Computer Aided Dispatch (CAD). The Computer Aided Dispatch (CAD) system consists of the software and hardware that facilitates the management of calls for service and unit activity, among other functions.

Crisis Intervention Response Team (CIRT). A team comprised of a uniformed CIT officer with a licensed mental health professional to respond to persons exhibiting mental health crisis.

Crisis Intervention Trained (CIT) Officer. An officer who has successfully completed the Texas Commission on Law Enforcement (TCOLE) 40-hour Mental Health Peace Officer/CIT course.

Houston Emergency Center (HEC). A department of the City of Houston, responsible for processing all inbound 9-1-1 emergency and non-emergency telephone calls for service from the

public. Police and fire personnel work there and are responsible for dispatching all police and fire department calls received.

Mobility Response Team (MRT). Uniformed civilians who are trained and equipped to perform traffic control duties.

Past Queue. Refers to a call that has been held beyond the *queue standard* for that call's *priority response code (PRC)*.

Patrol Desk Unit (PDU). A unit in the Emergency Communications Division (ECD), staffed by police officers who have the authority to handle certain citizen calls for service from within the HEC facility.

Priority Response Code (PRC). A code (i.e., "E" or one through nine) given to police calls for service that reflects the urgency and determines the manner of response based upon a specific set of standards. Typically, the first number of a *call code* designates the priority. See the chart in section 1 of this General Order.

Queue. The queue is where calls are sequentially displayed pending dispatch and are viewable by the dispatcher.

Queue Standard. The maximum time allowed for a call for service to be held in queue before being dispatched.

Response Time. The elapsed time from when a *call for service or event* is received by the dispatcher to the time the first officer arrives at the scene.

Teleserve. A unit in the Emergency Communications Division authorized to handle certain calls for service or events via telephone or computer.

1 CALL MANAGEMENT

Dispatcher Authority

The dispatcher speaks with the authority of the Chief of Police. Officers are to respond promptly to the dispatcher and carry out their assignments courteously and promptly. Emergency Communications Division (ECD) and field supervisors may reassign calls with due consideration of all relevant information to better carry out the police mission.

Response Priorities

Response priority is designated by the *priority response code (PRC)* and dictates whether an emergency, immediate, direct, delayed, or diverted (*Teleserve*) response is most appropriate (see below chart). When responding to any *call for service or event*, officers shall drive using the most direct and expedient route, recognizing that an unknown amount of time may have elapsed before notification was given to the police department. Officers shall drive with due regard for the safety of themselves, fellow officers, and citizens.

Any responding unit that may be delayed for any reason (e.g., coming from the station, heavy rain, or at a considerable distance from the call location) shall advise the dispatcher by radio only as to the circumstances causing the delay so the dispatcher can make adjustments on responding units. The dispatcher retains the discretion to request officers to send a message via the mobile computing device (MCD) when responding to preserve the radio air for emergency traffic.

This section defines the various response priorities.

Response Typology		
Response Priority	Description	Queue Standard
E (Emergency)	Assist the officer or firefighter or pursuit	Immediate
1	Life threatening in progress	1 Minute
2	Life threatening just occurred; property crime in progress	5 Minutes
3	Life threatening delayed report; property crime just occurred	18 Minutes
4	Serious criminal incidents delayed reports; non-emergency police response calls	23 Minutes
5	Minor property crime; municipal offense; check by to confirm service request; possible referrals	30 Minutes
6	Service requests handled by PDU personnel	35 Minutes
7	Teleserve eligible calls requiring a field response	40 Minutes
8	Self-initiated police action	None
9	Used to document a citizen was referred to some other entity; a General Broadcast - For Your Information (GBF) was initiated by dispatcher; no dispatch of patrol units required	None

Priority "E" (Emergency):

Priority "E" represents assist the officer or firefighter or pursuit situations, and assumes that a potential threat to life or the potential threat of serious bodily injury to an officer or firefighter is in progress.

Response to priority "E" calls for service is by uniformed officers in marked vehicles with the use of emergency lights and a siren and who remain at this response level until a supervisor, a unit, or dispatcher advises the situation is under control. When advised of such, officers who have not arrived on the scene shall reduce their response to the priority dictated by the dispatcher, but shall continue to the scene unless otherwise instructed by a field supervisor or dispatcher.

Officers in plainclothes and/or unmarked vehicles (e.g., investigators, Crime Suppression Team [CST] officers) who may be responding to the priority "E" call shall respond as quickly as they can safely do so.

Priority One (Emergency Response):

Priority one assumes that a potential threat to life or the potential threat of serious bodily injury is in progress, and is used for all urgent calls other than assist the officer or firefighter or pursuit calls.

Response to priority one calls for service is by uniformed officers in marked vehicles with the use of emergency lights and a siren. However, if circumstances are such that the officer believes that an optional response (priority one silent, priority two, or lower) is most appropriate, then the officer may opt to run the call in that mode, but the dispatcher shall be immediately advised of the deviation from the standard response.

Priority Two (Immediate Response):

Priority two calls for service represent in-progress property crimes and/or a potential threat to human welfare, and assume that if not in-progress, the event recently occurred or response to the scene is urgent.

Response to priority two calls for service is without emergency equipment. However, if the situation clearly warrants the use of emergency equipment, the officer has the option to use that mode, but that decision shall be immediately communicated to the dispatcher via police radio.

Priority Three (Direct Response):

Priority three calls are incidents in which no known emergency exists, but which shall be handled expeditiously because of the potential for the situation to escalate or the potential for criminal activity to occur. No emergency lights or siren shall be used unless the officer has additional information justifying the use of emergency equipment and immediately communicates the decision to do so to the dispatcher via police radio. Officers responding to priority three calls for service shall obey all traffic laws.

Priority Four (Delayed Response):

Calls under this priority involve the delayed reporting of criminal incidents that are serious in nature. Priority four calls also include incidents such as minor crashes and other incidents when the reporting of the necessary information is required in an expeditious manner. No emergency lights or siren shall be used unless the officer has additional information justifying the use of emergency equipment and immediately communicates the decision to do so to the dispatcher via police radio. Officers responding to priority four calls for service shall obey all traffic laws.

Priority Five (Delayed Response):

Calls under this priority involve delayed reports of criminal incidents that are non-violent in nature such as property crimes, various silent 9-1-1 calls, and certain alarm calls. Priority five also includes calls that are eligible to be handled by the *Mobility Response Team (MRT)*.

No emergency lights or siren shall be used unless the officer has additional information justifying the use of emergency equipment and immediately communicates the decision to do so to the dispatcher via police radio. Officers responding to priority five calls for service shall obey all traffic laws.

Priority Six (Diverted Response):

Priority six calls consist of service requests handled by *Patrol Desk Unit (PDU)* personnel in the Emergency Communications Division via the telephone. Officers assigned to the PDU serve as an alternative to a field unit response. They are authorized to service certain calls that do not require a field response, provide information for field units, and advise citizens of options in an effort to more efficiently respond to their request for service.

Priority Seven (Diverted Response):

Priority seven consists of *Teleserve* eligible incidents. The primary responsibility of Teleserve personnel is to enter incident reports from information received from citizens via the telephone. Calls for service that are eligible for referral and diversion to *Teleserve* include minor offenses in which the safety of the citizen is not in question and no major crime scene or evidence exists. The types of reports handled by Teleserve shall be determined by the Chief of Police and recorded in the ECD SOPs. If it is determined by ECD that a field response is necessary, then a new response priority code shall be assigned:

Priority Eight (Direct Response):

Priority eight consists of self-initiated activities that originate with an officer rather than the dispatcher or other external sources. These activities do not involve on-view investigations in which an officer is "flagged down," but are initiated solely by an officer's own actions. The officer shall advise the dispatcher as to the nature of the event. The dispatcher can then create an event slip containing the appropriate priority eight *call code*.

Priority Nine (Diverted Response):

Priority nine consists of activities in which the dispatcher can refer complainants, reportees, or witnesses to another source to obtain incident assistance. Priority nine also consists of incidents for which the information is needed only on an advisory basis and/or an incident number needs to be generated. In this case, the *call taker* or dispatcher shall create an event slip and the dispatcher shall broadcast the information to the patrol area for all personnel to hear on an information only basis and then dispose of the call using the disposition code: GBF (General Broadcast – For Your Information).

Flagged Down (Direct Response):

Events that result from an officer being "flagged down" and that would have likely been or should have been reported to HPD shall be given the appropriate four digit code that best describes the event. This coding shall be done by the dispatcher based on information provided by the field officer.

Response to High-Risk Situations

Dispatchers shall send at least two officers and a field supervisor to scenes involving individuals exhibiting violent or irrational behavior, extreme agitation and/or brandishing a weapon. If the information in the call-slip involves individuals experiencing mental health issues then the dispatcher shall request a CIRT unit to make the scene. In all high-risk situations, if time and other circumstances allow, the responding supervisor and officers shall assess the scene and develop a plan for approach. In cases of imminent danger, responding officers should not delay

the approach to wait for backup unit(s) or a supervisor. ECD dispatcher shall notify an ECD supervisor of the high-risk call as defined above and the supervisor shall monitor the call.

Dispatchers shall send at least two officers to scenes involving any of the following:

- a. Priority "E" or priority one call
- b. CIT call
- c. Weapon
- d. High-priority, in-progress event
- e. Disturbance
- f. Situation in which officer safety is in question

Calls involving large crowds and calls requiring crowd or traffic control shall have an appropriate number of back-up units assigned. The dispatcher shall ask the affected field sergeant for input.

The dispatcher has the discretion to assign back-up units to calls that would not normally necessitate more than one field unit. If a field unit expresses a back-up unit is not needed on a call, the dispatcher has the authority to assign a back-up unit as a safety precaution.

When officers on scenes request additional units, (thereby exceeding two units at the scene) or when there are more than two units dispatched to a scene, a field supervisor shall also be dispatched to the scene along with the additional units, regardless of the priority of the call.

Emergency Traffic Notification via Radio Communications

If an officer requires immediate, uninterrupted access to a radio channel, the officer shall state his assigned unit number and immediately follow this transmission with the words "emergency traffic." The dispatcher shall acknowledge receipt of the transmission, secure the radio channel for the officer's exclusive use, and notify a dispatch supervisor.

2 CALL PRIORITIZATION

Call Prioritization

Response priority (i.e., "E" or one through nine) is accomplished through a component of the *Computer Aided Dispatch (CAD)* system called SINS (Special Instructions). SINS utilizes specific questions presented by *call takers* to callers. Through this automated means, a *call type* is generated in CAD based on the answers given by callers.

When a call for service record is transmitted to a dispatcher, either the PRC or the *call type* may be upgraded or downgraded by the dispatcher under the following conditions:

- a. A dispatcher may upgrade a call for service based on information in the call slip or received from a *call taker*, a dispatch supervisor, a PDU officer, field personnel, or citizen that indicates

- a change in the threat level to life or property. Upgraded priorities shall conform to the parameters set forth in the response priorities definitions in section 1 of this General Order.
- b. A dispatcher may downgrade a call for service with authorization from a dispatch supervisor, a field supervisor, or a non-emergency call for service PDU officer, when additional information indicates a change in the level of threat to life or property. Downgraded priorities must conform to the parameters set forth in the response priority definitions listed in section 1 of this General Order.

Assignment of calls for service to field units shall be made according to the appropriate priority. Assignments of high-priority calls shall be made before assignments of lower priority calls. Units may be preempted from lower priority calls to respond to higher priority calls. Unless proper justification exists, dispatchers, officers, and sergeants shall always ensure the highest priority calls in *queue* are assigned first.

Note: Officers shall NOT volunteer to accept lower priority calls via the radio or MCD when higher priority calls remain in *queue* unless a clear and defensible reason is provided.

3 RESPONSIBILITIES DURING CALLS FOR SERVICE

Dispatcher Responsibilities

As soon as a priority "E," one, or two call for service is received, the dispatcher shall immediately assign it to an available unit and then voice the call. If no unit is available, the dispatcher shall preempt any district unit or assign a district sergeant to respond to the call in accordance with the provisions of this General Order.

The dispatcher may preempt any field unit from a meal break, another out-of-service activity, or lower priority call for service to respond to a priority "E," one, or two call.

Dispatchers shall not general broadcast (GB) any priority "E," one, or two call as a primary means of attempting to assign the call to a field unit. These calls shall be directly assigned to the appropriate unit. Priority "E," one, two, and three calls for service shall be dispatched by voice, unless ECD standard operating procedures (SOPs) indicate otherwise. This pertains to both dispatchers and to field units who on-view events for which a priority has been established.

Follow-up information may be transmitted over the MCD unless the information affects officer safety or changes the nature of the scene, in which case the information shall be voiced. ECD personnel shall use voice communications as the primary assignment medium in all instances in which an officer's safety would be best served by having other field personnel aware of the officer's location and assignment.

Officer Responsibilities

Code E, 1, and 2 Responsibilities:

When responding to priority "E," one, or two calls for service with the use of emergency equipment, officers shall drive with due regard for the safety of themselves, fellow officers, and

citizens. Units are to travel directly to the scene and not stop any traffic violators or other persons for minor offenses.

Field personnel shall notify their dispatcher via the radio when en route to and arriving on priority "E," one, or two calls for service, unless otherwise directed. Responding officers shall advise the dispatcher by radio of any delays in their response, as well as all status updates such as en route, arrived, under control, or clear. Field personnel are responsible for updating their unit status in a timely and proper fashion. Deviations from established procedure shall not be condoned.

While field personnel are on duty, they shall be directly available via radio and MCD or at least by radio if not in their vehicle. If not available, they shall obtain authorization from a supervisor and relay the authorizing supervisor's name or unit number to the appropriate dispatcher.

Code 3, 4, and 5 Responsibilities:

When an officer responds to a priority three, four, or five call for service, the officer shall proceed to the call without unnecessary delay. However, if while responding, the officer on-views a situation more serious than the call assignment, then:

- a. The officer shall immediately inform the dispatcher of his location and activity.
- b. Once the immediate situation has been handled, the officer shall proceed directly to the originally assigned priority three, four, or five call unless the dispatcher has already reassigned the call.
- c. If the on-viewed situation is one in which the officer cannot proceed to the assigned call in a timely manner, the officer shall inform his supervisor of the situation causing the extended delay.

Officers who volunteer to handle calls for service from their MCDs shall take the highest priority calls first (e.g., priority three versus priority four or five), unless their proximity to a call is so close it necessitates they take the lower priority call first.

Field Supervisor Responsibilities

Code E, 1, and 2 Responsibilities:

For a priority "E," one, or two call for service, supervisors shall perform the following responsibilities:

- a. Receive assignments to check for victims, preserve and identify evidence, and hold the scene until a field officer arrives at the scene.
- b. Ensure that a proper response is made by the appropriate number of units according to the priority code.
- c. Decide whether to recommend the dispatcher modify some aspect of the response, when such modification is warranted (i.e., additional information is received).

- d. Ensure the dispatcher has been properly notified as soon as the situation has been adequately controlled and no additional units are required.
- e. Ensure units not needed at the scene are immediately returned to service.

Code 3, 4, and 5 Responsibilities:

For priority three, four, or five calls for service, field supervisors may utilize and draw from whatever resources are available to them at the division level to assist the dispatcher in servicing a call. While doing so they shall continue to monitor the police service needs of their assigned areas. Available options for field supervisors to service a call include, but are not limited to:

- f. Ensure that a proper response is made by the appropriate number of units, according to the priority code.
- g. Preempt a district unit from an existing call.
- h. Assign the call to an available unit currently not in the call for service loop, (e.g., radar and print units). This does not include CST and storefront personnel.
- i. Reassign a unit from a lower priority call or special assignment.
- j. Confer with adjacent field supervisors for assistance from available units or with preempting an adjacent district unit from a lower priority call.
- k. Call the complainant and, depending on the nature of the call and the circumstances, discuss possible alternative service delivery options.
- l. Reprioritize the call if aware of circumstances that warrant the change.
- m. Handle the call personally.
- n. When manpower prevents servicing the call, advise the dispatcher to hold the call for the next available unit.

If while en route to a priority three, four, or five call for service, an officer on-views an incident that will cause an extended delay in responding to the original call and the officer has notified the supervisor of such, the supervisor shall exercise one of the following options:

- o. Advise the officer to disregard the original call for service and to proceed to handle the on-viewed situation. If this option is exercised, the field supervisor shall decide what alternate unit is to run the original call and communicate that information to the dispatcher.
- p. Approve an extended delay in response and direct the officer to handle the on-viewed situation and then proceed to the original call for service. If this option is exercised, a field supervisor shall ensure that the reportee on the call is informed of the delay.
- q. Advise the officer to clear the on-viewed situation and to proceed directly to the assigned call.

Regardless of which option the field supervisor chooses for servicing the call, the call shall be handled without further delay. Field supervisors shall be held accountable for the dispatch and arrival times of a call once the responsibility for servicing the call has been transferred to the field supervisor from the dispatcher.

Field supervisors are responsible for ensuring that officers who volunteer to handle a call using their MCDs take the highest priority call first, unless the officer's proximity to a lower priority call is such that it would be prudent to handle that call first.

Under normal situations, arbitrarily holding calls shall NOT be allowed. If a district sergeant arbitrarily advises to hold calls, the dispatcher shall discuss the situation with an ECD floor supervisor.

On those occasions when holding calls becomes necessary, the district sergeant shall be able to articulate a specific justification for exercising the hold option. At shift change, the field sergeant who held the calls shall notify the on-coming patrol lieutenant and the roll call sergeant, when available, of the reason(s) why calls for service are *past queue*.

Extended High-Priority Events

When a priority "E" call for service, a pursuit, or a similar critical incident is of an extended nature and the Special Weapons and Tactics (SWAT) Detail or any other specialized unit shall be called to the scene, the dispatcher shall perform the following responsibilities as soon as possible:

- a. Advise all involved units to switch to a channel determined by an ECD supervisor.
- b. Advise all other units to refrain from using the designated emergency channel.

Assist Event Involving Other Agencies

When there is a request for emergency assistance for or from any agency's police officer or firefighter, the procedures described below shall be followed:

- a. Because the officer initiating the *assist event* is usually the best judge of what resources are required to control the situation, the dispatcher shall abide by the requesting officer's preferences, if possible. If those preferences cannot be communicated, dispatch personnel shall determine which units shall respond to the assist event or pursuit and which response priority is appropriate.
- b. If the officer requesting assistance does not specify his location or the number of units needed, or sufficient information is not available, or if a citizen rather than an officer initiates the call, a basic response team consisting of all of the following shall be dispatched to the scene:
 1. Two units sent priority one
 2. Two units sent priority two
 3. A supervisor sent priority one
 4. If possible, a helicopter unit

- c. Emergency equipment shall be used for all assist events.
- d. Units not dispatched to the *assist event* shall not use the police radio until on-scene personnel have downgraded the incident and the dispatcher has officially cleared the radio channel.
- e. Responding units shall immediately advise the dispatcher of their arrival. As soon as the situation is under control, the first unit on the scene shall provide an evaluation of the situation to the dispatcher.

4 CRISIS INTERVENTION TRAINED (CIT)

When dispatchers receive a call requiring a CIT response, an available CIT unit shall be located using the designated identifying symbol located on the dispatcher's CAD screen. CIT calls shall NOT be general broadcasted and then placed in queue.

CIT units shall be utilized regardless of the beat; however, CIT units in the concerned beat shall be considered first. CIT units may be dispatched across beats and districts within a division to respond to CIT calls. No prior supervisory approval is necessary. However, a patrol supervisor's approval is required to dispatch a CIT unit outside division boundaries.

CIT officers shall always attempt to peacefully resolve scenes or situations involving persons exhibiting mental health crisis in accordance with CIT officer training and as outlined in General Order 500-12, **Response to Mental Health Incidents**.

Crisis Intervention Response Team (CIRT)

Officers requiring the assistance of a CIRT at a scene shall notify their supervisor of the situation and request the assistance of a CIRT through their dispatcher. When called to assist at a scene with a person exhibiting mental health crisis, the CIRT shall make the final determination as to the disposition of the call.

CIRT officers are not restricted by districts or beats and may go to any area of the city where a CIRT response is warranted. In addition, HPD and the Harris County Sheriff's Office (HCSO) operate off an inter-local agreement to provide CIRT coverage to all of Harris County. HPD CIRT officers may respond to calls in unincorporated Harris County when requested. HCSO CIRT officers may respond to calls within the Houston city limits when requested.

5 ONLINE REPORTING

The department's internet-based incident reporting system serves as an alternative reporting method by allowing reportees to make a police incident report and receive a police incident number via the internet system.

The internet-based incident reporting system is monitored by and under the supervision of ECD. Technology Services, at the discretion of the Chief of Police, shall continue to have the responsibility for the technical operation of the system. Technology Services shall work with ECD and the RMS Unit to achieve the goals and operation of this system.

6 ROSTERS

All police stations utilizing field units shall enter roster information into the CAD system. Division commanders are responsible for ensuring that roster information is entered timely and accurately. Rosters contain important information related to unit activity, officer capabilities, assignment decisions, and officer safety. The police stations shall enter the rosters before the beginning of a shift for the information to be accurately captured by the CAD system during shift log on by the dispatcher.

Any changes made to a police station's roster after the beginning of a particular shift shall be provided to the appropriate dispatcher in a timely manner so that an update can be initiated for the units (e.g., unit changes vehicles or swaps handheld radios).

7 SIGNING ON OR OFF DUTY

Each field officer that signs on for duty shall notify the dispatcher of the following:

- a. The unit number.
- b. The unit is signing on and is in service.
- c. The number of officers assigned to the unit.
- d. If the unit is hosting a ride-along participant.

Officers shall sign on for duty via radio or MCD with the dispatcher within 20 minutes after the beginning of the shift whether they are in service or not. Officers shall advise the dispatcher, and give the authorizing supervisor's name or unit number when they are unable to go on duty within 20 minutes after the start of the shift or when they are held out of service.

If a roll call sergeant anticipates a roll call shall be extended, it is the roll call sergeant's responsibility to advise the dispatcher and the ECD on-duty shift supervisor that the shift shall be signing on late. Officers shall not be required to notify the dispatcher of the late sign on in such instances.

After signing on for duty, officers shall go directly to their assigned beats unless they are otherwise assigned. Supervisors are responsible for ensuring these procedures are followed.

Field officers shall not leave their assigned beats more than 20 minutes prior to the end of their shift. Division commanders may increase this time limit if necessary to accommodate an extended travel distance between a particular beat and the unit's police station. If travel time is increased, the division commander shall ensure ECD is notified of the change.

If field officers sign off from duty early, they shall notify the dispatcher of the supervisor's name or unit number that authorized the early off-duty time.

If an officer is dispatched to a call for service while en route to the station to go off duty or otherwise needs to work past the normal off-duty time, the officer shall request authority to do so from an on-duty supervisor. After completing the assignment, the officer shall inform the dispatcher of the disposition of the call for service and then return to the station to go off duty.

Upon arrival at the station, officers shall notify the dispatcher that they are now off duty. Officers shall report to the appropriate supervisor before leaving the station.

Once a shift has ended, officers shall sign off from duty with the dispatcher upon arrival at the station. It is the responsibility of the dispatcher to ensure that all units have properly notified the dispatcher of their off-duty status. If an officer fails to notify the dispatcher of off-duty status, the dispatcher shall notify an ECD supervisor who shall work with appropriate patrol division personnel to determine what the correct status is.

8 BEAT INTEGRITY

Beat integrity refers to patrol officer assignment and provision of police services based on the geographic area of a police beat. Beat integrity supports the concept of *beat accountability* as outlined in General Order 600-02, **Beat Accountability**.

Calls for service within a particular beat shall be dispatched to police officers assigned to that beat based on call priority, police unit availability, and supervisor oversight. If another unit is closer to a call for service location than the dispatched unit, the closer unit shall notify the dispatcher of the unit's location. The dispatcher may assign the closer unit and disregard the original unit regardless of the location and beat.

When call volume outpaces staffing, dispatchers are authorized to dispatch police units to run calls for service in another beat or district within the unit's assigned division boundaries. However, dispatchers shall have authorization from a patrol supervisor to dispatch units to address situations or calls outside the unit's assigned division boundaries, if such need arises.

At the request of a field-training officer, the dispatcher may authorize an appropriate assignment (e.g., out of beat, district, or division assignment) to a unit containing a field training officer and a trainee. Such assignments are for training purposes only.

Officers are advised that once they receive their beat assignment, they are primarily responsible for providing police services within that beat. There are times when activity in another beat in the same district is either so frequent or is so severe that officers shall need to spend time working in those areas as opposed to remaining within their respective assigned beat. Once those instances subside, officers are expected to return to their assigned beat to provide needed services.

9 CATASTROPHIC LOSS OF COMMUNICATION

In the event of catastrophic radio and computer (MCD) failure, all on-duty patrol personnel, including supervisors, are to report to their assigned Houston Police Station. Once there, a supervisor shall provide information, equipment, and assignments consistent with the particular emergency and the orders of the Chief of Police. Communications, assignments, and specific duties shall be developed by the Chief of Police for each emergency and distributed via the chain of command.

For more information regarding mobilization during catastrophic events, see General Order 200-10, **Emergency Management**, and the department's *Emergency Response Plan*.

10 HEC / ECD CONTINUITY

Any proposed changes to policies or procedures governing actions taken by *Houston Emergency Center (HEC) call takers* that have an effect on the operations performed by Emergency Communications Division (ECD) personnel, shall be reviewed and agreed upon by the ECD division commander and chain of command prior to adoption and implementation by HPD.

11 BEAT AND BOUNDARY DOCUMENTATION

Employees shall be aware of and retain working knowledge of the beat and boundary jurisdictions of the department. All employees shall be mindful that modifications to the jurisdictional beats and boundaries of the department are initiated in the Office of Planning and Data Governance (Planning) and approved only by the Chief of Police.

Any permanent changes to beat, district, or division geographic boundaries may be initiated only in the department's Office of Planning and require approval by the Chief of Police.

Planning shall have primary responsibility for clearly defining the jurisdictional boundaries between divisions, districts, and beats, and establishing jurisdictional guidelines between neighboring law enforcement agencies. The Office of Planning shall work with the City of Houston Planning and Development Department to evaluate requests involving street name changes or the creation of new streets. Planning also facilitates the review of requests for permanent street closures and quiet zones from the City of Houston Public Works and Engineering Department, as well as requests for temporary road and construction closures from the Texas Department of Transportation.

Planning maintains the *Beat and Boundary Descriptions* guide as agreed upon by concerned commanders and approved by the Chief of Police. Planning will ensure that all commands or divisions who use the jurisdictional boundary lines as a function of their mission are provided a copy of the approved boundary descriptions as soon as approved.

After modifications are made to the Beat and Boundary Descriptions guide, Planning is responsible for communicating the changes to the HPD Crime Analysis & Command Center, RMS Unit, Emergency Communications Division, and commander(s) assigned to the districts affected by the changes.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

March 17, 2014

NO.

600-02

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-02, dated November 13, 1997

SUBJECT: BEAT ACCOUNTABILITY

POLICY

Beat accountability is an officer taking responsibility for identifying *beat problems* and providing police services in an assigned geographic area. Patrol officers shall work together and be accountable for identifying and addressing crime, disorder, and other beat problems occurring in their assigned beats.

Patrol officers shall provide police services including, but not limited to, responding to calls for service, conducting self-initiated activities, preventing crime, maintaining police visibility, and enhancing public safety through traffic enforcement.

Whenever possible, all patrol personnel shall attempt to elicit support and participation from citizens to help facilitate crime prevention efforts in neighborhoods, beats, and districts. Beat accountability necessitates interacting with residents, business owners, community leaders, etc. as a means of acquiring further insight and knowledge about the scope of services needed within an assigned beat, district, or division.

This General Order applies to all employees.

DEFINITIONS

Beat Problems. Issues or problems occurring in a police beat that may be addressed with police services. Beat problems may include, but are not limited to, crime, disorder, traffic or mobility issues, or community service needs.

Uncommitted Duty Hours. Time available during officers' shifts when they can con-

duct self-initiated activities or be assigned activities by their supervisors.

1 PATROL OFFICERS' RESPONSIBILITIES

To facilitate patrol officers' ability to become familiar with and responsive to beat problems in their assigned beats, patrol officers shall:

- a. Cooperate with dispatch personnel and respond to calls for service and events occurring in their assigned beats.
- b. Utilize their shift including *uncommitted duty hours* to identify and respond to beat problems in their assigned beats.
- c. Become familiar with historical trends and patterns of beat problems in their assigned beats.
- d. Develop responses to beat problems. Depending upon the complexity of the problem, officers may need to discuss the proposed action with their immediate supervisor.
- e. Recognize the value and importance of crime prevention and crime reduction strategies, and traffic enforcement as vital tools in addressing public safety concerns in their beat.
- f. Devote some time each day toward addressing beat problems to the extent possible and note such activities on their daily work card.

2 PATROL SERGEANTS' RESPONSIBILITIES

To support officers' handling of beat problems, patrol sergeants shall perform the following critical tasks:

- a. Assess how often and how well their officers identify and address beat problems in their assigned beats.
- b. Regularly check to ensure officers are productively spending *uncommitted duty hours* in their assigned beats unless otherwise assigned.
- c. When necessary, preempt the assignment of a call for service or event to an officer working on beat problems, provided another officer in the district is available to handle the call or the sergeant requesting the preemption responds to and handles the call.
- d. Exercise authority to manage resources in response to the most severe beat problems occurring in their area of responsibility.
- e. Provide their shift commander regular updates regarding the status of beat problems being addressed by their officers.
- f. Ensure accountability and implementation of crime prevention and crime reduction strategies and traffic enforcement in their area of responsibility.

3 PATROL LIEUTENANTS' RESPONSIBILITIES

Shift lieutenants shall perform the following critical tasks to address beat problems:

- a. Routinely discuss the status of beat problems with their field sergeants.
- b. Ensure beat problems are appropriately prioritized and responded to accordingly.
- c. Coordinate and collaborate with persons and entities as needed to develop and implement responses to pervasive beat problems, when appropriate.

- d. Routinely meet with the division captain to discuss the nature of beat problems, efforts taken to address those problems, and results obtained whether goals and expectations were met or not.
- e. Ensure crime prevention and crime reduction strategies and traffic enforcement are implemented during their respective shifts.

4 PATROL CAPTAINS' RESPONSIBILITIES

Patrol captains shall perform the following critical tasks to address beat problems:

- a. Ensure beat problems are being identified within the jurisdictional boundaries of their division.
- b. Balance the allocation of resources in accordance with the severity and complexity of existing beat problems.
- c. Routinely meet with shift lieutenants to discuss beat problems and how they are being addressed.
- d. Ensure implementation of crime prevention and crime reduction strategies and traffic enforcement within the jurisdictional boundaries of their division.
- e. Incorporate in their Crime Strategy presentation accomplishments and results attained from the efforts of their division personnel in addressing specific beat problems.

5 RELATED GENERAL ORDER

600-01, Response Management


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

March 15, 2017

NO.

600-03

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-03, dated February 20, 2006

SUBJECT: GENERAL BROADCASTS

POLICY

The department shall maintain systematic guidelines for the origination, dissemination, and control of *General Broadcasts/Lookouts* and pickup information of suspects, vehicles, and missing persons. Guidelines shall also be maintained for Emergency Communications Division personnel concerning the broadcasts of all calls for service.

This General Order applies to all employees.

DEFINITIONS

Call for Service Broadcast. A means by which a dispatcher announces a call that is holding in a specific district or beat. It is intended solely for dispatching and managing calls for service and units. It is not considered a *General Broadcast/Lookout*.

General Broadcasts/Lookouts. Files in the Computer Aided Dispatch system that contain information about crimes, wanted persons, missing persons, or vehicles. They may have a general or specific interest to police operations.

Preliminary Pickup Information. Information relayed over the radio or via the Computer Aided Dispatch/Mobile Computing Device (CAD/MCD) systems prior to entering a complete *General Broadcast/Lookout*. Preliminary information is relayed as soon as possible to expedite the apprehension of suspects, the location of victims or missing persons, or the dissemination of critical information for the safety of officers.

1 BROADCASTS

General Broadcasts (or *Lookouts* in the CAD system) are intended to provide police officers and investigators information that may be essential to their safety and the apprehension of suspects. A *General Broadcast/Lookout* may be initiated by any of the following:

- a. Citizens (reporting incidents)
- b. HPD officers (responding to incidents)
- c. Other law enforcement agencies (reporting or responding to incidents)
- d. HPD Dispatch (receiving information from officers)
- e. Houston Emergency Center (HEC) call takers (receiving information from citizens)

Call takers at HEC may enter *General Broadcasts/Lookouts* on possible stolen vehicles or vehicles that may have been used in the commission of a crime. An entry should be made only after a call for service has been entered.

Dispatchers may enter *General Broadcasts/Lookouts* with information relayed to them from classified personnel. An entry shall be made only after an initial response by a unit on a call for service or on an on-viewed incident. Responding officers are in the best position to determine if information should be disseminated.

Transmitting Original Pickup Information

If the initial information regarding crimes such as aggravated robberies, kidnappings, assaults, auto thefts, or missing persons indicates the need for dissemination of *preliminary pickup information*, this information shall be provided over the radio immediately to the dispatcher and units. This information shall not be transmitted over the CAD/MCD systems as a *General Broadcast/Lookout* until the dispatcher has received more complete information via the telephone, the police radio, or the MCD system.

Once provided to the dispatcher, the complete pickup information shall be disseminated as a *General Broadcast/Lookout* and maintained in accordance with these guidelines. Records shall be kept in the CAD system on all *General Broadcast/Lookout* requests and transmissions.

If HEC call takers determine information received over the telephone should be broadcast immediately, they shall relay it to the appropriate dispatcher.

If information is received over the police radio or via the MCD system, dispatchers shall broadcast the preliminary information over their respective radio channel. If necessary, the information shall be forwarded to other dispatch positions for broadcasting over other channels.

Disseminating Complete Pickup Information

After complete information has been received and is ready for transmission as a *General Broadcast/Lookout*, the following steps shall be taken depending on the origin of the information:

- a. Call takers shall enter the information received into the CAD system. The preformatted *Lookout* form shall be used to enter this information. This applies only to calls for which a call for service has been entered.
- b. Police officers shall transmit over the police radio or the MobileCom system information they receive regarding vehicles, suspects, missing persons, etc. The dispatcher shall enter this information into the CAD system. The preformatted *Lookout* form shall be used.

After complete information has been entered into the CAD system, the computer automatically assigns a number to the *Lookout* and transmits the information to all applicable computer terminals.

If a *Lookout* regarding suspects or vehicles is disseminated over the CAD system, each dispatcher shall print the information and broadcast it over the air. The printout shall remain with

the dispatch position until the end of the shift and for the duration of the next shift or longer if necessary.

Stolen Vehicles and Suspect Vehicles in General Broadcasts/Lookouts

Vehicles may be involved in incidents in a variety of ways, but auto thefts are the most frequently reported incidents involving vehicles.

When vehicles are reported as stolen or used in the commission of a crime such as a robbery or burglary and a *General Broadcast/Lookout* for a vehicle is entered in CAD, the retention time for the *General Broadcast* shall be only one day.

It shall be the responsibility of the division investigating the incident or incidents to flag the vehicle(s) as wanted. In auto theft cases, once the report has been entered, vehicles shall be listed as possible stolen vehicles and a *Lookout* shall no longer be necessary.

A *General Broadcast/Lookout* shall be entered for possible stolen vehicles only when a call for service has been entered to obtain a response from a field unit or from the Teleserve Unit. If a call for service has not been entered into CAD, a *General Broadcast/Lookout* shall not be entered for the vehicle(s).

Responsibilities When Entering a Possible Stolen Vehicle

- a. HEC call takers shall enter a call for service for Teleserve. The call taker shall then enter a *Lookout* (LOO) into the CAD system.
- b. If physical evidence needs to be collected or the citizen requests an officer, the HEC call taker shall enter a call for service for a unit to be dispatched.
- c. All trailers (commercial, boat, utility, farm, moving, etc.) are processed as stolen vehicles. When reporting a trailer stolen, it is important for employees to obtain an adequate description of the trailer (e.g., vehicle identification number, color, number of wheels, general design, purpose).
- d. Only complete and verified license plates shall be entered in the license plate field of the *Lookout* form. When a plate is checked in CAD or on an MCD, the system shall first search the local files for information. Employees shall NOT list partial or possible plates in the license plate field of the *Lookout* form (e.g., CBW???). Partial plates shall be listed only in the text/narrative portion of the *Lookout* form.

If the information for a *General Broadcast/Lookout* is obtained from an officer, the officer's unit must be listed.

2 USE OF INFORMATION

Information from *General Broadcasts/Look-outs* or *preliminary pickup information* shall not be considered probable cause to arrest. Information received should be considered in conjunction with other information regarding the circumstances of the offense before any arrest decision is made.

3 RELATED GENERAL ORDERS

400-10, Unit and Radio Numbering
400-21, Mobile Computing Devices



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

September 14, 2023

NO.

600-04

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-04, dated June 5, 2018

SUBJECT: MOTOR VEHICLE PURSUITS

POLICY

The department places the highest value on the life and safety of its officers and the public at large. Officers shall prioritize this value when attempting to apprehend persons in a motor vehicle who have committed or are committing a violation of the law. The methods the department establishes to enforce the laws are intended to minimize the risk of injury to officers and the public alike.

This General Order applies to all classified and emergency communication personnel.

DEFINITIONS

Engage. For this General Order, when a primary or secondary unit is directly following the fleeing vehicle or traveling to a position where the unit will then directly follow the fleeing vehicle.

Motor Vehicle Pursuit. When an officer pursues a suspect driving a motor vehicle who is apparently fleeing from an officer operating an emergency vehicle who is attempting to detain or arrest the person and has directed the driver to stop by using emergency lights and sirens.

Primary Unit. For this General Order, an officer who engages in a motor vehicle pursuit generally in the position closest to the fleeing vehicle.

Secondary Unit. For this General Order, any authorized officer who engages in a motor vehicle pursuit in support of the primary unit.

1 FACTORS IN THE DECISION TO ENGAGE IN A PURSUIT

As required by department policy and Texas law, an officer may engage in a motor vehicle pursuit only if the officer determines in good faith that under the circumstances, the need to immediately apprehend the suspect outweighs the risk of harm to the officer or the public by engaging in the pursuit.

Officers and supervisors shall use the standard of a reasonably prudent officer and supervisor in evaluating the risk of injury and the need to immediately apprehend the suspect.

Each involved officer and supervisor shall constantly and continuously evaluate the risk of injury and the need to immediately apprehend the suspect. If the risk of injury outweighs the need to immediately apprehend the suspect, officers and supervisors shall terminate the motor vehicle pursuit subject to the provisions of this General Order.

Evaluating the Risk of Injury

When evaluating the risk of injury during a motor vehicle pursuit, each officer and supervisor shall consider the totality of the circumstances, including but not limited to the following factors:

- a. The relative performance capabilities of the fleeing vehicle and the officer's vehicle.
- b. Road, lighting, and weather conditions.
- c. Population density and time of day.
- d. Traffic conditions, including the presence and number of motor vehicles, bicycles, and pedestrians.
- e. The speed of the fleeing vehicle and the officer's vehicle, especially in relation to the speed limit and customary flow of traffic.
- f. The effect of the speed of the involved vehicles on stopping distance.
- g. The distance between the primary and secondary units and the fleeing vehicle.
- h. The officer's reaction time at the current speed.
- i. The likelihood that any involved vehicle may crash under the current circumstances.
- j. The nature and severity of injuries to any person from a possible crash under the current circumstances.
- k. The possibility that the motor vehicle pursuit would cause an additional risk of secondary crashes.
- l. The duration of the motor vehicle pursuit.

Evaluating the Need to Immediately Apprehend

When evaluating the need to immediately apprehend the suspect during a motor vehicle pursuit, each officer and supervisor shall consider the totality of the circumstances, including but not limited to the following factors:

- a. The seriousness and/or violence of the crime that the suspect has committed or for which the suspect is wanted.
- b. Whether the officer's immediate presence is necessary to apprehend a suspect or to prevent injury or loss of life.
- c. Whether officers have alternative options to arrest the suspect at a later time of officers' choosing (e.g., filing a warrant, executing an existing warrant).

Alternatives to Pursuit

Whenever possible and reasonable under the circumstances, an officer shall use alternative courses of action rather than initially engaging in a motor vehicle pursuit (e.g., filing a warrant if the suspect's identity is known).

2 VEHICLE RESTRICTIONS

When on-duty or off-duty, an officer shall not engage in a motor vehicle pursuit in any vehicle that does not have emergency lights and sirens or any personal vehicle (even if equipped with emergency equipment). An officer shall not engage in a motor vehicle pursuit unless:

- a. The officer is in an HPD marked vehicle that is equipped with working emergency lights and sirens and is believed to be in sound mechanical condition, including but not limited to brakes, steering, and police radio systems.

If an officer on a motorcycle engages in a pursuit, the first arriving HPD marked vehicle shall take over as the primary unit and the motorcycle officer shall disengage.

- b. The officer, while wearing a police uniform, is in an HPD unmarked vehicle that is equipped with working emergency lights and sirens and is believed to be in sound mechanical condition, including but not limited to brakes, steering, and police radio systems. If an officer in such a vehicle engages in a pursuit, the first arriving HPD marked vehicle shall take over as the primary unit and the officer in the unmarked vehicle shall act as a secondary unit until sufficient marked secondary units have arrived, then disengage.

Officers assigned to the SWAT Detail and Narcotics Tactical Team may engage as a primary or secondary unit in a motor vehicle pursuit in such vehicles pursuant to divisional standard operating procedures (SOPs).

- c. The officer is working extra employment in a non-HPD vehicle that is clearly marked as a police vehicle pursuant to the Texas Transportation Code and otherwise meets the mechanical requirements of above item (a). Officers in such vehicles may only engage in a pursuit because of suspected felony activity, other than Evading in a Motor Vehicle.

If an officer in such a vehicle engages in a pursuit because of suspected felony activity, the first arriving HPD marked vehicle shall take over as the primary unit and the officer in the non-HPD marked vehicle shall act as a secondary unit until sufficient HPD marked secondary units have arrived, then disengage.

3 OFFICER RESPONSIBILITIES DURING PURSUITS

Officers may engage in a motor vehicle pursuit to detain or arrest a suspect fleeing in a motor vehicle, subject to the restrictions of this policy. When engaged in a motor vehicle pursuit, each involved officer (including drivers and passengers) shall constantly and continuously evaluate the risk of harm and the need to immediately apprehend the suspect.

Only the primary unit and authorized secondary units shall engage in a motor vehicle pursuit. The officer who first engages the motor vehicle pursuit shall be the primary unit until relieved of the responsibility pursuant to this General Order. Pursuant to General Orders 400-23, **Mobile Video Equipment**, and 400-28, **Body Worn Cameras**, officers engaged in the pursuit shall activate their body worn cameras and mobile video recorders.

Officers shall not engage in a motor vehicle pursuit when transporting any person (other than officers as passengers), except as permitted by General Order 600-32, **Ride-Along Program**.

The primary unit shall terminate the motor vehicle pursuit if the officer determines that the risk of injury outweighs the need to immediately apprehend the suspect.

When the primary unit loses visual contact with the fleeing vehicle and does not know the suspect's direction of travel, the primary unit shall terminate the pursuit and notify the dispatcher. The involved officers should continue to search the area for the suspect and may re-engage in the pursuit if they locate the suspect, subject to the restrictions of this policy.

Restriction on Pursuit

An officer shall not engage in a motor vehicle pursuit when the suspect's only possible offense (other than the Evading Arrest itself) includes:

- a. Class C offenses.
- b. Traffic or municipal warrants.
- c. Non-violent misdemeanor warrants.

When the vehicle or a suspect in the vehicle is the subject of an ongoing criminal investigation or when the vehicle has no license plates displayed or license plates issued to a different motor vehicle, the officer may obtain authorization from a supervisor to engage in a motor vehicle pursuit, even when the above provision applies. The officer should obtain authorization prior to the traffic stop.

Response Priority and Safety

Upon designation by a supervisor or the dispatcher, secondary units shall respond priority "E" pursuant to General Order 600-01, **Response Management**.

Officers shall not unofficially engage in the pursuit (i.e., "paralleling" or "shadowing"). Officers not engaged in the motor vehicle pursuit may drive priority three to strategically place themselves in advantageous positions where the pursuit might conclude or pass, or priority two with notification to the dispatcher via MCD (or radio if no MCD is available). At such locations,

these officers may deploy tire deflation devices or provide assistance in situations where additional officers may be needed (e.g., setting up a perimeter or assisting in a foot pursuit).

Pursuant to General Order 600-01, **Response Management**, the officer operating an authorized emergency vehicle during a motor vehicle pursuit shall drive with due regard for the safety of all persons and is responsible for the consequences of reckless disregard for the safety of others.

While engaged in the motor vehicle pursuit, the primary and secondary units shall:

- a. Reduce speed at all street intersections (including uncontrolled intersections where traffic may be crossing or turning) to such a degree that the officer has control of the vehicle.
- b. Clear each intersection to ensure safe passage before proceeding.
- c. Proceed past a stop signal or sign only after slowing as necessary for safe operation, which may require stopping to ensure the intersection is safe and clear.
- d. Maintain control of the vehicle at all times in order to make sudden stops or take other evasive action.
- e. Establish sufficient following distance to provide additional reaction time to the suspect's actions.
- f. Further increase following distance when pursuing a suspected intoxicated driver.

Restrictions During Pursuit

When engaged in a motor vehicle pursuit, an officer shall not:

- a. Pursue a fleeing vehicle by driving the wrong way on a freeway.
- b. Pursue a fleeing vehicle without the officer's emergency equipment activated, except as permitted by this policy.
- c. Drive along the side or in front of a fleeing vehicle in an attempt to stop or force the vehicle from the roadway, unless authorized pursuant to Section 7, *Additional Options During Pursuits*.
- d. Continue a motor vehicle pursuit if the primary unit, on-scene police helicopter, or any supervisor orders the pursuit to be terminated.
- e. Intentionally ram a fleeing vehicle in an attempt to damage or disable the vehicle or to cause the vehicle to crash.
- f. Discharge a firearm to disable or stop a fleeing vehicle, except as permitted by General Order 600-17, **Use of Force**.
- g. Use barricades or other obstructions set across a roadway to stop or prevent the escape of a fleeing vehicle, except as authorized pursuant to Section 7, *Additional Options During Pursuits*.

Notifications and Updates

An officer who engages in a motor vehicle pursuit shall immediately notify the dispatcher, who shall determine if it is necessary to switch the incident to another dispatch channel or to keep the incident on the existing channel. Officers engaged in a motor vehicle pursuit shall not use a radio channel not monitored by a dispatcher. If the motor vehicle pursuit remains on the existing channel, the dispatcher shall close the air and all other officers shall immediately refrain from non-emergency radio transmissions on that channel.

The primary unit shall provide the following information over the air upon first engaging in the motor vehicle pursuit:

- a. The officer's unit number.
- b. The starting location.
- c. Description and number of occupants in the fleeing vehicle, if known.
- d. Description of the fleeing vehicle (e.g., license plate, make, model, color).
- e. If it is known that the suspect is armed.
- f. The officer's reason(s) for the pursuit, including possible charges against the suspect.

Unless the helicopter crew has taken over the responsibility, the primary unit shall provide the following information over the air upon first engaging in the motor vehicle pursuit and then on a regular and continuous basis:

- g. Present location.
- h. Direction of travel.
- i. The current speed of the officer and estimated speed of the suspect.
- j. Any observed risk factors.

The primary unit may transfer the responsibility for regular and continuous updates to a secondary unit as needed.

4 DISPATCHER AND SUPPORT RESPONSIBILITIES DURING PURSUITS

When notified of a motor vehicle pursuit, the dispatcher shall designate the initial pursuing vehicle as the primary unit. The dispatcher shall also designate a secondary unit and a field supervisor. If available, the dispatcher shall designate a Pursuit Intervention Technique (PIT) certified unit, police helicopter, and canine unit as additional secondary units. If the primary unit is a supervisor, the dispatcher shall designate another supervisor as the field supervisor.

Upon notification that an officer is driving priority two to provide possible assistance, the dispatcher shall add such unit(s) to the call slip.

The dispatcher shall ensure that all officers engaged in and assisting in the motor vehicle pursuit use the same radio channel.

The dispatcher shall also notify an Emergency Communications Division (ECD) supervisor of the motor vehicle pursuit. The supervisor shall ensure notification of Watch Command, which shall notify the Command Center Division, which shall notify the primary unit's lieutenant (including an acting lieutenant) after the pursuit has lasted five minutes or more.

If the lieutenant is unavailable for any reason, a Command Center supervisor shall locate an on-duty ranking supervisor to take the oversight responsibility described in Section 6, *Management Responsibilities During Pursuits*, in the following preferred order:

- a. A lieutenant from the division of the primary unit.
- b. The night commander or a lieutenant at the Command Center.
- c. A lieutenant working weekend command.
- d. The commander of the division of the primary unit.
- e. The commander working weekend command.
- f. The on-call duty chief.

Helicopter Unit

If no helicopter is in service, the dispatcher shall contact the department's Air Support Division and have one dispatched to the scene, weather and availability permitting.

The involved helicopter crew shall:

- a. Advise over the air when the fleeing vehicle is in view.
- b. Monitor the motor vehicle pursuit and provide relevant information to the primary and secondary units and the designated field supervisor. On a regular and continuous basis, the helicopter crew shall provide the present location, direction of travel, estimated speed of the fleeing vehicle, and the speed limit.
- c. Obtain the necessary approval to enter and operate in Class B Airspace, which is the controlled area that extends outward to a radius of eight miles from airports such as Hobby Airport and Bush Intercontinental Airport.
- d. Advise over the air if unable to continue the motor vehicle pursuit (e.g., low fuel, unable to enter Class B Airspace) and remind the primary unit or designated secondary unit to resume providing regular and continuous updates.
- e. Terminate the motor vehicle pursuit if, using the same criteria in Section 1, *Factors in the Decision to Engage in a Pursuit*, the crew determines that the risk of injury outweighs the need to immediately apprehend the suspect.

Canine Unit

If no canine unit has been assigned, an available canine unit shall travel in the direction of the pursuit to assist as needed until assigned by the dispatcher.

5 SUPERVISOR RESPONSIBILITIES DURING PURSUITS

When supervising a motor vehicle pursuit, the designated field supervisor shall constantly and continuously evaluate the risk of harm and the need to immediately apprehend the suspect. The supervisor shall order the termination of the pursuit if the supervisor determines that the risk of injury outweighs the need to immediately apprehend the suspect.

Upon notification of the motor vehicle pursuit, the designated field supervisor shall acknowledge their command of the pursuit and request any necessary information from the dispatcher or primary unit. The field supervisor shall immediately assess the motor vehicle pursuit based on the information from the primary unit and the dispatcher.

The designated supervisor may delegate certain supervisory responsibilities (e.g., tactical planning, resource management) to additional supervisors as needed.

Enforcing Restriction on Pursuit

Unless authorized under Section 3, *Officer Responsibilities During Pursuits*, the notified supervisor shall immediately terminate a motor vehicle pursuit when the suspect's only possible offense (other than the Evading Arrest itself) includes:

- a. Class C offenses.
- b. Traffic or municipal warrants.
- c. Non-violent misdemeanor warrants.

Secondary Units

The designated field supervisor may authorize additional secondary units as needed under the circumstances, including but not limited to the following situations:

- a. There is an insufficient number of officers in the authorized units to safely arrest the suspect(s) or engage in an authorized stopping technique.
- b. An authorized primary or secondary unit is unable to continue the motor vehicle pursuit and a replacement unit is needed.
- c. There is a likelihood that the suspect has a deadly weapon.

The designated supervisor may transfer the responsibilities of the primary unit to one of the secondary units, who shall take over in the position closest to the fleeing vehicle.

The designated supervisor may engage in the motor vehicle pursuit as a secondary unit but shall not take the responsibilities of the primary unit unless another supervisor takes over the supervisory responsibilities.

Reminders and Responsibilities

The designated field supervisor shall:

- a. Monitor all radio communications related to the motor vehicle pursuit and make every effort to ensure only authorized units participate in the pursuit.
- b. Break the air upon taking command to remind officers of the following:
 1. That officers shall not engage in the pursuit unless authorized as a secondary unit.
 2. That officers engaged in the pursuit shall monitor their speed and drive with due regard for safety.
- c. Break the air as needed under the circumstances to provide instructions or reminders to officers, including but not limited to the following:
 1. To maintain their professional composure.
 2. To maintain sufficient distance from the fleeing vehicle to react to unexpected events.

- 
- d. Authorize the use of stopping techniques only when the supervisor determines that the need to conclude the pursuit outweighs the inherent risk of the technique.
 - e. State periodically whether the pursuit should continue or be terminated.

6 MANAGEMENT RESPONSIBILITIES DURING PURSUITS

Upon notification of a pursuit that has lasted five minutes or more, the ranking supervisor notified pursuant to Section 4, *Dispatcher and Support Responsibilities During Pursuits*, shall assume second-level oversight responsibility over the motor vehicle pursuit, acknowledge responsibility over the air, and closely monitor the motor vehicle pursuit. The designated field supervisor shall maintain operational control of the motor vehicle pursuit. The supervisor with operational control shall not concurrently assume oversight responsibility as an acting lieutenant.

The ranking supervisor should perform any other needed supervisory responsibilities (e.g., tactical planning, resource management). The ranking supervisor shall maintain awareness of the number and location(s) of the primary unit, secondary units, and other units on the call slip.

If the ranking supervisor determines that the risk of injury outweighs the need to immediately apprehend the suspect, the ranking supervisor shall order the termination of the pursuit.

The ranking supervisor and the night commander may engage in the motor vehicle pursuit as secondary units, consistent with Section 2, *Vehicle Restrictions*.

If monitoring the motor vehicle pursuit and regardless of assignment, any on-duty supervisor, if of higher rank than the ranking supervisor having oversight responsibility, shall order the termination of the pursuit if the supervisor determines that the risk of injury outweighs the need to immediately apprehend the suspect.

7 ADDITIONAL OPTIONS DURING PURSUITS



If an officer has sufficient information to establish probable cause for the criminal activity and the identity of the suspect, the involved officers and supervisors shall terminate the motor vehicle pursuit in favor of filing a warrant, unless the need to immediately apprehend the suspect outweighs the risk of injury.

Stopping Techniques

Only officers with certified training by the Training Division shall use authorized stopping techniques.

Officers shall assess the risk of bodily harm to all persons when using stopping techniques, including but not limited to members of the public, the officers, and the driver and passenger(s) in the fleeing vehicle.

Officers may use the following stopping techniques when authorized by the field supervisor and in accordance with current department training and procedures:

- a. **Rolling Roadblocks:** The secondary unit(s) may move in front of and/or next to the fleeing vehicle, if the suspect is not speeding but is willfully failing to stop. Officers shall maintain awareness of the potential of an armed suspect and/or a crossfire situation when using rolling roadblocks.
- b. **Tire Deflation Devices:** Officers may use devices designed to cause the controlled deflation of a fleeing vehicle's tires (e.g., Stingers® and Stop Sticks®) only when able to do so without placing the officer or members of the public in danger, taking into consideration traffic, road, and weather conditions. The officer using the tire deflation device shall use cover and concealment, if possible, and shall not use the device on a freeway.





8 TERMINATING AND CONCLUDING PURSUITS

When an officer terminates a motor vehicle pursuit or an authorized officer or supervisor orders the termination of a pursuit, all officers engaged in the pursuit shall immediately:

- a. Resume compliance with all traffic laws, including speed.
- b. Deactivate emergency lights and sirens when safe.

The primary unit shall also:

- c. Acknowledge the pursuit termination over the air.
- d. Notify the dispatcher of their location.

If an officer locates the suspect vehicle after the termination of the pursuit, a supervisor may authorize the officer to engage in a new motor vehicle pursuit, subject to the restrictions of this policy.

Pursuit Conclusion

Upon conclusion of a pursuit, officers shall conduct a high-risk stop pursuant to General Order 600-34, **High-Risk Vehicle Approaches**. To the extent possible, officers shall use their vehicles for cover and concealment while attempting to establish communication with the occupant(s) of the vehicle.

If circumstances do not permit a high-risk stop (e.g., suspect crash), officers shall use extreme caution when approaching the suspect vehicle.

If a motor vehicle pursuit ends due to a crash, the primary unit shall notify the dispatcher and request emergency medical services if necessary.

The primary and secondary units shall provide first aid to injured persons as appropriate and feasible under the circumstances, as shall any arriving additional officers.

If the driver and/or any passenger flees on foot, officers shall follow the provisions of General Order 600-11, **Foot Pursuits**.

The field supervisor shall immediately go to the location where the motor vehicle pursuit concluded, regardless of the manner in which it concluded, and take command of the scene. A different supervisor shall take command of the scene of any crash at a separate location.

Scene Investigation

The designated field supervisor who takes over the scene at the conclusion of the motor vehicle pursuit shall complete a *Significant Event Report* if required to do so by General Order 200-10, **Significant Events**.

If any officer attempted the PIT Maneuver, the field supervisor shall ensure that digital images and/or photographs are taken of all vehicles and other property affected by the PIT Maneuver, showing any damage or lack thereof resulting from the intervention. The supervisor shall record damage to department vehicles in accordance with established guidelines for reporting vehicle damage. Since the PIT Maneuver is an intentional act, the contact between the officer's vehicle and the fleeing vehicle is not considered a crash for purposes of General Order 400-08, **City Vehicle Crashes**.

In the event of a crash involving the suspect's vehicle (including an unintended crash involving the use of the PIT Maneuver) and any third-party vehicle, person, or property, the supervisor shall assign an officer who was not engaged in the pursuit to complete a crash report pursuant to General Order 600-09, **Crash Investigations**. If the crash resulted in a fatality or serious bodily injury, the Vehicular Crimes Division (VCD) shall complete the crash report.

VCD shall also complete a crash report if an officer's vehicle is involved in an unintended crash with any vehicle, person, or property, pursuant to General Order 400-08, **City Vehicle Crashes**.

The supervisor shall complete all required tasks under General Order 500-07, **Filing Class B or Higher Charges**, regarding approval of Evading Arrest or Detention charges.

9 DOCUMENTATION OF A PURSUIT

The initiating unit shall document the motor vehicle pursuit in a thorough incident report and include a detailed description of the suspect and vehicle, as well as the information of any known witness. If necessary, other units shall supplement the report pursuant to General Order 800-07, **Completion of Incident Reports**.

Whether successful or not, each officer who attempted the PIT Maneuver or deployed a tire deflation device during the motor vehicle pursuit shall include the following information in the original or supplemental incident report:

- a. The name of the supervisor who authorized the stopping technique.
- b. The date, time, location, estimated speed, and direction of travel of the suspect at the time of implementation.
- c. The result of the stopping technique and any damage to any vehicle or property.
- d. Any unintended traffic collision and any injuries observed or alleged.
- e. The name of the supervisor who made the scene.
- f. If applicable, why the technique was not successful.

Supervisor and Management Duties

Within five calendar days of the motor vehicle pursuit, the designated supervisor shall review all available information pertaining to the pursuit (e.g., unit histories, incident reports and supplements, body worn camera or mobile video recorder footage) and complete a *Vehicle Pursuit* form via the Vehicle Pursuit Database, accessible via the Intranet Portal. The shift commander may assign this responsibility to another supervisor as needed. The supervisor need not complete a supplement unless expressly required to do so by this General Order or any other.

For motor vehicle pursuits that last 10 minutes or more or if a unit from another jurisdiction (excluding air support) was involved in the pursuit, the primary unit's lieutenant shall review all available information from the pursuit and supplement the original report with any available relevant or pertinent information within five calendar days of the supervisor's completion of the *Vehicle Pursuit* form. The division commander may assign this responsibility to another lieutenant as needed.

Follow-Up Investigations

If an officer did not engage in or terminated a motor vehicle pursuit and the suspect's identity is known, the officer shall attempt to obtain an arrest warrant for the suspect from the appropriate district attorney's office prior to the end of the officer's shift or, with a supervisor's authorization, the following workday. The officer shall also contact the concerned division for the most serious crime committed, which shall conduct a follow-up investigation.

If an officer did not engage in or terminated a motor vehicle pursuit and the suspect's identity is unknown, the officer shall contact the concerned division for the most serious crime committed.

The concerned division shall conduct a follow-up investigation and file a warrant if appropriate. If Evading Arrest is the only known offense, the Major Offenders Division shall forward the report to the primary unit's division (e.g., Crime Suppression Team), which shall conduct the follow-up investigation.

10 INTERJURISDICTIONAL PURSUITS

ECD, with the approval of the field supervisor in command of the motor vehicle pursuit, shall notify outside law enforcement agencies when this department is involved in a pursuit in the outside agency's jurisdiction. The person notifying the outside agency shall specify whether the call is a request for assistance or a courtesy notification with no participation requested.

If such a motor vehicle pursuit is terminated, the ECD supervisor shall immediately ensure notification of all outside law enforcement agencies with officers who have joined the pursuit.

Other Agency Pursuits

An officer may become involved in another agency's motor vehicle pursuit if any of the following are true:

- a. The other agency requests assistance.
- b. It is clear the other agency's unit is unable to request assistance.
- c. The emergency nature of the situation dictates the need for assistance.

Prior to the officer engaging as a secondary unit in the other agency's pursuit, the officer shall obtain authorization from a supervisor assigned to Watch Command or a lieutenant or higher.

Officers and supervisors shall follow this General Order, including but not limited to the provision restricting certain pursuits outlined in Section 3, *Officer Responsibilities During Pursuits*, when an officer is engaged in another agency's motor vehicle pursuit.

The officer shall not continue the pursuit if the outside agency terminates the pursuit, unless the suspect has committed a new felony offense (other than the Evading Arrest itself) during the pursuit. The officer need not complete an offense report or supplement after engaging in another agency's pursuit unless expressly required to do so by this General Order or any other General Order.

11 PUBLIC STATEMENTS FOLLOWING PURSUITS

After a motor vehicle pursuit has ended, officers shall refer all media requests for a statement to the designated field supervisor. Upon request of the media, the designated field supervisor may make a limited statement or defer to another supervisor. The supervisor giving a statement shall give only preliminary factual information, in compliance with General Order 800-02, **Media Relations**.

An on-duty department public information officer (PIO) shall make all scenes of pursuits that result in a fatality. The PIO or the highest-ranking on-scene supervisor shall make the media statement, if any.

12 REQUIRED REPORTS

The Office of Planning & Data Governance shall produce a quarterly report of relevant motor vehicle pursuit data. The assistant chief over the Organizational Development Command shall review the report and determine if there are any training and policy implications, then forward the completed report to the Chief of Police.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 24, 2017

NO.

600-05

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-05, dated May 21, 2013

SUBJECT: SPECIAL THREAT SITUATIONS

POLICY

The Houston Police Department's Special Weapons and Tactics (SWAT) Detail and Hostage Negotiation Team (HNT) shall be used in all *special threat situations* as defined in this General Order. The primary goal in such situations is the safe release of all hostages and the successful termination of the operation without the loss of life.

This General Order applies to all classified employees.

DEFINITIONS

Active Shooter. One or more suspects who participate in a random or systematic shooting spree, demonstrating intent to continuously harm others. An *active shooter's* overriding objective appears to be that of mass murder rather than other criminal conduct such as robbery or hostage taking.

Barricaded Suspect. Any person who:

- a. Has demonstrated capability and/or stated the intent to cause death or serious bodily injury to any person, including himself, and
- b. Has achieved tactical superiority by location or the use of a physical obstruction (e.g., an open field, a building, a vehicle, any natural or man-made barrier).

Debriefing/Interviewing. Questioning designed to obtain all useful information for a formal report.

Face-to-Face Communications. Communications in which an officer in the *kill zone* is not using cover or concealment and is able to see and be seen by the suspect.

Hostage Situation. Any incident in which the possibility exists or the available information indicates that a *barricaded suspect* may be holding a hostage.

Inner Perimeter. The area of containment closest to the suspect.

Kill Zone. Any area in which a suspect can fire or use a weapon that could kill or injure a person.

Objective. The physical location where a *barricaded suspect* or hostage is believed to be located.

Outer Perimeter. The area of containment that prevents outsiders from interfering with or being endangered by the threat situation.

Safe Route. Directions to the scene for responding officers that direct them around the *kill zone*.

Sniper. Any person who causes or attempts to cause death or bodily injury to another person by discharging a firearm from an initially concealed position.

Special Threat Situation. Any situation involving a *sniper, barricaded suspect, hostage situation, active shooter, terrorist activity*, or threatened suicide involving a weapon or from an elevated structure such as a bridge or building.

Terrorist Activity. Any in-progress act of violence or threat thereof that creates or is designed to create fear of death or imminent bodily injury in the minds of others and is intended to intimidate governments or citizen populations in the pursuit of goals that are generally political, religious, or ideological.

1 GENERAL GUIDELINES

[REDACTED]

The police response to all special threat situations shall be measured in proportion to the level of threat to life and public safety.

When it is determined that a special threat situation is an *active shooter*, officers shall follow the concepts and principles taught in the department's *Active Shooter* training course.

2 SPECIAL THREAT RESPONSE

Although any resource of the department may be used to resolve a special threat situation, the primary teams included in the department's special threat response are:

- a. Patrol officers and supervisors
- b. Tactical Operations Division including SWAT Detail and HNT
- c. Special Operations Division

Patrol Officer Responsibilities

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1. Communicate by telephone if possible.
 2. Express a willingness to help through positive statements. Do not make threatening or intimidating remarks.
 3. Do not beg or plead with the suspect.
 4. Do not agree to any demands made by the suspect.
 5. Do not allow family members or any non-law enforcement personnel to speak with the suspect without prior approval from the operational commander or HNT coordinator.
- f. Relay, via mobile computing device (MCD) or telephone, the following information to the dispatcher as soon as it becomes available:
1. Description of the suspect and any weapons.
 2. Location and number of hostages.
 3. Possible avenues of escape.
 4. *Safe routes* and location to where additional units should respond.
- g. Detain all witnesses for interviewing by Tactical Operations Division personnel.
- h. Upon being relieved, immediately report to the command post for debriefing.
- i. Remain at the scene until debriefed and released by the operational commander or by the senior Homicide Division representative if Homicide Division personnel have been dispatched to the scene.

Officer Originally Assigned to the Call

Except as noted below, the officer originally assigned to the call is responsible for completing the original incident report and filing charges when necessary. If the officer is unable to remain at the scene, the officer may be relieved by the on-scene supervisor after both of the following have occurred:

- a. The patrol supervisor has verified the officer completed the original incident report including all details up to the time Tactical Operations Division personnel took control of the scene.
- b. The patrol supervisor has assigned another patrol officer to replace the original officer. This replacement officer shall stand by to take custody of any prisoner, file charges when necessary, and supplement the original incident report.

If circumstances warrant having Homicide Division personnel handle the original incident report, the officer originally assigned to the call shall supplement the report as required by the Homicide Division investigators.

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- a. Act as staff advisor to the operational commander.
- b. Serve as a consultant regarding the legal aspects of all criminal or civil issues arising from the special threat situation.
- c. Act as department liaison and representative in communications with magistrates, federal and state prosecutors, defense attorneys, and other members of the legal profession.

General Order

Houston Police Department



ISSUE DATE:

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NO.

600-06

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-06, dated January 31, 2011

SUBJECT: FAMILY VIOLENCE

POLICY

Pursuant to Article 5.04 (a) of the Texas Code of Criminal Procedure, "The primary duties of a peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence are to protect any potential victim of family violence, enforce the law of this state,...and make lawful arrests of violators."

Additionally, Article 14.03(a)(4) of the Texas Code of Criminal Procedure provides, "Any peace officer may arrest, without warrant...persons who the peace officer has probable cause to believe have committed an offense involving family violence."

Accordingly, officers shall enforce criminal laws to the maximum extent in the protection of potential or actual victims of family violence.

This General Order applies to all employees.

GENERAL PROVISIONS

Family Violence

Section 71.004 of the Texas Family Code defines *Family Violence* as:

- a. An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- b. Child abuse as defined by law when that abuse is committed by a member of the family or household toward a child of the family or household; or
- c. Dating violence as defined in the Texas Family Code section 71.0021.

Offenses Related to Family Violence

When a warrantless arrest is not made for family violence, officers shall evaluate whether any other criminal offense related to family violence has been committed. The following is a non-exhaustive list of offenses that may be related to family violence: terroristic threat, harassment, unlawful restraint, injury to elderly, violation of protective order or certain court orders, burglary with intent to commit assault, criminal trespass, interfering with an emergency request for assistance.

DEFINITIONS

Assault. A person commits an offense if the person: (1) intentionally, knowingly, or recklessly causes *bodily injury* to another, including the person's spouse; (2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or (3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. (Texas Penal Code section 22.01(a)).

Bodily Injury. Physical pain, illness, or any impairment of physical condition. (Texas Penal Code section 1.07(8)).

Dating Relationship. A relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a dating relationship. (Texas Family Code section 71.0021 (b and c)).

Family or Family Member. Individuals who are related by blood or marriage, former spouses, or biological parents of the same child without regard to marriage. Family also includes foster children and foster parents regardless of residency. Family members may also include spouses, parents, grandparents, children, siblings, aunts, uncles, nephews, nieces, adopted children, cousins, and current in-laws.

Family Violence Unit. The unit in the Special Victims Division responsible for investigating family violence situations.

Household Members. Individuals who live together in the same dwelling whether or not they are related to each other. This definition also includes any former household members, regardless of the time of separation.

If it is unclear whether an individual is considered a family or household member, the investigating officer shall contact the Family Violence Unit or the appropriate District Attorney's Office for clarification.

1 OFFICER'S RESPONSIBILITIES

When family violence occurs or is alleged, officers shall remain at the scene and conduct an investigation to verify the allegations and to prevent any further commission of family violence. Victims and suspects should be interviewed separately to determine what offense occurred.

When an officer makes contact with a victim away from the victim's residence, the officer may return to the residence to investigate a complaint of family violence and verify the safety of any other persons involved. The officer shall not participate in the division of property, but may escort the victim into the home to secure items of immediate necessity (e.g., clothes, medication, identification, baby items, food). Any person asking questions regarding the division of property should be advised to seek private legal counsel.

Upon arrival at the scene, responding officers shall, as officer safety permits, do all of the following:

- a. Identify and secure potential weapons in the surroundings.
- b. Attempt to determine whether any parties at the scene possess a firearm in violation of state or federal law. If the officer determines any person is in violation of such firearms prohibitions, the officer shall seize the firearm(s) and tag the firearm(s) in the HPD Property Division on hold for the Special Victims Division. The officer shall also contact the District Attorney's Office for approval of charges against the person in violation of the firearms prohibition.
- c. Encourage the voluntary surrender of any firearm at the scene (even if the person is not prohibited by law from possessing it) because of the danger a firearm poses to the complainant. The officer may take custody of firearms voluntarily surrendered and tag the firearm(s) in the Property Division.
- d. Separate the parties.
- e. Restrain or remove the suspect, if necessary.
- f. Assess and ask the parties about injuries, including those that may be concealed by clothing or otherwise not readily apparent including strangulation or internal injuries. An officer of the same sex as the victim may be needed as further visual investigation continues.

Officers shall ask the victim if he or she felt pain when a suspect made physical contact with the victim especially when there are no visible injuries. The definition of bodily injury includes physical pain, which is a low threshold. When the victim does not complain of pain, officers should consider the manner in which the suspect made contact with the victim or observable physical marks on the victim in determining if there is bodily injury.

- g. Request medical services as necessary.
- h. Identify all persons or witnesses on the premises.
- i. Separate occupants and witnesses from the victim and the accused, keeping them out of sight and hearing range of one another, as safety permits.
- j. Obtain a comprehensive account of the events from all parties including witnesses.
- k. Officers should not rely solely on the images captured on their body worn cameras but should, whenever possible, take digital photographs of the victim's injuries and any disarray or destruction at the scene. If the suspect is present, photographs of the suspect should be taken, especially if the suspect has suffered any injuries. Digital photographs that are taken shall be uploaded into the department's digital photograph storage database (i.e., Dataworks).
- l. Notify the Special Victims Division via established department procedures whenever an officer is on a call involving family violence and the suspect is on the scene but an arrest is

not made because a Harris County Assistant District Attorney (ADA) declined charges. The notification shall include the incident number, ADA's name, and reason charges were declined.

- m. Complete an incident report as set forth in section 3, *Family Violence Incident Reports*.
- n. Complete requirements provided in section 4, *Other Requirements*.

2 SUSPECT ON SCENE

When a suspect is present on a scene involving family violence, officers with probable cause to believe an assault that meets the definition of family violence has occurred should arrest the suspect without a warrant.

There is no requirement that the officer witness the assault. Officers are to file the highest family violence charge possible when filing criminal charges.

The willingness of the victim to prosecute is *not* a factor as to whether an arrest should be made if there is probable cause to make an arrest for family violence as defined in section 71.004 of the Texas Family Code.

Pleas from any family or household member stating the violence will not occur again or an arrest may cause financial hardship should not impact an officer's decision to arrest the suspect. The victim shall be listed as the complainant and the officer may act as the affiant.

In situations involving family violence, officers are discouraged from arresting *both* parties involved in the altercation for assaulting each other. Officers shall make reasonable efforts to identify the primary aggressor.

Arrests of *both* parties should be avoided unless warranted and authorized by an on-duty supervisor.

Before filing any charges with the Harris County District Attorney's Office, an assistant district attorney shall be contacted to ensure that the charges will be accepted.

Request On-Duty Supervisor To The Scene

When an officer is on a call involving family violence and the suspect is on the scene, the officer shall request the presence of an on-duty supervisor when the below applies:

- a. A warrantless arrest is *NOT* made for:
 - 1. family violence *or*
 - 2. an offense related to family violence

AND

b. There is:

1. bodily injury *or*
2. a threat of imminent bodily injury *or*
3. physical contact regarded as offensive or provocative.

On-Duty Supervisor Responsibilities

The on-duty supervisor who is notified shall respond and proceed immediately to the scene. Once at the scene, the supervisor shall review all facts and make a decision on the best course of action consistent with the below procedures.

When the supervisor determines there is probable cause for a warrantless arrest for family violence or an offense related to family violence,

In Harris County:

If the ADA was not previously contacted by the officer, the supervisor shall call and speak with the ADA at Intake to discuss the facts of the case.

If the officer previously spoke with an ADA at Intake who declined charges, the supervisor shall call and speak with the Intake Chief on Duty to discuss the facts of the case.

If the ADA or Intake Chief, as applicable, declines charges, an arrest will not be made, unless the facts support an arrest for Class C Assault (FV) (i.e., when there is a threat of imminent bodily injury or physical contact regarded as offensive or provocative).

In Montgomery County and Fort Bend County:

Since an ADA is not contacted in these counties, when a supervisor is required to make the scene because the primary officer does not believe there is probable cause for an arrest, an arrest will be based on the supervisor's determination as to whether or not there is probable cause to make a warrantless arrest for a family violence offense or an offense related to family violence.

In felony incidents involving family violence or when a scene is complex, the supervisor may contact the Special Victims Division for assistance.

3 FAMILY VIOLENCE INCIDENT REPORTS

As mandated by the Texas Code of Criminal Procedure, a complete and thorough incident report shall be completed by the responding officer for every family violence situation or allegation of family violence. Complainants shall not be referred to a police station or to the Family Violence Unit to make an original report. The requirement to complete an incident report also applies to situations involving violence between persons in a dating relationship, regardless of gender or sexual orientation. District supervisors shall ensure their officers generate incident reports when family violence offenses occur.

When a victim leaves a suspect, the suspect may begin to *stalk* the victim. This offense includes behavior such as shadowing or following the victim. It also includes making threats against the victim, the victim's property or family, or a member of the victim's household. Officers shall make a written incident report documenting such behavior.

Officers should encourage victims to continue documenting any stalking behavior.

When writing the incident report, officers shall include all of the following:

- a. The relationship of the suspect to the victim.
- b. Descriptions of the demeanor of the victim and suspect (when the suspect is present).
- c. Any spontaneous or excited utterances (*res gestæ*) statements made by either party or any witnesses.
- d. Documentation of the interview with all children in the household who were witnesses to the assault.
- e. Description of any destruction or disarray (or lack of) at the scene.
- f. Documentation of any and all injuries as well as the location and description of the injury.
- g. Any prior history of family violence, when known.
- h. Disposition of the incident including, as applicable, facts leading to the decision not to make an arrest.
- i. The on-duty supervisor's name and employee number who authorized both parties to be arrested, when applicable.
- j. An alternate telephone number of a close relative that will remain in contact with the victim.
- k. The presence of any firearm in the household.
- l. The on-duty supervisor's name and employee number who responded to the scene at the request of the officer pursuant to this policy, when applicable.

If an arrest is not made due to charges being declined by the Harris County District Attorney's Office, the following shall also be included in the incident report:

- m. The Harris County ADA's name or Intake Chief's name, as applicable.
- n. Time and date the ADA or Intake Chief was contacted about filing charges.
- o. Reason given for charges being declined.

Officers shall select "yes" in the family violence field choice box on the laptop software program for family violence and other incidents related to family violence such as stalking or terroristic threats that involve family or household members or persons in a dating relationship.

See section 4, *Other Requirements*, for additional incident report requirements.

4 OTHER REQUIREMENTS

Officers shall give adult victims the department issued *Victim's Referral Card (Blue Card)*, which contains written notice of their legal rights, possible remedies, and the availability of social services and community resources. Officers shall make every reasonable effort to help victims understand all their options, including the availability of a Magistrate's Order of Emergency Protection (MOEP). **Officers shall document in their incident reports that a copy of the Blue Card was provided to the victim.**

After completing the investigation, the victim may be referred to the Family Violence Unit to speak with a counselor or an investigator (if the officer feels the victim needs additional guidance or assistance).

If the suspect is gone upon the officer's arrival, the officer shall make a written incident report, provide a Blue Card, and refer the victim to the Family Violence Unit's office assigned to that area.

When an arrest is made for any family violence or stalking offense (including a Class C misdemeanor), an officer shall obtain the name and telephone number of the victim or a responsible person designated by the victim. **Information regarding the telephone number and the person to be notified shall be included in the incident report. The information shall also be placed on the jail booking blotter so victim notification can occur prior to the suspect's release from jail.** Jail Division personnel are not responsible for obtaining this information.

Incidents at Foster Homes

An officer investigating a family violence allegation or responding to a disturbance call that may involve violence is required to determine if the address where the disturbance took place is a licensed foster home or a verified agency foster home listed in the Texas Crime Information Center (TCIC).

To determine if the residence is a foster home, officers may contact the Texas Department of Family and Protective Services at 1-800-877-5300, which is a 24-hour telephone number for law enforcement. Upon determining that the location is a foster care facility, officers should ask to see the required license that should be displayed in the home.

Officers must then call and report the information to the Family Violence Unit main office. After hours or on weekends, officers must contact the Homicide Division and provide the information to an investigator. The Family Violence Unit or Homicide investigator shall then contact the Texas Department of Family and Protective Services, within 24 hours, to file a report. All officers must document incidents involving foster care facilities by completing an incident report.

5 RELEASE OF SUSPECT

The law provides persons charged in family violence cases may be held an additional four hours after bond has been posted if there is probable cause to believe the violence will continue when the suspect is released. When the facts indicate the four-hour hold is necessary, the investigating officer must document the reasons for the hold in the incident report and secure approval from the Homicide Division.

An additional 48-hour hold order (after bond is posted) may be obtained from a magistrate in writing. Should the facts gathered by the investigating officer indicate a need for this measure, the same procedure as the four-hour hold shall be followed.

State law requires victims be notified prior to the release of a suspect charged with a family violence crime or with stalking. Jail Division or police station desk personnel, in accordance with the Jail Division's standard operating procedures, shall make the notification.

6 FAMILY VIOLENCE UNIT RESPONSIBILITIES

The Family Violence Unit is responsible for:

- a. Follow-up investigation and filing criminal charges on incidents of family violence when the suspect is gone upon the officer's arrival.
- b. Follow-up on incidents requiring additional investigation of facts not available to the responding officer at the time of the incident.

The Family Violence Unit's main office is also responsible for:

- c. Receiving temporary and permanent protective orders from the courts.
- d. Entering permanent protective orders and Magistrate's Orders of Emergency Protection (MOEPs) into TCIC.

Hard copies of the protective order and MOEP shall be filed in Homicide Division and be available 24 hours a day. Any officer seeking information about protective orders or MOEPs may contact the Family Violence Unit during business hours or Homicide Division after hours.

- e. Directing victims to the Victims Services Unit counselor when seeking financial reparation from the Texas Crime Victims' Compensation Fund for direct, unreimbursed, or out-of-pocket expenses incurred as a family violence victim.

7 PROTECTIVE ORDERS

When a valid protective order violation occurs in an officer's presence, the officer shall arrest the person. When the violation does not occur in the officer's presence, the officer may make a warrantless arrest if sufficient probable cause exists.

Protective orders are civil judicial orders with criminal penalties that help prevent family violence. Protective orders filed in any county in Texas are valid in the city of Houston. A protective order from another jurisdiction is presumed to be valid if it appears valid on the order's face. Orders of protection from other states' courts, military courts, tribes, or territories shall be enforced as if a Texas state court issued the protective order.

Temporary and *ex parte* protective orders are enforceable. However, before a suspect can be arrested for violating a temporary or *ex parte* protective order, the investigating officer shall verify that the suspect has been served with the temporary or *ex parte* protective order. The clerk of the court that issued the temporary or *ex parte* order may be able to provide this information. If an officer has any questions, the District Attorney's Office should be contacted for clarification.

Officers shall accept a certified copy of a protective order as proof of its existence and it shall be presumed the order is valid for two years, unless:

- a. The order contains a termination date that has expired.
- b. The clerk of the court notifies the officer the order has been vacated or modified.

If the complainant does not have a certified copy of the order, the investigating officer shall verify the order's existence by contacting the Family Violence Unit's main office or Homicide Division. The officer may also check TCIC for evidence of the existence of a protective order since all protective orders are entered into TCIC. Victims desiring permanent protective orders should be referred to the district or county attorney's office in the county where the victim resides.

8 MAGISTRATE'S ORDER OF EMERGENCY PROTECTION (MOEP)

When a person is arrested for an offense involving family violence or stalking, the officer may offer the victim (or the victim's guardian) the option of obtaining a MOEP. MOEPs provide a temporary means of protection until a permanent protective order can be issued.

The purpose of a MOEP is to give a victim immediate, short-term protection from the suspect. These orders are similar to protective orders in wording and criminal penalty except that they are issued by a judge following the suspect's arrest. All MOEPs, as with protective orders, have an expiration date indicated on the form. Victims with a MOEP should be encouraged to seek a protective order.

Officers may request a MOEP through the District Attorney's Office when filing criminal charges on a Class B or higher family violence offense (this includes child abuse when the alleged perpetrator is a family or household member) or stalking violation. There is no prerequisite that a relationship ever existed between the victim and the suspect for a MOEP to be issued in stalking offenses.

Magistrate's Order of Emergency Protection request forms should be available on file at the Family Violence Unit, police station, or the district or county attorney's office in the county where the victim resides.

When a victim requests a MOEP, the officer shall complete the MOEP form and have the victim sign it. The completed form shall be faxed or hand delivered to the district or county attorney's office in the county where the victim resides at the same time the criminal charges are submitted.

Under unusual circumstances (e.g., the victim is seriously hurt or unconscious) and the victim is unable to request a MOEP, the officer may request the MOEP on the victim's behalf. The officer should clearly state the reasons why the victim is unable to ask for the MOEP on the Magistrate's Order of Emergency Protection request form and in the incident report.

A MOEP may also be obtained when the offense is a Class C assault. Such MOEPs must be requested from a municipal court judge.

9 PROTECTIVE ORDER ENFORCEMENT

A person is in violation of a protective order or MOEP if that person knowingly or intentionally violates any one of the specifically listed conditions of the order. Officers should read the order carefully as it may contain prohibitions that are civil in nature (e.g., orders to pay child support or alimony) and not criminally enforceable. Criminal acts that are specifically prohibited may include, but are not limited to:

- a. Possessing a firearm in violation of section 46.04(c) of the Texas Penal Code.
- b. Acts of family violence or an assault on the person protected under the order.
- c. Any act in furtherance of stalking (MOEP only).
- d. Communications, either directly with or through a third party, to a member of the family or household in a threatening or harassing manner. The protective order may also include prohibition of communications of any nature when not conducted through the protected person's attorney.
- e. Going to or near any of the following places (the address and distance the suspect must stay away should be specifically described in the order unless it is listed as confidential):
 1. Residences, places of employment, or businesses of any member of the family or household.
 2. Childcare facilities, residences, or schools where protected children normally reside or attend.

Persons violating a protective order or MOEP may be arrested for the violation and any other criminal offenses they have committed. Normally, a violation of a protective order or MOEP is a Class A misdemeanor. However, if a person violates a protective order or MOEP by assault or stalking, it is a third degree felony.

No person (including the protected person) may give any other person permission to violate a protective order or MOEP. Only the issuing court may change a protective order or MOEP. Reconciliatory actions or agreements made by persons affected by a protective order or MOEP

do not affect the validity of the protective order or MOEP and do not diminish the officer's duty to enforce the protective order or MOEP.

An officer investigating a protective order or MOEP violation shall not arrest persons protected by the order for a violation of that order.

10 RELATED GENERAL ORDER

600-33, Social Services Assistance and Referrals



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 6, 2013

NO.

600-07

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-07, dated January 1, 1987

SUBJECT: HANDLING DEAD BODIES EXPOSED TO PUBLIC VIEW

POLICY

Police officers may be called upon to handle situations in which there is a dead human body exposed to public view. The department expects officers to display the highest regard for human remains and to handle dead bodies in such a manner that also provides for a thorough criminal or forensic examination.

This General Order applies to all employees.

1 COVERING BODIES

A dead human body that is exposed to public view shall be protected by way of extending the crime scene to inhibit the public's view of the decedent until the arrival of personnel from the Harris County Medical Examiner's Office. Patrol vehicles or cones should also be used to obscure public view when it is not practical to extend the crime scene. Covering the body with a body sheet should only be used when it is absolutely necessary to maintain the integrity of the crime scene during extenuating circumstances (e.g., inclement weather). Officers have the discretion to cover a body if failure to do so would form the basis of a disturbance and covering it would assist in maintaining peace and order.

Body sheets used to cover a dead body shall be kept in stock in the Property Division and shall be issued to all divisions that have marked vehicles in their fleet. In addition, disposable sheets shall be issued to any other divisions as approved by their division commander.

2 SEARCHING BODIES

Officers shall not search a dead body without the express consent of a medical examiner or designee.

When a fatality occurs, no one may disturb or remove the body (or body parts) from the position in which it was found unless the medical examiner or designee so allows. The only exceptions to this policy are when there is no other way to preserve the body from loss or destruction or there is no other way to maintain traffic flow on a highway, across a railroad line, or at an airport.

3 RELATED GENERAL ORDERS

600-09, **Crash Investigations**

600-27, **Preliminary and Follow-up Investigations**

700-01, **Property/Evidence Control Regulations**

Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 12, 2022

NO.

600-08

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-08, dated February 28, 2014

SUBJECT: MISSING, KIDNAPPED, AND FOUND PERSONS

POLICY

All appropriate missing person and interference with child custody incident reports shall be immediately generated by the primary patrol officer. There is no 24 hour waiting period to report a missing person of any age. The Missing Persons Desk of the Juvenile Intake Unit is operational 24 hours a day. The Missing Persons Desk is the point of contact for investigations involving missing adults and juveniles, including cases of interference with child custody. Employees shall contact a Missing Persons Desk supervisor in all cases in which there is a question regarding the generation of an incident report.

Officers shall immediately respond to all incidents involving a missing adult or juvenile. The Homicide Division shall investigate cases of missing persons, including in-progress kidnapping and abduction incidents. The Major Assaults & Family Violence Division shall investigate delayed reports of kidnapping and abductions where the person is no longer missing.

This General Order applies to all employees.

DEFINITIONS

Adult. For the purposes of this General Order, a person 18 years of age or older.

Intellectual Disability. A condition of significantly subaverage general intellectual functioning that is concurrent with deficits in adaptive behavior and originates during the developmental period. The term includes a pervasive developmental disorder.

Juvenile. For the purposes of this General Order, a person under 18 years of age.

Missing Persons Desk (MPD). A point of contact within Juvenile Intake Unit for investigations involving missing adults and juveniles that enters the required information regarding missing persons into TCIC/NCIC.

Missing Persons Unit. A unit assigned to the Homicide Division that investigates cases involving missing persons.

1 INITIAL INVESTIGATION

After arriving and gathering all pertinent facts at a scene involving a missing person, including an attempted child abduction, officers shall immediately contact the MPD and provide them with all the necessary information for a TCIC/NCIC entry on the missing juvenile or adult. The MPD shall enter the information into TCIC/NCIC within the amount of time required by General Order 800-11, **TCIC/NCIC**.

The primary officer shall provide as much of the following information as possible to the MPD:

- a. Complete identification information (e.g., name, date of birth, and identification, driver license, and social security numbers).
- b. Complete description of the person (e.g., gender, race, height, weight, clothing, age, hair color, eye color, marks, scars, or tattoos).
- c. Vehicle description (if applicable).
- d. Possible destination.
- e. Last known location.
- f. Any other pertinent information.

MPD officers shall provide guidance to officers to ensure all information is obtained and all reasonable efforts are made to locate the missing person.

Federal law (Suzanne's Law) requires law enforcement agencies to report each case of a missing person under 21 years of age to NCIC. This requires an incident report to be generated.

The primary officer shall complete an incident report within 2 hours of arrival on the scene and include the name of the MPD employee who was notified and the time the information was provided to the MPD in the narrative. The missing person's information shall be listed as "MSP" for missing person in the report, not "W" for wanted.

Personnel in the MPD shall immediately enter all available information into TCIC/NCIC and complete a supplement to the original incident report with their actions and any additional information.

When a photograph is available, the MPD shall assist patrol officers by developing and electronically distributing the Critical Reach Flyer of the missing individual. The primary officer shall document the flyer's creation in the incident report.

Additionally, employees shall follow general broadcast procedures in accordance with General Order 600-03, **General Broadcasts**, as long as the victim is not further endangered by doing so.

Special Circumstances

Special circumstances for missing persons include all life endangerment situations such as abductions, missing persons under suspicious circumstances, missing elderly persons, or missing persons with life-endangering mental illness. Patrol officers shall notify a supervisor of all such situations and consult with the appropriate Homicide or MPD supervisor.

Officers shall immediately call the Homicide Division when the incident involves a possible kidnapping where the victim is still missing, including incidents of family violence, and a missing person incident that may involve foul play.

Additionally, for missing person incidents with special circumstances, the patrol officer dispatched to the scene shall:

- a. Gather essential information and broadcast this information along with a description of the missing person.
- b. Search the area where the missing person was last known to be or is reasonably believed to be.
- c. Utilize department resources (e.g., helicopters, tracking dogs).
- d. Coordinate with MPD and Homicide Division supervisors on all activities performed in connection with the search.

The notified MPD supervisor shall coordinate field investigations and searches of missing person incidents involving special circumstances with the appropriate Homicide Division personnel.

Interference With Child Custody

Under federal law, juveniles who are the subjects of interference with child custody cases are considered missing. Therefore, the primary officer shall generate an incident report for interference with child custody and contact the MPD to provide information required for a TCIC/NCIC entry if needed. Due to the complexity of these cases, the MPD shall determine whether a TCIC/NCIC entry will be made.

2 FOLLOW-UP INVESTIGATION

If the missing person has not been located within a reasonable length of time, investigators from Homicide Division may make the scene. If Homicide Division was not notified by the primary officer, the MPD shall notify Homicide Division. In such circumstances, Homicide Division personnel shall:

- a. Obtain copies of all reports.
- b. Debrief the patrol officer(s) at the scene.
- c. Continue and monitor the search.
- d. Obtain photographs and prepare Critical Reach Fliers if not yet completed.
- e. Contact HPD's Office of Community Affairs to disseminate media information if necessary.
- f. Verify all information and update all necessary files.

3 ALERT SYSTEMS

The alert systems outlined in this section are programs between law enforcement and local broadcasters to send an emergency alert to the public when it may assist in recovering a missing

person under certain criteria. The alert systems described below shall be used whenever the appropriate criteria are met.

AMBER (American's Missing: Broadcast Emergency Response) Alert

The AMBER Alert System is an emergency broadcast system that alerts the public of serious child abductions. All of the following criteria must be met before activating the Houston Regional AMBER Plan or the statewide AMBER Alert System:

- a. The missing person is a juvenile.
- b. Law enforcement believes the missing juvenile has been abducted.
- c. Law enforcement believes the missing juvenile is in danger of serious bodily harm or death.
- d. Law enforcement has conducted an investigation that verified the abduction or ruled out alternative explanations.
- e. Sufficient information is available to disseminate to the public that could assist in locating the missing juvenile, suspect, or suspect's vehicle.

Activation of the statewide AMBER Alert System also applies to the following:

- f. A missing juvenile 17 years of age or younger who law enforcement believes is in immediate danger of becoming a victim of sexual assault.
- g. A juvenile younger than 14 years of age, regardless of whether the juvenile departed willingly with the other person, who has been taken from the care and custody of the juvenile's parent or legal guardian without the permission of the parent or legal guardian by another person who is more than 3 years older than the juvenile and not related to the juvenile by any degree of consanguinity or affinity.

Officers with situations meeting the criteria outlined in this subsection shall contact Homicide Division for further instructions and procedures.

Silver Alert

The Silver Alert System alerts the public to missing senior citizens with a documented mental impairment. The state network has the ability to disseminate Silver Alerts to any geographical area in Texas, based upon investigative recommendations. Not all activations are considered "statewide." All of the following criteria must be met before activating the Silver Alert System:

- a. The missing person must be 65 years of age or older.
- b. The senior citizen's domicile must be in the state of Texas.
- c. The senior citizen must be diagnosed with an impaired mental condition and the senior citizen's disappearance has to pose a credible threat to his or her health and safety. Officers 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.

- d. Confirmation that an investigation has taken place verifying that the senior citizen's disappearance is due to his or her impaired mental condition and alternative reasons for the senior citizen's disappearance have been ruled out.
- e. The Silver Alert request must be made within 72 hours of the senior citizen's disappearance.
- f. There must be 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.

Officers with situations meeting these criteria shall contact the MPD for further instructions and procedures.

Endangered Missing Persons Alert

The Endangered Missing Persons Alert is designed to notify the public of missing persons with an intellectual disability or certain developmental disorders. All of the following criteria must be met before activating the Endangered Missing Persons Alert:

- a. The missing person has 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 within Texas, or certified by the Texas Department of Aging and Disability Services and/or Texas Department of State Health Services.

- b. Law enforcement has 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.
- c. The Endangered Missing Persons Alert request is made within 72 hours following the missing person's disappearance.
- d. There is 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.

Officers with situations meeting these criteria shall contact the MPD for further instructions and procedures.

CLEAR (Coordinated Law Enforcement Adult Rescue) Alert

The CLEAR Alert is designed to notify the public of missing, kidnapped, or abducted adults. All of the following criteria must be met before activating the CLEAR Alert:

- a. The person must be between 18 and 64 years of age whose whereabouts are unknown.
- b. A preliminary investigation must verify that the adult is in imminent danger of bodily injury or death or the disappearance is involuntary, such as an abduction or kidnapping.
- c. The CLEAR Alert must be requested within 72 hours of the individual's disappearance.
- d. There must be sufficient information available to disseminate to the public to help locate the individual, a suspect, or the vehicle used in the incident.

Officers with situations meeting the criteria outlined in this subsection shall contact Homicide Division for further instructions and procedures.

Camo Alert

The Camo Alert is designed to notify the public of a missing current or former member of the United States armed forces who suffers from a mental illness, including post-traumatic stress disorder or a traumatic brain injury. All of the following criteria must be met before activating the Camo Alert:

- a. Verification from the Texas Department of Public Safety that the missing military member is registered for the Camo Alert Program.
- b. Confirmation that the individual reported missing is a current or former member of the United States armed forces, including the National Guard or a reserve or auxiliary unit of any branch of the armed forces, and that the individual's location is unknown.
- c. Confirmation that the missing person suffers from a mental illness, including post-traumatic stress disorder or a traumatic brain injury, requiring documentation from a physician or psychologist indicating the mental illness, date of diagnosis, patient's name, and physician or psychologist's signature.
- d. Confirmation that the disappearance poses a credible threat to the military member's health and safety or the health and safety of another.

Officers with situations meeting the criteria outlined in this subsection shall contact Homicide Division for further instructions and procedures.

4 FOUND PERSONS

Employees may view all active Critical Reach Fliers on the Intranet Portal, located in the *Missing Persons Unit* tab, for a listing of missing persons citywide.

Adult

If an officer encounters an adult who is confused or exhibits intellectual disability, the officer shall:

- a. Contact the MPD to determine if the found person has been reported missing.

- b. Coordinate with MPD in an effort to contact a responsible person (e.g., relative or caregiver) to whom the found person may be released.

Juvenile

If an officer encounters a juvenile who exhibits behavior that leads the officer to reasonably believe that the juvenile may be missing, the officer shall:

- a. Contact the MPD to determine if the found juvenile has been reported missing.
- b. Coordinate with personnel from the MPD in an effort to locate and contact a parent or legal guardian to whom the found juvenile may be released.

If a parent or legal guardian of a found juvenile cannot be located, then the MPD shall advise the patrol officer where to transport the person. Juveniles shall be transported in accordance with state laws and with General Order 500-06, **Juvenile and Young Adult Encounters**.

If a child safety seat is used, employees shall also follow the seat's instructions and safety procedures as set forth by the manufacturer and in accordance with General Order 400-24, **Child Safety Seats**.

Disposition of Found Persons

When an officer has probable cause to believe that a found person is suffering from a mental health crisis, the officer shall transport the person to a hospital or the Neuropsychiatric Center (NPC) in accordance with General Order 500-12, **Response to Mental Health Incidents**.

Officers shall generate an incident report and advise the MPD of the disposition of all found persons.

5 NAMUS (National Missing and Unidentified Persons System) ENTRIES

The NamUs is a national database for missing, unidentified, and unclaimed persons cases across the United States. The Missing Persons Unit shall enter all available identifying information into NamUs in cases received after September 1, 2021, that involve missing persons no later than the 60th day after the date the case was received.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 24, 2020

NO.

600-09

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-09, dated April 24, 2015

SUBJECT: CRASH INVESTIGATIONS

POLICY

Motor vehicle crashes represent a major cause of death, personal injury, and financial loss. Employees shall follow the procedures and priorities for handling crash investigations outlined in this General Order.

This General Order applies to classified employees and emergency communications personnel.

DEFINITIONS

Blue Form. The Texas Department of Transportation's *Driver's Crash Report* (Form CR-2) available on the department's Intranet Portal.

Crash Report. The Texas Department of Transportation's *Texas Peace Officer's Crash Report* (Form CR-3) contained in the *Crash Reporting for a Safer Houston* (CRASH) system accessible via a mobile computing device (MCD) or the department's Intranet Portal.

1 ASSIGNMENT OF CALLS

Upon receiving a citizen's request for a crash investigation, a Houston Emergency Center (HEC) call taker shall instruct the citizen to make a report at a police station within 24 hours. However, if one or more of the following is also true, then the dispatcher shall send an officer to the scene to investigate and complete a *Crash Report*.

- a. Someone was injured in the crash.
- b. A driver involved in the crash is or appears to be intoxicated.
- c. A driver involved in the crash does not have a driver license.
- d. A driver involved in the crash is unable to provide proof of financial responsibility.
- e. A vehicle involved in the crash is not mechanically able to be driven from the scene.
- f. Federal, state, county, or City property and/or vehicles are involved.
- g. A hit-and-run collision occurred.
- h. A school bus (public or private) is involved.
- i. The motor vehicle crash involved a bicyclist or pedestrian.

Unless one of the aforementioned situations applies, dispatchers shall instruct citizens to move their vehicles to a safe location off the freeway or roadway, to exchange information, and to make a report at a police station.

If a party insists that an officer respond to the scene or an officer on-views or is flagged down concerning a minor vehicle crash, the arriving officer shall make an inquiry. If no investigation is required and none of the aforementioned situations applies, the officer shall issue a *Blue Form* for the citizens to complete and retain for their records. A citizen merely demanding a *Crash Report* be completed is not a reason for an officer to conduct an investigation. If the circumstances allow a *Blue Form* to be issued at the scene, a *Blue Form* may also be issued at the police station.

A Vehicular Crimes Division (VCD) investigator shall be called to motor vehicle crashes involving any of the following:

- j. A fatality.
- k. Failure to stop and render aid (FSRA) with *serious bodily injury*.
- l. Any law enforcement vehicle or fire department vehicle.
- m. Catastrophic or life-threatening injury, including amputation.

If available, VCD or Traffic Enforcement Division personnel may be called for other crashes occurring on a freeway or service road.

2 CRASHES ON PRIVATE PROPERTY

Officers shall investigate motor vehicle crashes that occur on private property only when they result in *serious bodily injury* or death. Private property includes private residential property or the property of a garage or parking lot for which a charge is made for storing or parking a motor vehicle.

For crashes occurring on "public" private property (e.g., shopping center parking lots, apartment parking lots), the only violation for which officers may issue a citation is backing not in safety. The only charges that may be filed involving a crash on "public" private property are:

- a. Failure to stop and give information (FSGI).
- b. Failure to stop and render aid (FSRA).
- c. Driving while intoxicated, intoxication assault, etc.

3 CRASH SCENE MANAGEMENT

Unless circumstances allow for issuance of a *Blue Form*, officers on the scene of a vehicle crash shall manage the scene, conduct an investigation, gather crash scene information, and complete a *Crash Report* as outlined in this General Order.

Vehicles involved in minor crashes are to be removed from the freeway or roadway to crash investigation sites or other safe places that will not distract the attention of other drivers.

At major or fatal crash scenes, officers not directly involved in the investigation shall direct traffic around the scene. The scene supervisor is responsible for ensuring that police officers direct traffic at the appropriate locations in order to return traffic flow to normal as quickly as possible.

Whenever possible, officers shall photograph City equipment or City property involved in a crash. Private photographers may take photographs of any crash or crime scene, unless doing so interferes with the on-scene investigation. See General Order 600-21, **Public Recording of Police Activity**.

Unless otherwise instructed by a VCD supervisor, officers shall clear crash scenes as quickly as possible after obtaining all crash scene information necessary to complete a *Crash Report*. If officers respond to a crash scene that involves a fatality or potential fatality, they are to protect the scene and the evidence at the scene until the arrival of VCD officers, who shall take control of the scene. Officers shall complete *Crash Reports* only after crash scenes are cleared.

Any portion of a vehicle or its load is considered a part of that vehicle. This includes a trailer whether it is damaged or not.

For crashes involving oil spills or the loss of a load, cleanup crews and heavy equipment (e.g., front-end loaders) are available 24 hours a day from the Texas Department of Transportation.

Officers shall contact the HPD Truck Enforcement Unit under any of the following circumstances involving a commercial motor vehicle (CMV) with a gross vehicle weight rating of 10,001 pounds or greater.

- a. Fatality crashes.
- b. Crashes involving road closures.
- c. All hazardous material incidents.
- d. Major freeway incidents.
- e. Crashes involving any City vehicle.
- f. Crashes involving any law enforcement vehicle or any fire department vehicle.
- g. Lost or shifted loads and any other circumstances that create a danger to public safety.

4 CRASH INFORMATION

Officers shall ensure that the following information is exchanged between the parties involved in a crash:

- a. Name and address of drivers.

- b. Driver license information.
- c. Motor vehicle liability insurance information (not amounts of insurance coverage).
- d. License plate number of the vehicles involved.
- e. Vehicle identification number (VIN) printed on the VIN plates of the vehicles involved.

Crash victims who want a copy of the *Crash Report* should be advised to wait ten *calendar days* from the date of the crash before going to the Records Division to obtain a copy of the report for a small fee. Crash victims should be encouraged to call the HPD Records Division to check on the status of their report before going to the Records Division to purchase a copy. Citizens can also purchase a copy of their *Crash Report* via the Internet by going to the HPD website and selecting the link to purchase it. *Crash Reports* are usually available online approximately ten *calendar days* after the crash.

It is important that officers obtain all authorized proof of financial responsibility information from the drivers involved in a crash and that they list this information on the *Crash Report*. If a driver does not have proof of financial responsibility, which may be presented via cellular telephone, the *Crash Report* shall include the number of the citation issued to the uninsured driver. If a driver claims to have proof of financial responsibility or produces an expired proof of financial responsibility card, officers shall attempt to verify the proof of financial responsibility by conducting a registration check through the TexasSure program using a mobile computing device (MCD) or the dispatcher. If using an MCD, officers shall check the box labeled "detailed registration" on the Vehicle Check screen in order to satisfy this requirement. If issuing the driver a citation for failing to present proof of financial responsibility, the officer shall write "Checked Insurance Database" on the top of the citation or in the Citizen Miscellaneous Tab of the Electronic Ticket Writer.

While gathering information needed for the *Crash Report*, officers are required, if physically possible, to note the VINs by personally observing the VIN plate on each involved vehicle as opposed to obtaining the VINs from other sources.

Officers responding to fatal or possible fatal crash scenes shall make every effort to keep witnesses on the scene until a crash investigator arrives. While officers may not detain persons who are only witnesses, officers should stress the importance of the witness statement and encourage them to remain on the scene. In general, any restraint or detention of a person that amounts to a seizure is unreasonable unless justified by reasonable suspicion or probable cause.

Officers should at a minimum obtain the names, addresses, and telephone numbers of all witnesses that need to leave the scene of the crash so that they can provide a statement to investigators at a later time.

If an officer determines that a crash involved only a driver who *intentionally* hit another vehicle, person, or property, the officer shall complete an incident report for the appropriate offense instead of a *Crash Report*. Such incidents are not FSGI or FSRA incidents.

5 CRASH VIOLATIONS

The violation of law that causes a collision shall be shown on the citation with the word "accident" in parentheses following the charge. For example:

- a. Changing lanes not in safety (accident).
- b. Failure to control speed (accident) shall be used in most rear-end collisions with a moving vehicle and collisions with a parked automobile. Following too closely (accident) shall be used in all other appropriate incidents.

After completing an investigation, the officer should issue the proper citation to the violator in a motor vehicle crash. Valid reasons for not issuing a citation are listed below:

- c. Minor damage to the vehicles involved.
- d. Mechanical failure that occurred at the time of the crash (i.e., it was not pre-existing).
- e. No damage to the complainant's vehicle.
- f. Violator could not be determined.
- g. Double violation committed (there were contributing minor violations by more than one involved driver).
- h. Unable to place driver behind the wheel.
- i. Person has diplomatic immunity (see General Order 500-15, **Contact with Representatives of Foreign Governments**).
- j. A greater charge was filed (e.g., driving while intoxicated or driving under the influence of drugs).
- k. Extenuating circumstances, such as road hazards that caused the crash.

If a citation is not issued, one of the reasons listed above shall be entered in the narrative section of the *Crash Report*.

Any and all citations written are set in the officer's regular traffic court and turned in with the officer's work card after he has logged them on the appropriate *Crash Report*.

Citations issued as a result of crash investigations shall contain the incident number and shall be separated from other citations and delivered to VCD. VCD shall collect crash citations for the Municipal Courts to process.

Officers shall not issue a citation if a driver potentially faces felony charges that are directly related to the cause of the crash. Disposition of a citation may preclude further prosecution of the driver in such cases.

6 CRASH REPORTS

Officer's Responsibilities

All officers submitting *Crash Reports* shall use the *Crash Reporting for a Safer Houston* (CRASH) system to complete the *Crash Report*. The CRASH system is accessible via an MCD or the department's Intranet Portal.

Officers shall ensure that all appropriate data fields on the *Crash Report* are completed with the appropriate and relevant information. All *Crash Reports* require a narrative and diagram. At minimum a report should include the location of the crash, width of the street, direction of travel of the vehicles, point of impact, length of skid marks, if any, factors causing the crash, damage to vehicles, disposition of vehicles involved, and other pertinent information involving the crash. Additionally, officers shall document all driver and witness statements and telephone numbers on the HPD supplemental information page to the *Crash Report*.

Officers shall complete the *Crash Report* by the end of their shift or notify their supervisor to receive permission to deviate from this requirement.

Supervisor's Responsibilities

The supervisor of an investigating officer is responsible for checking the *Crash Report* for accuracy and completeness using the CRASH system. If errors are found, the supervisor shall note the error, reject the report in the system to send it back to the officer, and then personally notify the officer of the need for corrections. Once the supervisor determines that the report is correct and complete, the supervisor shall approve the report in the CRASH system so that it can be further processed and made available for public purchase.

Supervisors shall monitor their subordinates' reports in the CRASH system and ensure that *Crash Reports* are reviewed, corrected, and approved in the CRASH system within five *calendar days* following the incident. Upon approval in the CRASH system, *Crash Reports* are immediately sent to TxDOT in an electronic format. The Texas Transportation Code requires *Crash Reports* to be sent to the Texas Department of Transportation within ten *calendar days* following the incident.

FSGI, FSRA, and Fatality Incidents

FSGI, FSRA, and fatality incidents require both a *Crash Report* and an incident report. Officers shall not list the suspect as "charged" on the *Crash Report* unless charges have been filed.

To support the ability to identify the suspect in such incidents, officers should include the following information in the incident report narrative:

- a. Detailed suspect description.
- b. Suspect vehicle description.
- c. Circumstances of the offense.
- d. Witness statements describing their observations.

- e. Whether or not a driver or witness can identify the suspect.
- f. If the complainant wants to pursue criminal charges.

When investigating an FSGI or FSRA incident, officers shall check the "Hit and Run" box on the *Crash Report*. If an individual is claiming injury but there is no visible injury apparent to the officer, the incident report title shall reflect "FSGI." The Hit and Run Unit shall upgrade the incident report title if it proves to be an FSRA. The title of the incident report shall reflect "FSRA" if the incident involves an obvious or confirmed injury or death to a person.

FSGI Incident Report Titles

In an effort to identify FSGI cases in the department's records management system (RMS), officers shall use the following incident report title options for FSGI incidents:

- a. *FSGI – No full plate or unable to ID suspect driver.* This report title shall be used when there is insufficient evidence or information for VCD to conduct a follow-up investigation (i.e., an incomplete suspect vehicle license plate is provided and/or the complainant will not be able to identify the driver of the suspect vehicle in a lineup).
- b. *FSGI – Damage under \$1,000 or private property.* This report title shall be used in all FSGI cases when, in the investigating officer's opinion, the damage of the complainant's vehicle is less than \$1,000 and/or the crash occurred on private property.
- c. *FSGI – Full plate and able to ID suspect driver.* This report title shall be used when damage to the complainant's vehicle exceeds \$1,000 and there is sufficient evidence or information for VCD to conduct a follow-up investigation (i.e., both a complete suspect vehicle license plate is provided and the complainant will be able to identify the suspect driver in a lineup).

7 AIRCRAFT CRASHES

The National Transportation Safety Board (NTSB) defines aircraft crashes as occurrences associated with the operation of an aircraft, and in which any person suffers death or *serious bodily injury*, or in which the aircraft receives substantial damage that would normally require major repair or replacement of the affected component.

Due to the unique nature of aircraft crash scenes and the expertise required to thoroughly investigate these events, the NTSB and the Federal Aviation Administration (FAA) shall be treated as the primary investigators at an aircraft crash site. VCD shall be responsible for responding to all aircraft crashes that occur within the city limits of Houston, including on City owned airport property, to assist with the investigation as needed. The VCD's Crash Reconstruction Unit shall respond to the scene, complete an incident report, and act as the department liaison with the NTSB and FAA.

Crashes Occurring on Airport Property

The concerned HPD Airport Division shall assign responding units to aircraft crashes that occur within the confines of the City of Houston airport property (i.e., IAH Airport, Hobby Airport, or Ellington Airport) to assist with the investigation as needed. Patrol officers from surrounding

districts may assist Airport Division officers at crash scenes on City owned airport property if Airport Division officers request such assistance.

Crashes Occurring off Airport Property

Patrol officers from the district where the crash occurred may assist with traffic control and scene management.

Safety Considerations

First responders shall be aware of potentially dangerous materials that might be present at an aircraft crash site. Such materials may include, but are not limited to:

- a. Chemical, biological, radioactive, or explosive materials
- b. Fuel
- c. Pressure vessels
- d. Compressed air
- e. Hydraulics
- f. Batteries
- g. Accumulators
- h. Igniters
- i. Oxygen systems
- j. Oxygen bottles
- k. Fire extinguishers
- l. Evacuation chutes
- m. Flares
- n. Composite materials
- o. Ballistic parachute systems
- p. Tires

Responding Officer's Responsibilities

Responding officers shall contact the HPD Command Center. Command Center personnel shall immediately contact both the NTSB and the FAA and provide the location of the aircraft crash

and any known information related to serious injuries, fatalities, or substantial damage to the aircraft involved.

Prior to NTSB arrival, officers arriving at the scene shall conduct the following steps:

- a. Verify with the fire department that the scene is declared fire safe before taking control of the crash site.
- b. Establish a 300-foot perimeter around the crash site.
- c. Establish an entry point to the scene and set up a mobile command post.
- d. Protect property.
- e. Prevent the disturbance of wreckage and debris except to preserve life, rescue the injured, or protect the wreckage from further damage.
- f. Protect and preserve ground scars and marks made by the aircraft.
- g. Allow public safety personnel access to the wreckage to the extent necessary to preserve life and/or stabilize hazardous materials.
- h. Maintain a record of personnel who enter the crash site.
- i. Restrict access to only the following authorized personnel:
 1. NTSB and FAA.
 2. Medical Examiner/Coroner.

Upon NTSB arrival on scene, all access will be controlled by NTSB.

Officers shall maintain a perimeter around the crash site until the NTSB or FAA have completed their investigation or they are relieved by the NTSB or FAA.

8 CRASHES INVOLVING METRO CONTROLLED ROADWAYS OR METRO VEHICLES

All crashes that occur on METRO controlled roadways shall be investigated by the METRO Police Department. If no METRO police officer is available, a Houston police officer may investigate the crash.

The METRO Police Department shall investigate all crashes involving *any* METRO vehicle or light rail car.

9 CRASHES ON TOLL ROADS

All crashes that occur on a toll road shall be investigated by a Harris County Constable's office.

10 NOTIFICATIONS

When a crash involves five or more fatalities, officers shall contact the NTSB at their 24-hour telephone number, 202-314-6290.

When a crash involves a fatality and the at-fault driver is not deceased and may be under the influence of a drug or alcohol, the responding VCD investigator shall contact the Command Center to request a Drug Recognition Expert (DRE) to make the scene. The investigator shall not delay this notification to confirm the fault of the potential at-fault driver.

The Harris County District Attorney's Office has a specialized unit to assist with the investigation of certain incidents involving motor vehicles. Any officer investigating an incident described below shall notify the Command Center, which shall then contact the Vehicular Assault/Traffic Safety Team in the District Attorney's Office.

- a. Any vehicular incident, accidental or intentional, that results in *serious bodily injury* to a child less than 15 years of age.
- b. Any vehicular incident, accidental or intentional, involving a fatality or homicide (excluding incidents in which the only potential suspect is deceased).

11 TRAFFIC ENGINEERING DEFICIENCIES OR HAZARDS

When an officer is told about or on-views a specific traffic engineering deficiency or hazard, the officer shall complete an HPD *Traffic Hazard Report* form available on the department's Intranet Portal.

The completed form shall be forwarded as indicated on the form to VCD for processing. The VCD division commander shall review the form and forward it to the City of Houston Public Works Department.

12 REFERENCE MATERIAL

Texas Transportation Code



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

November 29, 2016

NO.

600-10

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-10, dated February 17, 2012

SUBJECT: TOWING

POLICY

When dealing with wreckers, towing of vehicles, and storage lots, employees shall not take action contrary to the City of Houston Code of Ordinances dealing with *Auto Wreckers and Storage Yards* (Chapter 8, Article III). Furthermore, employees shall follow the procedures indicated in this policy when handling such situations.

This General Order applies to all employees.

DEFINITIONS

Auto Wrecker. Any vehicle so designated by state law and used for the purpose of towing, carrying, pushing, or otherwise transporting any motor vehicle. Also referred to herein as wrecker.

City Wrecker. A wrecker owned or contracted by the City. These wreckers are used to tow department vehicles, other City vehicles with memorandums of understanding with HPD, or crime scene vehicles when authorized by the officer in charge of the scene.

Commercial Vehicle. A truck, truck tractor, trailer, or combination thereof with a gross vehicle weight (GVW) rating of 10,001 pounds or greater.

Consent Tow. A tow by a wrecker that, prior to the arrival of an officer, is summoned or called to the scene by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle.

Contract Auto Wrecker. Any auto wrecker properly registered with the City of Houston under a Police Authorized Tow Service

Agreement (PATSA), displaying the correct City of Houston wrecker medallion, and properly equipped to tow another vehicle.

Freeway. The entire public right-of-way of a divided, controlled-access highway located within the city of Houston, including its roadway lanes, entrance and exit ramps, shoulders, and unimproved areas, but excluding frontage or service roads.

Heavy-Duty Wrecker. A wrecker having a chassis rated at five tons or greater by the vehicle manufacturer and a winch rated by the winch manufacturer as capable of lifting a minimum of 30,000 pounds.

Hooked Up. According to the Texas Department of Licensing and Regulation, when a vehicle is fully prepared for transport by attachment to a wrecker, lifted in tow position, with tow lights and safety chains attached and, if required, placed on a dolly in a raised position and the only thing remaining is for the tow operator to drive away.

Incident. For the purpose of this General Order, an unplanned randomly occurring traffic event that adversely affects normal traffic operations.

Incident Management Tow. Any tow of a vehicle in which the wrecker is summoned to the scene of a traffic accident or to an *incident*, including the removal of a vehicle, commercial cargo, and/or commercial debris from a crash or incident scene.

Large Vehicle. A motor vehicle or a trailer in excess of eight feet in height at the highest point or in excess of 22 feet in length. This definition also includes a coupled motor vehicle and trailer having a combined length in excess of 30 feet.

Nonconsent Tow. A tow of a motor vehicle that is an *incident management tow* or a *private property tow* and is not a consent tow.

Owner. The owner of the vehicle towed or transported or any driver of the vehicle who reasonably appears to have authority to operate the vehicle.

Police Authorized Tow. Any tow authorized by a law enforcement officer. These tows are considered nonconsent tows.

Police Private Storage Lot. Any private storage lot operating under a current and valid agreement with the City of Houston.

Police Scene. For the purpose of this General Order, a scene requiring a police investigation, such as a vehicle crash, stolen vehicle recovery, or custodial arrest, or any other place a vehicle is subject to removal by a law enforcement officer. Tows from a police scene are considered nonconsent tows.

Private Property Tow. Any tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle.

SafeClear. Under section 8-127 of the City of Houston Code of Ordinances, individual wrecker operators may establish a SafeClear Freeway Tow Agreement (SafeClear) with the City of Houston to provide towing or emergency road service on designated freeway segments.

Special Incident. A traffic scene that cannot be cleared by using only the services of a wrecker because of debris, special loads, or a vehicle of unmanageable size or condition (e.g., dislodged road barriers, truck roll-overs, and lost loads of pipe, grain, gravel, or fuel).

State Highway. An interstate highway, U.S. highway, state of Texas highway, farm-to-market road, state spur, service roads of such highways, or any other type of road

that is maintained by the Texas Department of Transportation (TxDOT). This also includes the intersection of other types of roads with *state highways*.

Tow. The removal from public or private property of a vehicle, including a trailer towed by the vehicle, by means of an auto wrecker only.

Towing Zone. An area in the city of Houston within towing boundaries designated by the department's Auto Dealers Detail to establish areas of responsibility for *contract auto wreckers*. Each *contract auto wrecker* is authorized to tow in one *towing zone* only (see section 19 of this General Order for exceptions). The *towing zone* boundary designations are kept on file in the Auto Dealers Detail.

TxDOT Scene. A *special incident* occurring on specifically designated *state highways* and requiring a *heavy-duty wrecker* or other support equipment to clear the roadway of vehicles and/or debris (e.g., a rollover truck or spilled load).

Vehicle Examination Building (VEB). The location used to process vehicles for forensic evidence. The VEB is operated by the Houston Forensic Science Center.

Vehicle Impound Lot (VIL). The vehicle storage facility located at 1300 Dart and maintained by the department's Property Division.

Wrecker Driver License. Wrecker drivers performing nonconsent tows shall have a wrecker driver license issued by the City of Houston. The three categories of wrecker driver licenses issued are as follows:

- a. **Private Property License:** This license permits tows only from private property under a valid contract. The license shall state "Private Property Only." The license holder cannot tow from any police scene unless called by the vehicle custodian.

b. **Police Authorized Tow Service Agreement (PATSA) License:** This license permits tows from private property under a valid contract and from police scenes with the exception of freeways. The license holder is allowed to tow from freeways if requested by a law enforcement officer or vehicle custodian.

c. **SafeClear License:** This license permits tows from any police scene including on and off the freeway. It also permits tows from private property under a valid contract.

1 USE OF WRECKERS

Vehicle owners may contact any wrecker service to tow their vehicles. Except as indicated otherwise in this General Order, officers shall always use *contract auto wreckers* for *police authorized tows*. Officers authorizing the towing of vehicles shall ensure they are moved quickly and safely.

Emergency Use

Under emergency conditions or when there are more disabled vehicles than wreckers present, officers are empowered to order any *contract auto wrecker* to remove any wrecked or disabled vehicle a sufficient distance to clear the street for traffic.

When officers authorize tows under the above circumstances, a *Houston Police Department Record of Vehicle Disposition/Wrecker Slip* (wrecker slip) shall be completed and officers shall sign the slips as nonconsent tows. See section 4 of this General Order for information on wrecker slips.

Towing from a Police Scene

Officers shall not allow wrecker drivers to solicit any business on a police scene. The City of Houston Code of Ordinances makes it unlawful for any wrecker driver to solicit the business of towing, removing, or repair-

ing any abandoned or disabled vehicle at a police scene by words, cards, circulars, or gestures until such time as law enforcement officers have departed from the scene.

When officers authorize *incident management tows*, the following steps shall be followed:

- a. Officers shall ask the vehicle operator where he or she would like to have the vehicle towed.
- b. Officers shall direct the wrecker driver to deliver the vehicle where the owner requested.
- c. If the owner is capable and willing to decide on a destination location for the vehicle, officers shall obtain the owner's signature in the *Owner/Operator's Destination Authorization for Nonconsent Tow* section of the wrecker slip.
- d. If the owner is not capable or is unwilling to decide on a destination location, officers shall have the vehicle towed as a nonconsent tow by a *contract auto wrecker* to a *police private storage lot* in the police scene's towing zone.

Towing Fees

For consent tows the City of Houston does *not* regulate towing, towing fees, storage fees, or towing destinations.

For nonconsent tows the fee is set by City ordinance. There is an hourly rate prescribed for *heavy-duty wrecker tows* and a set fee for all other types of wrecker tows.

If the vehicle owner is present at or arrives at the scene where an auto wrecker is attempting to tow a vehicle and the vehicle owner does not desire the vehicle to be towed, no charge shall be made and the vehicle owner shall be allowed to take possession of the vehicle if the vehicle has not been hooked up by the auto wrecker.

If the motor vehicle has been lawfully *hooked up* to the wrecker but not towed from the scene and the owner does not desire the vehicle to be towed, a half-price towing fee (a.k.a. drop fee) will apply. In this case, the vehicle shall be released to the vehicle owner upon payment of one-half the regular towing fee. A wrecker driver is required to tell the owner when the drop fee applies. If the vehicle has not been completely *hooked up*, the wrecker driver must drop it for no charge.

2 CONTRACT AUTO WRECKER REGULATIONS

Wrecker Driver Requirements

Wrecker drivers performing nonconsent tows from a police scene shall have a City of Houston wrecker driver license prominently displayed on their person. The company identified on the driver license shall match the company displayed on the wrecker for the license to be valid.

Towing Zones

Contract auto wreckers shall be registered for only one *towing zone* and may be utilized under PATSA only in that zone except as indicated otherwise in this General Order.

3 POLICE SCENES

At police scenes, officers shall ensure all wreckers:

- a. Park as close to the curb as possible.
- b. Not interfere with the flow of traffic.
- c. Not park within a distance of 100 feet from a wrecked or stalled vehicle.

No wrecker driver is to remove or tamper with vehicles at a scene of a crash before

the police investigation is complete. Wrecker drivers who tow vehicles from a scene are responsible for clearing the street and removing all debris, parts, or glass at no additional charge to the owners. Officers shall ensure the wrecker driver complies with these requirements.

No person shall be allowed to ignite any flammable object within a distance of fifty feet in any direction from a crash scene or enter into the area with any type of burning material.

Requesting a Wrecker

To avoid any appearance of impropriety, officers shall make a general broadcast (GB) whenever they need a wrecker. Officers shall *not*:

- a. Make prior arrangements or show favoritism in any form with any wrecker company or driver.
- b. Recommend any wrecker service (e.g., company, repair facility, towing location, or type of wrecker) to any owner.
- c. Accept gifts, gratuities, or favors of any kind from wrecker drivers or wrecker owners.
- d. Allow the number of wreckers at a scene to exceed the number required for the vehicles involved plus two additional wreckers to warn oncoming traffic.

4 WRECKER SLIPS

A *Houston Police Department Record of Vehicle Disposition/Wrecker Slip* (wrecker slip) is a four-part carbonless form produced by the department's Print Shop and distributed to divisions by the Auto Dealers Detail. Officers shall be held personally responsible for completing a wrecker slip in legible print for all tows from police scenes. Officers shall not allow non-police personnel to

fill out any portion of the wrecker slip except the signature line. Officers shall ensure:

- a. If the vehicle has been reported stolen, the reportee's name, address, and telephone number are listed on the wrecker slip.
- b. Any *police private storage lot* location listed on the wrecker slip is the exact location of the storage facility. The exact location according to department records is the only address the computer will accept when towing information is entered into the department's records management system (RMS). The exception to this is in the completion of the wrecker slip for a seized vehicle. The location of the storage for a seized vehicle shall be listed as: 1200 Travis.

If the computer rejects the entry because the officer placed an improper address on the wrecker slip, it shall be the responsibility of the officer authorizing the tow to immediately correct the mistake (regardless of whether the officer is on or off duty).

- c. The vehicle identification number (VIN) is listed on the wrecker slip. When the VIN cannot be located or is unreadable, "unavailable" shall be entered in the VIN field. This is a mandatory field on the *Towed Vehicle* entry screen.
- d. When arresting a driver for driving while intoxicated (DWI), to check the "Other" designation on the wrecker slip and write "DWI - unable to consent" underneath.

There are no exceptions for completing a wrecker slip on each vehicle towed from a police scene. Every vehicle towed from a police scene shall be documented in RMS. A vehicle towed to a location requested by the vehicle owner shall be listed as a stored vehicle on the *Towed Vehicle* entry screen. The employee number of the person entering the information into RMS shall be noted

in the *Data Entry Control Number* field of the wrecker slip. However, if the information is entered via mobile computing device (MCD), the transaction number shall be noted in that field instead.

Auto Dealers Detail's Responsibilities

On a weekly basis, divisions shall send wrecker slips to the department's Auto Dealers Detail (ADD), which shall maintain a physical file of the wrecker slips for at least two years.

On an annual basis, ADD shall review the wrecker slip form and coordinate any needed revisions with the department's Inspections Division. ADD shall then send the revised wrecker slip form to the department's Print Shop for issuance to divisions as needed.

5 VEHICLE TOWING INFORMATION

Officers shall enter information for *police authorized tows* into RMS within one hour following the time the vehicle was towed. Officers shall enter the tow information in the *Towed Vehicle/SafeClear/Abandoned Vehicle* section of RMS or in an incident report if one is required.

When entering towing information about a vehicle believed to be stolen or stripped, officers shall provide on both the wrecker slip and the incident report complete and accurate information regarding missing vehicle parts, damage to the vehicle, and other pertinent details.

6 HEAVY-DUTY WRECKERS

The following guidelines apply to all scenes involving a *heavy-duty wrecker* unless indicated otherwise in the below subsection, "TxDOT Scenes." When a *heavy-duty wrecker* is needed for a nonconsent tow, the officer in charge of the scene shall allow

only a properly permitted and equipped *heavy-duty wrecker* to tow the vehicle.

Officers using *heavy-duty wreckers* shall observe the following guidelines unless a clear and present emergency exists.

- a. If the scene is on a *state highway*, officers shall make a determination as to whether the scene is a *special incident*. In such cases, the officer shall determine, with the assistance of the dispatcher, if the address would result in the incident being designated as a TxDOT scene. Questions regarding this can be referred to TxDOT personnel at Houston TranStar.
- b. If the owner of the involved vehicle does not indicate a *heavy-duty wrecker* preference, officers shall ask the police dispatcher to dispatch a *heavy-duty wrecker*. The officer in charge of the scene shall allow only the dispatched, *heavy-duty wrecker* to tow the vehicle.
- c. Officers shall allow only a *heavy-duty wrecker* to tow a disabled heavy-duty vehicle.
- d. When a *heavy-duty wrecker* is dispatched, it shall be required to give its company name and an estimated time of arrival that is not to exceed 45 minutes. This information shall be relayed to the officer in charge of the scene.
- e. If the dispatched wrecker has not arrived by the estimated time, the dispatcher, at the officer's request, shall ask the *heavy-duty wrecker* company for an explanation concerning the delay and for a new estimated arrival time. This information shall be relayed to the officer in charge of the scene who shall decide if it is reasonable to continue to wait for the dispatched wrecker or whether another *heavy-duty wrecker* shall be dispatched. If a second wrecker is dispatched, only this wrecker shall be

allowed to tow the vehicle for which it was called.

- f. When complicated towing situations are encountered, officers are advised to consider the counsel of the *heavy-duty wrecker* driver. If the scene officer disagrees with the wrecker driver's suggestions, a supervisor shall be summoned to the scene. For further assistance the officer can contact the on-duty or on-call ADD officer.

TxDOT Scenes

At Texas Department of Transportation (TxDOT) scenes, TxDOT is in charge of *heavy-duty wreckers*, necessary support equipment, and the cleanup of major debris. If a TxDOT official arrives at an incident involving a *state highway* and deems it to be a TxDOT scene, the scene shall be considered as such by the department.

Officers who need the services of *heavy-duty wreckers* or other support equipment to clear a roadway at TxDOT scenes shall observe the following guidelines unless a clear and present emergency exists.

- a. Only companies authorized by TxDOT may clear a TxDOT scene of heavy-duty vehicles or major debris.
- b. TxDOT officials shall be considered in charge of the cleanup when they are on the scene or in communication with dispatchers or investigating officers. Officers and dispatchers shall cooperate with TxDOT officials coordinating scene cleanup. Officers shall retain control of the scene or delay scene cleanup as necessary to preserve a crime scene or its evidence.

The procedures for *contract auto wreckers*, which may also be needed to tow other vehicles from a TxDOT scene, remain the same as indicated elsewhere in this General Order for non-TxDOT scenes.

A heavy-duty wrecker company dispatched by TxDOT shall not determine which wreckers tow other vehicles from TxDOT scenes.

7 HANDLING PRISONERS' VEHICLES

Vehicle Disposition

An arresting officer shall always document the disposition of a prisoner's vehicle on a wrecker slip.

Prisoners are responsible for the disposition of their vehicles unless such vehicles are subject to a nonconsent tow or seizure or are needed as evidence. In all other instances, an officer shall release a prisoner's vehicle to a passenger or third party if all of the following apply:

- a. The vehicle is mechanically safe and not stolen or evidence in a crime, and there is proof of financial responsibility for the vehicle.
- b. The prisoner wishes to release the vehicle to a passenger or third party that is at the scene, not under arrest, in possession of a valid driver license, and not intoxicated.

An officer may, at the officer's discretion, give an arrested person the option of leaving the arrestee's vehicle at the scene of the arrest or location. The vehicle may be left at the scene if it is legally parked. If the vehicle is to remain on private property, permission shall be obtained from the property's owner or manager.

In any of the above scenarios, officers shall note all pertinent information on a wrecker slip and all applicable forms and reports. This information includes, but is not limited to:

- c. Any location where the vehicle was left.
- d. Any location to which the vehicle was towed.

- e. The complete information on any other involved persons.
- f. Any involved private property owner's information.

The prisoner shall sign the wrecker slip in the appropriate place to indicate the choice of disposition.

If the prisoner is not present or is unwilling or unable to select from the disposition alternatives, the arresting officer shall have the vehicle towed as a nonconsent tow by a *contract auto wrecker* to a *police private storage lot* in the arrest scene's *towing zone*.

Driving a Prisoner's Vehicle

Officers shall not operate a prisoner's vehicle unless an emergency or exigent circumstance exists. If an officer must move a prisoner's vehicle, it shall be moved only as far as necessary to make the situation safe or to accomplish the police mission. Officers shall not drive any type of vehicle they are not licensed by the state of Texas to operate.

Vehicle Inventory

Whenever an officer authorizes a nonconsent tow of a prisoner's vehicle, the officer shall personally conduct an inventory of items in the vehicle including any and all containers not secured by a lock and shall complete a wrecker slip. A detailed inventory list shall be written on the wrecker slip. Officers shall be specific in identifying inventoried items. General terms such as "miscellaneous property" shall not be used.

Inventory of Seized Vehicles

All personal property shall be removed from a seized vehicle prior to it being towed by an approved *contract auto wrecker*. Everything not belonging to the vehicle shall be removed and handled in accordance with

General Orders 700-01, Property/Evidence Control Regulations and 700-03, Inventory of Prisoner's Property.

8 STOLEN VEHICLES

An officer may contact the Records Division's Staff Review Section if the officer:

- a. Has questions regarding entering information on the vehicle screen in RMS.
- b. Has reported a stolen or recovered vehicle that urgently needs to be entered into or removed from TCIC/NCIC. The incident report must be "owner approved" before Staff Review is contacted.
- c. Has reported a stolen vehicle that is equipped with a LoJack® vehicle recovery system.

If an officer needs to report towing information for a stolen vehicle and is not able to do so through RMS, the officer shall contact the Records Division's Auto Theft Section or their tow line.

Records Division's Responsibilities

If an officer recovers a vehicle reported stolen in the city limits of Houston, Records Division shall first attempt to contact the complainant by telephone. If unable to make contact by telephone, Records Division shall immediately send a letter by regular mail to the complainant. Notification for recovery of a vehicle stolen outside the city limits of Houston shall be sent by the Records Division to the outside agency of concern via radiogram routed through the Message Center in the Emergency Communications Division. Records Division shall document all methods of contact or attempted contact with the complainant either in the narrative of a supplement to the incident report or by modifying the vehicle tab in RMS.

9 TOWING STOLEN VEHICLES

Whenever a stolen vehicle or a vehicle suspected of being stolen is recovered (whether or not it is occupied or operable), the recovering officer shall:

- a. Attempt to contact the owner or complainant. The contact or attempted contact shall be documented in the narrative of the officer's report.
- b. Advise the owner of the location and condition of the vehicle and determine how the vehicle is to be handled.
- c. Attempt to lift or have fingerprints lifted at the scene before the vehicle is removed.
- d. Have the vehicle removed as a nonconsent tow if the owner cannot be contacted or indicates no preference for disposition.

If the owner or complainant is contacted and indicates a preference for disposition of the vehicle, the officer shall wait no longer than 45 minutes for the owner or the owner's towing choice to arrive. If the owner or the towing choice has not arrived within the allotted time, the officer shall have the vehicle removed as a nonconsent tow unless the owner has chosen to leave it at the scene.

Vehicles Stolen Outside of Houston

In addition to the above procedures, officers shall follow the below guidelines when a vehicle stolen outside the city limits of Houston is recovered inside the city limits of Houston. The recovering officer should have the vehicle towed by a *contract auto wrecker* to a *police private storage lot*. If the reporting agency requests a forensic examination, the officer shall request a *City wrecker* to transport the vehicle to the appropriate facility. The officer should also provide the vehicle's storage location to the reporting agency that submitted the TCIC/NCIC stolen entry.

NOTE: Vehicles stolen outside the city limits of Houston and recovered inside Houston shall NOT be towed to the Vehicle Examination Building (VEB).

Reports

Whenever a vehicle is found and it is stolen or suspected of being stolen, officers shall do one of the following, as applicable:

- a. Generate a report titled *Investigation Auto Theft* and indicate within the body of the report the vehicle's disposition and why it is believed to be stolen.
- b. Supplement the stolen vehicle report (or initiate a report if the theft occurred outside of Houston).

Private Property Tows

When a suspected stolen vehicle is found on private property and the vehicle owner cannot be contacted, it is up to the private property owner or manager to remove the vehicle as a *private property tow*. As a courtesy to the owner or manager, officers may summon a wrecker, but shall not tow the vehicle under police authority except as outlined in section 11 of this General Order. In other circumstances, officers shall consult a supervisor to determine if any further action shall be taken.

10 SUBMERGED VEHICLES

Whenever any vehicle is submerged in water, the HPD Dive Team may use a *heavy-duty wrecker* to remove it.

11 VEHICLES WITH ALTERED VEHICLE IDENTIFICATION NUMBERS

If an officer locates an unoccupied vehicle in which the VIN has been removed, obliterated, or changed, the officer shall have the vehicle towed by a *City wrecker* to the

Property Division's Vehicle Impound Lot (VIL). The officer shall follow all procedures described above for the disposition of stolen vehicles. If the vehicle is occupied, is involved in a TxDOT controlled scene, cannot be stored at the Property Division's VIL, or is claimed to be owned by a person, the officer shall consult a supervisor in the Auto Theft Division before taking further action.

When an officer receives a call from a wrecker driver wanting to tow a vehicle from private property and reports the vehicle's VIN has been removed, obliterated, or changed, the officer shall inspect the vehicle. If the VIN has been removed, obliterated, or changed, the officer shall follow the procedures as described in the previous paragraph. The officer shall also file an *Investigation Auto Theft* report.

12 BURNED VEHICLES

A patrol unit shall be dispatched to each vehicle fire at the same time the Houston Fire Department is notified. If arson is suspected, the Fire Department will notify its Arson Division. If police personnel arrive before arson investigators, the scene shall be secured as in other criminal investigations. After the arson investigation has been completed, the police officer in charge of the scene shall have the vehicle towed to the department's VIL by a *City wrecker*.

Officers shall also make a supplement recovery report, initiate an original theft report, or make an *Investigation Auto Theft* report if the vehicle has not been reported as a stolen vehicle. Officers shall provide arson investigators with the department's incident number and shall obtain the Arson Division's case number for inclusion in the initial or supplement report.

When no criminal activity is suspected and a burned vehicle can be identified by the VIN, the officer on the scene shall contact the Auto Theft Division for authorization for

the burned vehicle to be towed to a location other than the VIL. Upon receiving such authorization, the burned vehicle shall be towed in a manner consistent with this General Order.

13 HOLD VEHICLES

A hold shall not be placed on a vehicle unless authorization has been provided by the appropriate division. Vehicles placed on hold shall NOT be towed to a *police private storage lot*. All vehicles marked "hold" shall be transported by *City wrecker* to the department's VIL. Vehicles authorized for examination or processing for physical evidence shall be transported to the VEB by a *City wrecker* (see General Order 700-01, **Property/Evidence Control Regulations**, for instructions for submitting vehicles to the VEB). Once the examination has been completed the vehicle shall be transported to the VIL where it shall be stored until the hold is released.

If a vehicle needing to be held is found to have already been towed and stored at a *police private storage lot* before a hold was authorized, the vehicle shall be transferred by *City wrecker* from the *police private storage lot* to the VEB or the department's VIL, as applicable. The storage lot operator will maintain care of the vehicle until such transfer occurs. The vehicle owner must pay the *police private storage lot* operator prior to the release of the vehicle from police custody. If the owner does not reclaim the vehicle, the vehicle can be sold at auction and the storage lot operator's fees paid with the proceeds of the sale as outlined in state law.

Vehicles being held for court disposition shall be held at the VIL.

It is the responsibility of the division authorizing a hold to maintain a log of all vehicles being held by that division and to ensure that all vehicles remain on hold until no

longer needed. It shall be the sole responsibility of the division placing a hold on a vehicle to monitor the days in storage and update the vehicle hold on time. If a division fails to update a hold on time, the vehicle may be released by the VIL without contacting the holding division.

Vehicles marked "hold" may be released by the VIL or the concerned division only. If a vehicle can be released sooner than the holding period authorized, the holding division shall immediately complete a *Vehicle Release* form (available on the department's Intranet Portal or at the VIL), provide the form to the VIL or to the vehicle owner or representative, and notify the VIL that the vehicle may be released.

Wrecker Slip on Vehicles Marked Hold

A wrecker slip shall be completed on all hold vehicles. A legible copy of the wrecker slip shall accompany the vehicle to the VEB or the department's VIL. The following four entries on the wrecker slip are mandatory and shall be completed when a hold is placed on a vehicle.

- a. Name of division requesting the hold
- b. Incident number
- c. Name and employee number of the officer authorizing the hold
- d. Reason for the hold

Information Only Holds

In order for a division to authorize a hold, the vehicle must be wanted for examination or seizure. No vehicle, other than vehicles found to be involved in a Failure to Stop and Render Aid (FSRA) crash, shall be placed on hold for obtaining valid information on the owner.

If an investigator wants to be notified when someone attempts to recover a vehicle from

the VEB, the VIL, or a *police private storage lot* (e.g., from a FSRA crash), the notation "Information Needed by Investigator" shall be placed on the top of the wrecker slip. The officer shall then obtain an incident number and complete the wrecker slip as an information only hold.

The VEB, VIL, and *police private storage lot* operators shall collect owner information on any stored vehicle prior to releasing it. By the terms of their agreements, all *police private storage lot* operators shall notify the concerned division when someone attempts to recover a vehicle flagged with an information only hold. Once notified, the concerned division shall take immediate action to obtain the needed information. Vehicle owners shall be allowed to obtain their vehicles from storage lots without undue delay.

14 SEIZED VEHICLES

The City of Houston has a towing company under contract for the towing and storage of all seized vehicles. When a vehicle is identified for seizure, officers shall contact the dispatcher on the appropriate channel and request a wrecker for a seized vehicle. Only the approved contracted towing company and not a City owned wrecker shall be utilized for these tows. Officers shall continue to complete a wrecker slip for the seized vehicle, marking it "07 Other Reason: Seizure." Officers shall enter "1200 Travis" as the location of storage. See General Order 700-08, **Asset Seizure and Forfeiture**, for additional information regarding the towing and storage of seized vehicles.

15 SUSPICIOUS VEHICLES

A suspicious vehicle is any vehicle the investigating officer (at the time the incident report is made) has reason to believe was involved in an offense, but no suspects are known to be directly related to both the offense and the vehicle.

Any vehicle that does not meet the above criteria and does not fit any of the other categories in the *Vehicle* section of the incident report shall be listed in the *Narrative* section of the report.

It is the responsibility of the appropriate investigative division to supplement incident reports to maintain a suspicious vehicle listing. These supplement reports shall be submitted every 60 *calendar* days or sooner.

If a suspicious vehicle listing has not been supplemented in 60 *calendar* days, the Houston Crime Information Center shall automatically downgrade the listing to *Canceled Suspicious* after an additional two weeks has elapsed.

Suspects shall not be arrested simply based on the computer status of the vehicle they are occupying, unless authorization has been given by the primary division. If the vehicle owner is arrested, the vehicle shall be handled according to guidelines outlined in this General Order.

16 WANTED VEHICLES

Suspects directly related to a suspicious vehicle must be listed in an incident report before the vehicle can be classified as a wanted vehicle. When a wanted vehicle is located, any occupants in the vehicle shall be detained while the officers contact the appropriate division for instructions. If authorization is obtained from the contacted division, the officers shall arrest the occupants. If the vehicle owner is arrested, the vehicle shall be handled according to the guidelines outlined in this General Order.



17 TOWING VEHICLES IN OTHER SPECIFIC SITUATIONS

Officers regularly face a variety of other situations that require a vehicle to be towed. When situations arise and there is no clear directive, officers shall contact ADD for directions. For the situations listed below, officers shall adhere to procedures as follows.

Vehicle Creating a Traffic Hazard

When a vehicle is blocking a moving lane of traffic or is causing an obvious traffic hazard, the officer shall have the vehicle removed as a nonconsent tow.

Abandoned Vehicle (No Traffic Hazard)

When a vehicle is parked on a public street, but presents no traffic hazard, there shall be a minimum of two parking tickets issued against the vehicle for being parked in excess of 24 hours on a public street before the vehicle is removed as a nonconsent tow.

Time Limit for Trailer Parking

Trailers of any kind (e.g., semi, pole, or house), either attached or unattached to a motor vehicle, may be towed if left on a public street of the city for a period of time in excess of two hours. The exception to this is if the trailer is in the process of being loaded or unloaded. These tows shall be considered nonconsent tows.

Commercial Vehicle Parking

Commercial vehicles shall not be parked on the city streets between 0200 and 0600 hours. The exception to this is if the vehicle is in the process of being loaded or unloaded. These tows shall be considered nonconsent tows.

Large Vehicle Restrictions

Large vehicles are not allowed to park on any street or highway in any residential

district and shall be towed as nonconsent tows.

Exceptions to the above include any situation in which the vehicle is:

- a. In the process of being loaded or unloaded.
- b. Performing a service visit.
- c. Leased or borrowed and parked for a period of not more than 72 hours.

Abandoned or Junked Vehicle on Private Property

Vehicles on private property believed to be abandoned or junked shall be reported to City of Houston Division of Inspections and Public Service for their processing and handling.

Vehicle Towed from a Freeway (SafeClear)

Officers are authorized to have a vehicle removed immediately from a major *freeway* including entrance or exit ramps, whether the vehicle is in a moving lane of traffic or not. These tows shall be considered nonconsent tows subject to the guidelines of SafeClear. Any vehicle towed from a police scene on a *freeway*, shall be towed by one of the following.

- a. A SafeClear wrecker.
- b. A tow operator who is called to the scene by the vehicle owner and who arrives at the location of such vehicle before the law enforcement officer in charge of the scene directs the removal of the vehicle. The tow operator may include, but is not limited to, an auto wrecker operated by an automobile club, insurance company, or other person having a contractual obligation to provide the vehicle owner with towing services.

- c. Any contract auto wrecker operator if a SafeClear wrecker is unavailable.

Vehicle Left at Expired City Parking Meter

If a vehicle has been left for longer than five times the maximum time limit that may be purchased from the meter and has accumulated five tickets, the officer is authorized to have the vehicle removed as a nonconsent tow.

Vehicle Left Downtown

A vehicle left downtown shall not be treated differently than any other vehicle authorized by a police officer to be towed as a nonconsent tow.

Vehicle Towed From a Chop Shop

Situations involving chop shops, auto parts, major components of numerous vehicles, or other related auto theft issues may require a specialized wrecker with the equipment to service such an incident. When Auto Theft Division personnel determine a scene qualifies for the use of a specialized wrecker, they shall contact the dispatcher and request a wrecker via General Broadcast.

The approval of the use of this type of wrecker shall be authorized by an Auto Theft supervisor holding the rank of lieutenant or higher.

Vehicle for Sale on Public or Private Property

Only ADD or specifically trained Differential Response Team officers shall tow vehicles for sale on public or private property.

Residential Parking Permit Areas

State law and City ordinance allows City of Houston Parking Management Division employees to authorize the tow of vehicles illegally parked in tow away zones located in residential parking permit areas.

18 CONFLICT OF INTEREST

No employee shall have any ownership or interest in any wrecker or storage facility required to be permitted under the provisions of Chapter 8, Article III of the Houston Code of Ordinances.

19 EXCEPTIONS

Unless indicated otherwise in this section, City of Houston wrecker ordinances and the above department towing policies do not apply in any of the following situations.

- a. The wrecker is owned by the owner of the vehicle being towed by the wrecker. This exception does not apply to wreckers merely under contract to the same owner. Officers shall ensure both vehicles are owned by the same person or company listed on the registration form or current bill of sale before allowing a wrecker to operate under this exception.
- b. The vehicle is being towed as part of a lawful repossession pursuant to a request by the lienholder.
- c. The wrecker's owner does not have a place of business in the city of Houston, the wrecker is not used to perform any nonconsent tows in the city of Houston, and the wrecker is operated in accordance with applicable state laws.

Wreckers operating under any of these exceptions shall still adhere to state law.

Requesting City Wreckers After Hours

After hours and on holidays, employees requiring the services of a *City wrecker* shall contact the company under City contract via the dispatcher. Officers shall complete a wrecker slip and be mindful of chain of custody responsibilities. Officers shall obtain keys for the VEB or the department's VIL from the Property Division.

Contract Auto Wrecker Exceptions

Contract auto wreckers are allowed to operate outside of their assigned *towing zones* in any of the following situations:

- a. A vehicle owner calls the auto wrecker to the scene.
- b. The officer in charge of the scene GBs for a *contract auto wrecker*. Officers are allowed to use or call *contract auto wreckers* out of their assigned *towing zones* only when one or more of the following situations exist:
 1. An emergency condition exists as stated in section 1, subsection "Emergency Use" of this General Order.
 2. The situation is a nonconsent tow, there are no area *contract auto wreckers* available, and no area *contract auto wreckers* shall become available.

20 DISPUTES BETWEEN WRECKER DRIVERS AND OFFICERS

Should a dispute arise between a wrecker driver and an officer at a police scene, officers shall adhere to the following guidelines:

- a. Complaints regarding the officer's selection shall not be argued at the scene. No delay or disruption of the scene investigation shall be tolerated. Complaints may be made only after the scene has cleared. The officer's decision shall be subject to review by the appropriate authority.
- b. Officers authorizing the tow shall contact their immediate supervisor to make the scene if warranted.
- c. If needed, the on-scene officer or super-

visor may contact ADD at its 24-hour telephone number.

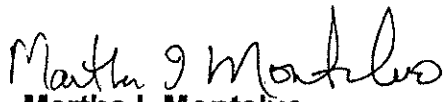
- d. If an on-duty or on-call ADD officer is contacted regarding an incident, the ADD officer shall review each situation to determine the most efficient and effective method to handle the incident.
- e. An on-duty or on-call ADD officer shall be notified of any serious incident involving a wrecker company or wrecker driver. Examples include, any incident involving criminal activity, multiple City ordinance violations, or any incident the on-scene officer determines to be serious.
- f. Officers shall not confiscate a wrecker driver license or City of Houston wrecker medallion. The suspension or revocation of wrecker driver licenses shall be handled by ADD.
- g. Any complaint or dispute with a wrecker driver or wrecker company shall be communicated to the ADD using the *Police Officer's Wrecker Complaint* form available on the department's Intranet Portal.

21 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

- 200-05, **Parking Regulations and Release of Towed Vehicles**
- 500-18, **Traffic Violations by Legislators and Military Personnel**
- 600-09, **Crash Investigations**
- 700-01, **Property/Evidence Control Regulations**
- 700-03, **Inventory of Prisoner's Property**
- 700-08, **Asset Seizure and Forfeiture**
- 800-07, **Criteria for Submitting Incident Reports**
- 800-08, **Auto Theft Reports**

The Texas Occupations Code Chapter 2308, Vehicle Towing and Booting

Code of Ordinances, City of Houston,
Texas, Chapter 8, Article III, Auto Wreck-
ers and Storage Yards


Martha I. Montalvo
Acting Chief of Police

General Order

Houston Police Department



ISSUE DATE:

September 1, 2020

NO.

600-11

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-11, dated April 3, 2017

SUBJECT: FOOT PURSUITS

POLICY

Foot pursuits are inherently dangerous police actions. Officer and public safety shall be the primary consideration in determining whether a foot pursuit should be initiated or continued. Officers shall consider the balance between protecting the safety of the public during police foot pursuits and the duty to enforce the law and immediately apprehend suspects.

Foot pursuits occur in a wide variety of dynamic and unpredictable circumstances that require officers to make quick and often immediate decisions to initiate or continue a pursuit. Therefore, this General Order is intended to provide general direction and guidance to officers when deciding to initiate, conduct, or continue such pursuits.

This General Order applies to all classified employees and emergency communications personnel.

DEFINITIONS

Active Suspect Search. A dynamic situation in which an officer no longer has sight of a suspect and substitutes approved tactics for apprehension, such as establishing a perimeter, canine search, or helicopter search.

Evading Arrest or Detention. A person commits an offense if he intentionally flees from a person he knows is a peace officer attempting to lawfully arrest or detain him. (*Texas Penal Code* § 38.04(a))

Foot Pursuit. A situation in which an officer is actively chasing (on foot) a person who is *evading arrest or detention*. A foot pursuit may evolve into an *active suspect search*.

Perimeter Search. An active search for a suspect in which the suspect is contained within specified geographic borders.

Plainclothes Officer. For the purposes of this General Order, any on-duty or off-duty officer not in a department uniform.

1 GUIDELINES

Officers may initiate a *foot pursuit* of a person only when they have established the necessary reasonable suspicion or probable cause to detain or arrest the person. A person leaving a location due to the presence of police officers should not serve as the sole justification for a detention, arrest, or foot pursuit. Such actions on their own do not constitute the offense of *evading arrest or detention*. Officers shall be able to articulate one or more additional factors,

other than the mere flight of the person, to establish the reasonable suspicion or probable cause to detain or arrest the person.

To the extent possible, coordination of the foot pursuit should be assumed by the initiating officer unless circumstances dictate otherwise or until relieved by a supervisor. The officer initiating a foot pursuit shall, as soon as practicable, provide the following information to the police dispatcher:

- a. Unit number
- b. Officer location and direction of pursuit
- c. Number and description of suspects
- d. Whether or not the suspect is armed
- e. Why the suspect is being pursued

In deciding whether or not to initiate or continue a pursuit an officer should consider the following alternatives to foot pursuit:

- f. Containment of the geographic area
- g. Saturation of the area with patrol personnel
- h. Canine availability for search
- i. Air support
- j. Apprehension at another time and place if the officer knows the identity of the subject or has other information that would likely allow for later apprehension.

Risk factors officers should consider when deciding to initiate or continue a foot pursuit include, but are not limited to:

- k. Whether the officer is acting alone or without immediate back-up
- l. Communications availability
- m. Officer fitness level
- n. Environmental conditions such as weather and lighting
- o. Whether the suspect is armed
- p. If multiple suspects are involved
- q. Officer's familiarity with the area
- r. Area hostility

2 TACTICAL CONSIDERATIONS

Generally, the primary (initiating) officer should not try to overtake a fleeing suspect but shall keep him in sight until sufficient back-up is available to apprehend the suspect.

Officers in a foot pursuit should:

- a. *Stop, Look, and Listen* if the officers lose sight of the suspect.
- b. Avoid going over the same obstacles or barriers as the suspect.
- c. Utilize the “slicing the pie” technique when rounding corners or at the end of a fence.
- d. Use a “quick peek” to obtain a glimpse of what is on the other side of an obstacle or barrier.
- e. Be aware of hazards (dogs, swimming pools, clotheslines, etc.).

Officers should move to *active suspect search* mode if the suspect is no longer in sight. The primary officer, if possible, should immediately coordinate, directly or indirectly, through the dispatcher and with secondary officers to establish a perimeter in the geographic area to contain the suspect. Pursuing officers are reminded that voice transmissions while running and in other field tactical situations may be difficult to understand and may require repetition.

Assisting officers should immediately attempt to contain the pursued suspect. Unless the primary officer needs immediate assistance, secondary or back-up officers should consider that a better strategy may be to utilize a *perimeter search* rather than respond to the primary officer's location.

Under most circumstances officers shall have their firearms holstered when involved in a running foot pursuit. Although circumstances may dictate that officers may need to pursue a suspect fleeing on foot with an un-holstered weapon, special caution shall be given to running with a firearm in hand. When handling a firearm, officers shall always follow indexing procedures by keeping the trigger finger outside of the trigger guard until the officer has made the conscious decision to fire the weapon. Officers shall re-holster the weapon, if possible under the circumstances, before physically restraining a person.

When pursuing a suspect believed to have a firearm, rather than continuing with a foot pursuit, it may be a better course of action to move to a containment strategy or an *active suspect search* mode. Officers moving to a containment strategy or an *active suspect search* mode should consider available tactical options, such as cover and concealment. The decision to pursue an armed suspect for apprehension may be accomplished when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers and innocent persons.

Officers should consider alternatives to engaging in or continuing a foot pursuit when two or more officers become separated or lose visual contact with one another or when obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the subject in sight from a safe distance and coordinate the containment effort.

3 RESTRICTIONS

An officer shall not engage in or continue a foot pursuit if the officer believes the danger to pursuing officers or the public outweighs the necessity for immediate apprehension. Unless there are exigent circumstances, such as an immediate threat to the safety of pursuing officers or other persons, officers shall not engage in or continue a foot pursuit under any of the following conditions:

- a. If the suspect achieves tactical superiority by entering a building, structure, confined space, or wooded or otherwise isolated area. The primary officer shall notify the dispatcher, communicate the officer's location and the location of the suspect, and await the arrival of back-up officers to establish a containment perimeter. The use of a police canine shall be considered. See also General Order 600-05, **Special Threat Situations**.
- b. Officers lose possession of their firearm, radio, or other essential equipment.
- c. If the suspect's identity is established or other information exists that allows for the suspect's probable apprehension at a later time and there is no immediate threat to the public or police officers. Officers should balance the possibility of losing evidence of a crime (e.g., narcotics, weapon used in a crime) with the safety of later apprehension.
- d. If the primary officer loses communication with the dispatcher or communication with back-up officers is interrupted.
- e. If an officer or another person is injured during the pursuit and requires immediate assistance and there are no other police or medical personnel able to render assistance.
- f. If instructed to terminate by a supervisor.

When the pursuing officer terminates the pursuit the dispatcher shall be notified of the location and any assistance needed.

4 SUPERVISOR'S RESPONSIBILITIES

The designated supervisor shall terminate a foot pursuit at any time the supervisor concludes that the danger to pursuing officers or the public outweighs the necessity for immediate apprehension of the suspect.

The supervisor shall take command and control of and coordinate the foot pursuit, if possible. Given the primary officer's need for communication, the use of radio air time may not be appropriate during a foot pursuit. As in any tactical incident, the supervisor does not have to be physically present to assert control over the situation. Once the foot pursuit has concluded, the designated supervisor shall monitor the incident to determine if a supervisory response is needed.

5 PLAINCLOTHES AND UNDERCOVER OFFICER GUIDELINES

Foot pursuits of suspects by plainclothes or undercover officers can be inherently dangerous. Officers should exercise extreme caution in these situations including, but not limited to, the following guidelines:

- a. Although circumstances may dictate that a plainclothes or undercover officer may need to pursue suspects, they shall always follow a uniformed officer's commands (e.g., to lay down a weapon). Plainclothes and undercover officers shall be mindful that other officers, not apprised of their operation, may be responding to the scene and may not be aware of the officer's identity.
- b. Plainclothes and undercover officers shall notify the police dispatcher as soon as practicable that they are in plainclothes and attempt to provide their clothing description.
- c. Plainclothes and undercover officers shall terminate participating in a foot pursuit when uniformed officers have joined the pursuit and it is reasonably safe to do so.
- d. Plainclothes personnel should ensure that they are readily identifiable as police officers by wearing an outer garment such as a raid jacket along with their official police identification. Displaying the official police identification alone may not be sufficient.

6 EMERGENCY COMMUNICATIONS DIVISION RESPONSIBILITIES

The following procedures shall be completed by the police dispatcher upon being notified by a police officer that the officer is involved in a foot pursuit.

- a. Receive, record, and immediately report to other officers the suspect information coming in from the officer involved in the pursuit and ensure back-up officers are immediately assigned.
- b. Request the assistance of a canine unit and air support.
- c. Notify a patrol supervisor of the foot pursuit.

7 DOCUMENTATION OF FOOT PURSUITS

A foot pursuit in and of itself does not constitute a use of force. When a foot pursuit does not result in a Response to Resistance (R2R), officers shall complete the *Foot Pursuit/No R2R Form* via the *Response to Resistance Entry System* on the department's Intranet Portal. Supervisors shall complete an *After-Action Report*, but are not required to supplement the incident report.

If the foot pursuit involves a reportable R2R, officers shall complete the *Standard Response to Resistance* (R2R) form, which also contains the required foot pursuit documentation. Supervisors shall have the same responsibilities as those required for reportable R2R. Detailed R2R documentation requirements and procedures are outlined in General Order 600-20, **Response to Resistance Reporting**.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

December 23, 2013

NO.

600-12

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-12, dated March 3, 2000

SUBJECT: EMERGENCY NOTIFICATION

POLICY

Houston Police Department personnel shall inform individuals of emergency and death messages in a sensitive, compassionate, and timely manner.

Except as authorized by this or another General Order, employees shall not release the name of any deceased person until the next of kin has been officially notified.

This General Order applies to all employees.

1 REQUESTS FROM OTHER AGENCIES

The department's Emergency Communications Division (ECD) is responsible for processing requests from other governmental agencies to deliver emergency and death messages.

When ECD personnel receive a request from an outside agency to deliver an emergency or death message, the message shall be assigned to a field officer in the area of the message destination for delivery.

The responding field officer shall do all of the following:

- a. Contact the ECD dispatcher for further details regarding the emergency or death message.
- b. Deliver the message personally to a responsible individual, preferably an adult.
- c. Contact a supervisor for further instructions if unable to deliver the message personally.
- d. Notify the ECD dispatcher of the outcome after completing the assignment.

2 FOREIGN NATIONALS

When an officer determines that a seriously injured or deceased individual is a foreign national or foreign government representative, that officer shall notify the Criminal Intelligence Division (CID).

If the incident occurs after normal business hours the officer shall contact the Crime Analysis & Command Center (hereinafter referred to as Command Center). The Command Center shall notify an on-call CID supervisor regarding the incident.

CID shall contact the Houston office of the U.S. State Department to notify the appropriate consulate or embassy.

3 OFFICER-INVOLVED INCIDENTS

In the event that a citizen is seriously injured or killed as a result of a department related vehicular crash, the Vehicular Crimes Division (VCD) shall be responsible for notifying the next of kin as soon as possible.

The Homicide Division shall be responsible for notifying the next of kin as soon as possible in all other situations involving a citizen who is seriously injured or killed as the result of an officer-involved incident.

4 SERIOUSLY INJURED OFFICER

Except as noted below, no employee shall release the name of any seriously injured or deceased officer to a representative of the media. After the officer's next of kin has been notified, a public information officer from the HPD Office of Public Affairs shall release the name to the media.

If an officer is seriously injured or killed and the spouse or a close family member resides in the greater Houston area, another officer of higher rank shall contact the spouse or family member in person and provide transportation as needed. If another officer who is close to the family desires to accompany the officer delivering the notification, such arrangements shall be made.

If the seriously injured or deceased officer's immediate family resides outside the greater Houston area, and no other close family member resides within the greater Houston area, the injured officer's supervisor shall notify the Command Center. The Command Center shall request a law enforcement

agency close to the family's residence to personally contact the officer's family. The Command Center shall provide a telephone number the family may call for more specific information.

In either case, the Command Center shall contact the HPD chaplain or family-assistance officer for further assistance.

5 RELATED GENERAL ORDERS

200-10, **Notification and Emergency Management**

800-02, **Media Relations**

800-10, **Police Records**



Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 7, 2013

NO.

600-13

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-13, dated January 1, 1987

SUBJECT: TEXAS CRIME VICTIMS' COMPENSATION ACT

POLICY

Many innocent victims suffer personal injury or death as a result of criminal acts. Crime victims and persons who intervene in crimes on behalf of peace officers may suffer disabilities, incur financial burdens, or become dependent on public assistance. The Texas Crime Victims' Compensation Act indemnifies victims of crime and citizens who suffer personal injury or death in the prevention of crime or the apprehension of criminals.

Officers are required to provide all victims of violent crime with information on the Crime Victims' Compensation Act by providing an *HPD Victims' Referral Card* (Blue Card) to all victims of violent crime or their dependents as soon as possible after the incident.

In addition to the victim themselves and their dependents, the Crime Victims' Compensation Act includes *close relatives of a deceased victim* and the *guardian* of a victim.

This General Order applies to all employees.

DEFINITIONS

Close Relative of a Deceased Victim. A person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim.

Guardian. A person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and the victim exists because of the age or physical or mental capacity of the victim.

Victim. A person who is the victim of the offense of sexual assault, kidnapping, aggravated robbery, trafficking of persons, or who has suffered personal injury or death as a result of the criminal conduct of another.

Violent Crime. Any conduct that poses a substantial threat of personal injury or death and is punishable by fine, imprisonment, or death.

1 PROCEDURES

The Crime Victim Services Division in the Texas Office of the Attorney General supplies the Houston Police Department with information outlining the provisions of the Texas Crime Victims' Compensation Act and an appropriate number of assistance applications.

Victim Services Unit Responsibilities

The Criminal Investigations Command's Victim Services Unit shall do the following:

- a. Provide various brochures and assistance applications to victims of violent crime via postal mail, Internet, or email.
- b. Assist any victim requesting an assistance application or assistance in completing the application.
- c. Refer any questions concerning a victim's eligibility to the Crime Victim Services Division of the Texas Office of the Attorney General.
- d. Make an appropriate number of *Victim Services Information* brochures and assistance applications available to the various HPD divisions upon request.

Officers and Investigative Divisions Responsibilities

Officers and assigned investigators shall do the following:

- a. Provide *HPD Victims' Referral Card* (Blue Card) to victims of violent crime or to the dependents or guardians of the victims or to a *close relative of a deceased victim*.
- b. Include in the incident report that the *HPD Victims' Referral Card* (Blue Card) was given.
- c. Refer to the Victim Services Unit any victim requesting an assistance application or assistance in completing the application.

Officers may, but are not required to, help victims fill out the assistance applications. Officers shall refer all inquiries concerning the application itself or a victim's eligibility to

the department's Victim Services Unit and shall make no decisions about a victim's eligibility.

If an officer is unsure whether a victim should receive an *HPD Victims' Referral Card* (Blue Card) or a *Victim Services Information* brochure, the officer shall give the victim an *HPD Victims' Referral Card* (Blue Card) and instruct the victim to contact the Victim Services Unit for further information.

Victim Services Information brochures are available through Victim Services Unit. The brochure provides additional information regarding crime victim compensation and may be given to victims in addition to the *HPD Victims' Referral Card* (Blue Card).

2 RELATED GENERAL ORDERS

600-06, **Family Violence**

600-33, **Social Services Assistance and Referrals**



Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 1, 2022

NO.

600-14

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-14, dated June 19, 2018

SUBJECT: SEXUAL ASSAULTS

POLICY

The Houston Police Department's (HPD) procedural guidelines shall take the victim centered approach and ensure that sexual assault victims receive efficient police services as well as sympathetic and understanding treatment. These procedures will benefit sexual assault victims and aid in the investigation of cases. The responsive, professional treatment of sexual assault victims by the police also should encourage more victims to report offenses and generally increase public confidence in and respect for the police.

This General Order applies to all employees.

1 PROCEDURAL GUIDELINES

Officers shall at all times treat sexual assault victims with compassion, consideration, understanding, and patience, although this shall not prevent officers from collecting evidence and asking necessary questions.

Officers who respond to the scene of a sexual assault (adult or child victim) may call the Special Victims Division between 0800 hours and 1600 hours, Monday through Friday, or the Command Center after regular business hours to request the appropriate on-call Special Victims' supervisor for assistance.

If an officer has a complete license plate number for a vehicle involved in a serious crime such as sexual assault, a supervisor holding the rank of lieutenant or higher may approve usage of the Harris County Toll Road Authority (HCTRA) automated license plate recognition system. See General Order 600-27, **Preliminary and Follow-Up Investigations**, for requirements and procedures.

Officers shall consult with the Special Victims Division in all sex crime related incidents involving:

- a. Sexual assault of an adult or child victim and the suspect is still on the scene.
- b. Elderly persons.
- c. Juveniles, if guidance is needed due to the complexity of the on-scene investigation.
- d. Persons who are mentally disabled or otherwise unable to provide a statement.
- e. Serious bodily injury.
- f. Cases that could reasonably become high profile or are of media interest.
- g. A City of Houston employee.

- h. Cases in which the officer believes a crime scene unit should be requested to process the scene.

Immediate follow-up investigation shall be determined by a Special Victims Division supervisor.

Officers responding to a sexual assault involving a peace officer shall immediately notify the Homicide Division's Special Investigations Unit.

The officer making the original incident report shall provide the sexual assault victim with the incident number and the name and telephone number of the appropriate sex crimes unit in the Special Victims Division, Adult Sex Crimes Unit (ASCU) or Crimes Against Children Unit (CACU), that will be conducting the follow-up investigation. The officer shall instruct the victim to call the appropriate sex crimes unit in order to clarify processing steps, obtain information on support services for sexual assault victims, and schedule an appointment.

Officers shall inform the victim about the HPD Victim Services Division, which assists victims of violent crime. For extenuating circumstances requiring immediate assistance after hours, the HPD Command Center can contact a crime victim liaison. Additionally, officers shall provide victims of sexual assault with the latest version of the "blue card" and document such action in the incident report.

If an officer makes an arrest for a sexual assault, the officer shall contact the Special Victims Division's on call supervisor so that a Special Victims Division investigator can conduct an immediate follow-up investigation with the suspect. For arrests made after regular business hours, officers shall contact the Command Center and have the appropriate on-call supervisor contacted so that an on-call investigator can be sent to follow up with the arrested suspect.

Forensic Medical Examination and Sexual Assault Kit

Texas law states that if a sexual assault is reported to a law enforcement agency within 120 hours following the assault, with the consent of the victim, the agency shall request a forensic medical examination. If a sexual assault is not reported within 120 hours, the agency may request a forensic medical examination if the agency believes a forensic medical examination would further the investigation or prosecution or the physician or examiner notifies the agency that a forensic medical examination should be conducted.

The primary officer assigned to the sexual assault investigation shall refer all sexual assault victims to the nearest designated sexual assault treatment center for a forensic medical examination. These designated treatment centers are hospitals located in Houston and Harris County that have made a commitment to prioritize the treatment of sexual assault victims in order to reduce the treatment time for these victims and to reduce the time an officer is out of service.

As an option for adult sexual assault victims, the primary officer shall offer to contact Texas Forensic Nurse Examiners (TxFNE) to arrange a forensic medical exam at an alternate location in order to avoid long wait times that typically occur in hospital emergency rooms. TxFNE may be reached at 281-306-6893 (press 1 to speak with the 24/7 on-call forensic nurse).

As an option for child sexual assault victims, the primary officer shall direct victims to the Texas Children Hospital to avoid long wait times. Alternative facilities available for child sexual victims during business hours include the University of Texas Medical School's Child Abuse Resource

and Education (C.A.R.E.) Clinic in the Houston Medical Center (business hours only, see note below) and the Children's Assessment Center.

Note: For a referral and scheduling at either the University of Texas C.A.R.E. Clinic or the Children's Assessment Center, officers shall contact the Special Victims Division's CACU.

If an officer is dispatched directly to the hospital to take a report, the officer making the original incident report shall provide the hospital official with the following information:

- a. Incident number
- b. Names of the complainants and witnesses
- c. Date and time of the offense

The address of the hospital shall not be used as the offense location in the incident report. The officer shall list the offense location as the location where the crime occurred.

When an officer has a prisoner in custody or is otherwise unable to go directly from the crime scene to the hospital for needed follow-up, the officer shall first advise a supervisor and then the dispatcher. The officer shall supplement the call history with the following information:

- d. Type of offense
- e. Incident number
- f. Location of crime scene
- g. Date of incident
- h. Suspect information
- i. Complainants' and witnesses' names
- j. Investigating officer's name
- k. Name of sexual assault treatment center (e.g., hospital)

The dispatcher contacted shall then be responsible for assigning another unit to make the needed hospital follow-up. If the treatment center is not in that dispatcher's area, the dispatcher shall advise the appropriate dispatcher. It shall then be the responsibility of the second dispatcher to assign a unit to make the needed hospital follow-up.

The officer responsible for picking up the sexual assault kit prepared by the treatment center shall deliver it to the Department's Property Division regardless of whether the kit is a Houston Police Department kit or another kit the hospital may have used inadvertently for the examination. This officer shall complete a supplement to the original report detailing the pickup and tagging of the sexual assault kit.

Also, officers who are assigned to pick up sexual assault kit evidence from hospitals shall use the Sexual Assault Kit Evidence-Chain of Custody Record template to document the details of the transaction. The Sexual Assault Kit Evidence narrative form is located in the ARS Narrative Templates under the input code "SAK CHAIN." The template can be found in the Narrative tab "8 Narrative." Select "Load Narrative Template" and type "SAK CHAIN" in for the Code.

Authorizations are not required to submit a sexual assault kit to the Property Division (see General Order 700-01, **Property/Evidence Control Regulations**).

Officers shall contact supervisory staff of the Special Victims Division if there are any questions or issues regarding the incident or treatment center procedures.

Evidence

In addition to the normally required report information, the officer making the original incident report or the officer making the follow-up call shall enter and identify all property, articles, and evidence on a separate and appropriate property screen.

Officers shall collect all evidence that could aid in the prosecution of the sexual assault including, but not limited to, the following:

- a. Weapons
- b. Scene photos
- c. Photos of injuries
- d. Blood, semen, hairs
- e. Items that may contain evidentiary biological materials including, but not limited to:
 1. Clothing
 2. Undergarments
 3. Sheets
- f. Bindings
- g. Audio or video recordings
- h. Cellular telephones
- i. Other digital evidence

Sexual Abuse of a Child (Younger than 17)

When responding to an incident involving the sexual abuse of a child younger than 17 years of age, officers shall generate an incident report and forward it to the Special Victims Division for assignment to an investigator. This also applies to delayed reports of sexual abuse. Juvenile

sexual abuse complainants should be forensically interviewed, therefore, officers should refrain from interviewing juvenile complainants beyond what is needed to establish a crime occurred.

Officers shall ensure that victims of sexual assaults are immediately referred for a forensic medical examination as outlined in the above Forensic Medical Examination and Sexual Assault Kit section. Officers may contact the Special Victims Division's Crimes Against Children Unit on-call supervisor for guidance.

Officers shall *not* direct victims or caretakers to the Children's Assessment Center or the Special Victims Division's Crimes Against Children Unit in lieu of generating an original incident report. Officers becoming aware of an incident are required to generate an incident report. Officers shall advise victims or the non-offending caretakers that a Crimes Against Children Unit investigator will contact them to schedule an interview. Officers shall also provide victims or non-offending caretakers the telephone numbers to the Crimes Against Children Unit for any follow-up questions.

The Texas Department of Family and Protective Services (DFPS) shall be contacted by the responding patrol officer for allegations of sexual assault of a child in which the alleged perpetrator is a family member or caretaker. Statewide Intake may be contacted by calling 1-800-877-5300. Officers shall include the DFPS's reference number given to them in their original or supplement report.

2 FORT BEND COUNTY SEXUAL ASSAULT PROTOCOL

Officers responding to sexual assault of adult or child victims in Fort Bend County shall follow the same protocol as listed in Section 1, *Procedural Guidelines*. Officers may contact the Fort Bend County District Attorney's Office for information or charging decisions.

For adult victims, officers may contact the Fort Bend County Women's Center Hotline at 281-342-4357 for additional assistance.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

March 27, 2015

NO.

600-16

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-16, dated December 2, 2010

SUBJECT: CONFIDENTIAL INFORMANTS AND OTHER SOURCES OF INFORMATION

POLICY

This General Order provides specific guidelines for documentation of confidential informants and other sources of information as well as compensation of confidential informants.

The procedures established in this policy shall:

- a. Protect the integrity of the department and individual officers who use confidential informants or other sources of information.
- b. Allow Houston police officers access to information available from confidential informants or other sources of information during investigations.
- c. Ensure the confidentiality of a confidential informant when applicable.
- d. Protect the relationship between individual officers and confidential informants or other sources of information.
- e. Ensure accountability and consistency in documenting, interacting with, or dispensing payments to confidential informants.
- f. Distinguish between confidential informants and other sources that provide information concerning criminal activity.

This General Order applies to classified employees only.

DEFINITIONS

The following definitions apply to this General Order only.

Adult Confidential Informant. A confidential informant who is 18 years of age or older.

Authorized Division. A division that is authorized to maintain CI files. The only divisions authorized to maintain CI files are the Auto Theft, Burglary and Theft, Criminal Intelligence, Gang, Homicide, Internal Affairs, Juvenile, Major Offenders, Narcotics, Robbery, and Vice divisions.

Confidential Informants (hereinafter referred to as "CI" or "CIs"). Individuals who maintain an ongoing relationship with an HPD investigator and who provide information concerning criminal activity and/or perform an investigative activity (e.g., "buy/walk") under the direction and control of the investigator authorized to handle the CI. CIs may or may not receive payment as set forth below. All CIs must be registered with the authorized *primary division*.

This definition does not apply to an arrested or detained suspect who is being interviewed or interrogated by an investigator about a specific crime in which the suspect is involved or has knowledge unless the suspect qualifies as a Defendant CI in item "b" below.

There are three categories of CIs outlined below: Regular Use CIs, Defendant CIs, and Restricted Use CIs.

- a. **Regular Use CIs.** Confidential informants who provide the department with information concerning criminal activity and/or perform an investigative activity (e.g., "buy/walk") under the direction and control of the investigator authorized to handle the CI and who do not meet the limiting criteria of a Defendant CI, Restricted Use CI, or other source of information (see section 3, *Other Sources*

of Information, of this General Order). A Regular Use CI may or may not receive payment.

- b. **Defendant CIs.** Any persons who are under arrest and either have charges pending or are charged in a criminal investigation, and do one or more of the following:

1. Provide information on suspects or criminal activity unrelated to the case in which the CI is implicated.
2. Provide information on co-defendants about criminal activity related to the case in which the CI is implicated.
3. Perform an investigative activity (e.g., "buy/walk") under the direction and control of the investigator authorized to handle the Defendant CI.

Defendant CIs may also receive a Restricted Use CI designation based upon their activities or affiliations. No Defendant CI, including those having a Restricted Use CI designation, shall receive payment from the department.

- c. **Restricted Use CIs.** Confidential informants who meet the criteria of a Regular Use CI or Defendant CI but based upon various factors require a higher level of authorization. Restricted Use CIs require the written approval of the authorized division captain and shall be subject to a greater degree of supervisory control. In assessing whether a confidential informant may be a Restricted Use CI, the investigator shall consider various factors such as whether the CI has a history of violence or alcohol or drug abuse, and the CI's reliability, truthfulness, motivation, and past performance as a CI.

If the investigator or a supervisor believes the CI's character, criminal histo-

ry, or past actions may compromise the credibility of the CI process, then the CI shall be considered a Restricted Use CI requiring written approval from the authorized division captain.

If any one of the below listed factors applies to a CI that meets the criteria of a Regular Use CI or Defendant CI, the approval of the division captain is required. The below factors are not all inclusive.

The investigator must obtain written approval from the division captain if a CI:

1. Is a previously deported criminal alien.
2. Is or has been a member of, associated with, or had ties to an extremist group, hate group, anti-government group or militia (e.g., Ku Klux Klan, American Nazi Party, New Black Panthers), or international or domestic terrorist organization such as Al-Qaeda, Hamas, or Earth Liberation Front.
3. Is a convicted sex offender.
4. Is currently charged with or has been convicted of perjury as a result of testimony in a criminal or civil proceeding.
5. Has a Magistrate's Order of Emergency Protection or Protective Order issued against the individual.
6. Has a history of or exhibits signs of a violent nature (e.g., violent criminal history).
7. Has a history of or exhibits signs of mental instability.
8. Is a documented problem CI that has been deactivated.
9. Is the subject of a continuing investigation.

Group Draw System. A procedure in which operational money is issued from the division fund by a supervisor to investigators to conduct undercover operations.

Juvenile Confidential Informant. A confidential informant who is 10 years of age or older and less than 18 years of age. A juvenile confidential informant should be used only when a compelling public interest can be demonstrated and other investigative means are unsuccessful. In order for a juvenile confidential informant to be utilized, he or she must be approved for use by the authorized division's assistant chief and prior written authorization from the juvenile's parent or guardian must be obtained on the *Confidential Informant Code of Conduct Agreement* form.

Primary Division. The division that registers and maintains a confidential informant's file prior to any other division using that informant.

Purchase of Evidence. A payment for an item that is contraband or that may be used for evidentiary purposes.

Purchase of Information. A payment to a confidential informant for knowledge that is used in the investigation of criminal law violations or that assists in the gathering of intelligence.

Purchase of Service. A payment for an item or service as part of an investigation (e.g., drinks, motel room) that cannot be paid for through the City's procurement system without jeopardizing the investigation.

Secondary Division. A division actively using a confidential informant already registered by a *primary division*.

Significant Meeting. Any face-to-face meeting during which an investigator is informed by a confidential informant of criminal activity.

1 CONFIDENTIAL INFORMANTS ON PROBATION OR PAROLE

Use of confidential informants on probation or parole is prohibited unless the guidelines below are followed.

Confidential Informants on Probation

The investigator shall receive approval from the state agency supervising the probationer prior to allowing the probationer to work as a confidential informant.

The investigator must contact the criminal court having jurisdiction over the individual's case and notify the judge of the investigator's intention to use the individual as a CI. Only when the judge has given written permission, can the investigator register the individual as a CI.

Confidential Informants on Parole

The investigator shall receive approval from the state agency supervising the parolee prior to allowing the parolee to work as a confidential informant.

The investigator must obtain permission from the parole board prior to registering the individual as a CI. This can be accomplished by forwarding correspondence to the sanctioning parole board. If permission is granted, the investigator shall be required to follow the parole board's guidelines established for the parolee.

2 CONFIDENTIAL INFORMANTS AND CRIMINAL ACTIVITY

Confidential informants who are under arrest, have charges pending, or are currently charged in a criminal investigation, shall be permitted to operate only as Defendant CIs.

Defendant CIs are prohibited from receiving payment and cannot be released from custody to work with the investigator without a

written contract from a prosecuting attorney and prior authorization from the division captain as set forth below.

A written contract is required for any agreement between the District Attorney's Office and a Defendant CI, including one having a Restricted Use designation, if the CI is charged in a criminal investigation and does one or more of the following:

- a. Provides information on suspects or criminal activity unrelated to the case in which the CI is implicated in order to reduce or diminish the CI's culpability in his case.
- b. Provides information on co-defendants about criminal activity related to the case in which the CI is implicated in order to reduce or diminish the CI's culpability in the criminal activity.
- c. Performs an investigative activity (e.g., "buy/walk") under the direction and control of the investigator authorized to handle the Defendant CI in order to reduce or diminish the CI's culpability in his case.

The original written contract shall be provided to the District Attorney's Office for their case file and a copy shall be placed in the investigator's master case file.

If a Defendant CI, including one having a Restricted Use designation, provides information or performs an investigative activity but does not request reduced or diminished culpability in exchange for cooperation, a written contract is not required.

Defendant CIs, including those having a Restricted Use designation, shall not receive payment. However, the *purchase of services* or the *purchase of evidence* in the follow-up investigation involving the Defendant CI, including one having a Restricted Use designation, may be authorized in order to complete the criminal investigation

(e.g., "flash funds," props, purchase of stolen property). To document funds for these purposes, see section 10, *Confidential Informant Funds*, of this General Order.

If an investigator learns a registered Regular Use or Restricted Use CI subsequently is placed under arrest, has charges pending, or is charged in a criminal investigation, the investigator shall notify the captain or designee. The captain shall ensure the confidential informant is reclassified as a Defendant CI. A copy of the written contract (if applicable) and a copy of the criminal investigation master case implicating the individual shall be placed in the division's CI file. Such information shall be a factor considered in determining when to purge a CI file.

3 OTHER SOURCES OF INFORMATION

Persons considered other sources of information are not registered as confidential informants and shall not receive payment from the department. Payment to persons providing information through Crime Stoppers is documented by Crime Stoppers. Officers shall not circumvent the intent of this General Order by referring CIs to Crime Stoppers in order to avoid documenting the payment. Persons considered other sources of information shall not perform any investigative activity.

4 CODE OF CONDUCT FOR OFFICERS

Officers shall not engage in any activity or behavior with a CI that could challenge the integrity of or bring embarrassment to the officer or the department.

The following regulations are intended to govern the relationship between an officer and a confidential informant.

[REDACTED]

[REDACTED]

- c. All meetings between a CI and an officer shall be attended by two officers (e.g., officer and partner or officer and supervisor). Prior to meeting a CI, officers must advise their supervisor.

[REDACTED]

- e. Officers shall not socialize with CIs or their families.
- f. Officers shall not purchase items from or sell items to any CI.
- g. Officers shall not borrow money from or loan money to CIs.
- h. Officers shall not accept gifts or gratuities from CIs, CI family members, or their associates.
- i. Officers shall not enter into business relationships with CIs.

5 CONFIDENTIAL INFORMANT REQUIREMENTS

The following additional requirements apply to the use of confidential informants:

- a. Supervisors are responsible for ensuring subordinates' adherence to confidential informant policies.

[REDACTED]

Verification Unit. CIs shall not be used until their identity has been verified unless written approval from the division captain is documented in the division CI file.

[REDACTED]

[REDACTED]

- e. If a current file for the confidential informant does exist, the officer shall check with the investigator on record regarding the availability of the CI before using the confidential informant.
- f. Confidential informants already on file with a *primary division* shall not be used by a *secondary division* without the approval of both division captains. If the *primary division* approves, CIs may be simultaneously used by two or more divisions. However, CI documents must be forwarded to the *primary division* as indicated in section 9, *Confidential Informant Files*, of this General Order.
- g. Investigators wanting to use a new confidential informant shall complete a confidential informant registration index card that shall be forwarded to their CI file custodian for routing to CID.
- h. In accordance with section 10, subsection titled "Documenting Payments to CIs," officers shall not pay a confidential informant without the appropriate witness present.

- i. The documentation of a *significant meeting* between an investigator and a confidential informant shall be maintained on file by the CI file custodian.
- j. An investigator intending to use a confidential informant for the first time shall ensure the *Confidential Informant Code of Conduct Agreement* form is completed by the prospective informant and placed in the confidential informant's file. This department form is available on the HPD Intranet Portal.

6 DEACTIVATING PROBLEM CONFIDENTIAL INFORMANTS

Occasionally police officers shall encounter a confidential informant they consider a problem CI. Examples of when an individual is considered a problem CI include, but are not limited to, when:

- a. The CI is no longer willing to cooperate.
- b. The CI's cooperation has been determined to be unsatisfactory.
- c. The risk of using the CI outweighs the potential benefit to the department of using the CI.

When an individual is considered a problem CI, documentation stating why the person is classified as a problem CI shall be placed in that person's division confidential informant file and the problem CI shall be deactivated.

CID must be notified in writing when a CI is deactivated. Any future use of a deactivated CI shall require reactivation as a Restricted Use CI.

7 EVALUATION OF CONFIDENTIAL INFORMANTS

Supervisors shall evaluate the use of confidential informants on an annual basis. Addi-

tionally, perceptions as well as facts that may adversely affect the integrity or reputation of the department or the officer shall require an unscheduled review of the relationship between the officer and the CI. Captains shall have the authority to sever the relationship of an officer and a CI at their discretion.

8 TRAINING

Supervisors responsible for personnel using CIs shall ensure that their staff is trained in the procedures for handling confidential informants. Patrol officers and officers from other units who become involved in handling confidential informants shall be trained by supervisors in the *primary division* responsible for maintaining the CI's files.

9 CONFIDENTIAL INFORMANT FILES

Confidential informant files shall be maintained under the control and authority of the captains of only the Auto Theft, Burglary and Theft, Criminal Intelligence, Gang, Homicide, Internal Affairs, Juvenile, Major Offenders, Narcotics, Robbery, and Vice divisions. CI files shall be handled in accordance with the following procedures:

[REDACTED]

[REDACTED]

[REDACTED]

- j. Documentation that reflects the positive identity of the confidential informant

Information for Inclusion in Juvenile Confidential Informant Files

The captain of the responsible division shall confer with the captain of the Juvenile Division prior to authorizing the creation of a division juvenile confidential informant file. This shall ensure division compliance with the current requirements governing juvenile records.

The captain of the Juvenile Division shall note which items listed under the above subsection titled "Information for Inclusion in Adult Confidential Informant Files" are inappropriate for juvenile confidential informant files.

Divisions authorized to maintain CI files are required to maintain juvenile confidential informant files separately from adult confidential informant files.

CID and divisions authorized to maintain juvenile confidential informant files shall attach the letter "J" to the end of juvenile confidential informant numbers in order to distinguish juvenile confidential records from adult records.

Central Registration File

CID shall maintain a central registration file on all confidential informants used by the department. The captain of CID and two supervisors (primary and secondary) shall be responsible for maintaining the central registration file.

The central registration file shall consist of confidential informant registration index cards or a secure database containing the following information: central registration control number, CI's name and date of birth, criminal areas of operation (e.g., vice, narcotics, organized crime), geographic areas of expertise (e.g., East End, Spring Branch,

- i. Confidential Informant Code of Conduct Agreement form

Third Ward), name of division maintaining confidential informant file, and name of investigator who has contact with the CI.

If officers need information to conduct a particular investigation, they may contact CID to determine the availability of any CIs who may be able to supply information regarding their investigation.

CID shall review the areas of expertise listed on the CIs' registration cards or in the central registration database and give the officer making the inquiry the name of the registering investigator who has contact with the CI. The requesting officer shall contact the registering investigator to determine whether the CI can assist with an additional investigation.

Patrol officers requesting information from the central registration file shall obtain approval from their immediate supervisor *before* the request is made.

Purging Confidential Informant Files

A division confidential informant file may be reviewed and purged at any time deemed necessary by the division captain (e.g., confidential informant is deceased, unfavorable supervisor evaluation).

Once a year, during the month of January, the captain of each authorized division shall review all information contained in each of their division confidential informant files to determine which files should be considered for purging.

Special consideration shall be given to those files that are five years old and older. ~~Information contained in these files shall be destroyed if a review of the documents contained in the file indicates that no CI contacts have been made during the last five years.~~

A division captain may delay the purging of a CI file by placing written authorization in

the CI file that explains why the file was not purged (e.g., productive CI has been in prison past five years).

In addition to this consideration, other factors should be examined, for example, the nature of the offenses with which the CI is associated, whether the CI has an extensive criminal record or recent criminal activity, and whether the CI file contains information that could be used in the future by either the department or an outside agency.

After a division captain has decided to purge material contained in the division's CI files, the removed files shall be destroyed and the captain of CID shall be notified to destroy the concerned CI's central registration file.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- a. Sergeant: Up to and including \$250
- b. Lieutenant: Up to and including \$2,500
- c. Captain: Up to and including \$7,500
- d. Assistant Chief: More than \$7,500

[REDACTED]

[REDACTED]

[REDACTED]

- a. Name of division initiating the payment.
- b. Confidential informant's signature as an agreement that the payment was received.
- c. Confidential informant's control number as assigned in the central registration file.
- d. Amount of payment, both in numerical and script form.
- e. Date on which the payment was made.

- f. Signature of the investigator making the payment.
- g. Signature of at least one other officer witnessing the payment and the name of the agency employing that officer.
- h. Signature of the first-line supervisor witnessing the payment if the payment exceeds \$50.

Upon payment to the confidential informant, the completed *Confidential Informant Receipt for Funds* form shall be maintained in the confidential informant's CI file.

Monthly CI Fund Expense Report

At the beginning of each month, captains of divisions authorized to use CI funds shall submit to the Office of Budget and Finance via their chain of command through the executive assistant chief level, correspondence that includes a monthly CI fund expense report depicting the following information from the previous month in order to reconcile any expended CI funds:

- a. Beginning balance on the first day of the month
+ Monthly draw
Total funds available
- b. Officers' draw
– Officers' return
Amount Spent
- c. Total funds available
– Amount spent
Ending balance on the last day of the month
- d. Amount spent fiscal year to date

Captains of authorized divisions (except Internal Affairs Division) shall also include with the above correspondence, expense affidavits completed by the investigators (see below). The expense affidavits shall be reviewed by the assistant chief, removed

from the correspondence, and returned to the concerned division for filing.

Monthly Investigators' Expense Affidavit

At the end of each month, investigators issued CI funds shall submit to their captains either a signed and notarized expense affidavit listing that month's withdrawals, expenditures, and returns of CI funds, or an individually prepared, signed, and notarized expense affidavit for each withdrawal, expenditure, or return of CI funds during the month.

The investigator shall submit information depicting every transaction involving the expenditure of CI funds. All purchases shall be categorized on an expense affidavit as a purchase of evidence (PE), purchase of service (PS), or purchase of information (PI).

The investigators' expense affidavits shall be included with the monthly CI fund expense report outlined in the above subsection. Internal Affairs Division is exempt from forwarding investigators' expense affidavits to their assistant chief.

Expense Affidavit of Purchases of Evidence or Services

The documentation on an expense affidavit of *purchases of evidence or services* shall include the payments, date, City of Houston receipt number, incident number, amount spent, description of evidence or service purchased, location where funds were spent, and location where the evidence or item is stored. The name of the bankcard shall be documented when charging services or items.

An investigator shall obtain business receipts for service expenditures. The business receipts shall be attached to the investigator's expense affidavit and forwarded monthly to the authorizing supervisor to be maintained in the division.

Business receipts are not required if obtaining a receipt would jeopardize the investigator's undercover status or the integrity of the investigation.

Expense Affidavit of Purchases of Information

The documentation on an expense affidavit of *purchases of information* shall include the payments, date of the expense, City of Houston receipt number, amount spent, incident number, and the CI's central registration control number.

11 AUDITING PROCEDURES

An internal administrative financial audit of investigators' expense affidavits and each authorized division's monthly CI fund expense report shall be performed by HPD's Office of Budget and Finance biannually or as directed by the appropriate assistant chief. A report on this audit shall be sent to the Chief of Police.

12 STANDARD OPERATING PROCEDURES

Each division using confidential informants shall develop and adhere to standard operating procedures (SOPs) specific to that division's use of confidential informant funds and that address the following:

- a. Acquisition and security of CI funds
- b. Investigator's expense affidavits
- c. Routing of monthly CI fund expense reports
- d. Use of *Confidential Informant Receipt for Funds* forms
- e. Personnel authorized to access the division safe
- f. Use of "flash funds"

- g. Use of group draws (for divisions using a group draw system)
- h. Use of a division ledger or a secure database to document the withdrawal and return of funds to the division safe

13 RELATED GENERAL ORDER

100-07, Standard Operating Procedures


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

March 4, 2022

NO.

600-17

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-17, dated June 19, 2020

SUBJECT: USE OF FORCE

POLICY

The Houston Police Department places the highest value on the sanctity of life for both its employees and members of the community. The department recognizes and respects the value of all human life and dignity without prejudice to anyone. The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied encounters; when warranted, officers may exercise control over another in carrying out their duties. Vesting officers with the authority to use lawful and objectively reasonable force to protect the public welfare requires a careful balancing of all public interests.

Officers are authorized by law to use force to protect themselves or others, to effect an arrest, to bring an incident under control, or to maintain custody of those arrested. Officers shall only use force for a lawful purpose and not to punish or retaliate against any person. Officers shall use only the amount of objectively reasonable force necessary to successfully achieve the authorized purpose, even if under the circumstances the law would allow the use of greater force.

Use of force must be objectively reasonable based on the totality of the circumstances. An officer's decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense and the reasonably perceived level of actual or threatened resistance. It is the duty of all officers to constantly assess the situation, adjust their use of force accordingly, and intervene if witnessing another officer use excessive force.

Whenever practical, officers shall use de-escalation techniques to gain voluntary compliance and to seek to avoid or minimize use of physical force. When safe and feasible, officers shall attempt to slow down or stabilize the situation so that more time, options, and resources are available. Time, distance, numbers, cover, and concealment are key elements to reduce the risks associated with scene management, de-escalation, and use of force.

This General Order applies to all employees.

DEFINITIONS

Bodily Injury. An injury causing physical pain, illness, or any impairment of the function of any bodily member or organ.

Chokehold. A neck restraint that includes any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.

Deadly Force. Force intended or known to cause or in the manner of its use or intended use is capable of causing death or serious bodily injury.

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

De-escalation Techniques. Techniques intended to reduce the likelihood of a situation where the use of force is necessary, including but not limited to:

- a. Reducing exposure to a potential threat using time, distance, numbers, cover, and/or concealment.
- b. Containing a threat and establishing communication from a safe position intended to gain the individual's compliance, using verbal persuasion, advisements, and/or warnings.
- c. Calling additional resources to assist, including more officers, a supervisor, crisis intervention trained (CIT) officers, and/or officers equipped with less-lethal tools.
- d. Requesting a Crisis Intervention Response Team (CIRT) unit.

Firearm. Any handgun, rifle, or shotgun that is not an intermediate weapon.

Force. Pointing a firearm, conducted energy device (CED), soft-impact weapon, or 40mm launcher at a person, or any physical contact with a person by an officer using the body or any object, device, or weapon, excluding unresisted escorting or handcuffing.

Indexing. The placement of an officer's trigger finger along the frame of the firearm, conducted energy device, soft-impact weapon, or 40mm launcher, and outside of the trigger guard.

Intermediate Weapons. Tools not fundamentally designed to cause deadly force with conventional use. Intermediate weapons include:

- a. Batons.
- b. Oleoresin capicum (OC) spray.
- c. Soft-impact weapons (e.g., beanbag shotgun).
- d. Conducted energy devices (CED).
- e. 40mm launchers.

Objectively Reasonable. In accordance with an objective standard viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight, and within the limitations of the totality of the circumstances present at the time of the incident.

Serious Bodily Injury. An injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Vascular Neck Restraint. A neck restraint that applies pressure to the carotid artery or arteries, which may restrict blood flow to the brain and cause loss of consciousness. Also known as a sleeper hold.

1 USE OF DEADLY FORCE AND FIREARMS

It is the policy of this law enforcement agency to value and preserve human life. The use of deadly force shall be limited to those circumstances in which officers have an objectively reasonable belief that deadly force is necessary to protect themselves or others from the imminent threat of serious bodily injury or death. Officers shall not use deadly force against a person who is a threat only to themselves or to property. Officers shall exhaust all reasonably available alternatives, such as, without limitation, issuing a verbal warning when possible prior to the use of deadly force. Officers shall consider their immediate surroundings and the safety of uninvolved persons before using deadly force.

Officers shall not justify the use of deadly force by intentionally placing themselves in imminent danger.

Firearm Usage

Officers may unholster or display their firearm as needed under the circumstances, but shall point a firearm at a person only when objectively reasonable under the totality of the circumstances. Prior to discharging a firearm, officers shall consider their surroundings and take reasonable precautions to avoid endangering bystanders.

Officers shall not use firearms in any of the following ways:

- a. Firing warning shots.
- b. Firing at fleeing suspects who do not represent an imminent threat to the life of the officer or another person.
- c. Firing at suspects whose actions are a threat to only themselves (e.g., attempted or threatened suicide) or to property.

2 DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

There are numerous factors an officer must take into consideration when determining whether to apply any level of force. Officers shall always consider time, distance, numbers, cover, and concealment. Officers shall also consider, without limitation, the following factors:

- a. The conduct of the individual being confronted.
- b. The age, size, relative strength, skill level, injury, and level of fatigue of the officer and the suspect.

- c. The number of officers available versus the number of suspects.
- d. Influence of drugs, alcohol, and/or mental capacity.
- e. Proximity to weapons.
- f. Time and circumstances permitting the availability of other options.
- g. Seriousness of the suspected offense or reason for contact with the individual.
- h. Potential for injury to citizens, officers, or suspects.
- i. Risk of escape.

3 DE-ESCALATION OF POTENTIAL FORCE ENCOUNTERS

When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques in an attempt to gain voluntary compliance and to reduce or eliminate the use of physical force. Recognizing that circumstances may rapidly change, officers may need to abandon de-escalation efforts after they have commenced.

Assessment

Whenever possible, at least two officers and a field supervisor shall respond to scenes involving individuals brandishing a weapon and/or exhibiting violent or irrational behavior or extreme agitation. In all high-risk situations, if time and other circumstances allow, the responding supervisor and officers shall assess the scene and develop a plan for approach. In cases of imminent danger, responding officers should not delay the approach to wait for back-up unit(s) or a supervisor.

As officers arrive on the scene, observe conditions, and interact with the persons present, they should continue to gather additional relevant information and facts. These assessments, along with reasonable inferences, help to develop an understanding of the totality of the circumstances of the incident. After an officer has gathered sufficient information to ascertain anticipated threats at the scene, the officer shall consider what police actions are appropriate.

Use of De-Escalation Techniques

Employing de-escalation techniques may involve securing additional resources, tactical repositioning, and employing verbal persuasion.

Verbal Persuasion:

If possible and reasonable under the totality of the circumstances, officers shall respectfully use one or more of the following verbal techniques to try to calm an agitated individual and promote rational decisions:

- a. Explain what the officer is doing, what the individual can do, and what needs to happen.

- b. Explain why the officer is taking a specific action, permitting the individual to respond and acknowledging the individual's perspective.
- c. Ask the individual about their needs and wishes in an effort to gain an alternate avenue to compliance.
- d. If possible, provide the individual with alternatives, even though those alternatives may be limited.
- e. Advise the individual of the consequences for noncompliance.
- f. Provide the individual with reasonably sufficient time within which to respond to directives.

Time, Distance, Numbers, Cover, and Concealment:

When safe and feasible under the totality of the circumstances, officers shall:

- a. Attempt to slow down or stabilize the situation so that more time, options, and resources are available for incident resolution.
- b. Increase distance from the suspect(s) to allow for greater reaction time.
- c. Use a team approach to de-escalation, considering officer training and skill level, the number of officers, and whether any officer has successfully established rapport with the individual. Each individual officer's actions shall complement the overall approach. When multiple officers are present, a single officer should take the lead role in communicating with the individual to avoid overwhelming the individual and exacerbating their potential confusion and/or agitation.
- d. Use cover and concealment for tactical advantage, such as placing barriers between an uncooperative individual and officers by using natural barriers in the immediate environment.

4 INTERMEDIATE WEAPONS

Before carrying or using an intermediate weapon, an officer shall be currently certified with the intermediate weapon by the Training Division. The Training Division is responsible for maintaining a list of approved intermediate weapons and carrying devices. Intermediate weapons shall be carried or used as issued or authorized by the department. No changes, alterations, or modifications are permitted.

Unless an officer has a reasonable belief that there is an imminent threat of serious bodily injury or death to the officer or another person, the officer shall not use weapons for which the officer has not received requisite training or provide weapons to others to use when such persons have not received requisite training.

Officers shall carry and use intermediate weapons in accordance with this section and Section 2, *Determining the Objective Reasonableness of Force*.

Batons

Officers shall carry a baton when responding to disturbance calls or working an event where there are a large number of persons. Supervisors responding to situations requiring a baton shall ensure that each officer at the scene complies with this policy.

Unless deadly force is warranted, officers shall deliver baton strikes only to areas of the body below the shoulders and only with the degree of force necessary to counter resistance or establish control of the suspect. Additionally, there are circumstances that occur in which flashlights may also be used as batons. Strikes made with flashlights shall be made in accordance with the same guidelines as those made with batons.

OC Spray

The department does not furnish officers with OC spray or related equipment. If an officer wants to carry OC spray on duty or while working extra employment, the officer shall obtain OC spray certification by Training Division personnel. The officer may carry only OC spray and related equipment that is approved by the Training Division. Uniformed officers carrying OC spray shall store the canisters on their duty belts in an appropriate case.

Except in exigent circumstances, officers shall not use OC spray at a person less than three feet or more than ten feet away. Officers shall not use OC spray on persons who appear to be younger than 17 or older than 65 years of age, any person known to have respiratory illnesses, or any person who appears to be pregnant.

In addition to the requirements of Section 10, *Requesting Medical Personnel and Providing First Aid*, an officer who uses OC spray on a person shall immediately begin decontamination procedures as soon as doing so is safe.

Soft-Impact Weapons and 40mm Launchers

On each shift, soft-impact weapons and 40mm launchers shall be assigned to and stored in designated patrol vehicles. An officer may check out a soft-impact weapon or a 40mm launcher if there is one available. Officers who choose to check out a soft-impact weapon or a 40mm launcher shall notify the dispatcher at the beginning of their shift.

Sergeants and officers who are assigned or who check out a soft-impact weapon or a 40mm launcher shall inspect such equipment prior to signing on duty. If the sergeant or officer observes any new damage, missing parts, or defective equipment, the sergeant or officer, as applicable, shall notify their supervisor before signing on duty.

Unless deadly force is warranted, officers shall not target a soft-impact weapon or a 40mm launcher for munition impacts at a person's chest, back, neck, or head. Officers may target the suspect's abdomen for munition impacts. Officers should target the suspect's buttocks or legs for munition impacts, but shall avoid intentionally striking the person's groin.

Officers shall not fire a 40mm launcher for munition impacts at a person less than five feet away. Officers assigned to the Special Response Group's Chemical Munitions Team may fire extended range munitions from a 40mm launcher, but shall not fire extended range munitions at a person less than 33 feet away.

Officers shall not fire a soft-impact weapon at a person less than 30 feet away.

When using a soft-impact weapon or 40mm launcher for munition impacts, officers should be part of an arrest team. Another officer should be present to protect the arrest team from deadly threats. Additional officers present should safely conduct the arrest of the target after the discharge of the soft-impact weapon or 40mm launcher.

When a division is assigned soft-impact weapons or 40mm launchers, the division commander is responsible for ensuring the weapons are properly maintained. Officers in specialized divisions needing a soft-impact weapon or a 40mm launcher shall coordinate with an appropriate district patrol supervisor.

Conducted Energy Devices

A CED is a non-lethal device used to gain control of a suspect. As with any intermediate or deadly weapon, officers shall always guard against having a device or weapon taken from them. The CED is capable of incapacitating the officer, leaving the officer's firearm accessible. In such situations, if a suspect gains control of a CED, officers should attempt to use de-escalation techniques as instructed by Section 3, *De-Escalation of Potential Force Encounters*, unless to do so would present a greater danger to the officers or the public.

For detailed information on the policies and procedures regarding CEDs, see General Order 400-26, **Conducted Energy Devices**.

5 PROHIBITED FORCE METHODS

Officers shall not use force against a person who is handcuffed or otherwise restrained except when necessary for a lawful purpose, to prevent injury to any person, or to prevent escape. Lawful purposes include, but are not limited to, escorting a resistant prisoner or placing a resistant prisoner in a vehicle.

Officers shall not use vascular neck restraints, chokeholds, or any similar neck restraint, whether by using an object or a body part, unless there is an objectively reasonable belief that it is necessary to prevent serious bodily injury or death to the officer or any other person. These techniques, which shall not be taught by the Training Division, are considered a use of deadly force.

Officers shall not place their knee, feet, or body weight on the neck of a suspect in order to control or contain the suspect's movements. Unless other options are not feasible, officers shall not take a suspect to the ground by the neck. When attempting to control a grounded suspect, officers shall place pressure only on the suspect's shoulders, chest, or the middle of the back. If an officer unintentionally places pressure on a suspect's neck during a struggle, the officer shall remove the pressure as soon as practical.

6 DUTY TO INTERVENE

An officer has a duty to intervene to stop or prevent another peace officer, regardless of rank, from using force against a suspect if the amount of force exceeds that which is reasonable under

the circumstances and the officer knows or should know that the other officer's use of force has one or more of the following characteristics:

- a. The force violates state or federal law.
- b. The force puts a person at risk of bodily injury and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person.
- c. The force is not required to apprehend the person suspected of committing an offense.

An officer who witnesses the use of excessive force by another officer shall promptly make a detailed written report of the incident and deliver the report to their own supervisor.

7 NOTICE OF AUTHORITY AND IDENTITY

Officers shall identify themselves as a peace officer and make clear their intent to arrest or search a person before using force, unless it is already reasonably known by the individual to be searched or arrested or it is not practical to do so.

8 SAFE HANDLING OF WEAPONS

Officers shall not display any intermediate weapon or firearm in an unprofessional or unsafe manner.

When an officer removes a firearm or CED from its holster or carries a soft-impact weapon or 40mm launcher, the officer shall use indexing to prevent an unintentional discharge. The officer shall continue indexing until the point in which the officer is prepared to fire at the threat and has made the conscious decision to fire at the threat. Officers shall, if possible, re-holster their firearm or CED before physically restraining a person.

9 MOVING OR FLEEING VEHICLE

Discharging a firearm, soft-impact weapon, or 40mm launcher at a moving vehicle is prohibited unless one of the following situations exists:

- a. A person in the vehicle is immediately threatening the officer or any other person with serious bodily injury or death by means other than the vehicle itself (e.g., driver firing at the officer with a firearm).
- b. The vehicle is operated in a manner deliberately intended to strike the officer or another person, and all other reasonable means of defense or avoidance have been exhausted or are not present or practical, including moving out of the path of the vehicle.

Officers shall not discharge a firearm, soft-impact weapon, or 40mm launcher from a moving vehicle unless there is an objectively reasonable belief that it is necessary to prevent serious bodily injury or death and no other reasonable alternative exists.

10 REQUESTING MEDICAL PERSONNEL AND PROVIDING FIRST AID

Any officer who encounters any injured person while discharging the officer's official duties, including but not limited to a person injured due to a use of force by any officer, shall immediately request emergency medical services as necessary.

While awaiting emergency medical services, officers shall provide first aid to their level of training without any unreasonable delay, taking into consideration that the first priority of all officers is scene safety. Mitigating any potential threats prior to providing first aid shall remain the most important task. Once treatment begins, officers may quickly lose any tactical advantage due to the fact they will be kneeling or crouched and/or have their attention diverted during the assessment and rendering of first aid.

Upon notification of a use of force by an officer, the dispatcher and the notified supervisor shall remind the officer to immediately request emergency medical services as necessary and to provide first aid.

11 USE OF FORCE BY CIVILIAN EMPLOYEES

Civilian employees are not authorized to use force for law enforcement purposes. If a civilian employee is required by the circumstances to use force while on duty for their protection or the protection of a third party, the civilian employee shall use only objectively reasonable force.

12 REFERENCE MATERIAL

City of Houston Executive Order No. 1-67. To the extent there are any conflicts, the Executive Order supersedes this General Order.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

March 13, 2019

NO.

600-18

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-16, dated May 9, 2016

SUBJECT: FIREARM AND SOFT- IMPACT WEAPON DISCHARGES

POLICY

All firearm and soft-impact weapon discharges by an officer other than for training or lawful recreational purposes shall be immediately reported and investigated as set forth herein.

Whenever an officer discharges a firearm and causes bodily injury, serious bodily injury, or death to a person, the department shall ensure the appropriate report is completed and submitted to the Texas Attorney General's Office and to HPD's Office of Public Affairs in accordance with state law.

This General Order applies to all employees.

DEFINITIONS

Bodily Injury. An injury causing physical pain, illness, or any impairment of the function of any bodily member or organ.

Firearm. Any handgun, rifle, or shotgun (not including soft-impact weapon).

Serious Bodily Injury (SBI). An injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Soft-Impact Weapon. An intermediate weapon that is a distinctly marked shotgun designated for the exclusive use of soft-impact munitions.

1 REQUESTING MEDICAL PERSONNEL AND PROVIDING FIRST AID

Anytime an officer discharges a firearm or soft-impact weapon, whether inside or outside the city limits of Houston, and a person sustains bodily injury or serious bodily injury (SBI) or is struck by a munition from a soft-impact weapon, the officer shall immediately request medical personnel to the scene.

If the officer who discharged the firearm or soft-impact weapon is unable to perform this task, the most senior officer at the scene shall make the request.

While awaiting emergency medical services, officers shall provide first aid to their level of training without any unreasonable delay, taking into consideration that the first priority of all officers is scene safety. Mitigating any potential threats prior to providing first aid shall remain the most important task, because once treatment begins, officers may quickly lose any tactical advantage due to the fact they will be kneeling or crouched and/or have their attention diverted during the assessment and rendering of first aid.

2 INSIDE THE CITY LIMITS OF HOUSTON: DISCHARGES REQUIRING AN ON-SCENE RESPONSE BY INTERNAL AFFAIRS AND HOMICIDE DIVISION INVESTIGATORS

See General Order 600-17, **Response to Resistance**, for information regarding discharges inside the city limits of Houston that require an on-scene response by Internal Affairs and Homicide Division investigators.

3 INSIDE THE CITY LIMITS OF HOUSTON: DISCHARGES REQUIRING ONLY AN INVESTIGATION AND A REPORT BY AN ON-DUTY SCENE SUPERVISOR

An on-duty supervisor shall be immediately dispatched to the scene to conduct an investigation and complete a supplemental or original incident report whenever any of the following incidents occur inside the city limits of Houston.

- a. An officer unintentionally discharges a firearm and it does not result in any bodily injury or SBI to any person.
- b. An officer discharges a firearm toward an animal or shoots an animal and it does not result in any bodily injury or SBI to any person.
- c. An officer discharges a soft-impact weapon, intentionally or unintentionally, and it does not result in any SBI to any person.

If any of the preceding scenarios occur, employees shall adhere to the procedures outlined in this section.

Officer's Responsibilities

The officer who discharged the firearm or soft-impact weapon as described above shall do the following:

- a. Immediately request medical personnel if any person sustains injury and/or is struck by a munition from a soft-impact weapon.
- b. If the incident occurs inside the city limits of Houston when the officer is on duty, immediately notify an on-duty supervisor choosing the best method of requesting an on-duty supervisor to respond to the scene (e.g., via the dispatcher, radio, mobile computing device [MCD]).
- c. If the incident occurs inside the city limits of Houston when the officer is off duty including extra employment, immediately notify the Emergency Communication Division (ECD) dispatcher.
- d. Complete a supplemental or original incident report, as applicable. The report shall document the original call for service; the names, employee numbers, and assigned divisions of all employees present when the discharge occurred; and the circumstances surrounding the firearm or soft-impact weapon discharge.

- e. Comply with section 6, *Firearm and Soft-Impact Weapon Testing*, of this General Order if the incident involved an unintentional discharge of a firearm or soft-impact weapon without any bodily injury or SBI to any person.
- f. Follow any applicable procedures in General Order 600-17, **Response to Resistance**.

If the officer who discharged the firearm or soft-impact weapon is unable to perform the tasks noted in items (a) through (c) above, the most senior officer at the scene shall perform such tasks.

Emergency Communications Division's Responsibilities

Upon receiving notification, the ECD dispatcher shall notify and dispatch the officer's immediate supervisor to the scene to conduct the investigation if the immediate supervisor is on duty. If the officer's immediate supervisor is not available (e.g., off duty), the dispatcher shall dispatch another on-duty supervisor from the officer's assigned division to the scene to conduct the investigation.

If an on-duty supervisor from the officer's assigned division is not available to respond, the dispatcher shall dispatch an on-duty supervisor from the patrol division responsible for the location where the incident occurred.

Furthermore, the ECD dispatcher shall immediately notify an ECD supervisor. The ECD supervisor shall immediately notify the Command Center.

Command Center's Responsibilities

Command Center personnel shall follow the notification requirements set forth in General Order 200-10, **Emergency Management** and General Order 600-17, **Response to Resistance**.

On-Scene Supervisor's Responsibilities

Upon receiving notification, the on-duty supervisor shall do the following:

- a. Respond and proceed immediately to the scene.
- b. Immediately contact the Command Center and advise or update them of the circumstances surrounding the discharge of firearm or soft-impact weapon incident.
- c. Ensure injured persons are treated.
- d. During the investigation, follow the guidelines outlined in the document titled "Investigation Procedures for Discharge of Firearm (Unintentional No Injury or Animal Shooting) or Soft-Impact Weapon with No Serious Bodily Injury," which is located on the department's Intranet Portal.
- e. Collect and submit all evidence related to the firearm or soft-impact weapon discharge incident in accordance with General Orders 700-01, **Property and Evidence Control Regulations** and 600-17, **Response to Resistance**.

- f. Direct the officer to comply with section 6, *Firearm and Soft-Impact Weapon Testing*, of this General Order if the incident involved an unintentional discharge of a firearm or soft-impact weapon without any bodily injury or SBI to any person.
- g. Write and submit to the Chief of Police correspondence (a.k.a. Discharge of Firearm or Soft-Impact Weapon Investigative Report) describing the incident and summarizing the findings of the investigation. For instructions, see the "Discharge of Firearm or Soft-Impact Weapon" example correspondence located on the department's Intranet Portal.
- h. Complete an original or supplemental incident report, as applicable.
- i. Follow any applicable procedures in General Order 600-17, **Response to Resistance**.

Furthermore, if the supervisor's on-scene investigation reveals a violation of department policy regarding the use of force as stated in General Order 600-17, **Response to Resistance**, the supervisor shall contact Internal Affairs Division (IAD) and speak with an IAD lieutenant for direction. If it is after hours, the supervisor shall request the Command Center to notify the on-call IAD lieutenant.

Any observed misconduct shall be reported and investigated in accordance with General Order 200-03, **Investigation of Employee Misconduct**.

4 OUTSIDE THE CITY LIMITS OF HOUSTON: DISCHARGES REQUIRING NOTIFICATION TO INTERNAL AFFAIRS AND HOMICIDE DIVISION

See General Order 600-17, **Response to Resistance**, for information regarding discharges outside the city limits of Houston that require notification to Internal Affairs and Homicide Division investigators.

5 OUTSIDE THE CITY LIMITS OF HOUSTON: UNINTENTIONAL DISCHARGE OF FIREARM OR SOFT-IMPACT WEAPON WITH NO INJURY TO ANY PERSON

Officer's Responsibilities

If an officer unintentionally discharges a firearm or soft-impact weapon while outside the city limits of Houston and it does not result in any bodily injury or SBI to any person, the officer shall follow the below procedures:

- a. Notify the law enforcement agency having jurisdiction as soon as possible.
- b. Fully comply with any reporting requirement of or investigation conducted by the law enforcement agency having jurisdiction.
- c. Make additional notifications as follows:
 - 1. If the incident occurs outside the city limits of Houston when the officer is on duty, immediately notify an on-duty supervisor choosing the best method of such notification (e.g., via the dispatcher, radio, MCD).

2. If the incident occurs outside the city limits of Houston when the officer is off duty including extra employment, immediately notify the Command Center.
- d. Comply with section 6, *Firearm and Soft-Impact Weapon Testing*, of this General Order.
- e. Follow the applicable documentation requirements noted below in the subsection titled "Officer's Documentation Requirements."
- f. Follow any applicable procedures in General Order 600-17, **Response to Resistance**.

Emergency Communications Division's Responsibilities

Upon receiving notification, the Emergency Communications dispatcher shall immediately notify an ECD supervisor. The ECD supervisor shall immediately notify the Command Center.

Command Center's Responsibilities

In addition to the notification requirements set forth in General Orders 200-10, **Emergency Management** and 600-17, **Response to Resistance**, a classified supervisor in the Command Center shall determine whether an on-duty supervisor should respond to the scene after giving consideration to the proximity of the incident to the city of Houston.

The Command Center supervisor shall inform the involved officer whether an on-duty supervisor will or will not be responding to the scene.

On-Duty Supervisor's Responsibilities

Upon receiving notification, the on-duty supervisor shall do the following:

- a. Immediately contact the Command Center to ascertain if the supervisor does or does not have to respond to the scene.
- b. Follow any applicable procedures in General Order 600-17, **Response to Resistance**.

Officer's Documentation Requirements

Officers who discharge a firearm or soft-impact weapon (intentionally or unintentionally) while outside the city limits of Houston, shall request a copy of any report generated by the law enforcement agency having jurisdiction over the incident and forward it through the chain of command to the officer's assistant chief with interoffice correspondence attached. The correspondence shall fully explain the firearm or soft-impact weapon discharge incident. If the law enforcement agency having jurisdiction refuses to provide the officer with a copy of the report, the officer shall document this information in the correspondence.

If no report is generated by the law enforcement agency having jurisdiction, the officer shall generate correspondence fully explaining the firearm or soft-impact weapon discharge incident and send it through the chain of command to the officer's assistant chief.

6 FIREARM AND SOFT-IMPACT WEAPON TESTING

Officers who unintentionally discharge a firearm or soft-impact weapon and it does not result in any bodily injury or SBI to any person shall *immediately secure that weapon and take it out of service*. The officer shall not carry that weapon for on- or off-duty use until it has been cleared by a functionality test performed by Training Division firearms training range personnel.

If the involved weapon is a firearm, the concerned officer shall report to the Training Division's firearms range to have a functionality test performed on the firearm as noted above. Officers who require the loan of a replacement *primary weapon* shall follow the procedures for loan of firearms outlined in General Order 400-05, **Firearms Qualification and Control**.

If the involved weapon is a soft-impact weapon, the officer or the on-scene supervisor shall ensure that the soft-impact weapon is immediately secured and removed from service. That soft-impact weapon shall not be returned to on-duty use until it has been cleared by a functionality test performed as noted above.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 2, 2016

NO.

600-19

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-19, dated December 29, 2010

SUBJECT: POLICE HEADQUARTERS SECURITY

POLICY

Employees shall follow the guidelines and procedures outlined in this General Order for safeguarding the Houston Police Department Edward A. Thomas Building (Police Headquarters) located at 1200 Travis. Employees shall comply with all instructions given by members of the HPD Night Command/Security Operations Division.

The department's Night Command/Security Operations Division shall ensure its standard operating procedures comply with City of Houston Executive Order No. 1-37 Revised, *Security on City Premises*.

This General Order applies to all employees.

1 GARAGE ENTRY AT THE HOUSTON POLICE DEPARTMENT EDWARD A. THOMAS BUILDING

Vehicles

Employees with department issued identification (ID) access and authorization to park in the garage may enter vehicles via Polk or Milam streets. However, anyone parking in the lower levels of the parking garage shall use the Polk Street entrance *only*.

Visitors and employees without ID access to park in the garage shall enter vehicles only via Polk Street to confirm authorization and obtain entrance.

Only one vehicle is allowed through a security entry gate at a time. Employees shall not bypass a security barrier by following behind another vehicle that has opened the gate (also known as "piggybacking") without

first scanning their ID at the security card swipe device to obtain authorized access. Employees shall not lend their ID to another person to bypass a security barrier.

Pedestrians

Authorized pedestrians entering the garage shall use only the Polk or Dallas street entrances.

2 BUILDING ENTRY AT THE HOUSTON POLICE DEPARTMENT EDWARD A. THOMAS BUILDING

All employees are responsible for adhering to the Criminal Justice Information Services (CJIS) policies outlined in General Order 800-06, **CJIS Compliance** and following the guidelines and procedures outlined below:

Employees

Except as noted below, all employees and all contractors, temporary workers, volunteers, and interns shall enter Police Headquarters via the employee entrance on the west side of the building (facing Milam Street).

While on police property, all persons issued an official Police Department identification shall wear it prominently displayed to the front of their person at or above the waist so that the photograph and name are easily visible. Only classified, uniformed officers are exempt from this requirement. Employees and other persons noted above without official identification shall sign in at the employee entrance and receive a temporary identification tag to wear while at Police Headquarters.

Employees who are on *Relieved of Duty at Home* status shall enter Police Headquarters via the Travis Street public entrance, go through security screening, and obtain a "Visitor" identification tag, which shall be displayed and returned as noted in the "Visitors" subsection below. Internal Affairs classified personnel shall escort the employee at all times to offices in which the employee has business. Internal Affairs may extend this escort requirement to any employee as needed.

Visitors

Visitors entering Police Headquarters as pedestrians shall enter via the Travis Street entrance. After passing security screening, visitors shall be issued a "Visitor" identification tag, which shall be worn at all times while on police property. The visitor tag shall be prominently displayed to the front of their person at or above the waist and returned to the Night Command/Security Operations officer working the exit desk upon leaving.

All visitors shall be escorted if their intended destination is within the secured areas of the Houston Police Department Edward A. Thomas Building. It is the responsibility of all employees to ensure that visitors are on the proper floor. If any visitor refuses to comply with an employee's instructions, the incident shall be reported to the Night Command/Security Operations personnel.

Prisoners, Suspects, and Persons of Interest

Officers shall receive authorization from the concerned division prior to bringing prisoners, suspects, or persons of interest to Police Headquarters. The escorting officer shall sign in these persons at the employee entrance security desk.

All prisoners, suspects, and persons of interest shall be escorted by an officer at all times. Escorting officers shall use the freight

elevator when available. However, if a prisoner, suspect, or person of interest has to be taken to a division using the public elevators (e.g., freight elevator not in operations), the escorting officer shall not allow any other person into the elevator with the officer and the prisoner, suspect, or person of interest while going to the designated floor.

3 POSSESSION OF FIREARMS AT POLICE HEADQUARTERS

Firearms are prohibited on City of Houston premises, except as provided by applicable federal or state law. A person who is not a law enforcement officer and who holds a license to carry a handgun may carry a handgun into Police Headquarters only in areas accessible to the public (ground floor only). However, prior to entering a restricted area of the building, a person with a license to carry a handgun shall be required to secure any firearm in his or her personal vehicle or in a gun locker provided at the police facility.

See also General Order 400-05, **Firearms Qualification and Control**, for the section that outlines additional restrictions for City employees who are not police officers.

4 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-05, **Parking Regulations and Release of Towed Vehicles**

400-05, **Firearms Qualification and Control**
800-06, **CJIS Compliance**

City of Houston Executive Order No. 1-37
Revised, **Security on City Premises**


Martha I. Montalvo
Acting Chief of Police

General Order

Houston Police Department



ISSUE DATE:

March 4, 2022

NO.

600-20

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-20, dated June 19, 2020

SUBJECT: USE OF FORCE REPORTING

POLICY

In order to ensure transparency and accountability, this directive sets forth procedures for responding to, reporting, and reviewing incidents involving HPD employees using force for a law enforcement purpose. The specific required response, reporting, and review regarding these incidents is determined by the force level as outlined in this General Order. Employees shall truthfully and completely report and document all reportable force.

This General Order applies to all employees.

DEFINITIONS

Involved Officer. An officer (regardless of rank) who used reportable force.

Long Form. Documentation collected by the *Use of Force Data Collector* that requires completion of all fields for submission, as established by the Office of Planning & Data Governance.

Reportable Force (RF). Force that requires specific notification and documentation.

Short Form. Documentation collected by the *Use of Force Data Collector* that requires completion of fewer fields for submission than the Long Form, as established by the Office of Planning & Data Governance.

Officers shall refer to General Order 600-17, **Use of Force**, for additional definitions.

1 REPORTABLE FORCE

Reportable force does not include mere police presence, including the presence of a K-9, verbal commands, handcuffing or escorting without resistance, drawing or displaying a weapon without pointing it at a person, or when an oleoresin capsicum (OC) spray device is pointed at a person.

Short Form

RF requiring the Short Form includes the use of any of the following:

- a. Conducted energy device (CED) when pointed at a person without being discharged.
- b. Soft-impact weapon or 40mm launcher when pointed at a person without being discharged.
- c. Firearm when pointed at a person without being discharged.

- d. Forced handcuffing (e.g., grabbing and pulling a resistant suspect's hands, wrists, or arms when handcuffing) when there is no visible injury and no person loses consciousness or complains of bodily injury.

Long Form

RF requiring the Long Form includes, but is not limited to, the use of any of the following:

- a. Forced handcuffing when there is visible injury or a person loses consciousness or complains of bodily injury.
- b. Empty hand tactics (e.g., shoving, pushing, pressure points, forcing arms from front to back, taking suspect to the ground, leg sweeps).
- c. Strikes (e.g., punches, kicks, knee or elbow strikes).
- d. Baton when a person is struck.
- e. OC spray when:
 - 1. Intentionally sprayed in the direction of a person, whether contact is made or not.
 - 2. Unintentionally sprayed, if it results in bodily injury to any person.
- f. Conducted energy device (CED) when:
 - 1. Intentionally discharged and directed at a person, whether contact is made or not.
 - 2. Used in a drive stun manner.
 - 3. Unintentionally discharged, if it results in bodily injury to any person.
- g. Soft-impact weapon or 40mm launcher when:
 - 1. Intentionally discharged, except when the discharge is directed toward an animal and it does not result in bodily injury to any person.
 - 2. Unintentionally discharged, if it results in bodily injury to any person.
- h. Firearm when:
 - 1. Intentionally discharged, except when the discharge is directed toward an animal and it does not result in bodily injury to any person.
 - 2. Unintentionally discharged, if it results in bodily injury to any person.
- i. K-9 contact.
- j. Interlocking by handcuffing the wrists and ankles together behind the back or by wrapping the person within a device intended to immobilize the person (e.g., the WRAP).

- k. Spit cover when used on a person.
- l. Remote restraint device, if it results in bodily injury to any person.

2 ON-DUTY USE OF FORCE

Officer's Responsibilities

If RF occurs when the involved officer is on-duty, whether inside or outside the city of Houston, the involved officer shall immediately notify an on-duty supervisor assigned to the involved officer's division. The involved officer shall choose the best method of notifying an on-duty supervisor (e.g., via the dispatcher, radio, mobile computing device). If no on-duty supervisor assigned to the involved officer's division is available, the involved officer shall notify the dispatcher. The dispatcher shall assign an on-duty supervisor as required by Section 4, *Emergency Communications Division's Responsibilities*.

If the involved officer is unable to make immediate notification to an on-duty supervisor or dispatcher, the most senior officer at the scene shall make the notification. If the involved officer is a supervisor, the involved officer shall notify a supervisor of equal or higher rank.

In addition to the requirements of this General Order, involved officers shall comply with all applicable documentation requirements contained in General Orders 400-26, **Conducted Energy Devices**, 400-31, **Remote Restraint Device**, and 600-18, **Firearm, Soft-Impact Weapon, and 40MM Launcher Discharges**.

Reporting Requirements:

Each involved officer who uses RF shall do all of the following:

- a. Complete an original or supplement incident report, as applicable.
- b. Complete a *Use of Force* form, via the *Use of Force Data Collector* on the department's Intranet Portal, for each person against whom the involved officer used RF.
- c. Thoroughly document the suspect's actions and the officer's response, unless instructed otherwise by Internal Affairs Division (IAD) and/or Homicide Division's Special Investigations Unit (SIU).

The involved officer(s) shall complete the incident report, supplement report(s), and *Use of Force* form(s) prior to the end of the shift, including when IAD and/or SIU investigate the incident. If an involved officer is unable to complete this documentation, the involved officer shall complete it as soon as they return to duty.

Incident Report:

The primary involved officer shall write an incident report that contains the following information:

- a. The name and employee numbers of:

1. All employees on the scene at any time during the RF incident.
 2. The on-duty supervisor who was notified and/or responded to the RF incident.
 3. The Joint Processing Center Unit or Juvenile Intake Unit supervisor notified by the officer, if notification is required by Section 7, *Booking Prisoners*.
- b. The unit number of responding medical personnel, if applicable.
- c. The involved officer's force used and specific reason(s) for using RF. The documentation shall thoroughly explain what force was used and why it was used. Officers shall include a detailed description of all actions taken by the officer and by the person against whom the force was used. When describing the suspect's actions, the officer shall not make conclusory statements (e.g., "the suspect was acting crazy," "the suspect was resisting and combative," or "the suspect made a furtive gesture"). The officer shall include a detailed description of the suspect's specific action(s) that led to the decision to use force (e.g., "the suspect attempted to punch and kick me, then pushed me and twisted away from my grasp").
- d. The name of the person receiving RF, if known, and the part of the person's body receiving the RF.
- e. The location on the person's body of any known injury, even if the injury was not received as part of the incident.
- f. Any other pertinent information related to any offense committed.

Supplement Report:

Each involved officer shall write their own supplement to the primary officer's original incident report. The supplement report shall include, but is not limited to:

- a. The force used and specific reason(s) for using force as described above.
- b. The name of the person receiving RF, if known, and the part of the person's body receiving the RF.

Use of Force Form:

The involved officer shall complete the incident or supplement report before completing the *Use of Force* form in order to import information from the report.

When entering the *Use of Force* form in the *Use of Force Data Collector*, the involved officer shall select the Short Form or Long Form as indicated in Section 1, *Reportable Force*. When completing the form, the involved officer shall select the notified on-duty supervisor, which will route the form to that supervisor for review.

The involved officer shall include the specific reason(s) for using RF in the *Use of Force* form.

Delayed Report of Injury:

If a suspect's injury is not apparent at the time of arrest and the arresting officer later discovers the injury, that officer shall immediately notify an on-duty supervisor. Furthermore, the officer shall complete a supplement detailing the delayed injury and the circumstances surrounding the discovery of the delayed report of injury.

Supervisor's Responsibilities

At all times, any notified or reviewing supervisor whose investigation reveals possible violations of department policy regarding use of force shall refer to General Order 200-03, **Investigation of Employee Misconduct**.

Response Requirements:

Upon receiving notification of an RF incident, the notified on-duty supervisor shall respond and proceed immediately to the scene unless one of the following circumstances applies:

- a. The RF requires the Short Form only.
- b. The RF involved empty hand tactics when there is no visible injury and no person loses consciousness or complains of bodily injury.
- c. The Crime Analysis & Command Center Division (Command Center) determines that an on-duty supervisor does not need to respond to a RF incident outside the city limits of Houston.

If a supervisor responds to the scene, the supervisor shall determine immediately upon arrival whether anyone is injured and ensure that the injured are treated.

In accordance with General Order 500-01, **Effecting Arrests and Searches**, an on-duty supervisor is always required to respond when an interlocking technique is used.

Notification Responsibilities:

The responding supervisor shall immediately contact the Command Center when any of the following RF occurs:

- a. A firearm, soft-impact weapon, or 40 mm launcher is discharged.
- b. A CED is discharged.
- c. A person sustains serious bodily injury.
- d. A person is sprayed with OC.
- e. The RF occurred outside the city limits of Houston.

Documentation:

If the RF requires only the Short Form, no supervisory review or documentation is required. The notified supervisor shall do all of the following if the RF requires the Long Form:

- a. Complete a *Significant Event Notification*, if required by General Order 200-10, **Emergency Management**, as soon as possible.
- b. Review each involved officer's incident and/or supplement report within five calendar days.
- c. Review all applicable *Use of Force* forms and body worn camera (BWC) videos within five calendar days after the BWC video is available.
- d. Complete a supplement to the original incident report within five calendar days after the BWC video is available.

If the BWC video is not available within five calendar days of the RF incident due to a technical delay, the notified supervisor shall notify the shift commander of the delay and check each subsequent workday to determine if the BWC video is available.

Details in the Supplemental Incident Report

The supervisor's supplement shall include whether or not the suspect sustained any visible injuries, a description of such injuries, injuries complained of by the suspect that are not visible, whether or not the suspect refused medical transport, and any other relevant information, including whether the suspect had pre-existing injuries. The supervisor's supplement shall confirm that the supervisor completed all required supervisory reviews.

In addition to the above specifications, supervisors shall also comply with further documentation requirements contained in General Orders 400-26, **Conducted Energy Devices**, 400-31, **Remote Restraint Device**, and 600-18, **Firearm, Soft-Impact Weapon, and 40MM Launcher Discharges**.

Use of Force Review

When reviewing the *Use of Force* form, the notified supervisor shall indicate whether the officer had a BWC and select one of the following options as appropriate:

- a. *No Violations Noted*. The supervisor shall summarize the officer's actions and state that the officer's actions did not violate policy.
- b. *Violations Noted*. The supervisor shall make only the following comment: "The incident is being investigated to determine compliance with department policy." The supervisor shall make the notifications required by General Order 200-03, **Investigation of Employee Misconduct**, if the supervisor selects this option.

The notified supervisor shall then submit the *Use of Force* form to the shift commander. The shift commander shall review all applicable *Use of Force* forms, BWC videos, reports, and supplements. The shift commander shall include comments referencing the time on the BWC video for each use of RF and a statement approving or rejecting the supervisor's findings. The

shift commander shall submit the *Use of Force* form to the division commander for final approval or rejection.

3 OFF-DUTY USE OF FORCE

Extra Employment

If an officer uses RF during extra employment within the city limits of Houston, the involved officer shall complete all notifications and documentation required by Section 2, *On-Duty Use of Force*.

If an officer uses RF during extra employment while outside the city limits of Houston, the involved officer shall immediately notify the law enforcement agency having jurisdiction and the Command Center. The involved officer shall complete all documentation required by Section 2, *On-Duty Use of Force*. The involved officer shall obtain a copy of any report generated from the investigation, if any, and write a letter explaining the use of force incident through the chain of command to the involved officer's commander unless the incident is investigated by IAD. The involved officer shall verify with a classified supervisor in the Command Center whether an on-duty supervisor will respond to the scene.

In addition to the exceptions to an on-duty response contained in Section 2, *On-Duty Use of Force*, an on-duty supervisor is not required to respond if all of the following circumstances apply, whether inside or outside the city limits of Houston:

- a. The involved officer was working extra employment at the time of the RF.
- b. The involved officer did not discharge a firearm, soft-impact weapon, or 40mm launcher.
- c. An HPD supervisor who did not use RF is working extra employment at the same location.
- d. The RF did not result in serious bodily injury to any person.
- e. The involved officer reported the use of force to that supervisor immediately.

In such cases, the supervisor working extra employment at the location shall complete all review and documentation required of the on-duty notified supervisor by Section 2, *On-Duty Use of Force*.

If the above exception does not apply, the notified on-duty supervisor shall complete all review and documentation required by Section 2, *On-Duty Use of Force*.

Whether inside or outside the city limits of Houston, the involved officer shall also notify an on-duty supervisor at the division where the involved officer is assigned at the earliest time during the operational hours of the involved officer's division when a supervisor is on duty.

Not Working Extra Employment

If an RF incident occurs inside the city limits of Houston when the involved officer is off duty and not working extra employment, the involved officer shall immediately notify the ECD dispatcher and the Command Center. The officer shall complete the documentation requirements required

by Section 2, *On-Duty Use of Force*. The notified on-duty supervisor shall complete all review and documentation required by Section 2, *On-Duty Use of Force*.

If an officer uses RF while off-duty and not working extra employment, while outside the city limits of Houston, the involved officer shall immediately notify the law enforcement agency having jurisdiction and the Command Center. The officer shall complete the documentation requirements required by Section 2, *On-Duty Use of Force*. The involved officer shall obtain a copy of any report generated from the investigation, if any, and write a letter explaining the use of force incident through the chain of command to the involved officer's commander, unless the incident is investigated by IAD. The notified on-duty supervisor shall complete all review and documentation required by Section 2, *On-Duty Use of Force*.

Whether inside or outside the city limits of Houston, the involved officer shall also notify an on-duty supervisor at the division where the involved officer is assigned at the earliest time during the operational hours of the involved officer's division when a supervisor is on duty.

4 EMERGENCY COMMUNICATIONS DIVISION'S RESPONSIBILITIES

Notification to an On-Duty Supervisor

Upon receiving notification of an RF incident occurring inside the city limits of Houston, the ECD dispatcher shall immediately verify that an on-duty supervisor assigned to the involved officer's division has been notified. If no supervisor from the involved officer's division is on duty, the dispatcher shall notify an on-duty supervisor assigned to the patrol division where the RF incident occurred.

Notification to the Command Center

The ECD dispatcher shall confirm that the notified on-duty supervisor completes the notifications required by Section 2, *On-Duty Use of Force*. If the RF occurred outside the city limits of Houston when the involved officer was on duty, the dispatcher shall immediately notify an ECD supervisor, who shall immediately notify the Command Center.

5 COMMAND CENTER'S RESPONSIBILITIES

Notification to Homicide Division and Internal Affairs Division

The Command Center shall immediately notify SIU and IAD of an RF incident when a person sustains serious bodily injury or death. Additionally, the Command Center shall follow notification procedures in General Order 600-18, **Firearm, Soft-Impact Weapon, and 40mm Launcher Discharges**.

IAD shall investigate all RF incidents involving serious bodily injury to any person.

Notification to an On-Duty Supervisor

Upon notification of an RF incident inside the city limits of Houston, a Command Center classified supervisor shall confirm that an on-duty supervisor has responded or will respond, if required by

this General Order, and notify the involved officer whether an on-duty supervisor will make the scene if necessary.

If the RF incident occurred outside the city limits of Houston, the Command Center supervisor shall determine whether an on-duty supervisor is required to make the scene, after giving consideration to the proximity of the RF incident to the city of Houston and the severity of the injury. The classified supervisor in the Command Center shall inform the involved officer whether an on-duty supervisor will respond to the scene.

6 USE OF FORCE MANAGEMENT REPORTS

Use of Force Management Reports, located within the *Use of Force Data Collector*, provide supervisors the ability to view a compilation of RF data and the approval status of the *Use of Force* forms. Supervisors shall regularly review information concerning their subordinates that is provided in the *Use of Force Management Reports*.

Additionally, on a monthly basis at minimum, division commanders shall review the compilation of RF data in the *Use of Force Management Reports* concerning their assigned division and review the approval status of *Use of Force* forms.

7 BOOKING PRISONERS

Officers shall notify an on-duty HPD Joint Processing Center Unit supervisor at the Joint Processing Center before booking a prisoner who has been struck, hit, or sprayed by any weapon, subjected to any other form of force causing bodily injury, or against whom a spit cover or interlocking device was used. Such prisoners shall not be booked into any jail unless approved by that supervisor.

Officers shall notify an on-duty Juvenile Intake Unit supervisor before booking a juvenile prisoner against whom any RF was used.

8 USE OF FORCE BY CIVILIAN EMPLOYEES

Civilian employees are not authorized to use force for law enforcement purposes. If a civilian employee is required by the circumstances to use force while on duty for their protection or the protection of a third party, the civilian shall notify an on-duty classified supervisor assigned to their own division. If no on-duty classified supervisor assigned to the civilian employee's division is available, the civilian employee shall notify the Command Center. The Command Center shall assign an on-duty classified supervisor to respond to the scene. The notified supervisor shall document the incident in an incident report.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

February 25, 2020

NO.

600-21

REFERENCE: This newly created General Order supersedes all prior conflicting Circulars, Directives, and General Orders

SUBJECT: PUBLIC RECORDING OF POLICE ACTIVITY

POLICY

The Houston Police Department recognizes that members of the general public have a First Amendment right to video record, photograph, and/or audio record officers of the Houston Police Department in any public setting.

This General Order applies to all employees.

DEFINITIONS

Common Areas of Public & Private Facilities. Property that is open or accessible to the public for a particular purpose (e.g. areas intended for public use at a shopping mall, office building, hospital, parking lot).

Interference with Public Duties. A law prohibiting the interruption, disruption, or interference with a peace officer performing a duty or exercising authority imposed or granted by law as provided in section 38.15 of the Texas Penal Code.

Media. The storage source for visual images and/or audio recordings, whether by film, analog, or digital means.

Police Activity. For purposes of this General Order, officers conducting official business, acting in an official capacity, wearing a department issued uniform, wearing indices of the police department (e.g. wearing police identification) or who are otherwise readily identifiable as an officer.

Public Setting. Any place to which the public has a legal right to access and includes, but is not limited to, parks, sidewalks, streets, locations of public protest, and any other public facility. This also includes common areas of public and private facilities.

Recording or Record. For the purposes of this general order, recording or record is the act of capturing still or moving image(s), audio, or both by means of a recording device.

Recording Device. Any device utilized to capture still or moving image(s), audio, or both. Examples include, but are not limited to, a camera, cellular telephone, audio recorder, video recorder, tablet-style mobile computer, or other similar device.

1 RECORDING IN GENERAL

Officers are reminded that recording of places, buildings, structures and events are common and normally lawful activities. If a person is recording from a place where he or she has a legal

right to be, officers are reminded that this activity by itself does not constitute suspicious conduct.

Additionally, persons in private locations where they have a legal right to be present such as their home or place of business have a First Amendment right to record police activity.

However, the fact that a person has a recording device or is recording does *not* entitle the person to do any of the following:

- a. Cross a police line
- b. Enter an area that is closed to the public
- c. Enter any area designated as a crime scene
- d. Trespass
- e. Interfere with public duties (See section 4, Limitations)

Officers shall understand that if a person moves to a public sidewalk, then trespassing does not apply.

2 RECORDING CRITICAL INFRASTRUCTURES INCLUDING POLICE FACILITIES

The recording of critical infrastructures or secure locations such as water treatment plants, chemical manufacturing facilities, government buildings or police and military facilities may raise security and terrorism concerns; however, an officer must have reasonable suspicion to believe the person may be committing or is about to commit a criminal offense before the officer may detain the person or have probable cause to believe that a crime was committed to arrest the suspect.

Officers must be able to articulate the reason the person's behavior amounts to reasonable suspicion that the person is committing a crime or is about to commit a crime. For purposes of reasonable suspicion, it is appropriate for officers to take into account the location of the suspicious conduct and the degree of the potential danger being investigated; what is not suspicious in one location may be highly suspicious in another.

There is nothing that prevents an officer from engaging in a consensual conversation with any person. When officers enter into a consensual encounter, officers must understand that the person may refuse to talk or walk away. Officers must be able to recognize and articulate how a consensual conversation or casual interaction may turn into a lawful detention. For documentation within an incident report, officers should gather as much consensual information as the person will provide and detail all observations about the person(s) and scene descriptors, including observable vehicular information.

Police Facility or other Public Facility

While recording alone is not prohibited, a person engaged in recording is not entitled to trespass or violate other laws. While the public may be permitted to enter a premises or

building for a particular purpose, this right is not absolute. For example, the waiting area of a police station is open to the public to conduct business, but if the person creates a disturbance, the person's behavior creates a concern for safety, or the person is otherwise not conducting any business for which the facility is used, the person may be asked to leave. A person with apparent authority to act for the owner must provide oral or written communication that the person trespassing must leave the premises.

Where the involved property is maintained by the Houston Police Department, the commander over the division which occupies or is in charge of the property, facility or area, or the on-duty Night Command supervisor will determine if the person has permission to remain on the property. A person may be asked to leave a police facility if the person is not conducting any business at the police facility.

If the person refuses to leave the facility, officers may detain the suspect while further investigating the incident and determining if any charges will be filed. Any detention must be limited in duration to that which is reasonably necessary to investigate the incident. Officers must be able to articulate reasonable suspicion why the person's behavior or actions required them to detain the person.

3 PROCEDURES TO BE FOLLOWED BY OFFICERS

As long as the recording of police activity takes place in a setting where the individual has a legal right to be present and does not interfere with an officer's safety or lawful duties, officer's shall *not* do any of the following:

- a. Detain the person recording.
- b. Inform or instruct the person that recording is not allowed, requires a permit, or requires the officer's consent.
- c. Order that person to cease recording.
- d. Demand that person's identification.
- e. Demand the person state a reason why he or she is recording.
- f. Intentionally block or obstruct recording devices.
- g. Threaten, intimidate, or otherwise discourage the person from recording.

Regardless of the situation, officers shall not erase or delete, or instruct or require a person to erase or delete any media.

Nothing in this policy prohibits officers from questioning or detaining individuals they reasonably suspect have committed, are committing, or are about to commit any crime.

4 LIMITATIONS

Interference with Public Duties

Officers are reminded that pursuant to Texas Penal Code section 38.15(a)(1), "a person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law."

However, a person's recording of police activity from a safe distance, and absent any attendant action that obstructs the activity or threatens the safety of the officers, does *not* constitute interference.

A person has the right to express criticism of the police activity being observed. Officers are reminded that a person's expression does *not* constitute interference as long as such expression does *not* do either of the following:

- a. Jeopardize the safety of any officer, suspect or bystander.
- b. Incite others to violate the law.

If a person is recording police activity from a position that interferes with the safety of officers or their ability to perform their duties, if reasonable to do so, an officer may direct the person to move to a position that will not interfere. However, an officer shall not order the person to stop recording.

Obstructing Highway or Other Passageway

If a person is recording police activity from a position that obstructs a highway or other passageway (e.g.; street, sidewalk) by rendering it impassable or unreasonably inconvenient or hazardous, the officer shall direct the person to move to a safe position before making an arrest. For example, depending on the circumstances, directing a person that is recording to move out of the street and onto a sidewalk for their safety may be reasonable. However, officers shall not order the person to stop recording.

5 EVIDENCE ON A RECORDING DEVICE AND/OR MEDIA

Requesting Consent

If there is a question of whether a recording device and/or media contain evidence, the officer may request consent from the person to allow the officer to listen to or view the recording on their device and/or media.

If an officer has probable cause to believe that a recording device or media contains evidence, the officer may request consent from the person to either:

- a. Relinquish the recording device and/or media to the officer to be tagged in the Property Division.

- b. Transmit the images or sound via electronic mail to the officer's official government electronic mail account or upload the images or sound onto a government device when possible and practicable and in the presence of the officer.

Officers are reminded that consent to view, listen to or take possession of a recording device or media is considered a waiver of what would otherwise be a warrant requirement, and as such, the waiver must be voluntary and knowing. The method of obtaining voluntary consent may be written, audio/video recorded or verbal. However, when practical, the voluntary consent should be obtained in written or audio/video recorded form. If the consent is video recorded, it must also provide audio of the consent given.

When consent is granted, the person may withdraw their consent. If the person granting consent is not present during the search, the case investigator shall provide the person a phone number where the officer may be contacted. If the recording device and/or media are relinquished to or transmitted/uploaded to an officer not assigned to the division handling the investigation, the officer shall provide the person granting consent with the phone number to the concerned investigative division.

If the recording device and/or media are tagged as evidence, the officer shall contact the division responsible for the highest charge and notify them of the media evidence.

Warrantless Seizure Without Consent

If an officer has probable cause to believe that a recording device and/or media contain evidence, the officer shall take control of the recording device and/or media, as applicable, and contact a supervisor if both of the following apply:

- a. The individual declines to give consent as described above or the officer does not request consent.
- b. The officer believes that exigent circumstances exist insofar as the evidence will be lost, tampered with, or otherwise rendered useless absent an immediate seizure of the recording device and/or media.

The on-scene supervisor shall, in consultation with the officer, determine whether exigent circumstances permit the seizure of the recording device and/or media without a warrant.

Warrantless seizure of the recording device and/or media is permissible only when both of the following are true:

- c. There is probable cause to believe that the property holds contraband or evidence.
- d. The exigencies of the circumstances demand seizure of the property, such that there is a threat of imminent removal or destruction of evidence or threat to human life and insufficient time to obtain a warrant; or, some other recognized exception to the warrant requirement is present.

Evidence on a Recording Device or Media When Consent is Not Given

Absent exigent circumstances, officers shall obtain a search warrant before viewing images or listening to audio on a recording device and/or media that has been seized as evidence.

In exigent circumstances, where there is reason to believe that an immediate search of the seized material is necessary to prevent death or serious bodily injury of any person, officers shall contact a supervisor for authorization to review or listen to the recording device and/or media without a warrant. Recording devices and/or media that have been seized as evidence and are not directly related to the exigent purpose shall not be reviewed.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 9, 2015

NO.

600-22

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-22, dated September 2, 1987

SUBJECT: FEEDING EMPLOYEES DURING EMERGENCY SITUATIONS AND DEPARTMENT MOBILIZATIONS

POLICY

The department shall be responsible for feeding employees during *emergency situations* or *department mobilizations* in which a large number of employees participate for extended hours and are unable to initiate meal breaks themselves.

The department shall feed employees only after an on-scene supervisor and the concerned division commander have decided that it would be impractical to allow the employees to leave their assignments, to send in relief employees, to send an employee to get food for the employees at the scene, or to obtain food from an outside source while the scene is active. The Chief of Police or the Chief's designee shall obtain the Mayor's approval as required. This General Order establishes procedures for providing food to employees during *emergency situations* or *department mobilizations*.

This General Order applies to all employees.

DEFINITIONS

Department Mobilization. An ongoing, large-scale emergency that requires as much manpower as the department can deploy over an extended period of time. *Department mobilization* shall conclude only when deemed appropriate by the Chief of Police.

Examples of situations requiring *department mobilization* would be hurricane preparation, evacuation, and aftermath; flooding of a large portion of the city; other destructive storm aftermath; pandemic disease mitigation and aftermath; weapons of mass de-

struction (WMD); Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE), or other terrorist type incident; large hazardous material (HAZMAT) incident; large-scale fire; non-localized riot; or any other situation meeting the definition above.

Emergency Preparedness Liaison. The person designated by the commander of each division, unit, or office within the department to act as the single point of contact with the department's Office of Planning for the coordination and distribution of emergency rations.

The *emergency preparedness liaison* should be the administrative or day shift lieutenant (or civilian equivalent) and the designated commander for the night shift during the mobilization. The Command Center shall be notified immediately of any change of the *emergency preparedness liaison* roster.

Emergency Situation. A short-term emergency requiring the efforts of one patrol division plus reinforcement from other units within the department to resolve the situation.

Examples of *emergency situations* would be special weapons and tactics (SWAT) scene; spontaneous demonstration; localized riot; large planned demonstration; local evacuation of a small part of the city; traffic control at a large fire scene; or localized HAZMAT situation.

1 FEEDING EMPLOYEES DURING EMERGENCY SITUATIONS

During an *emergency situation*, when the on-scene supervisor and the concerned

division commander have determined that the department shall feed employees, the division commander shall contact the Chief of Police or the chief's designee and request authorization for the purchase of food.

Once the Mayor's written approval has been obtained by the Chief of Police, the Chief of Police shall authorize the feeding of employees. The on-scene commander shall procure the food through an approved process. The approved processes include issuing purchase orders, purchasing cards (P-Cards), or petty cash. The approved process shall include the written approval obtained from the Mayor's Office. The Office of Budget and Finance shall be contacted for assistance or approvals, as needed.

If an *emergency situation* will require the feeding of employees and the situation can be anticipated, the division commander or the division commander's designee in charge of the operation should make feeding arrangements as early as possible. Employees likely to be assigned responsibilities for procuring food in *emergency situations* should be thoroughly knowledgeable of current procurement policies and procedures. The employees who are also either petty cash custodians or holders of P-Cards should seek pre-approved authorizations to make food purchases through existing procurement procedures. These pre-approvals will expedite the process.

Units such as SWAT Detail and the Hostage Negotiation Team (HNT), which have in the past used petty cash to feed officers during *emergency situations*, shall be allowed to continue doing so as long as the appropriate approvals have been obtained.

2 FEEDING EMPLOYEES DURING DEPARTMENT MOBILIZATIONS

The department's Office of Planning shall be responsible for maintaining an adequate

stock of emergency rations and distributing emergency rations during *department mobilizations*.

To avoid duplication of efforts and additional expense to the department, requests for additional emergency rations such as food and water should be made to the Office of Planning only through procedures outlined in the department's *Emergency Response Plan* available on the department's Intranet Portal. The Office of Planning shall then forward all necessary requests to the Office of Budget and Finance, Procurement Section as required.

Each division, unit, or office *emergency preparedness liaison* shall be responsible for the food deliveries under their control. Inventory tracking sheets shall be provided to account for supplies that are furnished and depleted during the course of a *department mobilization*. The Office of Planning shall collect the inventory tracking sheets and then make arrangements to replenish the department's stock back to a state of operational readiness.

The Jail Division's contract has emergency provisions that can be used as a valuable resource to assist in certain mobilization events. In addition, Jail Division non-classified staffing and transportation are resources to consider when carrying out this support mission. The Office of Planning shall coordinate with the Jail Division's *emergency preparedness liaison* for assistance.

3 SPECIAL DIETARY NEEDS

Employees that have special or specific dietary needs related to health issues or personal preference should be prepared to bring food, medicine, and other accommodations with them for the duration of the *emergency situation* or *department mobilization* as these items may not be available from the department.

4 RELATED GENERAL ORDERS

200-10, Emergency Management

200-12, Purchasing Process

200-40, Petty Cash Funds



Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

February 24, 2016

NO.

600-23

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-23, dated February 24, 2015

SUBJECT: OFFICERS SIGNATURES ON STATE MOTOR VEHICLE FORMS

POLICY

Only on-duty officers assigned to the Houston Police Department's Auto Theft Division, Auto Dealers Detail, or Property Division Vehicle Impound Lot may sign as designated herein state motor vehicle forms that require a police officer's signature prior to execution.

This General Order applies to all employees.

1 AFFECTED FORMS

Only on-duty officers assigned to the Houston Police Department's Auto Theft Division or Auto Dealers Detail may sign the following state motor vehicle forms:

- a. *Auction Sales Receipt* (ASR) for abandoned motor vehicles sold by a law enforcement agency at public auction (Form VTR-71-1)

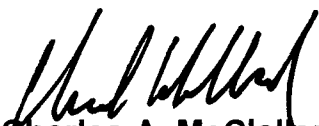
- b. *Application for Assigned or Reassigned Number* for vehicle identification numbers (Form VTR-68-A)

Only on-duty officers assigned to the Houston Police Department's Auto Theft Division, Auto Dealers Detail, or Property Division Vehicle Impound Lot may sign the following state motor vehicle forms:

- c. *Notice to the Texas Department of Motor Vehicles of the Abatement of Junked Vehicles* (Form VTR 71-4)
- d. *Transfer of Junked Vehicle to a Demolisher* (Form VTR-71-5)

2 FILING

It is the responsibility of the Auto Theft Division, Auto Dealers Detail, and Property Division to maintain a central filing system of copies of all motor vehicle forms signed by their personnel.


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 22, 2017

NO.

600-24

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-24, dated May 7, 2013

SUBJECT: DECONFLICTING COVERT AND NARCOTICS RELATED OPERATIONS

POLICY

Any division or unit intending to involve itself in a major or sensitive investigation or operation ordinarily handled by a specialized division shall coordinate that involvement with the specialized division. Also, whenever a police officer or investigator makes an arrest in which the circumstances indicate that another specialized division should be involved, the officer shall contact the second division to see if a "Hold" will be accepted.

This General Order does not circumvent routine patrol operations for calls for service, on-view incidents that are reactive in nature, or *open-air investigations/operations*.

This General Order applies to classified employees only.

DEFINITIONS

Blue-on-Blue Incident. Action by one officer at a location resulting in a confrontation with another officer at that same location without realizing the other was an officer. Such events occur when a plainclothes officer is involved in an investigation and another officer (either in plainclothes or in uniform) attempts to take enforcement action against the officer, not knowing the officer is involved in a *covert investigation*.

Case Explorer. The program used for *deconfliction* of events by the department's Narcotics Operations Control Center (NOCC).

Case Explorer Security Request Form. A form (available from the NOCC) completed by each officer or agent who is designated by a supervisor to be a point of contact and authorized to call the NOCC for deconfliction of covert investigations or operations.

Deconfliction. This term refers to the process of ensuring investigations do not overlap spans of authority or control and a conflict does not occur.

Deconfliction Radius. A requester can request to have an event deconflicted for any distance measured in feet or miles. [REDACTED]

Event. Investigative action at a specific location.

Event Address. The incident location (address or GPS coordinates), which shall include as many identifiers as possible. Identifiers include the location's street number, street name, city, and state or the Global Positioning System (GPS) latitude and longitude coordinates. If the street number is unknown, the street name with a cross street name can be searched. Other information that may be helpful would be the building number and zip code.

Event Code. A set of alpha and numeric characters issued to a requester for a specific event.

Event Deconfliction. Ensuring that two separate enforcement actions or investigations are not occurring at the same location or within the same immediate vicinity at the same time.

Event Deconfliction Operation Plan. A form (available from the NOCC) to be completed by a requester when multiple (more than one) investigation locations require entry into the deconfliction database. This allows NOCC personnel to process multiple deconfliction requests without tying up the telephone lines to enter each individual event, which could otherwise delay an immediate investigative or enforcement action.

Event Number. Number issued by the NOCC to the requester to track the event. This number is synonymous with the terms "NOCC Number" or "Validation Number" as used by past programs (e.g., Saf-T-Net and HIBIS/NINJAS).

Event Term. The start and end times and dates for the duration of an event. The requester can request that the event be active for a period of one hour to a maximum of 30 *calendar* days. The requester may continue any investigation that is intended to last more than 30 *calendar* days by contacting the NOCC and requesting a new event number for a new active period. An event continuation request may be made within 24 hours in advance of the event's end date and time. This will prevent any conflict between requests.

Event Type. The type of action or investigation that is intended at a location. Types can be any of the following: Arrest, Buy, Buy-Bust, Buy-Walk, C/I or C/S Buy, Consent to Search, Controlled Delivery, Investigation, Knock and Talk, Meeting, Other, Pick Up, Reverse Undercover, Search Warrant, Sell, Surveillance, Trash Pull, or Warrantless Visit.

GPS or GPS Coordinates. Refers to the latitude and longitude coordinates of specific locations retrieved via satellite and the Global Positioning System.

NOCC (Narcotics Operations Control Center). A unit within the Narcotics Division that manages narcotics related holds, conducts quality control inspections on narcotics evidence submissions, and facilitates the deconfliction process.

[REDACTED]

Requester. The officer calling the NOCC to notify of pending enforcement or investigative activity at a specific location. This person is the point of contact during the incident.

Reversal. A variation of a traditional investigative technique in which an undercover agent poses as a drug seller rather than as a drug buyer. This technique is frequently referred to as a reversal or sting operation.

1 GENERAL PROVISIONS

When coordinating with a specialized division concerning a major or sensitive investigation or operation, the coordination shall include notification to the shift lieutenant or the division commander of that specialized division prior to initiating the investigation. An on-duty supervisor of the unit performing the investigation or operation shall make the notification.

When it has been determined that another specialized division should become involved in an investigation in which an arrest has been made and a hold has already been accepted, the original case officer or investigator shall file a supplemental report describing the officer's actions. The case and the suspect shall become the responsibility of the lead specialized division for continued investigation and disposition.

2 NARCOTICS REVERSALS

Reversals may be conducted by only officers assigned to the Narcotics Division and shall not be conducted without the approval of the Narcotics Division commander. [REDACTED]
[REDACTED] shall not be conducted without the written approval of the Chief of Police or the chief's designee.

For the purpose of this General Order, the term reversal does not include sting operations conducted for any investigation other than narcotics investigations. Solicitation of controlled substance Class C operations do not require the approval of the Chief of Police, but may be conducted by only the Narcotics Division.

3 PURCHASING NARCOTICS

The purchase of narcotics (e.g., Buy, Buy-Bust, or Buy-Walk operations) may be conducted by only personnel assigned to the Narcotics Division. However, due to the related environments of covert investigations, certain circumstances in the Vice Division qualify as an exception to this policy. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

4 DECONFLICTION REQUIREMENT

5 DECONFLICTION PROCESS

For security reasons, each person who calls the NOCC to request an event number for deconfliction shall first be approved and entered as a requester within the system.

The following are required when utilizing the NOCC deconfliction system:

- a. Each requester shall first submit a *Case Explorer Security Request Form*. Once the information has been verified and entered into the secured Case Explorer program database, the requester shall then be eligible to contact the NOCC for the deconfliction of an event.
- b. Requesters shall provide their name, event location, deconfliction radius, event term, event type, and supervisor's name and cellular telephone contact number. The requesters shall be asked for the last four digits of their social security number for verification.
- c. The NOCC officer shall enter the event information into the Case Explorer event deconfliction program and verify the location with the requester by confirmation of the geographically mapped display or by the GPS coordinates. If a requester contacts the NOCC for an event number and it is determined that no conflict of locations exists, the officer or agent shall be given an event number as well as an event code. The officer shall maintain both the event number and the event code for the duration of the event.

The Case Explorer program searches for any other active events that are located within the search radius boundaries of the request. If any other active events are identified, a conflict will result. Likewise, if the location falls within any previously issued event's search radius, the system will see the new request as an encroachment and a conflict will result.

- d. In cases of a conflict, the requesting officer shall be informed that an event already exists. The officer making the new request (conflicting event) shall be given the other officer's event number and contact telephone number. The officer shall then be instructed by the NOCC officer to contact the officer in conflict who maintains an active event number so the coordination can be made.

If the officer in possession of an active event code determines the requesting officer's investigation does not interfere with the active investigation, the officer shall verbally give the requesting officer the event code so that officer can return the call to the NOCC to

complete the request. Once the NOCC officer receives the event code, then the request that resulted in a conflict can be resolved and processed.

If the officer who has the conflict does not return a call to the NOCC within 24 hours, the new request shall be cancelled and the requester shall not obtain an event number to continue with the investigation. It is the new requesting officer's responsibility to continue contacting the originating officer until the decode key can be obtained. However, if the originating officer cannot be contacted within a reasonable time, the conflicting officer may call the NOCC. The NOCC officer can contact the originating officer's supervisor and if approval is obtained the NOCC officer may override the conflict (for exigent operations).

- e. If any officer or agent who has been issued an event number and event code fails to retain a record of an active event number and event code throughout an event term, thus preventing the sharing of that information for purposes of deconfliction, or fails to respond to contact attempts, or cannot be contacted, then the requester's supervisor shall be contacted to determine if an override can be authorized to allow a newly requested investigation to continue. This shall be done only in exigent circumstances to prevent unnecessary delay of critical investigations. If it is determined that any requester of an active event fails to respond to a deconfliction call (by not being able to be contacted or by failure to retain the event code) that officer's requester status shall be subject to review. It may result in that officer being deleted as a requester for future events.

6 SPATIAL AWARENESS

The issuance of an event number does not mean that the requester is securing all locations in the entire geographical area within the requested search radius upon initial request of the event; nor does it mean that the requester is clear to work any other locations within that search radius. The initial search is conducted only to determine if there are any other active events (locations) in the area of the search radius at the time of the request.

However, should anyone contact the NOCC to deconflict a location for a new event that falls within the boundaries of the original search parameters, a conflict will be recognized and the new requester shall not be issued an event number to proceed until approved by the original event holder.

The Case Explorer event deconfliction program continues to alert the NOCC of any encroachment of an event request throughout the entire active term of the issued event. Therefore, before any officer is issued an event number for any location that falls within the boundaries of the event, that officer shall be notified that a conflict has occurred and it shall be the decision of the original event holder whether or not to give the new requester the event code for conflict resolution. Officers shall always cooperate with all new requesters and share information and release their event code unless doing so would present a blue-on-blue incident or would compromise investigative efforts or any confidentiality requirements for that investigation.

7 MULTIPLE EVENT REQUESTS

A requester shall call the NOCC for each single event. A separate event number shall be issued for each event location. No event number or event code shall be issued to cover multiple

event locations or types. If a requester wants to obtain event numbers on more than one location, the requester shall submit an *Event Deconfliction Operation Plan* form listing the location for each event or investigation with as much advance notice as possible. The *Event Deconfliction Operation Plan* form may be faxed or submitted to the NOCC. The NOCC personnel shall enter all of the locations listed on the *Event Deconfliction Operation Plan* form and shall contact the requester with all event numbers and event codes upon completion of the entries. This shall prevent possible delays in obtaining event numbers for other investigations.

8 EXCEPTIONS TO COORDINATION, SURVEILLANCE, AND DECONFLICTION

Certain Criminal Intelligence Division (CID) task force members conduct investigations under the authority of the Attorney General of the United States that are top secret in nature and associated with national security. These investigations are exempt from the requirements of this General Order. However, in order to ensure deconfliction, the CID division commander or the lieutenant designee may at any time contact the NOCC and inquire about investigative operations occurring within a geographical area to avoid a blue-on-blue incident.

9 BLUE-ON-BLUE INCIDENTS

In addition to any other General Order requirements, if any officer is involved in or becomes aware of a blue-on-blue incident, the officer shall notify the NOCC so an investigation can be initiated to determine if event numbers were requested for a location and why there was a conflict.

When a blue-on-blue incident occurs, the covert officer shall immediately comply with the requests and demands by the identifying officer.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

September 19, 2017

NO.

600-26

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-26, dated July 10, 2015

SUBJECT: LABOR DISPUTES

POLICY

The department shall monitor labor disputes to ensure the constitutional right to assemble, preserve the peace, and enforce local, state, and federal laws.

This General Order applies to classified employees only.

1 PRIMARY CONSIDERATIONS

Classified employees are to treat labor disputes as situations requiring special restraint and judgment. Generally, enforcement efforts shall be concentrated on law violations affecting life, property, and the right of access.

Classified employees shall maintain a neutral posture and avoid the appearance of law enforcement bias toward management or labor. This includes, but is not limited to, activities such as parking on company property or accepting food or refreshments from either side.

Classified employees shall avoid actions that could incite riot conditions (e.g., arresting picketers on the scene for minor violations). Ordinarily, technical violations of a regulatory nature, such as picketing and labor laws, shall not be enforced through on-scene arrests. Officers shall not make on-scene arrests for minor violations unless authorized by a supervisor and after consultation with the District Attorney's Office.

When a serious violation occurs in the presence of an officer, the officer shall address the incident promptly. The security of all involved is the primary consideration. The officer shall consult with a supervisor and the District Attorney's Office in determining the most appropriate course of action.

An allegation of a serious violation not occurring in the presence of an officer shall be investigated as any other incident. In these instances, if warranted, it is preferable to make an arrest away from the strike location after acquiring a warrant. Supervisory authority must be obtained before making an on-scene arrest in these situations.

2 PATROL OFFICER RESPONSIBILITIES

Patrol officers shall be responsible for doing the following during labor disputes:

- a. Take action necessary to immediately preserve the peace and prevent the destruction of property.
- b. Request that the dispatcher send a supervisor to the scene.

- c. Request additional units if necessary.

3 PATROL SUPERVISOR RESPONSIBILITIES

After arriving at the scene of a labor dispute, the patrol supervisor shall assess the situation and ensure that Special Operations Division, Criminal Intelligence Division (CID), and Command Center personnel are notified. Information shall be forwarded to Special Operations Division personnel by means other than an unsecured radio channel (e.g., mobile computing device [MCD], telephone, secured radio channel, or in person).

The patrol supervisor is responsible for ensuring enough officers respond to the labor dispute to control the scene until relieved by Special Operations Division. Additionally, the patrol supervisor is responsible for authorizing officers to make arrests at the scene of the labor dispute. Supervisors may set up temporary headquarters if conditions require. Facilities of management or labor are not to be used as temporary headquarters.

4 COMMAND CENTER RESPONSIBILITIES

When notified that a labor dispute necessitates a police response, a Command Center supervisor shall immediately notify the Special Operations Division, CID, and the department's Office of Legal Services.

5 SPECIAL OPERATIONS DIVISION RESPONSIBILITIES

The Special Operations Division shall be responsible for coordinating the department's response to labor disputes. Depending on the extent and nature of the dispute, Special Operations Division personnel shall be responsible for doing the following during labor disputes:

- a. In conjunction with CID personnel, meet with both management and labor representatives as soon as possible to explain the Houston Police Department's position and procedures in labor disputes.
- b. Provide uniformed police officer visibility.
- c. Provide any necessary tactical response, such as crowd control, traffic control, and arrests of law violators.
- d. As necessary, produce recordings of the events for evidentiary or training purposes.

6 CRIMINAL INTELLIGENCE DIVISION RESPONSIBILITIES

CID shall be responsible for monitoring labor disputes for intelligence purposes. CID shall be responsible for doing the following during labor disputes:

- a. Ensure the Command Center knows that a labor dispute is ongoing. CID shall provide the

location of the dispute, name of the involved company, identity of the involved labor group, and an estimate of the number of participants.

- b. In conjunction with Special Operations Division personnel, meet with both management and labor representatives as soon as possible to explain the Houston Police Department's position and procedures in labor disputes.
- c. Maintain a neutral position while acting as a law enforcement liaison between the City of Houston and both the labor and management sides of the dispute.
- d. Conduct investigations as necessary and in compliance with divisional SOPs.
- e. Notify the department's Extra Employment Office that a labor dispute exists and provide the location of the dispute.
- f. Notify the Command Center when the labor dispute has concluded and provide any significant information relevant to the disposition of the event (e.g., arrests, incident numbers, injuries to participants).
- g. Complete all reporting documents according to divisional SOPs.
- h. Develop, maintain, and adhere to divisional SOPs regarding the appropriate use of covert operations.

7 OFFICE OF LEGAL SERVICES RESPONSIBILITIES

The HPD Office of Legal Services shall provide legal advice to the commanders of Special Operations Division and CID during labor disputes.

8 RELATED GENERAL ORDERS

500-01, **Effecting Arrests and Searches**

500-02, **Handling and Transporting Prisoners and Other Persons**

500-14, **Class C Misdemeanors**

600-17, **Response to Resistance**



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 27, 2018

NO.

600-27

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-27, dated April 5, 2012

SUBJECT: PRELIMINARY AND FOLLOW-UP INVESTIGATIONS

POLICY

The Houston Police Department shall establish guidelines for officers conducting preliminary investigations and for the disposition of follow-up investigations in order to provide efficient police services.

This General Order applies to classified employees only.

1 PRELIMINARY INVESTIGATIONS

It shall be the responsibility of the officer who was dispatched or who viewed an incident requiring police service to conduct the preliminary investigation. When an officer who is not assigned to a position responsible for answering calls for service views or is made aware of a crime, the officer shall contact the appropriate unit to handle the scene and contact any medical personnel if needed. If a conflict arises in determining which officer shall conduct the preliminary investigation, a patrol supervisor responsible for that area shall make the determination. The investigation shall include, but not be limited to, the following:

- a. Ensure that any injured persons receive proper medical attention.
- b. Observe and make note of all conditions, events, and remarks.
- c. Establish whether a crime has been committed. When appropriate, consult with the district attorney's office of the concerned county.
- d. Secure the crime scene and protect evidence.
- e. Locate and identify witnesses.
- f. Interview the complainant(s) and witnesses. The use of a body worn camera to record statements is preferred.
- g. Determine how the crime was committed.
- h. Collect or arrange for collection of evidence.
- i. In family violence cases, assaults, or any incident involving an injury, take photographs and/or video depicting the crime scene and the victim's injuries. If a camera is not available, all injuries shall be thoroughly described in an incident report.
- j. Conduct a noncustodial interview or custodial interrogation of the suspect(s) only after consulting with the concerned division. The use of a body worn camera to document is preferred.

- k. Effect an arrest if appropriate and possible.
- l. Contact the appropriate investigative division from the scene as required by policy.
- m. Complete all appropriate reports, documenting the incident fully and accurately.

With serious crimes such as homicides, aggravated assaults, or kidnappings, the investigator from the concerned investigative division shall take charge of the investigation upon his arrival. Officers can request a Houston Forensic Science Center (HFSC) Crime Scene Unit by calling Homicide Division or the Command Center.

When HFSC is responsible for processing and collecting evidence, red inner crime scene tape shall be placed around the crime scene area as defined by the investigative division. The red crime scene tape can be obtained from Homicide or HFSC personnel on the scene.

In addition, protective gloves, particle mask, and shoe covers shall be the default requirement at any crime scene for which HFSC is responsible for processing. The level of protection could potentially be increased or decreased based on the nature of the scene and the type of evidence needing to be collected. Should investigators need to enter the crime scene area, they shall avoid contaminating the scene by utilizing crime scene Personal Protective Equipment (PPE), which can be obtained from HFSC Crime Scene Unit personnel on the scene.

2 FOLLOW-UP INVESTIGATIONS

When immediate follow-up investigation provides a high probability the suspect can be arrested, the investigation may be continued by the patrol officer. Officers not otherwise authorized shall contact the concerned division prior to continuing the investigation. Officers shall gain approval from the appropriate patrol supervisor prior to conducting a follow-up investigation that requires the officers to leave the district to which they are assigned. In those circumstances, the dispatcher shall be notified.

An officer from the concerned division along with the patrol division supervisor shall determine whether an extensive or time-consuming follow-up investigation is required. If the crime committed does require an extensive follow-up investigation, then the case shall be referred to the appropriate investigative division. The investigative division shall assume responsibility for all additional follow-up investigations on the case.

3 HARRIS COUNTY TOLL ROAD AUTHORITY ALERT PLATES ENTRY

By agreement HPD may utilize the Harris County Toll Road Authority (HCTRA) automated license plate recognition system to identify vehicles wanted in connection with serious crimes. Qualifying crimes are listed with the HCTRA *Alert Plates Entry* form available on the department's Intranet Portal.

If an officer has a complete license plate number for a vehicle associated with or wanted in connection with a violent criminal offense or other qualifying serious crime, the officer shall contact a supervisor holding the rank of lieutenant or higher in the concerned investigative

division for approval to use the HCTRA system. After hours, the officer may contact the Homicide Division duty lieutenant for approval. The lieutenant shall review the facts of the case, complete and sign the HCTRA *Alert Plates Entry* form, and submit it to the Homicide Division duty lieutenant.

By agreement, an HPD Homicide lieutenant shall serve as liaison with HCTRA. The Homicide Division duty lieutenant shall review the form for accuracy and send it to HCTRA. If the vehicle is stopped by a law enforcement unit assigned to the toll road, an HPD police unit or investigator shall be immediately dispatched to take custody and control of the vehicle and the suspect.

When an officer becomes aware that a vehicle listed in the HCTRA automated license plate recognition system is no longer wanted, the officer shall immediately notify the Homicide Division Hold Desk. The Homicide Division duty lieutenant or designee shall immediately call the HCTRA dispatcher to have the license plate number removed from the system.

After a license plate number has been listed in the HCTRA system for seven days, the number is automatically removed from the system. If there is a need to keep the number in the system, a new request form must be submitted requesting the extension.

All requests to HCTRA for an alert plates entry or removal shall be documented in the concerned incident report.

Officers may contact Homicide Division for additional information and requirements for utilizing the HCTRA automated license plate recognition system.

4 RELATED GENERAL ORDERS

400-28, **Body Worn Cameras**

800-07, **Criteria for Submitting Incident Reports**



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

April 30, 2018

NO.

600-29

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-29, dated November 18, 2010

SUBJECT: PARKING CITATIONS

POLICY

Employees shall follow the procedures outlined in this General Order regarding *violation books* and voiding parking citations.

This General Order applies to all employees.

DEFINITIONS

Park Houston. A division of the City of Houston Administration and Regulatory Affairs Department.

Violation Book. A book containing parking citation forms. These are provided by Park Houston.

1 VIOLATION BOOKS

Employees shall complete a check-out slip for each *violation book* they obtain and return the check-out slip to Park Houston or the designated area in their division.

Employees shall include only one parking violation per parking citation. Employees shall turn in issued parking citations at the end of their shift.

HPD shall submit issued parking citations via interoffice mail or delivery to Park Houston on a daily basis.

Unused citations shall be returned to Park Houston within three months following book issuance.

Civilians shall not check out *violation books* unless authorized to do so by their division commander.

Employees who lose, damage, or misplace any part of a *violation book* shall write a letter via their chain of command to the Chief of Police explaining the circumstances. Procedures outlined in the *HPD Corrective Action Manual* shall be followed.

Vehicle Identification Numbers

On parking citations, employees shall list the license plate number and the vehicle identification number (VIN) displayed on the concerned vehicle. The most common location for a VIN is on a vehicle's driver side interior dashboard.

Employees shall NOT use a VIN obtained from a check of the license plate number because license plates can be removed or altered.

2 VOIDING PARKING CITATIONS

Requests for voiding parking citations shall be allowed for one or more of the following reasons only:

- a. Errors in writing the parking citation.
- b. Other charges filed in county or district court.
- c. Inappropriate charge.

To void a parking citation, all copies of the citation shall be gathered. On the back of the number 2 copy, the requesting employee shall write the reason for voiding the citation and then sign that copy. This copy shall be placed on the bottom of all the gathered copies and attached to a completed *Employee Request for Parking Citation Error Adjudication* form (available on the department's Intranet Portal).

The parking citations and form shall be submitted to the employee's supervisor. Upon approval, the supervisor shall sign the form and the back of the number 2 copy and forward the entire packet directly to the Administration and Regulatory Affairs Department's Park Houston Division.

3 REFERENCE MATERIAL

City of Houston Code of Ordinances, Chapter 26, Parking



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 2, 2019

NO.

600-31

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-31, dated November 25, 2013

SUBJECT: BURGLAR, HOLDUP, AND PANIC ALARMS

POLICY

The department shall not impose a penalty for responding to the first three false burglar alarm calls or the first false holdup or panic alarm call at a permitted site during a 12-month period. The department shall respond to all holdup and panic alarm calls regardless of permit status. Holdup and panic alarms shall never be placed in a "do not respond" status.

This General Order applies to all employees.

DEFINITIONS

Alarm Clearance Code. The manner in which an alarm call is cleared by the responding officer. With no exception, the responding officer shall use only one of the following alarm clearance codes:

- a. **Exceptional Alarm (XCP).** An alarm that is activated by weather or other natural phenomenon.
- b. **False Alarm (FAL).** An alarm that is not the result of weather, natural phenomenon, or an emergency or threat of emergency of the kind for which the alarm system was designed to give notice.
- c. **Not Within HPD Jurisdiction (JUR).** The location of the call for service is not within the city limits of Houston.
- d. **Ticket (TIC).** An alarm that is false and the responding officer issues the alarm user a citation for non-emergency activation of a burglar, holdup, or panic alarm.
- e. **True Alarm (TAL).** An alarm that results from the activation of an alarm system in response to an emergency or threat of emergency.
- f. **Unable to Locate (UTL).** The responding officer is unable to locate the address indicated on the call for service.

Alarm Permit. A certificate issued by the City of Houston's Administration and Regulatory Affairs (ARA) Department authorizing the operation of a specific alarm system for a 12-month period from the date of issuance.

Alarm Site. The specific property or area of the premises on or within which an alarm system is installed.

Alarm System. Any mechanical, electrical, electronic or radio-controlled alarm device or equipment that emits, transmits, or relays a signal that is designed or intended to produce an

alarm notification. Alarm system includes, but is not limited to, silent, audible, panic, holdup, burglar and local alarm systems. The term does not include a personal emergency response system alarm, a fire alarm system designed solely to detect fire or smoke or an alarm installed in a motor vehicle solely to prevent theft of the vehicle.

Alarm System Business (a.k.a. Alarm Company). A business or individual who sells, leases, rents, maintains, installs, services, monitors, or responds to alarm systems as a livelihood.

Burglar Alarm System. An alarm system designed to prevent or detect an unauthorized entry or attempted entry into the alarm site and transmit a signal to an alarm system business.

Holdup or Panic Alarm System. An alarm system designed to be activated by human action to give notification of a robbery or attempted robbery or to summon police aid for a perceived life-threatening reason by transmitting a signal to an alarm system business.

Non-Permitted Alarm System. An alarm system for which no valid alarm permit has been issued. This also includes alarm systems with permits that have been revoked.

1 AUTHORITY

The department derives the authority to regulate burglar, holdup, and panic alarm systems from Texas Local Government Code, Chapter 214 and the City of Houston Code of Ordinances, Chapter 11, Article III.

City ordinances require that all burglar, holdup, and panic alarm systems within the city limits of Houston have a permit to operate and that the permit be kept on premises and available for inspection by a police officer investigating alarm calls. Exceptions to the permit requirement are an alarm system:

- a. Installed on a motor vehicle.
- b. Designed so notification is not given to the police until after the occupants or an agent of the owner or lessee have inspected the alarm site and determined there is physical evidence showing the alarm was the result of criminal activity, and the occupants or their agent is at the scene and able to grant access to the alarm site.
- c. Designed solely to detect smoke or give notice of fire or smoke.

An "exempt permit" is required for an alarm system installed on premises occupied by the United States government or the government of the state of Texas, the City of Houston, or any county. Officers shall *not* use the Ticket (TIC) alarm clearance code to clear alarm calls to such locations.

State law requires a police response within 30 minutes after an alarm notification in order to classify the alarm as false for assessment of false alarm response fees. This does not preclude issuance of citations to owners or operators of non-permitted alarm systems that are not reached within 30 minutes after alarm notification.

2 DO NOT RESPOND STATUS AND PENALTIES

Owners or operators of non-permitted burglar, holdup, or panic alarm systems are subject to citations for failing to obtain the proper permit and to alarm response fees from the City of Houston beginning with the first false alarm response.

Burglar Alarms

A burglar alarm permit holder shall be penalized for a false alarm call only if the Police Department responds to the alarm site within 30 minutes after the alarm notification. A permit holder shall be charged a penalty based on a progressive table for each false burglar alarm call in excess of three during the preceding 12-month period.

The alarm permit for a burglar alarm system that has had eight or more false alarms during the preceding 12-month period shall be revoked and may be placed in a "do not respond" status. Once a burglar alarm system has been placed in a "do not respond" status, a police officer shall not be dispatched to a burglar alarm call from an alarm system at that site. If the owner/operator of a non-permitted alarm site insists that a patrol unit check their alarm, a Patrol Desk Unit or a dispatch supervisor shall notify the owner/operator of the non-response procedure and cancel the call. Emergency Communications Division shall not dispatch a patrol officer to a non-permitted alarm solely for the reason that their alarm went off without the owner/operator being onsite at the time of the call. In the event an owner/operator calls the Houston Emergency Center to request an officer to check their non-permitted alarm, they must be at the location to meet the owner. The only exception to the "do not respond" policy is an alarm reported by an individual not affiliated with an alarm company. Any time an alarm is reported by an individual (not an alarm company representative) a police officer shall be dispatched, regardless of the permit status at the alarm site.

Holdup and Panic Alarms

A holdup or panic alarm permit holder shall be penalized for a false alarm call only if the Police Department responds to the alarm site within 30 minutes after the alarm notification. A permit holder shall be charged a penalty based on a progressive table for each false holdup or panic alarm call in excess of one during the preceding 12-month period.

Holdup and panic alarm calls shall receive a police response regardless of permit status.

3 PROCEDURES

Responding Officers

Officers dispatched to alarm calls shall respond in an expedient manner, consistent with the response priority assigned to the alarm type.

Alarm calls shall be cleared as Exceptional Alarm, False Alarm, Not Within HPD Jurisdiction, Ticket, True Alarm, or Unable to Locate. These six alarm clearance codes are detailed in the *Definitions* section of this General Order.

Officers clearing alarm calls with the Exceptional Alarm clearance code shall provide an explanation for the clearance code via the mobile computing device (MCD). An alarm call shall not be cleared until the responding officer has physically checked the alarm location.

If an owner or operator of an alarm system is at the scene of a non-permitted alarm system, the responding officer should issue the appropriate citation.

Officers should document the proper identification of any person found at the scene of a false alarm in the call for service slip via the MCD. The person's identifying information shall be recorded along with an explanation for the false alarm, which should be provided by the alarm user (e.g., system malfunction, user error, or forgot password.)

If an owner or operator of an alarm system is not at the scene when an officer responds to an alarm call that is determined to be a false alarm, the officer shall place a notice or decal at or on the doorway or principal entry to such site noting the responding officer's name, unit number, incident number, date, and time. The Burglary and Theft Division, Alarm Enforcement Detail (AED) shall provide patrol divisions with decals for this purpose.

Responding officers shall use resources immediately available to them before contacting AED for assistance.

Patrol Supervisors

Patrol sergeants shall monitor burglar alarm calls for service. It is a patrol supervisor's discretion to cancel an alarm call at a site that has demonstrated a history of producing excessive false burglar alarms.

The dispatcher may also request a patrol supervisor to examine the history of a location for authorization to cancel an alarm call at a site that has a history of false alarms.

Emergency Communications Division

As the first step in the police response process, Houston Emergency Center call takers field all police response requests from alarm system businesses to alarm sites. Call takers adhere to City of Houston Code of Ordinances, Chapter 11, Article III, Section 11-72 (Mandatory Verification of Burglar Alarm) when receiving burglar alarm calls from alarm system businesses.

If an alarm location has been placed in a "do not respond" status and a burglar alarm call to that location is received, the Houston Emergency Center call taker will clear the call as "cancelled." However, an on-duty officer shall be dispatched to all holdup and panic alarm calls regardless of permit status. Calls for service to holdup or panic alarms shall not be cancelled and a police response shall be assigned promptly.

Dispatch personnel shall serve as the resource center for alarm-related data and information. They shall provide officers with information on alarm system response status.

Alarm Enforcement Detail (AED)

The Burglary and Theft Division, Alarm Enforcement Detail has the primary responsibility of enforcing the local alarm code. AED classified personnel are responsible for investigating

complaints of alarm sites not in compliance with the local alarm code. This may require the issuance of citations for violations brought to their attention.

In addition, AED personnel shall assist patrol officers in resolving problems of nuisance alarm sites. AED personnel shall also advise patrol officers on the scene of calls for service to burglar, holdup, or panic alarm sites, as needed.

The AED is also the department's liaison to the City of Houston ARA Department and the alarm system industry.

4 REFERENCE MATERIAL

City of Houston Code of Ordinances, Chapter 11, Burglar and Fire Alarm Protective Services, Article III. Burglar Alarms, Panic Alarms and Other Similar Alarm Systems

National Fire Protection Association (NFPA) 72: National Fire Alarm Code

Texas Local Government Code, Chapter 214


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 17, 2020

NO.

600-32

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-32, dated August 16, 2012

SUBJECT: RIDE-ALONG PROGRAM

POLICY

The Houston Police Department's Ride-Along Program shall provide opportunities for citizens, civilian employees, and law enforcement personnel to accompany Houston police officers on duty.

This General Order applies to all employees.

1 GENERAL PROVISIONS

Individuals requesting to participate in the Ride-Along Program must obtain approval from the concerned host division commander before participating in a ride-along. Additional approval requirements are noted in this General Order for annual ride-along authorizations and for select Air Support Division ride-alongs. All ride-along approvals shall be made on a case-by-case basis.

Guest participation in the Ride-Along Program is dependent upon the availability of qualified host officers. If host officer participation is limited, requests shall be prioritized in the following order:

- a. Individuals with a mission specific need.
- b. Employees who need the experience to better perform their job function in the department (e.g., emergency communications personnel).
- c. Criminal justice students and potential police recruits.
- d. Citizens or volunteers involved with criminal justice activities such as the Positive Interaction Program (PIP), Houston Citizens' Police Academy, Police and Clergy Alliance, Independent Police Oversight Board, or Grand Jury, as well as members of the media.
- e. All other requests.

To participate in the Ride-Along Program, guests must meet all program criteria and complete all pertinent forms. Officers (host or participant) and civilian employees participating in the Ride-Along Program shall not have any pending or sustained disciplinary actions classified as category B or higher within the last three years.

Age

No person less than 16 years of age shall participate in the program. See section 2, *Ride-Along Authorization*, of this General Order for restrictions if the participant is less than 18 years of age. Permission to ride in a Houston Police Department helicopter or other aircraft shall not be granted to persons less than 18 years of age.

Citizen Attire

Comfortable business attire is required (neckties are not recommended). No shorts, jeans, tank tops, beach clothing, or similar attire are allowed.

Citizen Observer Card

Each citizen ride-along guest shall be issued a Citizen Observer card. The card shall be worn by each guest and shall be visible to the front at all times. Cards can be obtained from the host division shift lieutenant.

Guests who are approved for ride-alongs in an HPD helicopter or other aircraft are not required to display a Citizen Observer card.

The host officer is responsible for:

- a. Obtaining a Citizen Observer card for the guest before the ride.
- b. Returning the card to the host lieutenant after the ride is completed.
- c. Reporting a Citizen Observer card that is lost or damaged during the ride as if it were an official police identification card.

Criminal History Check

All persons requesting to participate in the Ride-Along Program as guests shall be checked through NCIC, TCIC, SETCIC, and local records for criminal and warrant history. Citizens who are 16 years of age shall be checked by the Juvenile Division.

Persons having a final conviction of a Class B misdemeanor or higher offense shall not be allowed to participate in the program. Any person with outstanding warrants shall be handled as required by law.

Implied Police Authority

No police powers, implied or real, shall be given to civilian employees or citizens unless normally granted by federal or state laws.

Ride-Along Originations

All ride-alongs, including those with the Air Support Division, shall originate and end at the host officer's police station. No other location shall be accepted unless approved by the host commander or exigent circumstances exist.

2 RIDE-ALONG AUTHORIZATION**Ride-Along Form**

Citizens and off-duty civilians participating in the Ride-Along Program shall complete the *Houston Police Department Authorization to Participate in the Ride-Along Program and Release of*

Liability form (Ride-Along form) available on the department's Intranet Portal. Only Houston police officers and on-duty civilians are exempt from filling out this form. Once approved, this form shall be valid only for the dates specified on the form.

The *Ride-Along form*, if required, shall be completed by the guest and notarized at least 48 hours prior to the scheduled ride-along. After the form has been notarized, the *Police Department Information* section of the form shall be completed and signed by the host division shift sergeant and lieutenant. If approved, the host division commander shall sign the form.

If the participant is less than 18 years of age, a parent or legal guardian must also participate in the ride-along. The parent or legal guardian must complete both:

- a. The *Parent or Legal Guardian Information* section of the guest's *Ride-Along form*.
- b. A separate *Ride-Along form* for themselves, signed, notarized, and authorized as stated above.

These parents or guardians shall be under all requirements and restrictions as if they alone were participating in the program.

Distribution of the Ride-Along Form

The *Ride-Along form* shall be distributed in the following manner:

- a. The original form shall be maintained by the division hosting the ride.
- b. A copy of the completed form shall be provided to the guest.

Annual Ride-Along Form

The following persons may apply to participate in the Ride-Along Program on an annual basis by completing the *Houston Police Department Annual Authorization to Participate in the Ride-Along Program and Release of Liability form (Annual Ride-Along form)* available on the department's Intranet Portal:

- a. Police and Clergy Alliance (PACA) members
- b. Independent Police Oversight Board (IPOB) members
- c. Other persons as authorized by the Chief of Police

If approved, the executive assistant chief of Field & Support Operations shall sign the form. The form shall be valid for one year from the date the form is approved.

Distribution of the Annual Ride-Along Form

The *Annual Ride-Along form* shall be distributed in the following manner:

- a. The original form shall be maintained by Field & Support Operations.

- b. A copy of the completed form shall be provided to the guest.
- c. The guest shall provide a copy of the completed form to each police station at which the participant performs a ride-along. These forms shall be maintained by each division hosting the ride-along.
- d. PACA ride-along participants shall also deliver a copy of the completed form to the Clergy Liaison Unit in the Employee Services Division.
- e. IPOB ride-along participants shall also deliver a copy of the completed form to the department's liaison for the Independent Police Oversight Board.

3 WEAPONS AND FIREARMS

Civilian employees and citizens, even if they hold a license to carry a handgun, are prohibited from carrying any weapon or firearm while participating in the Ride-Along Program. See sections 6 and 7 of this General Order for exceptions.

4 HOST OFFICERS

Officer participation in the Ride-Along Program is voluntary. To participate in the program as hosts, officers must have at least two years seniority.

Officers with a ride-along guest shall notify the dispatcher they are a host unit when they sign on duty. They shall also indicate what type of guest is riding with them (e.g., officer, civilian, citizen, volunteer, PACA or IPOB member, minor with parent or legal guardian).

Host officers shall not volunteer for an overtime assignment unless an emergency exists. Host officers shall not exchange ride-along guests during their shift. Guests shall remain with their host officer for the length of the ride-along assignment (see section 10 of this General Order for exceptions).

5 HOUSTON POLICE OFFICERS AS GUESTS

Houston police officers who want to ride as guests shall make arrangements with and obtain the authorization of both their commander and the host division commander. Officers shall wear the department's official uniform when participating in the Ride-Along Program, regardless of assignment, with the exception that no conducted energy device (CED) shall be allowed in any HPD helicopter or other aircraft for any reason.

Any Houston police officers authorized to ride as guests while on duty shall be considered on temporary assignment.

6 REQUIREMENTS FOR HONORABLY RETIRED OFFICERS AND ACTIVE OR RETIRED JUDGES

Ride-along guests who are honorably retired police officers or active or retired judges shall complete the appropriate *Ride-Along form*. During a ride-along, these participants may carry a weapon except as restricted by section 12, *Air Support Division Ride-Alongs*, of this General Order or unless prohibited by state or federal law.

7 REQUIREMENTS FOR OFFICERS FROM OTHER AGENCIES

The approval of the host division commander is required for officers from other agencies to participate in the Ride-Along Program. Guests who are certified, full-time peace officers from other agencies must complete the *Ride-Along form*. Such participants shall be considered citizens and are subject to the guidelines and restrictions outlined in this General Order.

It is requested that guest peace officers from other agencies within the state of Texas wear their official uniform, but it is not mandatory. If, however, these officers wear their official uniform when participating in an HPD Air Support Division ride-along, they shall not carry a CED on any HPD aircraft for any reason. These officers shall retain all their powers and privileges as peace officers unless prohibited by state or federal law.

Unless it is necessary, Houston police personnel shall refrain from using other agency personnel in a manner that shall require them to return at a later date to appear in a judicial proceeding.

When a peace officer from another agency wants to participate in the Ride-Along Program, the host division commander shall ensure a courtesy call is made to that officer's supervisor to obtain both of the following:

- a. Verbal permission from the officer's supervisor to participate in the program.
- b. Verbal confirmation that the officer does not have any serious pending or sustained disciplinary actions.

8 CIVILIAN EMPLOYEE RESTRICTIONS

Civilian employees who are directed to participate in the Ride-Along Program for the benefit of the department (e.g., improvement of job performance) shall be considered on duty and on temporary assignment. They shall follow the same instructions listed for Houston police officers in section 5 of this General Order. Civilians not assigned a uniform shall dress according to section 1, subsection "Citizen Attire" of this General Order.

Civilian employees who volunteer to participate in the Ride-Along Program shall be considered off duty and shall not be compensated or entitled to workers' compensation benefits for the ride-along. Off-duty civilians shall not wear their assigned uniform, but shall dress according to section 1, subsection "Citizen Attire" of this General Order. Off-duty civilians shall be considered citizens for the purpose of this General Order.

For additional restrictions see section 9, *Duties and Restrictions*.

9 DUTIES AND RESTRICTIONS

Civilian and citizen ride-along participants are required to obey lawful orders of police officers and may be denied access to crime scenes. Civilian and citizen ride-along participants are subject to the following duties and restrictions.

Duties

Ride-along guests may be used to fulfill various duties as determined by the host officer. These duties may include:

- a. Traffic or crowd control (if the ride-along participant is in a uniform).
- b. Radio operation.
- c. Motorist assistance.
- d. Gathering information or completing routine paperwork that shall not be used in any court action.
- e. Protection of a crime scene (if the ride-along participant is in a uniform).
- f. Acting as an interpreter.
- g. Being listed as a witness to an offense.

Restrictions

Unless an unavoidable emergency exists, civilian and citizen ride-along guests shall not be allowed to:

- a. Conduct criminal or witness interrogations or interviews.
- b. Participate in an arrest or be left in charge of a prisoner.
- c. Accompany an officer inside any structure where a suspect may still be hiding.
- d. Leave the police vehicle unless otherwise directed by an officer.
- e. Assist at a crime scene except as specifically directed by an officer.
- f. Sign any report (e.g., arrest, incident, crash), traffic citation, or other legal document.
- g. Provide cover or back-up.
- h. Drive any City of Houston vehicle.
- i. Ride with any Vice, Narcotics, or Criminal Intelligence personnel.
- j. Ride in the prisoner compartment with a prisoner being transported in a vehicle.

- k. Receive any information concerning the timing or details of a warrant execution.
- l. Utilize an audio/visual recording device unless authorized by the host officer or another section of this General Order.

Officers shall deny ride-along participants access to scenes or situations inappropriate for their age (e.g., bar raids and scenes of violent acts).

10 HIGH-RISK SITUATIONS DURING RIDE-ALONGS WITH CIVILIAN OR CITIZEN GUESTS

In the event of a high-risk call during a ride-along, the host officer shall leave a civilian or citizen guest at the nearest police facility. If the incident warrants an immediate response, the host officer shall leave the guest at the first convenient and safe location. If the guest is released, the host officer shall promptly notify the dispatcher of the situation. The dispatcher shall immediately assign a unit to retrieve and transport the guest back to the host officer's police station. After the incident has ended, the host officer and the guest can resume the ride-along.

If a high-risk situation is unavoidable, the guest shall remain in the police vehicle until police personnel advise the situation is safe. The host officer shall make every effort to ensure the safety of the ride-along participant.

If a host unit initiates a pursuit, the dispatcher shall immediately assign a replacement unit. When that unit arrives, the host unit shall turn off its emergency equipment and fall back to a safe and prudent position. The host unit shall not assume the position of secondary unit even if a secondary unit is unavailable.

If a citizen or civilian employee is injured or exposed to a high-risk situation during a ride-along, the host officer shall report the incident to a supervisor, who shall complete a *Significant Event Report* form.

11 MEDIA GUEST REQUIREMENTS

Authorization for members of the media to participate in any aspect of the Ride-Along Program may be granted by only the Chief of Police and must be coordinated through the department's Office of Public Affairs. Additionally, in order to participate in the Ride-Along Program, members of the media shall complete a *Ride-Along form*.

Persons presenting credentials identifying themselves as members of the media are permitted to utilize audio/visual recording devices during any authorized ride-along.

12 AIR SUPPORT DIVISION RIDE-ALONGS

The division commander of the department's Air Support Division may authorize helicopter or other air support ride-alongs requested for any of the following:

- a. Classified or civilian employees with a mission specific need.

b. Other law enforcement agency officers with a mission specific need.

Additional written authorization is required from the assistant chief over the Air Support Division when the air support ride-along is requested for any of the following persons:

c. Classified or civilian employees without a mission specific need.

d. Other law enforcement agency personnel without a mission specific need.

e. Citizens.

Once a helicopter or other air support ride-along has been approved, personnel and passengers shall follow the detailed Air Support Division standard operating procedures (SOPs) regarding the requirements for passengers prior to any flight.

Unless otherwise restricted by the host division, all ride-along participants are allowed to utilize audio/visual recording devices during helicopter or other air support ride-alongs.

No CED or incendiary or spark-emitting device shall be allowed in any HPD helicopter or other aircraft for any reason.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

September 20, 2017

NO.

600-33

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-33, dated May 3, 2011

SUBJECT: SOCIAL SERVICES ASSISTANCE AND REFERRALS

POLICY

Employees shall provide referral information to citizens in need of social services.

This General Order applies to all employees.

1 VICTIMS' REFERRAL CARD

Employees shall give an *HPD Victims' Referral Card* to any person who might benefit from the information listed on the card. All of the following employees shall carry referral cards:

- a. Classified employees
- b. Crisis counselors
- c. Police telecommunicators
- d. Jailers
- e. Police service officers
- f. Any employee who regularly has one-on-one contact with the public

Division commanders shall ensure their division and storefronts have an adequate supply of referral cards that are readily available to employees. The Office of Planning's Print Shop section shall maintain an adequate supply of referral cards for distribution to the divisions.

The Family Violence Unit of the Special Victims Division shall review and update the referral card annually and notify the department by Circular of any changes.

2 MENTAL HEALTH DIVISION RESOURCE INFORMATION GUIDE

The Houston Police Department *Mental Health Division Resource Information Guide* ("Green Card") is available to employees through the department's Mental Health Division. The guide, which provides contact information for various mental health service providers, may be distributed as needed to any citizen who wants or needs information regarding mental health issues.

The Mental Health Division shall review and update the resource information guide annually.

3 FAMILY VIOLENCE UNIT

Employees shall refer victims of domestic violence to the Family Violence Unit and not to the District Attorney's Office or the Family Law Center. The Family Violence Unit has personnel who can provide short-term counseling and referrals to victims of domestic violence.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

April 25, 2017

NO.

600-34

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-34, dated June 2, 2016

SUBJECT: HIGH-RISK VEHICLE APPROACHES

POLICY

[REDACTED]
[REDACTED] A supervisor shall make the scene of all high-risk traffic stops.

This General Order applies to all classified employees.

1 BACKGROUND

The department has identified three vehicle approach situations posing a high risk:

- a. Attempting apprehension of armed or possibly armed suspects.
- b. Attempting apprehension subsequent to a fresh pursuit when some or all of the occupants remain inside the vehicle.
- c. Attempting apprehension subsequent to a fresh pursuit when the suspect has exited the vehicle but remains in close proximity to the vehicle.

Armed suspects in a vehicle have a superior tactical position with respect to officers attempting an approach. In addition, an approaching officer's line of sight may be disrupted by window tinting or the vehicle itself. The inability to view the occupants of a vehicle poses an extreme hazard to approaching officers as well as vehicle occupants.

Additionally, when a potentially armed suspect has exited a vehicle but remains in close proximity to the vehicle, the suspect poses a substantial risk of reentering the vehicle or utilizing the vehicle to gain a tactical advantage, thereby placing the officer in a compromised and potentially dangerous situation.

2 HIGH-RISK VEHICLE APPROACH SITUATIONS

High-risk vehicle approach situations are when suspects in a vehicle are being confronted by officers and any of the following apply:

- a. Suspects are believed to possess deadly weapons.

- b. Suspects are believed to have been involved in criminal activity involving the use of deadly weapons.
- c. Suspects have engaged officers in fresh pursuit as defined by General Order 600-04, **Motor Vehicle Pursuits**.

It is not necessary for the suspects to remain in a vehicle to be considered a high-risk vehicle approach situation (see section 1 item (c)).

3 PROCEDURES

In the above situations officers shall adhere to the following guidelines after the vehicle has stopped:

- 1. [REDACTED]
- 2. [REDACTED]
- 3. [REDACTED]
- 4. [REDACTED]
- 5. [REDACTED]
- 6. [REDACTED]

4 RELATED GENERAL ORDERS

200-16, Firearm and Soft-Impact Weapon Discharges
500-01, Effecting Arrests and Searches
500-02, Handling and Transporting Prisoners and Other Persons
600-04, Motor Vehicle Pursuits
600-05, Special Threat Situations
600-11, Foot Pursuits
600-17, Response to Resistance
800-07, Criteria for Submitting Incident Reports


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 23, 2018

NO.

600-36

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-36, dated December 16, 2013

SUBJECT: BOMB THREATS, EXPLOSIVE DEVICES, EXPLOSIONS

POLICY

Employees shall handle suspected explosive devices and components, and explosions in accordance with the guidelines established in this General Order.

This General Order applies to all employees.

DEFINITIONS

Blast Seat. Point of detonation of a bomb or improvised explosive device (IED).

Bomb Squad Commander. The highest ranking classified police officer certified by the Federal Bureau of Investigation (FBI) Hazardous Devices School and assigned to, or a commander of, the HPD Tactical Operations Division Bomb Squad.

Bomb Technician. A classified HPD officer who has successfully completed the FBI Hazardous Devices School Basic Certification Course as approved by the National Bomb Squad Commanders Advisory Board and who is assigned to the HPD Bomb Squad.

CBRNE. The five categories of weapons of mass destruction (WMD) materials including chemical, biological, radiological, nuclear, and explosive.

Explosive Detection K-9 Team. A law enforcement canine handler and the canine partner with exceptional abilities selected and trained for the detection of explosive material odors.

Explosive Weapon. Any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror. Also includes a device designed, made, or adapted for delivery or shooting of an explosive weapon.

Improvised Explosive Device (IED). A device placed or fabricated in a makeshift manner incorporating destructive, lethal, noxious, pyrotechnic, or incendiary chemicals and designed to destroy, incapacitate, harass, or distract. It may incorporate military explosives, but is normally devised from nonmilitary components.

[REDACTED]

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Patrol Responsibilities

[REDACTED] A bomb technician will not normally be dispatched to a threat-only scene, but can be requested in the event of unusual circumstances. An Explosive Detection K-9 Team shall be dispatched if requested by an on-scene supervisor or a bomb technician.

The Explosive Detection K-9 handler shall work with the on-scene supervisor and bomb technician to determine the most effective and safe way to deploy the K-9 team during the incident.

Patrol supervisors shall ensure that all information necessary for the incident report and continuing investigation is obtained and made available to the bomb technician immediately upon arrival at the scene. The patrol supervisor in charge of the scene shall ensure that the responding officer completes an original incident report and that the Command Center is advised of the *significant event* as directed in General Order 200-10, **Emergency Management**. The patrol supervisor shall complete a *Significant Event Report* for the Chief of Police regarding any explosion or the discovery of a suspected explosive device, component, or precursor and there is a criminal intent in its use.

Patrol officers shall coordinate any search but shall not enter a suspected area unless a suspicious object is found. Only personnel familiar with the area shall conduct a search of the suspected area. Only the property owner or the property agent may determine if total evacuation is necessary prior to a suspected explosive device being found.

Upon locating a suspected IED or any explosive weapon, the highest ranking classified HPD supervisor on the scene shall be responsible for evacuating the crime scene according to the standard minimum evacuation distance listed in the *General Guidelines* section of this General Order.

On-scene officers shall secure the evacuation area from all persons including fire department and law enforcement personnel unless, after consultation with a bomb technician, an alternative evacuation plan is established.

Officers are expected to exercise due caution and safety, and never act with undue haste or emotional behavior that might incite panic. Responding and on-scene officers shall conduct a search of their immediate assigned area (e.g., perimeter security, traffic control) for unusual or suspicious objects (e.g., secondary or entrapment devices) that may require the attention of a bomb technician.

Investigative Responsibilities

Upon arrival at the incident location, the senior bomb technician shall take charge of the scene and determine the necessary action to ensure safety for all persons present.

The Command Center shall be notified if it appears necessary to recommend the establishment of a command post.

The Bomb Squad in conjunction with other responsible divisions shall investigate all bombings, suspicious explosions, suspected explosive devices and materials, hoax devices, bomb threats, and related incidents. [REDACTED]

Criminal Intelligence Division (CID) Responsibilities

The on-call CID supervisor shall be notified by the Command Center of all bombings, bomb threats, or suspected or known explosive devices or materials.

CID shall support the Bomb Squad, Homicide Division, and any other responsible divisions or law enforcement agencies in the investigation of CBRNE incidents including bomb threats, explosive devices, and explosions. CBRNE incidents are detailed in General Order 600-41, **Weapons of Mass Destruction**.

CID shall complete an intelligence report for the Chief of Police regarding CBRNE incidents in which a device or substance is discovered and there is a criminal intent in use. This report shall include information regarding the initial investigation; the results of any laboratory analysis performed; any local, national, or world trends; and the probability of future threats. If deemed necessary, CID shall complete an intelligence report for the Chief of Police regarding CBRNE incidents in which no device or substance is discovered.

Outside Agency Notification and Jurisdiction

Upon recommendation from the on-scene bomb technician, Command Center personnel shall be responsible for the notification of any federal law enforcement agency or other outside agency of any bomb related incidents involving their jurisdictions.

Outside agencies shall normally be in charge of the follow-up investigation involving their jurisdictions. Requests from other agencies for assistance may be approved by only the assistant chief or designee over Homeland Security Command.

6 INTERNAL THREATS

Any employee upon learning of a bomb threat against an HPD facility shall immediately notify the Command Center.

The Command Center is responsible for implementing the emergency notification procedures as directed by General Order 200-10, **Emergency Management**.

The Command Center shall also notify ECD, Bomb Squad, and CID. An Explosive Detection K-9 Team shall be dispatched if requested by an on-scene supervisor or a bomb technician. The Explosive Detection K-9 handler shall work with the on-scene supervisor and bomb technician to determine the most effective and safe way to deploy the K-9 team during the incident. The Downtown Division commander shall be contacted as well as the on-duty Downtown Division supervisor. If it is after hours the Night Command Division commander shall be contacted.

Upon notification of a bomb threat at the Edward A. Thomas Building (Police Headquarters), the commanding officer of each division or unit in the Police Headquarters building shall be responsible for the search of his or her area as directed by Command Center personnel. Upon notification of a bomb threat at any other HPD facility, the commanding officer at that facility shall be responsible for search operations of the facility or area. The commanding officer shall utilize an Explosive Detection K-9 Team if necessary.

If a suspected bomb is located on any HPD property, the Command Center shall be notified immediately. The Command Center shall then follow their notification procedures including notifying the on-call bomb technician. An Explosive Detection K-9 Team shall be dispatched if requested by an on-scene supervisor or a bomb technician to help search for secondary devices. The possible blast radius of the initial device shall be taken into consideration when deploying a K-9 team or any additional personnel.

[REDACTED]

[REDACTED]

[REDACTED]

7 POST EXPLOSION (POST BLAST)

Officers responding to the scene of an explosion shall use caution by utilizing distance and shielding upon approach. Post blast scenes have many dangers (e.g., unconsumed explosives, fragmentation, shrapnel, structural instability, blood-borne pathogens). A primary danger could be secondary devices placed to harm first responders.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Post Incident Investigation

The Downtown Division shall initiate an incident report for any bomb related incident involving the Edward A. Thomas Building. It shall be the responsibility of the Central Division to initiate an incident report for any such incident at the Central Police Complex.

The Bomb Squad in conjunction with other concerned investigative divisions shall be responsible for conducting any follow-up investigations for the type of incidents outlined in this General Order.

Homicide Division shall be the primary division for post-blast investigations involving injuries or a death.

8 STANDARD OPERATING PROCEDURES

All investigative and field operations shall be conducted in compliance with approved SOPs for bomb related incidents. Each unit having authority or responsibility in this area shall coordinate their SOPs with the Bomb Squad to ensure a high degree of consistency, operational readiness, safety, and appropriate search procedures.

9 RELATED GENERAL ORDERS

200-10, Emergency Management
600-05, Special Threat Situations
600-17, Response to Resistance
600-41, Weapons of Mass Destruction


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

July 22, 2013

NO.

600-37

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-37, dated November 18, 1999

SUBJECT: HATE CRIMES

POLICY

Hate crimes shall be given the department's highest investigative priority. Employees shall refer hate crime victims to the appropriate community resources whenever possible.

This General Order applies to all employees.

DEFINITIONS

Bias. A preformed negative opinion, prejudice, or attitude toward a person or group of persons based on race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference.

Hate Crime. A criminal offense motivated by *bias* and committed against a person or property.

The Texas Code of Criminal Procedure, Article 42.014 and Texas Penal Code § 12.47 provide for punishment enhancements for defendants convicted of *bias* or prejudice motivated crimes.

1 INCIDENT REPORTING

When officers responding to the scene collect sufficient objective facts to indicate the offender may have been motivated by *bias*, the incident report title shall include the words "Hate Crime" (e.g., *Aggravated Assault - Hate Crime*).

Objective evidence to be considered when titling an incident as a hate crime includes:

- a. Was the incident known to have been motivated by *bias*?

- b. Does the victim perceive the action of the offender to have been motivated by *bias*?
- c. Were any remarks made that indicate *bias*?
- d. Did the incident occur on or during an event or date that is significant to the victim's or the offender's group or interest (e.g., a religious holiday)?
- e. Were there any offensive symbols, words, or acts that are known to represent a hate group, or other evidence of *bias* against the victim's group?
- f. Are the demographics of the area significant in relation to the offense?
- g. Were the victims engaged in activities promoting their group?

The mere utterance of a *bias* epithet by an offender does not provide sufficient evidence to title the incident as a hate crime. Utterances combined with other factors indicating *bias* could provide a basis to classify the incident as a hate crime. When in doubt, officers shall consult the Criminal Intelligence Division (CID) for assistance in determining if the incident is a hate crime. If CID personnel are not readily available, officers shall proceed with titling the report as a hate crime.

All hate crimes are to be reported as significant events in accordance with the provisions of General Order 200-10, **Notification and Emergency Management**. The Crime Analysis & Command Center (hereafter referred to as Command Center) shall ensure CID's Hate Crime Coordinator or designee is immediately notified of significant *bias* incidents for federal reporting purposes.

Incidents involving bomb threats or explosive devices shall be handled in accordance with the provisions of General Order 600-36, **Bomb Threats, Explosive Devices, Explosions** and/or General Order 600-41, **Weapons of Mass Destruction**.

Any suspicious incident with potential terrorism connections relating to any hate crime, harassment, threat, vandalism, or graffiti directed at persons or ethnic groups as a result of issues related to terrorism shall be documented in an "Investigation CID" incident report or forwarded to CID as an additional concerned division.

2 RESPONDING OFFICERS

Officers shall notify a supervisor immediately when it has been determined that a hate crime has occurred. Supervisors shall ensure that the provisions of General Order 200-10, **Notification and Emergency Management** are followed including, but not limited to, notification of the Command Center and the preparation and submission of a *Significant Event Report*.

The officer responding to the scene is responsible for:

- a. Ensuring that the scene is processed and available evidence is collected and properly tagged or submitted. This includes taking photographs of any graffiti and collecting any relevant flyers and literature at the scene that indicates a crime motivated by *bias*.
- b. Collecting any and all available objective facts at the scene that address whether the offense was motivated by *bias* (see the above *Incident Reporting* section of this General Order).
- c. Preparing the initial incident report.
- d. Sending a copy of the incident report to CID.

- e. Providing victims with the appropriate social services referrals (see General Order 600-13, **Texas Crime Victims' Compensation Act** and General Order 600-33, **Social Services Assistance and Referrals**).

This may also include providing victims or complainants with a Houston Police Department *Hate Crime Resource List* (Hate Crime Tip Card) supplied through CID.

3 INVESTIGATIVE DIVISIONS

The various investigative divisions are responsible for follow-up investigations of hate crimes based upon the underlying criminal offense (e.g., Homicide Division shall investigate hate crimes involving assault while Burglary and Theft Division shall investigate hate crimes involving vandalism).

The investigating division shall keep the Hate Crime Coordinator informed of all available information affecting the investigation. Investigators shall address as part of the follow-up investigation whether the suspect's actions were motivated in whole or in part by any form of *bias* as defined in this General Order.

4 HATE CRIME COORDINATOR

The Hate Crime Coordinator shall hold the rank of lieutenant and shall be assigned to CID. The Hate Crime Coordinator shall have final staff authority over the department's efforts against hate crimes. This staff authority includes oversight and direction of policy adherence and administrative procedures (e.g., standardization of forms, computer programs, statistical reporting, hate crime reporting, and compliance with the department's Public Affairs' policies). Specific responsibilities of the Hate Crime Coordinator include:

- a. Developing, maintaining, and coordinating the department's Hate Crime Database.
- b. Developing, maintaining, and coordinating the department's Hate Crime Hotline.
- c. Ensuring the accuracy and integrity of all files and hate crime related documentation.
- d. Serving as the coordinator for all local, state, and federal task force type work units targeting hate crimes.
- e. Coordinating and approving all hate crime related training both within the department and with outside training schools for all officers who are specifically assigned hate crime investigative duties.
- f. Reviewing and approving all requests by officers wishing to instruct at the Houston Police Academy or outside training schools, public forums, task forces, conferences, workshops, or seminars involving hate crimes.
- g. Coordinating the development of anti-hate crime education and community awareness programs with the department's Community Services Unit and Community Outreach Unit.
- h. Providing the Chief of Police and the Command Staff with timely reports and special briefings relative to significant hate crime events, hate crimes citywide, and the status of the hate crime problem.

5 CRIMINAL INTELLIGENCE DIVISION

CID shall ensure all activities necessary to assist in clearing a hate crime case are carried out with the highest possible priority. CID is also responsible for coordinating both information and investigative activities with outside agencies, as necessary.

CID shall provide and monitor a 24-hour Hate Crime Hotline to allow citizens to report suspected hate crime incidents. The telephone hotline shall also serve as a contact/referral point for individuals requesting hate crime information. Informational brochures regarding the Hate Crime Hotline and reporting hate crimes are made available by CID.

CID shall serve as the second-level judgment unit as defined by applicable federal guidelines concerning hate crimes. As such, this division shall have specially trained staff that shall make a final decision as to the existence or nonexistence of *bias* motivation in an incident. The Hate Crime Coordinator shall make the final determination whether an incident is to be classified as a hate crime and reportable under the 1990 Federal Hate Crime Statistics Act, 28 United States Code § 534.

As the second-level judgment unit, a representative from CID shall respond to the scenes of significant *bias* incidents, as determined by the Hate Crime Coordinator. When doing so, a determination should be made whether additional resources should be called to the scene (e.g., police tactical units, community liaisons, mental or physical health professionals, or clergy).

On a periodic basis, CID shall provide the Command Center with a hate crime call-out roster for those CID personnel responsible for responding to significant *bias* incidents.

6 RECORDS DIVISION

The Records Division shall establish procedures to properly capture hate crime data. Records Division shall ensure reports of hate crime data are sent to the appropriate state and federal agencies. An incident shall be reported to state and federal recordkeeping agencies as a hate crime after CID has determined the incident is a hate crime.

7 DISSEMINATION OF HATE CRIME INFORMATION

Unless disclosure is required by law, only the captain of CID or the Hate Crime Coordinator may approve the dissemination of hate crime intelligence or hate crime information to other law enforcement agencies, other persons outside the department, or employees of the department.

8 STANDARD OPERATING PROCEDURES

Division commanders shall ensure their standard operating procedures reflect all necessary procedures regarding hate crimes.

9 RELATED GENERAL ORDERS

- 200-10, Notification and Emergency Management
- 600-13, Texas Crime Victims' Compensation Act
- 600-33, Social Services Assistance and Referrals
- 600-36, Bomb Threats, Explosive Devices, Explosions
- 600-41, Weapons of Mass Destruction
- 700-01, Property/Evidence Control Regulations
- 800-04, Reception and Dissemination of Criminal Intelligence Information
- 800-07, Criteria for Submitting Incident Reports



Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

November 14, 2017

NO.

600-38

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-38, dated March 27, 2008

SUBJECT: GANG CRIME

POLICY

Gang crimes shall be given high investigative and intelligence priority. This policy implements directives in accordance with Chapter 61 of the Texas Code of Criminal Procedure. Employees have a responsibility to be aware of and collect information regarding gang activity in their area and to forward that information to the Gang Division.

This General Order applies to all employees.

DEFINITIONS

Criminal Street Gang. A group of three or more persons having a common identifying sign, symbol, or leadership and who continuously or regularly associate in the commission of criminal activities. This definition includes, but is not limited to, adult, juvenile, and transnational criminal street gangs, criminal motorcycle gangs, and prison gangs.

Documentation. An official record of an individual created when information regarding the individual is entered into the HPD *Gang Tracker* database, assigned a sequence number, and approved by Gang Division personnel.

Gang Card. (Also referred to as "Green Card.") An electronic entry into *Gang Tracker* that a law enforcement officer completes on an individual who is suspected of being a *gang member*. Once the Gang Card is approved by the Gang Division, the entry is given a sequence number and the individual is *documented* in *Gang Tracker*.

Gang Crime. A reported incident or crime that occurs or is committed for the benefit of, at the direction of, or in association with any *criminal street gang*. It is emphasized that all of the gang types included under the definition of a *criminal street gang* should be considered when making a determination whether or not an incident or offense is a *gang crime*.

Gang Intelligence. Information related to gangs, gang membership or association, gang activity, planned or spontaneous responses to gang activity, statistical data related to gangs, and all other data related to gangs.

Gang Member. Any person belonging to or having membership status in a *criminal street gang*. For HPD purposes, an individual is considered a gang member only when that person's name is given a sequence number and *documented* in the department's *Gang Tracker* database.

Gang Tracker. The Houston Police Department multijurisdictional electronic database used to document gang members in the greater Houston area.

contains gang information such as gang names and overviews, member names, aliases, photographs, tattoos, addresses, and vehicles.

1 GANG TRACKER DATABASE USER TRAINING

All employees who enter into or retrieve information from the *Gang Tracker* database shall complete intelligence-based training at least once every two years. Employees shall take the online version of this course but shall obtain the preauthorization code and specific directives from the Gang Division. Upon completion of the intelligence-based course, all certificates shall be printed and forwarded to the Gang Division and the Training Division's Certification Office to receive credit for the course.

2 RETENTION OF GANG INTELLIGENCE

All gang intelligence is the property of the Houston Police Department. Except as authorized by this General Order, no individual or division of the department shall retain gang intelligence that has not been entered into *Gang Tracker*.

An exception to this is information relative to an active criminal investigation for which an incident report has been generated. At the conclusion of each investigation, all gang related information shall be forwarded to the Gang Division.

However, any information contained in an officer's field notes that was gathered during the course of an investigation shall be retained and made available to the prosecutor upon request. The dissemination and purging of gang data is strictly controlled by state and federal law.

3 GANG MEMBER SUBMITTAL PROCESS

When seeking to have an individual *documented* as a gang member, employees shall utilize the *Gang Tracker* by entering the information directly into *Gang Tracker* via the Gang Card entry system.

Gang Database Criteria

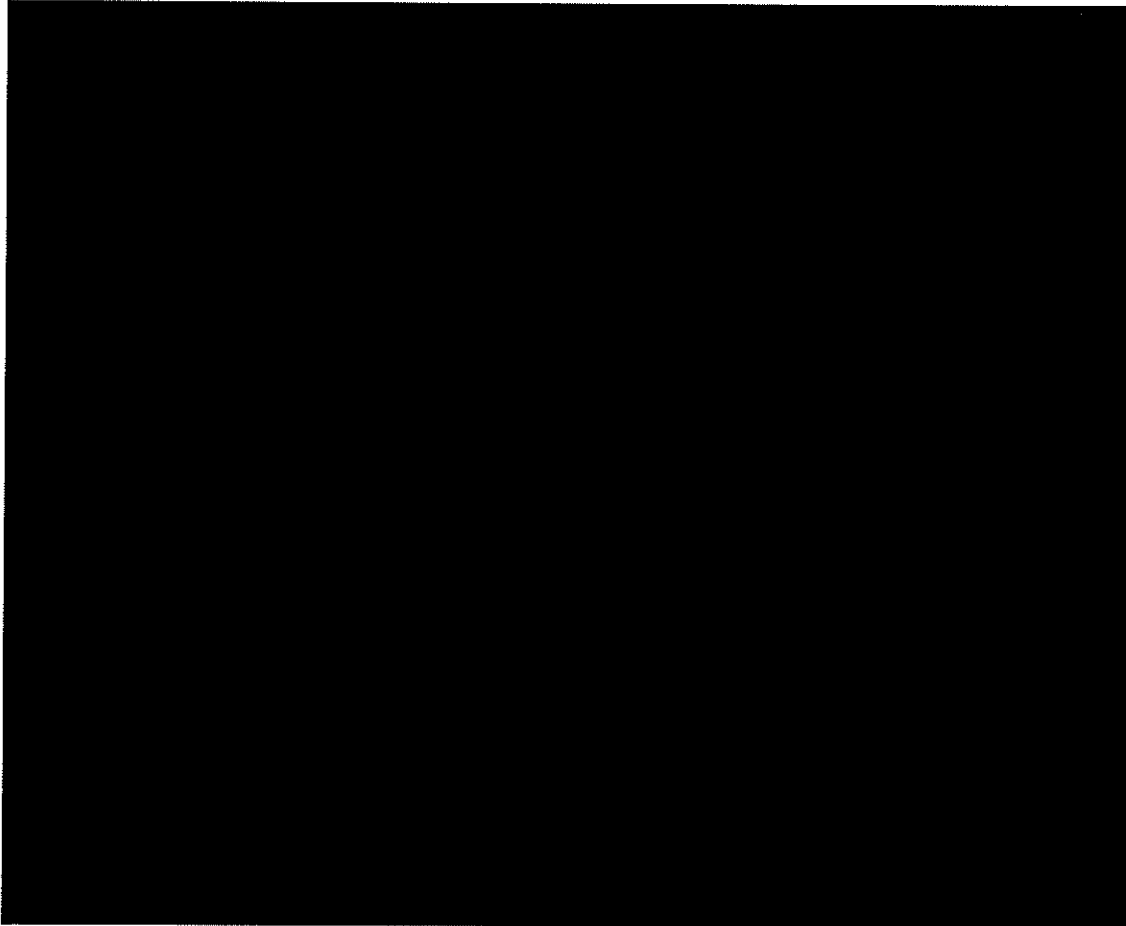
Employees shall follow state laws when *documenting* a criminal street gang member. For an individual to be *documented* as a gang member, gang intelligence must satisfy the criteria listed in either item (a) or (b) below.

- a. Information on the individual must be relevant to the identification of an organization reasonably suspected of involvement in criminal activity and consist of the following:

1. [REDACTED]

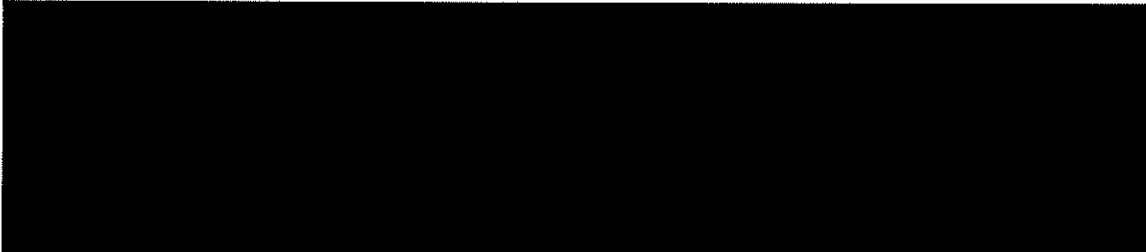
2. 

- b. If the criterion listed in item (a) above is not met, then information on the individual must consist of at least two of the following:



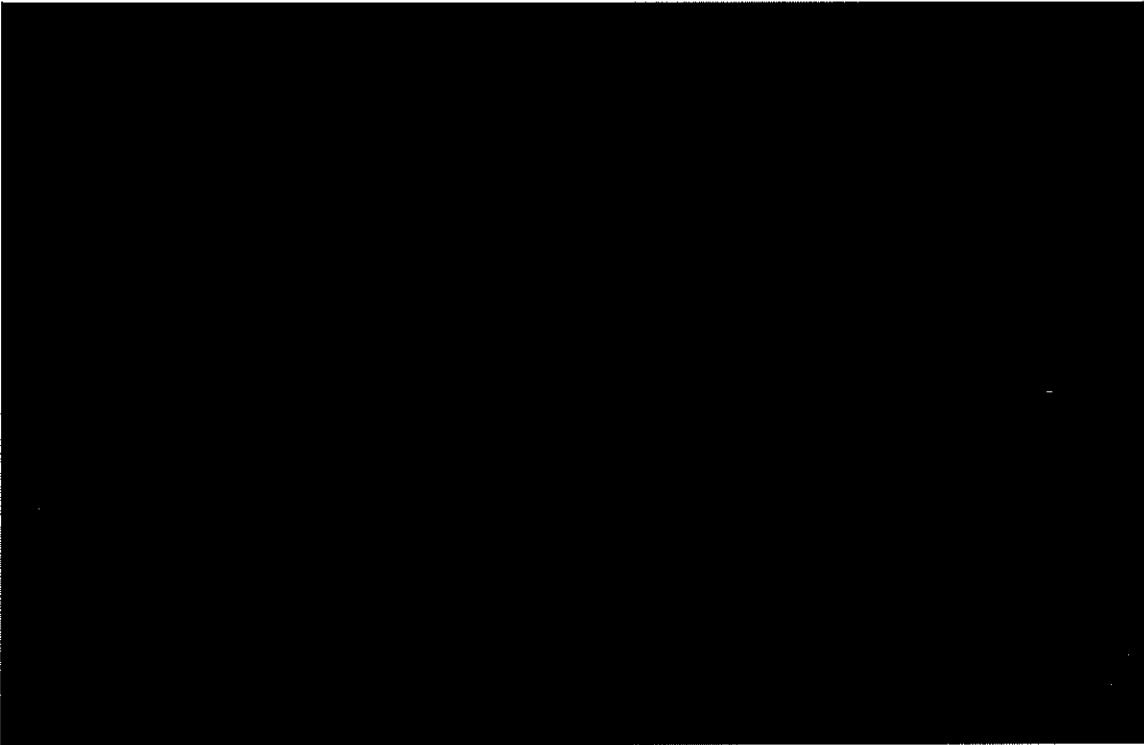
Employees shall obtain and enter into *Gang Tracker* as much information as possible regarding the identity of the individual, including aliases, telephone numbers, places of employment, current address, and photographs in order to aide in the investigation and identification of criminal street gang members and gang crimes.

Gang Card Review Process



Retention Schedule for Gang Member Information

The Gang Division is responsible for purging both adult and juvenile information from the *Gang Tracker* database.

**4 GANG INTELLIGENCE SUBMITTAL PROCESS**

Except for gang member identifications, gang intelligence gathered by employees shall be submitted to the Gang Division via an incident report titled "Investigation Gang." Upon receipt, a Gang Division intelligence officer shall review the report, and when appropriate shall contact the DGU supervisor at the affected patrol station or investigative division. The intelligence officer shall relay the information submitted to the concerned DGU or investigative division for the follow-up investigation.

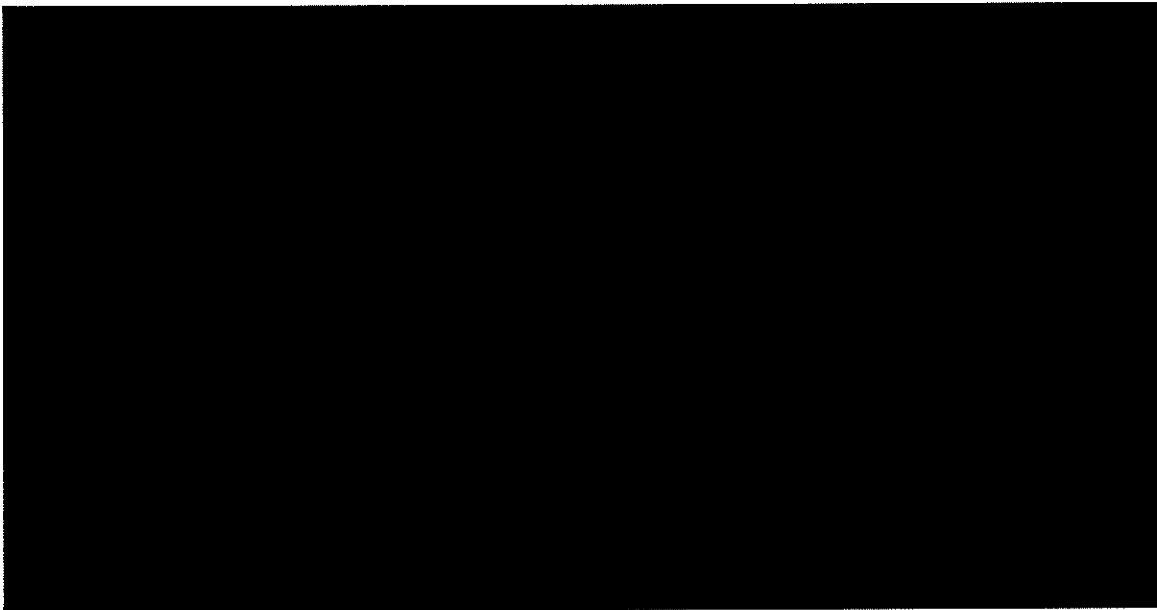
Each follow-up investigation shall include contact with the submitting officer. When the investigation is complete, the investigator or DGU officer shall submit a thorough supplemental report. After review by the DGU supervisor or the investigative division's gang liaison officer, the intelligence report shall be submitted to the Gang Division.

Gang intelligence gathered by DGU officers or division investigators shall be reviewed by the DGU supervisor or the investigative division's gang liaison officer and submitted to the Gang Division.

NOTE: Time sensitive or critical gang intelligence shall be immediately submitted to the Gang Division via an incident report. In addition, the submitting officer shall notify the DGU or Gang Division supervisors who shall make any other necessary notifications.

5 GANG CRIME INCIDENT REPORTING

The incident reporting system requires employees to indicate when an incident is gang related. Objective evidence in coding an incident or offense as a gang crime includes, but is not limited to, the following:



If facts indicate the incident or offense may have been motivated, committed, or directed by a criminal street gang, the incident report shall be coded as a gang crime by indicating a "YES" response under the offense title mandatory screen. The Gang Division shall automatically receive a copy of all such coded reports. In addition, officers shall select all appropriate concerned divisions to receive a report when completing incident reports and supplements.

When in doubt about whether or not an incident shall be coded as a gang crime, officers shall consult with the Gang Division. If Gang Division personnel are not available and there is reason to believe the incident may be gang related, officers shall code the report as a gang crime.

6 OFFICERS' RESPONSIBILITIES

Each patrol officer shall be able to recognize or identify:

- a. Gang graffiti.
- b. Indications of gang membership (e.g., tattoos, hand signs, clothing).
- c. Signs of gang involvement at crime scenes.
- d. Individuals who may be gang members (according to established criteria).

Each patrol officer shall:

- e. Submit completed Gang Cards electronically to the *Gang Tracker*.
- f. Submit gang intelligence to the Gang Division via an incident report titled "Investigation Gang."
- g. Use the *Gang Tracker* for criminal justice purposes only. When accessing *Gang Tracker* information, employees shall NOT allow suspects or other citizens to view the information even if it is the citizen's or suspect's own information.

Patrol officers are expected to familiarize themselves with:

- h. Their DGU officers and how they can be contacted.
- i. Known neighborhood gang hangouts and gang influenced areas.
- j. How to code gang related incident reports.

All officers shall actively seek to identify and suppress gang related activities. Officers' actions shall be proactive in nature and include:

- k. Efforts to identify individuals involved in gang related activities.
- l. Observing and interviewing individuals displaying behavior common to gang members (e.g., using gang lingo, symbols, or signs, having gang tattoos, frequenting gang hangouts, or involvement in gang fights).
- m. Acting on gang intelligence and reasonable suspicion that illegal gang activities are about to occur, and intervening and suppressing those activities.

7 DIVISIONAL GANG UNIT (DGU) RESPONSIBILITIES

Because gang intelligence is a priority, each patrol division commander shall have a DGU and it shall be permanently staffed with at least one sergeant and two police officers. DGU staffing should be adjusted appropriately to address the demands of the community served. DGU personnel shall not be assigned alternate or additional duties except in justifiable staffing emergencies. Commanders shall have authority with regard to their DGU's staffing level, day-to-day enforcement strategies, and overall tactical deployment, but shall ensure that sufficient DGU personnel are performing the below listed DGU responsibilities.

DGU officers and supervisors shall:

- a. Notify a Gang Division supervisor when becoming involved in long-term investigations so that deconflictions regarding persons, vehicles, telephone numbers, etc. may be conducted in order to avoid duplication of effort by internal and external investigative personnel.
- b. Submit all gang intelligence via an incident report titled "Investigation Gang."

- c. Review all Gang Cards submitted by patrol officers and follow established procedures.
- d. Attend Gang Awareness Networking Group (G.A.N.G.) meetings held by the Gang Division.
- e. Notify a supervisor in the Gang Division (or Command Center if after hours) of all gang related significant events (e.g., drive-by shootings, planned gang fights, major investigations).
- f. Refer all media requests for gang related information to the Gang Division commander.
- g. Provide complete and current information on gangs, gang members, and gang activities to their division by addressing roll calls regularly and providing gang intelligence and wanted gang member bulletins.
- h. Assist patrol officers in gang investigations.
- i. Regularly train patrol officers assigned to their respective areas on gang criteria and how to properly enter gang member information into the *Gang Tracker*.
- j. Seek approval from the Gang Division commander for all requests for speaking engagements or attending meetings or events for which gang related incidents are an issue.
- k. Assist investigative divisions with follow-up investigations of gang crimes.
- l. Conduct follow-up investigations on gang intelligence submitted by officers and submit the resulting intelligence reports to the Gang Division.
- m. Adhere to the gang and gang member identification criteria set forth by the Gang Division.

8 OTHER INVESTIGATIVE DIVISIONS' RESPONSIBILITIES

Investigative divisions are responsible for:

- a. Follow-up investigations of gang crimes.
- b. Sharing in the responsibility of identifying gang members and associates.
- c. Submitting Gang Cards.

Any division involved in an investigation involving a criminal street gang shall notify the Gang Division and keep them informed of all available intelligence on the gang or gang members. At the conclusion of the investigation, the investigator shall provide a thorough report on the results of the investigation to the Gang Division.

Investigators at the scene of a suspected gang crime and needing the assistance of a specialized gang investigator shall contact the appropriate DGU supervisor. The DGU supervisor shall contact an officer as well as a supervisor from the Gang Division. Specialized gang personnel shall be called to the scene of a possible gang crime only by the appropriate DGU supervisor or a supervisor in the Gang Division.

Homicide Division shall determine whether homicides shall be coded as gang crimes. Homicide Division shall maintain statistical data for all gang related homicides. This data shall be submitted to the Gang Division at the first of each month or as requested by the Gang Division.

9 GANG DIVISION'S RESPONSIBILITIES

Gang Division Commander

The Gang Division commander shall have authority over the department's efforts against gangs. However, the commander shall comply with Office of Public Affairs' policies.

The Gang Division commander's authority includes, but is not limited to:

- a. Oversight and direction of the department's gang related policy adherence, which may include:
 1. Administrative procedures
 2. Computer programs
 3. Gang crimes offense reporting
 4. Standardization of forms
 5. Statistical reporting
- b. Participation in the development of gang related operations ensuring the:
 1. Accuracy of the gang intelligence.
 2. Coordination with other division or City operations.
 3. Compatibility with the overall citywide gang efforts.
- c. Responsibility for developing, maintaining, and coordinating the department's *Gang Tracker*.
- d. Ensuring the accuracy and integrity of all files and gang related *documentation*.
- e. Conducting periodic on-site inspections of all DGU facilities, files, records, computer databases, equipment, and personnel ensuring compliance with Gang Division standards.

- f. Conducting periodic inspections of the gang files maintained by investigative divisions. A report of the findings of such inspections shall be provided to the appropriate assistant chief.
- g. Serving as the coordinator for all local, state, and federal task force units targeting criminal street gangs.
- h. Ensuring all pertinent intelligence, intervention, and enforcement strategies being conducted by or involving HPD personnel in gang task force configurations are closely monitored.
- i. Serving as the primary liaison and spokesperson in coordination with the Office of Public Affairs to all media agencies concerning requests for any gang related statistics, statements, and general gang interest stories or information.
- j. Serving as the coordinator, director, and final approval authority of all planned gang related tactical and enforcement strategies.
- k. Coordinating and approving gang related training with the Training Division and any outside schooling for officers specifically assigned gang duties.
- l. Coordinating and reviewing all requests by officers to attend, participate, or instruct at the Academy or any outside training school, conference, workshop, or seminar involving gang issues.
- m. Coordinating with the Office of Public Affairs and Juvenile Division in the development of anti-gang education programs and ensuring the programs are offered in conjunction with other department programs.
- n. Ensuring the department's Crime Analysis and Command Center is notified and kept apprised of all major gang related incidents.
- o. Providing the Chief of Police and the Command Staff with timely reports relative to the status of gangs and gang crimes citywide.

Gang Division

The Gang Division serves as the:

- a. Final authority in determining whether an incident or offense, except homicides, shall be coded as a gang crime.
- b. Department's central repository for all gang intelligence.

10 GANG PROGRAMS

When divisions become involved in gang awareness and anti-gang school education programs or any type of public forum regarding gangs, they shall notify the Gang Division commander.

11 RELEASE OF GANG INFORMATION

The Office of Public Affairs shall ensure the public is made aware the department gives all incidents involving gang crimes high investigative priority.

Except as noted below, employees are strictly prohibited from making statements or releasing information regarding any gang information or investigation to anyone who is not a department employee without prior approval from the Gang Division commander.

The release of gang intelligence to other law enforcement agencies may be authorized only by Gang Division classified personnel.

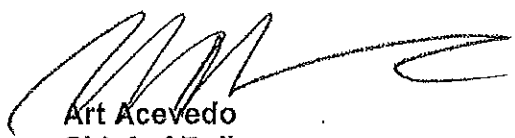
Any release of gang information shall be closely coordinated with the Gang Division and any applicable investigative division. It is imperative that ongoing investigation information is not compromised.

12 RECORDS DIVISION'S RESPONSIBILITIES

Records Division shall establish reporting procedures involving gang crimes. Records Division shall ensure all gang crime reports are forwarded to the Gang Division on a regular basis.

13 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

400-22, Keys, Passwords, and Personal Identification Numbers
400-25, Acceptable Use of Computers
700-01, Property/Evidence Control Regulations
800-10, Police Records
Chapter 61, Texas Code of Criminal Procedure


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 19, 2018

NO.

600-39

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-39, dated February 6, 2017

SUBJECT: THREATS AGAINST EMPLOYEES, FAMILY MEMBERS, PUBLIC OFFICIALS, AND SPECIAL EVENTS

POLICY

The primary responsibility for the investigation of threats against police officers, their immediate family members, public officials, or special events is assigned to the Major Offenders Division. Additionally, the Major Offenders Division shall investigate threats against civilian employees or their immediate family members if the threats are related to their status as an employee of the Houston Police Department or based on actions they took as part of their official job duties.

Any employee aware of a threat as outlined above shall immediately notify a supervisor in the Major Offenders Division. After business hours, employees shall contact the Command Center, which shall then notify the on-call Major Offenders supervisor. An incident report shall be completed for all such incidents and forwarded to Major Offenders as soon as possible.

This General Order applies to all employees.

DEFINITION

Special Event. For the purpose of this General Order, any event so designated by the Mayor's Office of Special Events (MOSE), or an event that may be iconic or symbolic or that is expected to draw large crowds.

1 DUTIES AND RESPONSIBILITIES

Employees

Employees shall notify their immediate supervisor and a supervisor in the Major Offenders Division or the Command Center if they receive a direct threat against any employee, immediate family member of an employee, public official, or special event.

If applicable, officers shall remain on the scene and provide protection to public officials and/or special events until advised otherwise by the Major Offenders Division. Threats against public officials may involve multiple sites due to residency and work locations.

Supervisors

Any supervisor receiving information about a threat as outlined above shall:

- a. Notify the shift commander of the concerned employee.
- b. Ensure the division commander of the concerned employee is notified in a timely manner.

- c. Ensure a Major Offenders supervisor is notified immediately.
- d. Ensure an incident report is completed.
- e. Complete and forward a *Significant Event Report* to the Command Center as needed.

Division Commanders

The concerned division commander shall:

- a. In conjunction with Major Offenders, evaluate the threat for its legitimacy and risk.
- b. Provide security measures for the employees, family members, public officials, and special events as necessary by utilizing divisional resources. Division commanders may request technical assistance from the Technical Surveillance Unit in the Criminal Intelligence Division.

Major Offenders Division

The Major Offenders Division shall:

- a. Respond to the scene when appropriate.
- b. Assign an investigator to conduct the investigation.
- c. Evaluate threats for legitimacy and risk.
- d. Determine if threats against civilians are related to their status as an employee of the Houston Police Department or based on actions they took as part of their official job duties. Threats determined to not be job related shall be forwarded to the appropriate investigative division.
- e. Coordinate uniformed protective details with the concerned division commander or the division commander whose area of geographical responsibility is closest to the incident or target area.
- f. Liaison with the appropriate agency for threats outside of HPD's jurisdiction (e.g., threats against the Governor or President).
- g. Notify the Command Center when appropriate.

2 THREATS ON SOCIAL MEDIA

Should an employee learn via the Internet, social media, or any publicly accessible communication application or medium, of a threat directed at law enforcement, an employee or an immediate family member, a public official, or a special event, that employee shall:

- a. Contact the Major Offenders Division to determine if the threat or incident has already been reported and documented. After business hours, employees shall contact the Command Center, which shall then notify the on-call Major Offenders supervisor.
- b. Follow instructions given by the Major Offenders Division, which may include, but are not limited to: generating an incident report, completing a supplement report for a previously documented incident, and/or submitting evidence to Major Offenders personnel (e.g., screen shots, URLs).

3 RELATED GENERAL ORDER

200-10, Emergency Management



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

February 8, 2022

NO.

600-40

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-40, dated August 9, 2013

SUBJECT: POLICE STOREFRONTS, COMMUNITY SERVICES, AND DIFFERENTIAL RESPONSE TEAMS

POLICY

Patrol divisions shall use non-patrol methods, including police storefronts, community officers, and Differential Response Teams, to conduct community outreach, code enforcement, and nuisance abatement. The Narcotics Division's Forfeiture Abatement Support Team (FAST Unit) shall address specific illegal activities covered by Chapter 125 of the Texas Civil Practice and Remedies Code using code enforcement and judicial remedies.

This General Order applies to all employees.

DEFINITIONS

Combination. For purposes of this General Order, three or more persons who collaborate in conducting criminal activities.

Common Nuisance. A place a person knowingly maintains where people habitually go for any of the following purposes in direct violation of the Penal or Health and Safety codes:

- a. Prostitution, promotion of prostitution, or aggravated promotion of prostitution.
- b. Gambling, gambling promotion, or communicating gambling information.
- c. Discharging a firearm in a public place or reckless discharge of a firearm.
- d. Engaging in organized criminal activity as a member of a *combination*.
- e. Delivering, possessing, manufacturing, or using a controlled substance.
- f. Trafficking of persons.
- g. Any other conduct or condition as described specifically in the Texas Civil Practice and Remedies Code §125.001 or other law.

Differential Response Team (DRT). A team of officers that uses problem-solving strategies and implements community policing concepts directly in the neighborhoods by working in partnership with residents and business managers. DRT officers utilize non-traditional policing methodologies to improve the quality of life in the community. DRT officers work proactively to solve problems and reduce the fear of crime at the neighborhood level. This strategy identifies problems and seeks out the root causes of community crime issues. This process then combines government and private resources in efforts to solve the problems.

Police Storefront. A police facility located in the community and manned by civilian police service officers (PSOs) and classified officers who generate incident reports, process requests for action, make referrals to other agencies or City departments, and provide informational services to citizens.

Public Nuisance. As defined in the Texas Civil Practice and Remedies Code §125.062 and §125.063, a public nuisance is a *combination* or criminal street gang that continuously or regularly associates in gang activities; or the habitual use of a place by a *combination* or criminal street gang for engaging in gang activity.

1 POLICE STOREFRONTS

All police storefronts shall prioritize serving and interacting with the citizens in the community in which they are located. Division commanders are responsible for establishing and maintaining a Citizen Advisory Board within each *police storefront's* jurisdiction. All employees assigned to *police storefronts* shall follow the procedures contained within the department's General Orders and standard operating procedures (SOPs).

Any request for a new *police storefront* location shall be initiated by the division commander and may be approved by only the Chief of Police.

2 COMMUNITY SERVICE OFFICERS

Community service officers are responsible for making community presentations and conducting various crime prevention programs, Positive Interaction Programs (PIP), school programs, and other safety related programs. Each patrol division commander shall designate officers to perform those community service duties. Officers may be assigned to work out of storefronts or other divisional locations.

3 DIFFERENTIAL RESPONSE TEAMS

The primary responsibility of DRT officers is to proactively identify and address crime issues in their assigned areas to increase the quality of life in the communities, thereby reducing the need for police services. All DRT officers shall attend the departmental certification training and annual update training to maintain their departmental certification. Civilian personnel may attend DRT training at the request of their division commander.

DRT officers are responsible for inspecting convenience stores to ensure compliance with City ordinance. DRT officers are also responsible for conducting regulatory and permitting inspections, in addition to health and fire code investigations. Case files shall be maintained on all investigations and shall include DRT warning forms and regulatory inspection check sheets. Digital photographic evidence shall be stored in the Digital Crime Scene system.

The Chief of Police, or the Chief's designee, shall appoint a citywide DRT coordinator who shall ensure uniformity of DRT operations among the patrol divisions. The coordinator shall supervise and schedule the DRT certification courses and annual update classes in coordination with the Police Academy. The DRT coordinator shall liaison with the municipal prosecutor's office and

other City departments in matters relating to DRT activities. The citywide DRT coordinator shall report annually to the Chief of Police with recommendations for changes in operations or training.

4 NUISANCE ABATEMENT

When an officer identifies or is notified of a potential nuisance and the officer believes the information meets the definition of a *common nuisance* or *public nuisance*, the officer shall inform the concerned division's DRT supervisor of the problem. The officer shall also notify the FAST Unit via email at FAST@HoustonPolice.org of the potential nuisance and communicate as much information as possible (e.g., types of offenses taking place, how the officer became aware of the nuisance, any citizen contact information, and the name and contact number of the division's DRT supervisor).

Divisional DRT officers shall address nuisances, including *common nuisances* or *public nuisances* in their area of responsibility, and shall coordinate the investigation of such nuisances with the concerned division (e.g., nuisances with a narcotics nexus with the Narcotics Division; nuisances with a human trafficking nexus with the Vice Division) and the Crime Suppression Team (CST) over the location of the nuisance.

The FAST Unit shall assist the DRT officers and the concerned divisions by coordinating with appropriate legal departments. When the FAST Unit receives information that a property is a possible nuisance, a FAST Unit supervisor shall determine whether to open a case file for possible legal action or refer it back to the originating or concerned division for further investigation. Upon completion of an investigation, the FAST Unit shall determine whether to forward a case file to the City of Houston Legal Department, Harris County District Attorney's Office, or the Office of the Harris County Attorney for review and further abatement action. The notified legal department is responsible for obtaining a consent agreement or litigating in order to abate problems associated with the nuisance.

If the originating officer receives an update related to final disposition of the case, the officer shall notify the FAST Unit through the chain of command of the outcome. When notified of the outcome by the originating officer or notified legal department, the FAST Unit shall notify the division commanders over the location of the nuisance and the concerned division through the chain of command of the outcome.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 27, 2018

NO.

600-41

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-41, dated July 9, 2013

SUBJECT: WEAPONS OF MASS DESTRUCTION

POLICY

All chemical, biological, radiological, nuclear, or explosive (CBRNE) incidents, real or hoax, shall be treated as *significant events*. Procedures specified in General Order 200-10, **Emergency Management**, and the Houston Police Department *Emergency Response Plan* (ERP) shall be implemented as appropriate. The ERP is located on the department's Intranet Portal. Police officers, firefighters, paramedics, and others are considered to be first responders when responding to incidents involving or suspected of involving CBRNE weapons.

This General Order applies to all employees.

DEFINITIONS

Biotoxin. Poisonous substance produced by a living organism.

CBRNE. The five categories of weapons of mass destruction (WMD) materials including chemical, biological, radiological, nuclear, and explosive.

Cold Zone. The designated area where there is no contamination and that contains the command post, the staging area, and other support functions necessary to control the incident. This area may also be referred to as the "clean zone" or "support zone."

Consequence Management. Activity performed primarily by the Houston Fire Department (HFD) after a CBRNE attack that may include isolating the hazard area, caring for victims, performing decontamination, administering emergency medical treatment, and recovery.

Emergency Decontamination. Rapid but methodical decontamination of individuals near the scene of the incident that is designed to save lives by removing the contaminating agent from the victim. This activity is performed primarily by HFD utilizing large amounts of water and is accomplished in [REDACTED].

Emergency Medical Services (EMS) Personnel. HFD paramedics and other medical personnel, including doctors and nurses, at the scene of large-scale disasters.

HAZMAT. Hazardous material.

HAZMAT Personnel. HFD personnel who deal with any solid, liquid, or gas that has the capability of producing adverse effects on the health and safety of people or other living organisms.

Hot Zone. The area immediately surrounding the CBRNE material, extending far enough to prevent the spread of adverse effects to persons outside this designated zone. Hot zone is also referred to as the restricted zone, exclusion zone, danger zone, or kill zone.

Inner Perimeter. The area designated as a control line surrounding the warm zone. A line between the outside edge of the warm zone and the cold zone.

Mass Decontamination. Rapid decontamination of several persons simultaneously that is designed to quickly reduce the effects of the contaminant and limit the spread of the CBRNE agent. This activity is performed primarily by HFD utilizing large amounts of water and may occur in [REDACTED]

Outer Perimeter. The area designated as a crowd control line surrounding the incident. A line between the general public and the outside edge of the cold zone.

Pathogen. Disease causing agent.

Personal Protective Equipment (PPE). Protective equipment worn by individuals and designed to provide protection from the hazard present. PPE can range from something as simple as a long-sleeved shirt to cover unprotected skin to a completely encapsulated gas-tight suit with self-contained breathing apparatus.

The purpose of the department issued first responder PPE (Blue Bag) is to allow the officer to avoid some types of contamination, minimize risk, and escape the threat; it is not for work within the threat area. The PPE in the Blue Bag does not protect officers against all threats and the suits are not rated for splash and gas vapors.

Warm Zone. The area between the hot zone and cold zone where [REDACTED]

Weapon of Mass Destruction (WMD).

- a. Any explosive, incendiary, or poison gas: bomb, grenade, rocket having a propellant charge of more than four ounces (113 grams), missile having an explosive or incendiary charge of more than one-quarter ounce (7 grams), mine, or device similar to the above.
- b. Any weapon involving toxic or poisonous chemicals.
- c. Any weapon involving a biological agent or disease organism.
- d. Any weapon that is designed to release radiation at a level dangerous to human life.

1 GENERAL CONSIDERATIONS

Response to a weapon of mass destruction (WMD) incident is very similar to the response to a hazardous material incident as described in General Order 200-10, **Emergency Management**.

The following are three primary differences between a WMD incident and a hazardous material incident:

- a. A WMD incident is more likely to involve material with greater toxicity and more severe consequences. Therefore, the required response is commensurately larger and more complicated.
- b. A WMD incident is always a crime because the purpose is to kill or seriously injure people. Therefore, the scene of a WMD attack shall be processed as a crime scene.
- c. A reported WMD incident may be a hoax perpetrated by someone with the intent of creating fear and chaos. Reporting a hoax WMD threat is a criminal act. Therefore, every WMD incident, real or hoax, shall be investigated by the Homicide Division.

2 SAFETY GUIDELINES

Safety of first responders is critically important. If the first responders become contaminated, ill, or incapacitated, then they become part of the problem and cannot effectively rescue victims or initiate other critical actions that could serve to mitigate the situation and prevent other persons from becoming victims. Officers shall utilize time, distance, and shielding as protective actions.

Officers responding to a WMD incident shall adhere to the following guidelines:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]

3 METHODS OF CBRNE ATTACK

Chemical Attack

A chemical attack is the spreading of toxic chemicals with the intent to do harm. The toxicity of chemicals varies greatly. Some are acutely toxic (i.e., cause immediate symptoms); others are not. Chemicals in liquid or vapor form generally lead to greater exposures than chemicals in solid form.

Many variables affect the concentration of a chemical including wind and the volatility of the chemical. The release of toxic chemicals in closed spaces (e.g., tunnels, airports, financial centers) could deliver doses high enough to injure or kill a large number of people. In an open area, a toxic chemical cloud (plume) would become less concentrated as it spreads and would have to be released in large quantities to produce mass casualties.

Dissemination methods used for a chemical attack include the following:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Biological Attack

A biological attack is the intentional release of a *pathogen* or *biotoxin* against humans, plants, or animals.

Dissemination methods used for a biological attack include the following:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Radiological Attack

A radiological attack is the use or spreading of radioactive material with the intent to do harm. This attack could deliver radiation doses high enough to cause immediate health effects or fatalities in a large number of people or may not be immediately identified.

Due to potentially lethal levels of radiation emitted from medical or industrial sources, this type of attack can be performed covertly (i.e., no dissemination needed) or overtly (e.g., sprayed, scattered, explosion).

A "dirty bomb" is one type of radiological dispersal device that uses a conventional explosive to disperse radioactive material over a targeted area and is primarily used to:

[REDACTED]

Nuclear Attack

A nuclear attack is the use of a device that produces a nuclear yield. A nuclear explosion is caused by an uncontrolled chain reaction that splits atomic nuclei (i.e., fission) or combines atomic nuclei (i.e., fusion) to produce an intense wave of heat, light, and air pressure.

Although a nuclear device is difficult to construct, this attack has the largest impacted area.

Explosives

An improvised explosive device (IED) attack is the use of a "homemade" bomb and/or destructive device to kill, destroy, incapacitate, harass, or distract. Because they are improvised, IEDs can come in many forms, ranging from a small pipe bomb to a sophisticated device capable of causing massive damage and loss of life. An IED can be:

[REDACTED]

For proper response to explosive threats, see General Order 600-36, **Bomb Threats, Explosive Devices, Explosions.**

4 RESPONSIBILITIES

This section outlines the responsibilities regarding an incident involving a CBRNE material.

First Responding Officers

Upon arrival at the scene of an incident determined to involve a CBRNE material, the first responding officers shall do the following:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

Homicide Division

The Homicide Division shall be responsible for investigating all CBRNE incidents, including those believed to be hoaxes. Investigators from the Homicide Division shall go to the scene and shall be responsible for completing the original incident report and the *Significant Event Report*.

Criminal Intelligence Division (CID)

CID's Houston Regional Intelligence Service Center (HRISC) (a.k.a. Fusion Center) along with the [REDACTED] shall complete an intelligence report for the Chief of Police regarding CBRNE incidents in which a device or substance is discovered and there is a criminal intent in its use. This report shall include information regarding the initial investigation; the results of any laboratory analysis performed; any local, national, or world trends; and the probability of future threats.

In all CBRNE incidents, HRISC/[REDACTED] will support the Homicide Division and any other responsible division or law enforcement agency in the investigation of the incident.

[REDACTED]

5 DECONTAMINATION

On-scene *mass decontamination* and/or *emergency decontamination* of individuals may be necessary to save lives and to limit the spread of the CBRNE agent. HFD personnel shall perform the decontamination with law enforcement support to maintain order and issue directions.

All persons leaving [REDACTED] shall be considered to be contaminated. Every effort short of arrest or use of physical force should be made to get all contaminated persons to remain in [REDACTED] until they are properly decontaminated. Officers shall attempt to get voluntary compliance with the decontamination procedures.

A number of persons, particularly those who do not feel symptoms, may refuse to comply with decontamination directives and insist on leaving the scene. Based on information from EMS personnel, officers shall advise those persons leaving the scene to seek medical evaluation as soon as possible. [REDACTED]

Police Personnel and Weapons

All police personnel leaving [REDACTED] shall remain in [REDACTED] until evaluated by HFD and decontaminated if necessary.

If the HFD incident commander at the scene deems it necessary, all police personnel required to do so shall submit to *emergency decontamination* in accordance with HFD procedures. This includes decontamination of all firearms, which shall be done at the scene by HFD using water or other mixture deemed appropriate by HFD.

After the decontamination procedure, officers shall retain possession of their firearms. All other police equipment and personal property, including vehicles, shall be left at the scene if the HFD incident commander so orders.

6 HOAX INCIDENTS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In any case, the incident report shall list all potential victims so that health officials can contact them at a later date if further precautionary measures are needed. Each potential victim shall be given instructions about personal precautionary measures that should be taken after leaving the scene. This information will be available from EMS or HAZMAT personnel.

[REDACTED] The person with care, custody, and control of the location involved should make any decision regarding evacuation.

7 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-10, Emergency Management
400-18, Responsibility for City and Other Government Property
600-05, Special Threat Situations
600-36, Bomb Threats, Explosive Devices, Explosions
600-37, Hate Crimes

HPD Emergency Response Plan (ERP)
HPD Annex K: Detection and Response to Radiological/Nuclear Incidents


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

April 24, 2018

NO.

600-42

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-42, dated October 4, 2010

SUBJECT: RACIAL PROFILING PROHIBITED

POLICY

This General Order establishes the Police Department's policy against the practice of racial profiling as set out in state and federal laws concerning racial profiling and discriminatory practices. Discrimination in any form, including racial profiling, is strictly prohibited and the department shall take immediate and appropriate action to investigate allegations of discrimination.

This General Order applies to all employees.

DEFINITIONS

Bodily Injury. For the purpose of this General Order, physical pain, illness, or any impairment of physical condition.

Criminal Profile. A profile (not to include race) based on collective experience that groups characteristics commonly observed in relation to a particular type of criminal activity (e.g., drug courier, drug transactions).

Motor Vehicle. For the purpose of this General Order, a vehicle with a motor including a motor boat.

Motor Vehicle Stop. An occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance, or for another investigative purpose and the stop results in the detention of the driver or passenger. For example, a detention of one or more persons sitting in an automobile parked in a parking lot would not be a motor vehicle stop unless the vehicle was clearly in operation.

Race or Ethnicity. A person's particular descent, including Asian or Pacific Islander, Black, Hispanic or Latino, Alaska native or American Indian, or White.

Racial Profiling. Any law enforcement-initiated action based solely on an individual's race, ethnicity, or national origin rather than on the individual's behavior or information identifying the individual as having engaged in criminal activity.

Suspect Description. Information commonly reported by a complainant or witness at or near the time of a criminal offense that includes, but is not limited to: gender, race, physical attributes (height, weight, hair, facial hair, etc.), clothing description, involved vehicle, location, and direction of travel.

1 SCOPE

Racial profiling pertains to any law enforcement-initiated action based on an individual's race, ethnicity, or national origin. The policy against racial profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision. Race, ethnicity, or national origin may be legitimate factors in a detention decision when used as part of the description of a specific suspect for whom an officer is searching.

Examples of racial profiling include, but are not limited to, the following:

- a. Initiating a motor vehicle stop on a particular vehicle because of the race, ethnicity, or national origin of the driver of the vehicle.
- b. Stopping or detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
- c. Stopping or detaining an individual based on the determination that a person of that race, ethnicity, or national origin does not belong in a specific part of town or a specific place.
- d. Allowing race to enter into a criminal profile in which the characteristic activities being observed are likely to be conducted regardless of race.

For example, characteristics often associated with a drug courier (short trips to and from areas of high drug activity, tickets paid for in cash, nervous/furtive surveillance of surrounding areas, etc.) do not depend on a person's race.

- e. Allowing a suspect's race, given as part of a suspect description, to play an overly broad role in developing reasonable suspicion to support the detention of a person. The person detained should generally fit the totality of the description provided (i.e., a description that contains a particular race and gender shall not necessarily support detaining all persons of that race and gender).

Further, race and gender should serve to exclude persons from detention when appropriate. For example, if the suspect description includes a particular vehicle being occupied by persons of a particular gender and race, officers should not detain a vehicle matching the described vehicle if the officer can determine that the occupants do not match the race and gender description prior to stopping the vehicle.

The term racial profiling is not relevant as it pertains to witnesses, complainants, or other citizen contacts.

2 DATA COLLECTION OF MOTOR VEHICLE STOPS

The Code of Criminal Procedure (CCP), Articles 2.132 and 2.133, mandate the collection of specified data for motor vehicle stops conducted by peace officers. The CCP delegates the responsibility to collect such data for all law enforcement agencies in the state of Texas to the Texas Commission on Law Enforcement (TCOLE).

Upon conducting a motor vehicle stop, officers shall collect all of the following information on the driver of the motor vehicle and any other person who is searched, arrested, or issued a citation as a result of the stop:

- a. A physical description of the person, including:
 1. The person's gender; and
 2. 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.
- b. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.
- c. The initial reason for the stop.
- d. Whether the officer conducted a search as a result of the stop.
- e. The reason for the search, including whether:
 1. The person detained consented to the search.
 2. Any contraband or other evidence was in plain view.
 3. Any probable cause or reasonable suspicion existed to perform the search.
 4. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle.
- f. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence.
- g. 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 a traffic law or ordinance, or an outstanding warrant, and a statement of the offense charged.
- h. The street address or approximate location of the stop.
- i. Whether the officer issued a citation as a result of the stop.
- j. Whether the officer used physical force that resulted in *bodily injury* during the stop.

Officers shall enter the above data collected into one of the department's data collection systems by the end of each shift to "document" each concerned individual. The department currently has the following two methods for entry of such data:

- k. The Records Management System Demographic Tracking Module.
- l. The handheld ticket writers.

Who Must be Documented

Officers shall document the driver of every motor vehicle stopped by entering the required collected data into one of the above listed data collection systems. Additionally, any passenger who becomes a part of the stop through arrest, search, or ticketing shall be documented. For example, an officer stops a vehicle with numerous occupants for running a red light. The violation observed is for the driver and, unless the officer expands the stop to include the passengers, only the driver would be documented.

Stop Dispositions: Arrests and Tickets

An arrest means the subject was taken into custody to be placed in jail or transferred to another agency. Citations shall be documented as *Ticketed* and not as *Arrested*. In those specific cases in which a person involved in a stop has been arrested and issued a citation, the disposition *Arrested and Ticketed* shall be used.

Occupant Type

An occupant is either a driver or a passenger. These are the only permissible entries. In the Demographic Tracking Module, this field is called *Occupant Location*.

3 DATA REPORTING

Data collected from motor vehicle stops pursuant to this General Order shall be compiled, analyzed, and placed in a report format by the department's Office of Planning. The report shall be completed in such a time frame that it shall be reviewed by the Chief of Police and forwarded to the Mayor, City Council, and TCOLE prior to March 1st following the *calendar* year in which the data is collected.

The annual reports compiled pursuant to this section of the General Order shall not include identifying information about a peace officer making a motor vehicle stop or about an individual who is stopped or arrested by a peace officer.

4 VIDEO DATA PROCEDURES

Motor vehicle stops recorded on department issued video or audio recordings shall be periodically selected and reviewed by the department on a random basis as outlined in General Order 400-23, **Mobile Video Equipment** and General Order 400-28, **Body Worn Cameras**.

Such recordings may also be used for training purposes in promoting professionalism in motor vehicle stops and officer safety.

5 COMPLAINT PROCESS

The department shall accept complaints from any person who believes he or she has been stopped, searched, or inappropriately ticketed or arrested based on racial profiling.

No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because he or she filed such a complaint.

Employees and supervisors shall report any racial profiling practice they observe. When individuals want to file a complaint that alleges racial profiling, all department employees shall follow the procedures set forth in General Order 200-03, **Investigation of Employee Misconduct** and General Order 300-32, **Processing Complaints and Employee Issues**.

The Internal Affairs Division shall investigate allegations of racial profiling. If a video or audio recording of all or any part of the detention giving rise to the allegation was made, a copy of the recording shall be promptly made available to the employee who is the subject of the complaint upon written request by the employee.

Data collected pursuant to this General Order shall not constitute *prima facie* evidence of racial profiling. Any employee found to have engaged in racial profiling shall be subject to corrective action or discipline up to and including indefinite suspension.

6 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-03, Investigation of Employee Misconduct
300-14, Extra Employment
300-32, Processing Complaints and Employee Issues
400-23, Mobile Video Equipment
400-28, Body Worn Cameras

Texas Code of Criminal Procedure, Articles 2.132, 2.133, and 2.134



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

April 25, 2017

NO.

600-43

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-43, dated June 19, 2015

SUBJECT: ANIMAL BITES

POLICY

Any employee who knows of an animal bite or scratch to a person by an animal capable of transmitting rabies, or who knows of an animal the employee suspects is rabid, shall report the incident or the animal to the local rabies control authority listed in this General Order.

This General Order does not apply to HPD service animals except if an HPD service animal bites a person and soon thereafter exhibits any abnormal behavior, the animal's handler or rider shall immediately make the animal available for testing by the local rabies control authority.

This General Order applies to all employees.

DEFINITIONS

Animal. Non-human, warm- and cold-blooded living creatures.

Animal Enforcement Officer. A person employed by the City of Houston Administration and Regulatory Affairs Department, BARC Animal Shelter and Adoptions Division, Animal Enforcement section to enforce animal control regulations.

Animal Shelter. A facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals and complies with the standards and requirements of animal shelters prescribed in §823 and §826 of the Texas Health and Safety Code.

Attack. Act by an animal that causes bodily injury to a person.

BARC Animal Shelter and Adoptions (BARC). The division under the City of Houston Administration and Regulatory Affairs Department that is responsible for the City's animal shelter, animal adoptions, and enforcement of animal regulations.

Bite. Any abrasion, scratch, puncture, tear, or piercing of the skin that causes bleeding and is caused by or suspected of being caused by an animal.

Custodian. A person or agency, whether or not an owner, that feeds, shelters, harbors, has possession or control of, or has the responsibility to control an animal. The owner of an animal shall be deemed to be a custodian of the animal.

Dangerous Dog. This term is defined in §822.041 of the Texas Health and Safety Code as a dog that does one of the following:

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

- b. Commits an unprovoked act in a place other than an enclosure in which the dog was being kept and that act causes a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Domestic. As applied to a species of animal, indicates an animal that has been domesticated by humans so as to live and breed in a tame condition. This term does not include an animal that has merely been raised domestically.

Low-Risk Animals. Animals named in Chapter 169.22 of the Texas Administrative Code as having a low probability of transmitting rabies; they include all animals of the orders Didelphimorphia, Insectivora, Rodentia, Lagomorpha, and Xenarthra (e.g., opossums, shrews, moles, squirrels, gophers, mice, rabbits, rats, and armadillos).

High-Risk Animals. Animals named in Chapter 169.22 of the Texas Administrative Code as having a high probability of transmitting rabies; they include skunks, bats, foxes, coyotes, and raccoons.

Running At Large/Run At Large. Refers to an animal that is allowed to go on public or private property without its owner or a person having direct physical control over the animal. The terms include any animal that is staked, tied, or hobbled in any manner as to allow the animal to access public streets or sidewalks.

Stray. An animal or pertaining to an animal that roams with no physical restraint.

Vicious Animal. An animal that kills or inflicts serious bodily injury to a person by attacking, biting, or mauling.

Wild Animal. This term is defined in Section 6-51 of the Houston Code of Ordinances as any mammal, amphibian, reptile, or fowl of a species that is wild by nature and that, because of its size, vicious nature, or other characteristics, is dangerous to human beings (e.g., lions, tigers, bears, chimpanzees, gorillas, bobcats, and coyotes).

1 OFFICERS' RESPONSIBILITIES

When an officer arrives on a scene involving a dangerous, vicious, stray, or wild animal that poses a nuisance or a danger but there is no attack or bite to a person, the officer shall contact the City's BARC Animal Shelter and Adoptions Division (BARC) to capture or contain the animal.

When an officer arrives on a scene involving an animal bite to a person, the officer shall:

- a. Deal with any immediate threats. Secure and contain the scene as best as possible. Protect against anyone being bitten or attacked, and also warn nearby neighbors regarding the active scene.
- b. Obtain appropriate information about the suspected animal, the victim, and the incident.
- c. If the animal becomes mobile, attempt to keep the animal in sight.

d. Contact BARC, inform them of the details, and follow their instructions.

If BARC cannot make the scene in a timely manner (less than an hour), officers shall continue the investigation by:

e. Obtaining complete information on what the animal and victim were doing prior to, during, and after the bite.

f. Advising the victim to seek immediate medical attention from a physician or hospital.

g. Attempting to locate the animal's custodian or owner and obtaining the following information:

1. Whether or not the animal has been vaccinated.

2. Name of the veterinarian used by the owner or custodian.

3. The location of the animal, if not already known.

4. Whether or not the owner or custodian allows the animal to roam as a stray.

5. Whether or not the animal has suffered from any diseases or medical problems.

h. Talking with witnesses about the animal's prior behavior and if there existed any type of history between the victim and the animal.

i. Completing a detailed and thorough incident report.

j. Advising the victim to contact BARC regardless of the seriousness of the bite.

If BARC arrives at the scene before officers clear the call, officers shall:

k. Turn over the incident and the scene to BARC's authority.

l. Turn over any information gathered to the animal enforcement officer.

m. Render any assistance needed.

n. When the scene is safe and secure, return to duty and clear the call by stating it was turned over to BARC. However, officers shall still make an incident report for future reference (a report in this instance does not need to be turned over to BARC).

2 RABIES

When an officer arrives on a scene involving an animal that is suspected of having rabies, the officer shall:

a. Deal with any immediate threats. Secure and contain the scene as best as possible. Protect against anyone being bitten or attacked.

- b. Contact BARC, inform them of the details, and follow their instructions.
- c. Follow other appropriate procedures outlined in section 1 of this General Order.

Rabies is an acute viral disease that affects the central nervous system. It can infect both humans and other mammals. It is transmitted through close contact with saliva from infected animals (i.e., bites, licks on broken skin, and mucous membranes). Once symptoms of the disease develop, rabies is fatal to animals and almost always fatal to humans.

NOTE: The key to human survival of rabies is quick diagnosis and immediate treatment.

Only mammals can get rabies; birds, fish, reptiles, amphibians, and other animals cannot. Mammals with rabies may show a variety of signs (e.g., fearfulness, aggression, excessive drooling, difficulty swallowing, staggering, seizures, and self-mutilation). Rabid wild animals may display only unusual behavior (e.g., a nocturnal animal may be seen wandering in the daytime).

Except as otherwise provided by the Texas Board of Health (TBOH), owners of certain domestic pets (e.g., dogs, cats, and ferrets) are mandated to have their animals vaccinated against rabies by the time the animal is four months of age and at regular intervals as prescribed by TBOH.

A veterinarian who vaccinates an animal against rabies will issue to the animal's owner a vaccination certificate in a form that meets the minimum standards approved by the TBOH.

3 RESPONSE TO RESISTANCE

If any person is attacked by an animal or is in imminent danger of being attacked by an animal, officers are authorized to use any response necessary up to and including deadly force to stop the animal (see General Orders 600-17, **Response to Resistance** and 200-16, **Firearm and Soft-Impact Weapon Discharges**). However, if the situation can be contained without further danger of attack or injury, officers shall turn over the capture or destruction of the animal to BARC.

NOTE: Unless it is unavoidable, officers shall not use a conducted energy device against an animal.

If an animal must be immediately destroyed, officers should avoid damaging the head of the animal (the brain is needed for rabies testing).

4 DEAD ANIMALS

When officers are dispatched to investigate a dead animal and the animal is considered high risk or the animal has bitten someone, officers shall:

- a. Secure the scene upon arrival.
- b. Contact BARC, inform them of the details, and follow their instructions.

c. Follow other appropriate procedures as outlined in section 1 of this General Order.

When officers are dispatched to investigate a dead animal and the animal is considered low risk and the animal has not bitten anyone, officers shall:

- d. If possible, place or have the animal placed (without directly touching it) in a plastic bag for the City of Houston Solid Waste Management Department to pick up.
- e. Try to secure the area to prevent contamination or human, animal, or insect contact.
- f. Advise the citizen to call 3-1-1 and request pick up by the Solid Waste Management Department, Dead Animal Collection section.

When officers are dispatched to investigate a dead animal that was probably killed by a domestic animal (usually a pet), officers shall follow the above directives.

5 RABIES CONTROL ACT

BARC makes the final decision on what happens to an animal that has bitten a person. BARC has the authority to enforce all provisions of the Rabies Control Act of 1981 (§826, Texas Health and Safety Code).

BARC cannot be overruled by other persons, including county judges, veterinarians, chiefs of police, or pet owners.

6 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-16, Firearm and Soft-Impact Weapon Discharges

400-26, Conducted Energy Devices

600-17, Response to Resistance

§822, Texas Health and Safety Code

§823, Texas Health and Safety Code

§826, Texas Health and Safety Code

Chapter 169.22, Texas Administrative Code

Chapter 240, Texas Local Government Code

Centers for Disease Control and Prevention

Section 6-1 of the Houston Code of Ordinances



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

December 5, 2019

NO.

700-01

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 700-01, dated October 20, 2003

SUBJECT: PROPERTY AND EVIDENCE CONTROL REGULATIONS

POLICY

Department regulations and local, state, and federal laws shall govern the maintenance, storage, and disposition of all *property*, whether it is of a probative nature or not, that comes into the custody of the Houston Police Department.

This General Order applies to all employees.

DEFINITIONS

Authorizing Division. Any division authorizing *property* to be placed on *hold* in a *property storage facility*.

Biological Evidence. The contents of a sexual assault examination kit or any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or any other identifiable biological material that was collected as part of an investigation.

Chain of Custody. A list of each person who has care or custody of property from the time it is taken into custody until it is offered into evidence in court, returned to the rightful owner or caretaker, or disposed of.

Departmental Device. For the purpose of this General Order, any device provided by the department and that is utilized by employees to capture images or record statements. This includes any device owned or leased by the department, as well as devices provided through grants approved by the department or through interagency cooperation agreements.

Digital Evidence. Data pertinent to a criminal investigation that may be contained on *digital media*.

Digital Forensics Unit (DFU). A unit of the Houston Forensic Science Center that is responsible for forensic examination of certain types of digital evidence, most commonly on computers and cellular telephones.

Digital Media. Any electronic device designed or utilized to store electronic data. This includes, but is not limited to, computers, laptops, tablet computers, cellular telephones, GPS devices, removable data storage devices (thumb drives, memory cards), and digital cameras.

Evidence Management System (EMS). The computerized system or its successor system utilized by the HPD Property Division to track and manage all property and evidence submitted for storage.

Evidentiary Property. Any created, purchased, or seized items that may be used as evidence.

Found Property. Property that is not listed as or alleged to have been stolen, does not appear to constitute evidence of a crime, and ownership of the property is not in dispute.

Hazardous Material (HAZMAT). Any item or agent (biological, chemical, radiological, and/or physical) that has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

Houston Forensic Science Center (HFSC). A local government corporation created to provide independent forensic services to the Houston Police Department and others engaged in the justice system.

Laboratory Information Management System (LIMS). The computerized system utilized by the Houston Forensic Science Center to track and manage all evidence submitted for forensic testing.

Lock Box. An approved, secure device that stores property or evidence. Procedures and notifications for the use and submission of property or evidence by means of a lock box shall be the responsibility of the *authorizing division*.

Narcotics Evidence Receiving (NER). A unit of the Property Division responsible for storage and destruction of controlled substances.

Narcotics Operations Control Center (NOCC). An entity of the Narcotics Division that is responsible for the quality control of intake of narcotics, evidence submission, and subsequent controlled transfer of the evidence to the Narcotics Evidence Receiving Unit.

National Integrated Ballistic Information Network (NIBIN). A unit of the Property Division responsible for the entry of fired shell casings into a national database managed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

Off-Site Property Storage Facility. Any *property storage facility* other than the Property Division.

Personal Device. For the purpose of this General Order, any personal recording or data storage device that is utilized by employees during an investigation to capture images or record statements and such device is not issued for use by the department (e.g., personal cameras, recorders, cellular telephones, computers, flash drives).

Primary Division. The *authorizing division* responsible for investigating the most serious offense involved in a criminal investigation. When multiple offenses occur that are of equal offense classification according to the Texas Penal Code, the primary division shall be determined by which offense occurred first.

Prisoner Property. Any property in the legal, physical possession of a suspect at the time of arrest that will not be used as evidence but is taken into protective custody (e.g., billfolds, purses, identification, jewelry, items in the pockets, bicycles, firearms).

Property. For the purpose of this General Order property means any tangible personal property.

Property Acquired By Illegal Means. Any property for which the identity of the owner cannot be determined and probable cause exists to believe the property was acquired by theft or by another manner that makes its acquisition an offense.

Property Disposition Unit (PDU). A unit of the Property Division that works in conjunction with the various investigative divisions to expedite *evidentiary property* disposition and/or disposal.

Property Division. The HPD division responsible for the storage and retrieval of evidence and found property.

Property Hold. A division-authorized prohibition against the release of property.

Property Storage Facility. Any location, including the Property Division, authorized by the Chief of Police to house property on a long-term basis.

Secondary Division. Any *authorizing division* other than the primary division.

Stolen Property. Any property stolen or alleged to have been stolen.

Vehicle Examination Building (VEB). An area utilized by the Houston Forensic Science Center to process vehicles for forensic evidence.

Vehicle Impound Lot (VIL). A lot, controlled by the Auto Theft Division, authorized for the storage of vehicles needing follow-up investigations.

1 GENERAL PROCEDURES

Employees obtaining *property* and/or controlled substances are accountable for the overall security and integrity of that property and for submitting the property for storage in accordance with department policy. Evidentiary property shall be collected as outlined in section 5, *Evidentiary Property Procedures*. Employees shall not convert to their own use, alter, conceal, falsify, destroy, remove, tamper with, or withhold any property obtained or held in connection with an investigation or other official action.

When employees or divisions accept responsibility for property and/or controlled substances, they become the responsible party until the property is returned to the owner or lawfully disposed of or responsibility is transferred. Employees may transfer responsibility for property to another employee or division; however, they must indicate the transfer by supplementing the original incident report. Each time property is transferred from one person or location to another, it shall be documented in an original incident or supplement report. The report shall include the reason for the transfer and the name of the person accepting responsibility for the property. When property is transferred to another division, the name of the supervisor authorizing the transfer shall be included.

Employees placing property in or retrieving property from any *property storage facility* shall follow that facility's regulations concerning property handling. Documentation of the employee placing property in or retrieving property from a property storage facility shall be included so that a record of the chain of custody is maintained.

Personnel assigned to the Property Division shall document property and evidence transfers utilizing its computerized property management system.

If property is lost or damaged due to negligence, the negligent party may be subject to disciplinary action and restitution. Each property storage facility shall maintain current, accurate, and complete information (including a record of the chain of custody) on all property stored or disposed of under its responsibility. All off-site property storage facilities shall comply with any applicable policies and procedures of the *authorizing division* and the Property Division.

2 REPORTS AND FORMS

Original Incident Report

Any employee who originally takes custody of property is responsible for making an original incident or supplement report as appropriate. All original incident reports shall include, but are not limited to, the following information:

- a. Identification of the property as evidence, found, prisoner's, stolen, or undetermined ownership.
- b. Thorough description of each article including all reference numbers.
- c. Name and contact and identification information regarding the person from whom the property was obtained.
- d. Location where the property was obtained.
- e. Name, address, and contact information of anyone claiming ownership of the property.
- f. Circumstances of the acquisition.
- g. Names of all persons in the chain of custody and all divisions authorizing a hold on the property.
- h. Location where the property is stored.
- i. Indication whether the property was checked through TCIC and NCIC.
- j. Indication of the division and employee (including employee number) that authorized the *property hold*.

All stored property shall be tagged under the original incident number. Officers making the original incident report shall ensure all necessary information is forwarded to the authorizing division(s).

Supplement Report

When property or evidence is added to a case, logged in or out for further investigation or court, transferred, or disposed of, the employee handling the property shall make a supplement to the original incident report and include the applicable information listed in the above subsection and complete associated forms.

Forms

Unless stated otherwise, forms utilized for processing property are available on the department's Intranet Portal or from the Property Division.

3 HOLD AND REQUEST AUTHORIZATION PROCEDURES FOR PROPERTY AND EVIDENCE

Before property is placed in a property storage facility, the employee must receive property hold authorization from the responsible division or unit. The name, employee number, and division of the person authorizing the property hold shall be recorded in the incident report and the Evidence Management System (EMS).

The name, employee number, and division of the person authorizing a hold does not need to be on the Narcotics submission form if all that is being submitted is a controlled substance. This information is needed if there is other property submitted in connection with a controlled substance that will need to be transferred to the Property Division after the controlled substance is removed (e.g., suitcase, ice chest).

When incidents are investigated by several divisions, employees shall obtain hold authorizations from each responsible division. Employees tagging property shall determine what property information the responsible division requires.

Primary and secondary divisions (if applicable) shall always give hold authorization for prohibited weapons and controlled substances.

Hold authorizations are not required for the following:

- a. Photographs taken by employees.
- b. Documents produced by employees.
- c. Lifted latent prints and items of evidence submitted for latent processing.
- d. Sexual assault kits.
- e. Other property created by employees or Houston Forensic Science Center (HFSC) personnel (e.g., ballistic testing material and plaster castings).

The property storage facility records shall indicate the character of the property, the incident number, the reason for the hold, and the name of the employee and division authorizing the hold.

Each division that accepts a hold for property and/or controlled substances are responsible for the disposition of that property and employees shall document in an original incident or supplement report the property disposition including any transfer of responsibility to another division.

Special Holds

A "Special Hold" may be requested by HPD's Internal Affairs Division or Office of Legal Services, or the City of Houston Legal Department. Special Hold requests must be forwarded to the administrative lieutenant of the Property Division.

When a Special Hold request is received, the Property Division shall follow all standard operating procedures (SOPs) of the Property Division as it pertains to properly documenting all records for the request of the Special Hold.

Special Holds may be released only upon receipt of written notification, including email, from the original office that requested the Special Hold.

Request by Others to View Evidentiary Property

The *primary division* shall facilitate all requests and court orders to view and/or photograph *evidentiary property* tagged in a property storage facility. When assistant district attorneys or investigators want to view evidentiary property, they must present appropriate identification and authorization to the property storage facility personnel.

When a court order authorizes a person, with the exception of authorized designated District Attorney Office personnel, to view and/or photograph evidentiary property, that person must contact the primary division. An officer from the primary division shall ensure all of the following are accomplished:

- a. Contact the property storage facility and coordinate a date and time for evidence to be viewed.
- b. The authorized person shall be met at the property storage facility by a department representative.
- c. The department representative responsible shall be present and remain with the evidentiary property during any viewing and/or photography.
- d. The department representative shall secure the evidence and return it to the custody of the property storage facility after the viewing and/or photographing of the evidence. The above steps shall be documented in a supplement report.

Temporary Check Out of Evidentiary Property

Property may be temporarily removed from a property storage facility for no more than 14 *calendar days* without the approval of the authorizing division's commander and only for the following reasons:

- a. Court appearance
- b. Further investigation
- c. Submission for analysis
- d. Out to other agency

Property temporarily released from a property storage facility to an *authorizing division* becomes that division's responsibility. If it is known that evidence will not be returned within 14 *calendar days* (e.g., evidence being sent to an outside lab), employees must obtain written approval from the authorizing division's commander before checking out the property.

To remove property, employees shall furnish the incident number and the primary division's authorization. The employee shall complete and sign an appropriate temporary check out form for documentation in the chain of custody. The employee shall supplement the incident report showing the date and time the property was checked out, the reason for checking it out, and the date and time the property should be returned. The supplement shall be completed after the property has been checked out and before the end of the employee's shift. An additional supplement shall be generated when the property is returned.

Other persons wishing to remove property must present appropriate identification to the property storage facility personnel indicating their status with the court and complete and sign an appropriate temporary check out form for documentation in the chain of custody.

Retesting Evidence

The primary division shall assist the Property Division in facilitating court orders for retesting evidentiary property (e.g., blood vials, sexual assault kits, and narcotics) tagged in a property storage facility. When such evidence is required by a court order to be shipped out to a private laboratory, an officer from the primary division shall review the court order and give the division's authorization. The officer shall complete a *Property Shipping Authorization* form designating the location where the evidence shall be shipped for retesting and the quantity or unit of evidence to be shipped. The Property Division shall then ship the evidence as directed by the primary division on the *Property Shipping Authorization* form.

When retesting requires the splitting of evidence, such as in representative samples taken from relative evidence, the Property Division shall coordinate with HFSC to perform this service. Additionally, the primary division shall complete a *Property Shipping Authorization* form, designating the Property Division to handle the shipment of the evidence accordingly.

Separation of any drugs that are found to be packaged together shall be performed by HFSC at the request of the Property Division.

All costs associated with the shipment of evidence for retesting shall be paid for by the defense attorneys that initiated the court order. Retested evidence will be shipped back to the Property Division by the retesting laboratory.

Representatives of primary divisions shall submit completed *Property Shipping Authorization* forms to the Property Division via interoffice mail, fax, or email and complete a supplement to the original incident report.

Shipping Evidentiary Property

Property Division personnel shall be responsible for packaging, shipping, receiving, and sending all evidentiary property. An employee initiating the shipment or receipt of property that will be used as evidence in an investigation shall complete a supplement to the original incident report detailing the reason for shipping such property.

Property Division personnel shall complete a property release report prior to any shipment of property. This report shall contain the name of the receiving agency and the reason the property is being sent. The receipt for shipment shall be signed by the employee initiating the transaction. A primary division employee initiating property shipments shall complete a *Property Shipping Authorization* form designating the location where the evidence will be sent. If property is shipped for evidentiary examination, the initiating employee shall provide the agency receiving the property with any instructions necessary to conduct the requested testing.

After an employee has been notified by Property Division personnel that property addressed to the requesting employee has been received, the employee shall reply immediately with the required information, the intended disposition of the property, and when the property shall be picked up.

4 TYPES OF EVIDENTIARY PROPERTY

Created Property

Items created by the department for the sole purpose of being used as evidence (e.g., DWI and crime scene videotapes or test fires) to enhance an investigation and that may be needed for future identification shall be stored in a property storage facility.

Evidence created in the process of investigation and/or analysis shall be handled according to the guidelines of the division creating the evidence and/or HFSC.

Video or audio evidence (other than that produced by the Criminal Intelligence Division) shall be handled according to the guidelines established by the Office of Technology Services. Video or audio evidence produced by the Criminal Intelligence Division shall be handled according to the guidelines of that division. Video or audio evidence requiring technical support and forensic analysis by HFSC's Forensic Audio/Video Lab may be submitted directly to HFSC in person if consultation is required. Otherwise, it shall be submitted to the Property Division.

All digital photographs taken by employees and that document a crime scene or possible criminal investigation shall be uploaded to the Digital Crime Scene database. Digital photographs shall be uploaded using designated kiosks or via the system's web software accessed through the department's Intranet Portal.

In addition to photographs, video, and audio recordings, created evidentiary property also includes communications that are sent and/or received (e.g., text messages to and/or from witnesses) while conducting official City business and that could constitute evidence in a criminal investigation.

Purchased Property

Purchased property is any property or props purchased with department approved funds to further an undercover criminal investigation (e.g., clothing, cameras, and video equipment). All property valued at \$250 or more purchased to enhance an investigation and is not illegal to possess shall be listed and fully described in the purchasing division's inventory. Each item listed in the inventory shall have a department inventory number assigned to it. It is not necessary for a department inventory number to be physically attached to the property if the property is being

used in an undercover investigation and the inventory number would compromise the investigation. Officers may make an identifying mark on property to aid in its identification (e.g., to aid in courtroom testimony). The inventory number must be cross-referenced to the property in the division's inventory list.

Property of the City of Houston that becomes evidence in a criminal investigation shall be released to the division to which it belongs when it is no longer needed as evidence. Unless physically impossible, the inventory number tag shall be placed on the property when it is no longer used as an investigative tool or prop.

Property purchased in a "sting" operation shall be handled as seized property and placed in the appropriate property storage facility.

Seized Property

Seized Property is any property that is not purchased by the department, but seized or obtained by an officer during an incident or investigation to further a criminal investigation or for any other law enforcement purpose (e.g., a prohibited weapon found during a family disturbance investigation). Property that has been seized (e.g., narcotics, evidence, money, *found property*) shall be handled and processed as designated by the parameters set forth in this General Order.

Whenever possible, officers who seize property legal to possess shall complete and issue the *Houston Police Department Property Release* form to the rightful or claimed owner. One copy shall be issued to the owner and one copy shall accompany the seized property to the property storage facility. If ownership is claimed without proof, the words "Claimed Ownership" shall be written on the receipt and tag. The owner's receipt is used to claim property through the authorizing division. Officers shall detail recovery information in a supplement to the original incident report.

5 EVIDENTIARY PROPERTY PROCEDURES

Employees shall take precautions to preserve the integrity of and not contaminate any physical or latent evidence at a crime scene.

Evidentiary Property Collection

Responsibility for evidence collection shall be delegated in the following descending order of priority:

- a. Investigative division officer in charge.
- b. Crime Scene Unit personnel.
- c. Arresting officer.
- d. Officer assigned by the dispatcher.

Whenever employees have custody of property seized as evidence, they are accountable for the overall security of that property and for maintaining a credible chain of custody for that property.

All evidence must be properly packaged and sealed for submission into a property storage facility and for laboratory acceptance. A proper seal includes a complete seal of the envelope with evidence tape or similar tape and the initials of the officer sealing the evidence located on the tape seal itself.

Firearms and Munitions

Ordinance and Explosives:

When explosives and related hazardous evidence are recovered, the Bomb Squad shall be notified. This evidence includes, but is not limited to, any explosive device, military ordnance, pyrotechnics, or gas and smoke canisters. This type of evidence shall be handled according to Bomb Squad's SOPs.

Firearms, Ammunition, and Ballistic Evidence:

Employees shall wear nitrile gloves when handling any firearms or ammunition that may be evidential property.

Firearms and Ammunition

Prior to tagging firearms at the Property Division, officers shall ensure that the firearms are unloaded and cleared by utilizing the "red clearing barrel" provided at the Property Division. Firearm slides or cylinders shall be submitted in the open position. However, officer shall *not* remove ammunition from a magazine. Then the magazines, ammunition, and unloaded firearms shall be tagged into the Property Division by following that division's SOPs.

Firearms that cannot be unloaded or have a jammed round or casing in the chamber or barrel shall *not* be tagged into the Property Division. Those weapons shall be submitted to the Firearms Section of HFSC. The container shall be clearly marked with "LOADED WEAPON" on at least two sides indicating that the weapon contained therein is still loaded. HFSC Firearms Section personnel shall then make the firearm safe and return it to the submitting officer or designee. If it is after normal business hours for the HFSC Firearms Section, the firearm and a completed submission form shall be submitted using one of the HFSC Firearms Section lockers located at 500 Jefferson. Submission forms are available next to the lockers. After depositing the firearm (in a properly sealed and labeled package) along with the submission form, the locker shall be locked using the lock attached to the locker.

Firearms recovered from water shall be packaged in a water-tight container containing the firearm submerged in the same water from which the firearm was recovered. The container shall be submitted to the HFSC Firearms Section during normal hours of operation. If the firearm is to be submitted outside of normal business hours, it shall be submitted to one of the designated lockers at 500 Jefferson.

Firearms and firearms evidence in high priority investigations may necessitate immediate processing. These items may be submitted directly to the HFSC Firearms Section with prior approval from the HFSC Firearms Section manager.

Ballistic Evidence

Seized ballistic evidence (e.g., spent bullets, shell casings) recovered from any location and that is to be examined by the HFSC Firearms Section shall be submitted to the Property Division. All fired (empty) shell casings will be tagged in the Property Division, attention; National Integrated Ballistic Information Network (NIBIN).

In the event seized ballistic evidence recovered was the result of a police-involved shooting that resulted in injury to any person, unfired cartridges matching the brand discharged shall be collected (15 to 20 unfired cartridges, if possible, from the officers who discharged their firearm) and tagged in accordance with this General Order.

Municipal Prisoner's Firearms

Whenever a firearm is seized from a suspect arrested for only a municipal offense, the arresting officer shall check the firearm's serial number in the computer system to verify that it has a clear history and then generate an original incident report. The incident report shall describe the circumstances of the arrest and the disposition of the firearm. A *Prisoner Property Release* form shall be completed and the firearm shall be tagged and stored in the Property Division as outlined above.

Narcotics

Employees shall wear nitrile gloves when handling any narcotics and should not remove the narcotics from the original packaging. Officers shall **not** conduct drug field tests on any substances.

All officers not assigned to the Narcotics Division who seize narcotics shall take them to the Narcotics Operations Control Center (NOCC) for preliminary identification, weighing, and submission to a Narcotics Evidence Receiving (NER) lock box. Submissions shall be in compliance with submission procedures and standards of the NER Unit. Narcotics Division personnel assigned to the NOCC shall ensure the submission, packaging, and forms are completed and the substance is properly identified and weighed.

Officers assigned to the Narcotics Division are the only personnel authorized to submit any seized narcotics evidence directly to NER during normal operating hours, or into the NER Drop Box at 1200 Travis after NER's normal hours of operation.

Officers shall list all weights and counts as approximate values. HFSC shall indicate the exact weight or count in its final report of analysis.

Officers submitting narcotics evidence without a known suspect or to be destroyed shall clearly articulate this in the submission. Should it be necessary to have the evidence analyzed for intelligence purposes, even though no criminal charges are pending, the officer shall clearly indicate the reason for the analysis.

Biological Evidence

Officers shall wear gloves when handling and processing biological evidence to ensure that the biological evidence is not contaminated and the officer is protected from exposure to biological contaminants.

Toxicology Samples:

Officers shall collect two vials of blood or urine from the same suspect and place the vials in the same envelope or container for lab submission. All biological specimen containers (blood and urine) submitted to HFSC (e.g., Driving While Intoxicated sample) shall have labels affixed directly to the specimen(s). All information on the labels shall correspond exactly with the outer and inner packaging of evidence and submission forms.

Forensic Biology Samples:

All other blood and biological material shall be submitted to the Property Division. All samples shall be submitted as quickly as possible. Any item containing stains of biological origin shall be completely air-dried in the drying room before being stored.

Digital Evidence

HFSC's Digital Forensics Unit (DFU) is responsible for the forensic examination of *digital media* taken into evidence by the Houston Police Department.

No digital evidence shall be submitted to or analyzed by other laboratories without authorization of the supervisor of DFU.

Collection Procedure:

On-scene surveillance recordings of an incident captured by a private surveillance system at a business or residence and provided to an officer to further an investigation shall be tagged into the Property Division.

Whenever digital evidence is seized as the result of a search warrant, consent to search, or being discovered and believed to contain evidence of a crime, employees shall adhere to the following procedures.

Digital evidence shall be treated as a separate crime scene. Unless authorized by DFU, employees shall not access or preview any digital evidence on any digital media device that has been seized. Improper examination or preview of digital media may alter, delete, or destroy evidence files.

Employees shall contact DFU with any questions or if they need instructions concerning the processing of a crime scene that contains digital evidence. Depending on the complexity of the scene and the evidence to be seized, DFU personnel may be required to respond to the scene to assist in evidence identification and collection. The following are general collection procedures for digital evidence:

Computers

Computers should be submitted to the Property Division without the associated peripheral devices (keyboard, mouse, and monitor) as they are of no evidentiary value. However, some all-in-one computers contain internal data storage engineered into the monitor or keyboard. Those should be collected. Care should be exercised to ensure the proper storage media is identified and seized. The following are instructions on how to properly collect common computer devices:

- a. Investigators seizing desktop computers (not servers) that are discovered powered-on should pull the power plug from the back of the chassis to turn off the computer.
- b. For laptop computers, the battery should be removed. Do not “shut down” the computer using the operating system.
- c. For computer servers or for computers with encryptions enabled, investigators should contact DFU for instructions.

Wireless Networking Devices

Wireless networking devices include, but are not limited to, cellular telephones, tablet computers, and cameras. Wireless networking devices require special handling due to the volatile nature of the storage media and ability to actively connect to a network. These general instructions should be followed prior to submitting the device to the Property Division:

- d. Cellular telephones, tablet computers, and other devices with Wi-Fi™ or other wireless networking capability that are encountered in a powered-on state should be isolated from the network immediately. The potential exists for the device to be accessed remotely and wiped of all evidence stored on the device.
- e. Generally, the device should be placed in airplane mode (if a screen lock is not active) and then powered off as soon as practicable. It should not otherwise be tampered with or previewed. If the battery is accessible, officers should remove it.
- f. If the incident warrants immediate examination of the device by DFU, the device should be left powered on but placed into a faraday container to shield it from wireless network communication signals or placed in airplane mode, if possible. DFU should be contacted for instructions or assistance.

Digital Evidence Submission:

Digital evidence shall be submitted directly to the Property Division. Digital evidence shall not be improperly stored prior to submission.

DFU utilizes the Laboratory Information Management System (LIMS) for property management. Requests for analysis of digital media submitted directly to the Property Division shall be entered into LIMS or its successor system. If the evidence was gathered as the result of a search warrant or consent to search, copies of those documents must accompany the digital evidence so the documents can be properly verified and recorded. DFU shall examine evidence only with proper authorization documentation.

DFU processes evidence on a first in, first out basis, unless a demonstrated exigency exists. Requests for priority processing shall be made to the supervisor of DFU. DFU is solely responsible for decisions made regarding the order in which digital evidence is processed.

Upon completion of the forensic examination, the investigator shall receive a notice via LIMS that the report is ready for review. The original tagged evidence and any created evidence shall be transported by HFSC personnel to the HPD Property Division. Created evidence consists of digital media (e.g., CD, DVD) that contains the requested supporting exported evidence exhibits from the original device. This evidence is used for prosecution. DFU-produced digital media shall be issued a property tag in LIMS by DFU for evidence management purposes. This evidence shall be properly controlled and stored in the HPD Property Division.

Digital Evidence on Personal Devices:

Property created using a personal cellular telephone or other personal recording device (*personal device*) for the purposes of investigating a criminal violation shall be preserved in a manner that it can be readily retrieved. The general rule and preferred practice is to not use a personal device to capture images or record statements, but to instead use a *departmental device*. However, the department recognizes there may be exigent circumstances when an employee may need to use a personal device.

Under no circumstances shall any evidentiary property be permanently stored on a personal device.

In the exceptional circumstances when evidentiary property is created using a personal device the following guidelines shall be followed:

- g. The evidence must be retrieved from the device and properly stored and tagged as set forth in this General Order before the end of the employee's shift.
- h. The evidence should be immediately deleted from the employee's personal device only after the evidence is retrieved and properly stored and tagged.
- i. The employee who created the evidence must generate an original incident report or supplement, as applicable, documenting the employee's actions including, but not limited to, identification and description of the property as evidence, the chain of custody, and the final disposition of the evidence.
- j. If the evidence created cannot be retrieved and properly stored and tagged by the end of the employee's shift, the employee shall tag the personal device into the Property Division until such time that the evidence can be retrieved, stored, and tagged.

Employees with questions regarding evidence created using a personal device shall contact DFU.

Financial Instruments and Identifications

All credit cards, debit cards, driver licenses (DL), identification cards (ID), checks, affidavits, or other financial instruments or identification documents suspected of being stolen or used in the commission of a forgery or fraud, as well as any surveillance recordings of the suspected offense

shall be tagged into the Property Division. Officers shall scan all evidence and attach the scan to the incident report via Intellinetics or its successor system prior to tagging the documents into the Property Division.

Regardless of the circumstances, if an officer finds a suspect to be in possession of articles such as credit cards, debit cards, identifications, social security cards, passports, or documents that contain the identifying information of another, the officer shall conduct a preliminary investigation. The officer shall also attempt to locate the owner of the property via a search of the department's Records Management System (RMS), related databases, or assistance from the 24-hour Crime Center to ascertain if the owner/complainant has reported the item(s) lost or stolen. If the owner of the property is located, the officer should review the case with the District Attorney's Intake Division and file the appropriate charges.

If the article is linked to an HPD incident as lost or stolen property, the officer shall investigate further and supplement the original incident report. If the suspect claims consent to possess the property, the officer shall make an attempt to verify the suspect's claim and document such.

When filing charges with the Harris County District Attorney's Office for a financial crime related offense (e.g., forged check; fictitious DL, ID, or passport), the arresting officer shall fax or scan via email a copy of the instrument to the Harris County District Attorney's Intake Office and ensure that the evidentiary exhibit was received by the Intake Office prior to tagging the property in the Property Division. The incident number and/or defendant's name and date of birth shall be included on the exhibit scan or fax.

When a financial instrument or identification is recovered without an arrest, the officer recovering the property shall complete an original incident report titled Investigation Forgery or shall make a supplement, whichever is appropriate. In addition, the evidence shall be handled as stated above.

Under no circumstances shall the officer seizing a document damage or destroy it. Only the Cyber & Financial Crimes Division can render a document worthless, and only after the investigation is completed, and as determined by the Cyber & Financial Crimes Division.

Passports shall never be destroyed. Passports are the property of the U.S. Department of State. Recovered passports shall initially be treated as any other property and tagged into the Property Division. The investigative division that is responsible for the hold shall do their due diligence to return the property to the owner. The investigator shall document those efforts in the original or a supplement report. If after 90 *calendar days* the owner has not been located or the owner has been notified and has not claimed the passport, the passport (and passport ONLY) shall be transferred to the responsibility of the Criminal Intelligence Division (CID). Upon receipt of the property disposition slip, CID personnel shall retrieve the passport and transfer final responsibility to the U.S. Department of State. CID shall handle the final disposition for passports only.

Counterfeit Currency:

Counterfeit currency, whether seized or purchased, shall be tagged into the U.S. Secret Service evidence lock box located in the evidence room at 1200 Travis on the first floor.

Officers arresting suspects for counterfeit currency shall contact the Secret Service 24-hour Duty Desk at 713-868-2299 and ask for the Counterfeit Response Agent to run the bills' serial numbers and verify the bills' authenticity before tagging the counterfeit currency into the Secret Service

lock box and contacting the District Attorney's Office for charges. A Secret Service agent will be available between 0700 and 2200 hours, Monday through Friday. An answering service will have an agent promptly return calls at all other times.

When seized money is believed to be counterfeit, officers shall complete a detailed incident report that shall include a list of the denominations and the associated serial numbers of each bill. This information shall also be listed in the Summary of Facts in the District Attorney Intake Management System (DIMS) if the incident involves an arrest.

Officers shall enter all required information on the counterfeit (CFT) currency envelope and include the correct incident number. Officers shall not photograph, scan, or fax the alleged counterfeit currency. This is a violation of federal law, Title 18, Section 474 of the United States Code.

Stolen Property

Not all stolen property recovered in an investigation is required to be tagged into the Property Division. Stolen property needs to be tagged into the Property Division only if the ownership is in dispute. When the ownership of the stolen property is not contested or in dispute and the rightful owner can be determined, the officer shall confer with an assistant district attorney to determine if photographing the property and returning it to the rightful owner in lieu of tagging it in the Property Division is the best course of action. When property is returned to the owner, the investigating officer shall include the assistant district attorney's name and a complete description of the item in the incident report.

Vehicles

When a vehicle must be held for further investigation, the primary officer shall contact the concerned investigative division to obtain authorization to tow the vehicle and to determine the specific location the vehicle should be placed for further processing. Once authorization is given, the investigating officer shall escort the towed vehicle to the authorized location. Officers shall *not* have "outside stolen" vehicles (vehicles stolen outside the city limits of Houston) towed to the HPD Vehicle Impound Lot or Vehicle Examination Building. See General Order 600-10, **Towing**.

After the vehicle has been tagged for examination, the officer shall enter "EVD" in the Involvement field in the Vehicle tab of the Automated Reporting System (ARS) and enter the designated location where the vehicle has been taken for investigation or examination. The name of the authorizing division personnel who was notified, the name of the person transporting the vehicle, a description of how the vehicle was transported, and the officer's actions in regards to the procedures outlined below shall be included in the officer's original incident report.

Vehicle Impound Lot (VIL):

The Vehicle Impound Lot (VIL) is primarily for the storage of vehicles needing follow-up investigation and is *not* for the examination of forensic evidence, which is addressed later in this subsection. Vehicles that meet the VIL storage requirement shall be towed to 1300 Dart Street and checked in following the procedures listed below:

- a. The tagging officer shall go to the Property Division front desk and complete the Vehicle Impound Log entry. After which, the officer shall receive a key to the VIL.

- b. The officer shall then complete the "Houston Police Department Vehicle Compound Record" envelope, located in the Property Division Officer's Work Room. Once completed, the officer shall place a copy of the wrecker slip and any keys inside the envelope and place the envelope in the tray labeled "Vehicle Impound Lot Drop Off Tray" (*Do not seal the envelope*).
- c. The officer shall then proceed to the VIL, open the west gate located on Hickory Street, and have the wrecker driver place the vehicle on the concrete area of the lot. If the vehicle is a complete burn and has no identifying markings, the officer shall complete a 3X5 evidence tag and attach it to the vehicle. **Officers shall not leave the wrecker driver unescorted at any time during the entire process.**
- d. After dropping off the vehicle(s), the officer shall ensure the gate is locked and then return the key to the Property Division.

Vehicle Examination Building (VEB):

The Vehicle Examination Building (VEB) is managed and utilized by the Houston Forensic Science Center. The VEB is for the examination of forensic evidence. Vehicles requiring forensic examination shall be towed to 1305 Dart Street and checked in following the procedures listed below:

- e. After receiving authorization from the appropriate investigative division, the submitting officer shall complete the Vehicle Examination Log located at the front desk of the Property Division in order for the officer to receive a key to the VEB front gate.
- f. After opening the gate, the officer shall unlock the west side VEB door and raise the bay doors to allow the wrecker driver access to the facility. **Officers shall not leave the wrecker driver unescorted at any time during the entire process.**
- g. The officer shall have the vehicle placed in an available open bay. If all bays are occupied, the vehicle shall be placed in one of the outside covered areas. If all bays and outside covered areas are occupied, the vehicle shall be placed in the parking area *without blocking any gates, bays, or covered areas*.
 - 1. If the vehicle being tagged is leaking fluids, the vehicle shall be placed in an outside bay or parking area.
 - 2. If the vehicle is burned, the vehicle shall be placed on the concrete area at the Vehicle Impound Lot (VIL) located at 1300 Dart.
- h. The officer must then complete the VEB Intake Log Book. Note: this is a separate log book from the Property Division. Additionally, the officer shall complete the applicable portion of the *Vehicle Processing Request* form available at the VEB.
- i. Evidence tags shall be attached to any available vehicle keys. Officers shall not place evidence tags on the vehicle. *Officers shall not tag vehicle keys into the Property Division.*
- j. The following shall be placed in the top tray on the table at the VEB:
 - 1. *Vehicle Processing Request* form

2. Copy of the tow slip
3. Copy of the Apple Towing Co. tow slip, if applicable
4. Vehicle keys, if available

Disposition of Vehicle:

It is the responsibility of the authorizing division to ensure that vehicles that are part of an investigation are correctly inventoried and investigated. Upon completion of their investigation, the authorizing division shall, in a timely manner, send a release form to the VIL advising them of the final disposition.

Any vehicle stored at the VIL and for which the investigation is complete and it is found to be abandoned, shall be sold at police auction by the Auto Dealers Detail. If the vehicle in question has been burned or has no substantial monetary value, it shall also be sold at auction for salvage parts and crushing only. The procurement and asset unit of the City of Houston shall conduct an online auction regarding such vehicles and parts. All monies derived from either auction shall be placed into the City of Houston General Fund.

Latent Prints

Officers and Property Division personnel shall minimize direct handling of physical evidence and shall use gloves when necessary so that evidence is not destroyed or contaminated with fingerprints from employees.

Officers who lift latent prints from a scene (e.g., burglary of a vehicle or residence) shall submit the latent print lift cards into latent print drop boxes located at patrol divisions or directly to the Property Division. Officers submitting latent print evidence shall use the Property tab in ARS and select "EVD" (Evidence – Item Tagged in Property Division) under Involvement Type to indicate that latent prints have been tagged. Officers shall use the "Send to Property Division" function to complete the submission. Because latent print lift evidence will automatically generate initial requests for latent comparison analysis based on the item type Latent Lift(s), submitting officers are not required to manually request analysis in HFSC's LIMS for latent print lifts.

Physical evidence (e.g., firearms, knives, documents) needing examination for latent prints shall be submitted to the Property Division. Authorizing division personnel shall ensure that lab requests for latent processing are entered in LIMS as necessary for all physical evidence needing to be processed.

For latent print lifts that require follow-up investigations, personnel in authorizing divisions shall verify that an automatic request has been made in LIMS once the case is received by the division. If no request has previously been made, the investigator shall contact the Property Division to ensure the item type is corrected to Latent Lift(s) so that a lab request is generated. All requests for evidence examination shall be documented in the incident report indicating the type of evidence tagged, confirmation that a request for examination was entered into LIMS, and the Lab Case Number.

Hazardous Material (HAZMAT)

Hazardous materials are not to be tagged into the Property Division. Disposal of hazardous materials shall be determined by the Major Offenders Division, the Fire Department, or the investigative agency controlling the scene.

6 LABORATORY ANALYSIS OF EVIDENCE

Evidence shall be uniquely preserved, correctly identified, and protected until the time it is received by HFSC. If it is not, it may be rejected or forensic analysis may be delayed.

Investigators who require laboratory analysis of property stored in a property storage facility shall make a supplement report and submit a request for analysis to HFSC. The requesting party shall obtain (or authorize lab personnel to obtain) the property for analysis. The property storage facility shall record information regarding the chain of custody in its documentation.

For any item submitted as evidence to the various sections of HFSC or a property storage facility, officers shall include all appropriate information pertaining to the analysis request.

Current contact information and the HFSC *Evidence Handbook*, which provides requirements for evidence submission and requests for analysis, is available at www.houstonforensicscience.org.

Known Comparison Samples

Items determined to have value for the purpose of identification or comparison purposes shall be stored in a property storage facility.

Evidence obtained for identification and comparison with materials from a known source (e.g., hair, fiber, paint, glass, wood, soil, a tool mark) shall be submitted to the Property Division.

Items for which comparison samples are not readily available should be placed in the Property Division until a sample can be obtained for comparison. When a suspect is identified, the authorizing division shall ensure an investigator contacts HFSC to determine whether comparison samples (e.g., blood or hair) are needed from the suspect in order to complete the analysis of evidence.

7 FOUND PROPERTY

Found property believed to be less than \$500 in value and for which ownership cannot be determined and that is not considered to be evidence of a crime or contraband may be left at the scene with the person who found the item(s). Found firearms are exceptions to this rule; they shall be recovered and tagged into the Property Division.

The Property Division shall accept found property only if one or more of the following applies:

- a. Ownership of the item(s) has been established and the item(s) are being held for safekeeping until retrieved by the owner and approval for submission to the Property Division has been received from a supervisor in the Burglary and Theft Division. The employee placing such an

item in the Property Division in this situation shall generate an Investigation B&T-Found Property incident report.

- b. Ownership of the item(s) cannot be determined and the property is believed to be valued at more than \$500. The employee placing such an item(s) in the Property Division in this situation shall generate an Investigation B&T-Found Property incident report.
- c. The item or items are considered to be evidence of a crime or contraband. This evidence shall be handled in accordance with this General Order.

Found Bicycles

Found bicycles believed to be valued at less than \$500 and for which ownership cannot be established at the scene and that have not been reported stolen or missing shall be left at the scene with the party making the discovery (i.e., reportee). Officers called to the scene of a found bicycle shall obtain the reportee's information (e.g., name, date of birth, driver license or state ID number, address) and the bicycle's information (make, model, and serial number). This information shall be used by the officer to make a "Lost/Found" incident report. Officers shall exercise due diligence by checking the serial number of the found bicycle against police records (e.g., HPD incident reports, TCIC, and NCIC).

Special Provision for Houston Airports

Officers who come into possession of articles found in public areas at Bush Intercontinental Airport or Hobby Airport shall deposit them at the Office of the Airport Manager. Articles found in leased areas of the airports shall be turned over to an authorized agent of the lessee. If no agent is available or an agent is unable to take custody of the article, officers shall deposit the article at the Office of the Airport Manager. An Investigation B&T-Found Property incident report shall be generated documenting the disposition of the property.

However, evidence, contraband, and *prisoner property* shall be handled as outlined in this General Order.

8 PRISONER PROPERTY

All prisoner property accepted by the jail shall be handled according to the jail's SOP. Certain items cannot be accepted into a jail facility because of space or safety reasons (e.g., bulk items, bicycles). This type of prisoner property shall be taken to the Property Division for storage. When such items need to be stored, the Property Division shall authorize the tagging of the prisoner property as "Safe Keeping."

The arresting and/or transporting officer shall complete a *Prisoner Property Release* form and list the property in the ARS Evidence tab as Safe Keeping in the incident report whenever a prisoner's property is to be stored in a property storage facility.

Property removed from juvenile prisoners shall be handled in accordance with the Juvenile Division's SOP.

9 DISPOSITION AND DISPOSAL OF PROPERTY

Divisions authorizing a hold on property and/or controlled substances are responsible for its lawful disposition. All property placed on hold, returned to the owner or caretaker (hereinafter referred to as owner), or disposed of shall be handled and processed in accordance with the Texas Code of Criminal Procedure. No property shall be released to an owner or disposed of until all authorizing divisions release their holds.

If a disposition for property is not determined within 90 *calendar days* after the date it was placed into a property storage facility, the Property Division shall notify the authorizing division and request disposition information. All requests for disposition shall be answered within 30 *calendar days* following the date of the request. If the property must continue to be held, the signature of an authorizing division commander must be placed on the disposition request. The employee detailing the reason for the hold must complete a supplement to the incident report.

While responsibility for the disposition of all tagged property belongs to the authorizing division, property may be disposed of in accordance with state law and Property Division SOP for property purging. This SOP allows Property Division personnel to make disposition decisions for certain found property with strict guidelines and without release authorization from the Burglary & Theft Division. Property may be disposed of in accordance with the investigative guidelines of the Property Division's Property Disposition Unit (PDU).

When the authorizing division or PDU determines the disposition of property, each employee handling the property disposition shall generate a supplement report.

The Property Division commander, after consultation with the division commanders of the authorizing divisions, can dispose of evidence in cases for which a defendant has not been charged, the statute of limitations has expired, and the evidence is non-biological in nature. This shall be done following applicable state law.

Upon written authorization from the Chief of Police, an off-site property storage facility may dispose of property.

Authorizing Division Responsibilities

When a division authorizes the tagging of property, that division is responsible for determining the disposition for that property. Division commanders of authorizing divisions are responsible for assigning those cases for investigation and for ensuring property dispositions are made in a timely manner.

The investigator assigned the case shall check to see if charges have been filed in the case. If charges are filed, the investigator shall contact the prosecuting attorney and request assistance and advice regarding disposition of the property. If no charges are filed, the statute of limitations for the offense has expired, the property is of undetermined ownership or stolen, and the property is not listed in Section 18.17 of the Texas Code of Criminal Procedure, then the investigator shall conduct a diligent investigation to identify and locate all potential claimants who may have claim of ownership of the property. This information shall be documented in a supplement.

When a potential claimant is identified and located, the investigator shall provide the claimant with written notice as outlined in the Texas Code of Criminal Procedure, via certified mail. If

potential claimants or their addresses cannot be fully identified through a thorough investigation or if a mailed notice is returned for want of a valid address, then a notice for property that has a fair market value of more than \$500 shall be published one time in a newspaper of daily circulation in the city. The investigator making this determination as to the disposition of the property must state in the supplement that these factors apply to the property. After the investigator has concluded the investigation to identify potential claimants, the division commander shall be responsible for ensuring the entire file relating to the investigation and notice procedures are formally reviewed.

Division commanders shall ensure a criminal history check is conducted on all persons to whom firearms are to be released. If the person to whom a firearm is to be released has a prior conviction for family violence, only a Special Victims Division supervisor may authorize the firearm's release. The Special Victims Division supervisor must ensure there is no state or federal firearms prohibition related to that person prior to authorizing such a release of a firearm. In addition, the firearm shall not be released unless the person requesting the return of the firearm shows proof of ownership and provides a description of the firearm including the serial number.

After the investigation is formally reviewed, the case shall be assigned to an employee who shall generate a *Petition for Disposition of Property* when necessary. Each division commander shall assign an employee in their division to be responsible for generating and filing the petitions and appearing in court. The investigator may also be required to appear in court. The employee shall take the completed petition and accompanying documentation to HPD's Office of Legal Services for review.

The reviewing attorney shall ensure the petition is completed and the appropriate documentation is attached, and shall sign the petition. The employee shall then take the completed and signed petition to the Office of the Clerk of the Municipal Courts and file the petition. The employee shall supplement the incident report with the cause number, date, time, and location of the hearing. After the case has been heard, the employee shall again supplement the incident report documenting how each piece of property was ordered disposed.

For *property acquired by illegal means*, the required information shall be submitted to the City Prosecutor's office. That office will review the case and file the petition for a property hearing in Municipal Courts. Employees submitting the information shall act as witnesses at the hearings resulting from those cases.

When multiple divisions authorize property to be tagged in ARS and the information is imported into the Property Division's evidence tracking system, the evidence tracking system allows for only one primary division to be listed with the additional authorizing divisions noted in the Details section. By default, all of the tagged property will be listed for disposition under the primary authorizing division. It shall be the primary authorizing division's responsibility to complete a property transfer to the secondary division responsible for the additional property once the primary division's property has been properly submitted for disposition.

Authorizing divisions shall not transfer responsibility for disposition to an employee who has transferred or promoted out of the division, unless there are extenuating circumstances. The responsibility for the disposition of the property remains with the authorizing division.

Restoration Orders and Destruction Orders

Any property seized in connection to an incident in which charges are filed against a suspect require production of either a Restoration Order or a Destruction Order signed by the judge in the court in which charges were filed prior to disposition of the property. This is true even if the charges were ultimately dismissed. Destruction Orders should be submitted to the Harris County District Attorney's Office Property Destruction Coordinator. Restoration Orders should be submitted through the Chief Prosecutor of the particular court.

Citizen Release of Property Request

A citizen presenting a court order that mandates the release of property shall be advised that the release of any property requires the approval of the division that authorized the entry of the property into the Property Division. The person presenting the court order shall be given the option of leaving contact information that will allow the Property Division to contact them when the property has been cleared for release.

The Property Division shall conduct the research necessary to determine which division will have to approve the release of the property. The Property Division shall send a copy of the court order to the division commander of that authorizing division. The division responsible for approving the release of the property shall investigate to see if there are any objections to the release of the property. If there are no objections, the division responsible for approving the release of the property shall notify the Property Division to finalize the release of the property. If there are objections or potential objections, the division responsible for approving the release of the property shall contact the Office of Legal Services for guidance as to how to proceed.

10 DIVISION FILES

Division files and their contents such as statements, confessions, and photo lineups shall be handled according to the SOP of the division that created the file.



Art Acevedo
Chief of Police

General Order

Houston Police Department

**ISSUE DATE:**

October 20, 2021

NO.**700-08****REFERENCE:** Supersedes all prior conflicting Circulars and Directives, and General Order 700-08, dated March 20, 2012**SUBJECT: ASSET SEIZURE AND FORFEITURE****POLICY**

The department shall establish criteria and procedures for seizure of assets in accordance with Chapter 59 of the Texas Code of Criminal Procedure and other related state and federal statutes regulating forfeiture of contraband.

This General Order applies to classified employees only.

1 CRITERIA FOR SEIZURE

In order for an asset to be seized as contraband, it must first meet the definition of contraband as stated in Chapter 59 of the Texas Code of Criminal Procedure. The property, whether real or personal, tangible or intangible, must meet one or more of the following requirements as having been:

- a. Used in the commission of a criminal act.
- b. Intended for use in a criminal act.
- c. Direct proceeds of a criminal act.
- d. Obtained by a criminal act.
- e. Obtained with the proceeds from a criminal act.

All seizures shall be economically beneficial to the department. Before contraband may be seized, the following criteria shall be met:

- f. Cash amounts must be \$5,000 or more. All money shall be counted and totaled.
- g. Vehicles seized for fleet use shall:
 1. Be in good repair and operable.
 2. Not be more than five years old.
 3. Have less than 50,000 miles.
 4. Be inspected by Narcotics Division and Fleet Unit personnel.
 5. Be taken only to the contracted seized vehicle storage location by the contracted seized vehicle towing company. All property shall be removed from the vehicle prior to it being towed.

h. Vehicles seized for an auction:

1. Can be any year but must be in good working condition and have projected profitable resale value.
2. Shall be inspected by Narcotics Division and Fleet Unit personnel.
3. Shall be taken only to the contracted seized vehicle storage location. All property shall be removed from the vehicle prior to it being towed.

i. Boats shall be in good repair and operable.

j. Aircraft shall be operable and in good repair. The airframe and engine logbook and the Federal Aviation Administration (FAA) *Airworthiness Certificate* shall be with the aircraft. All available databases, including FAA and National Transportation Safety Board, shall be checked for accident and damage history. Any aircraft under consideration for seizure shall be inspected by an HPD senior aircraft mechanic who holds an *Inspection Authorization* certificate.

k. Seizure of contraband with a lien against it must be approved by the appropriate district attorney's office.

l. All other seized contraband shall be both of the following:

1. Serviceable.
2. Valued at \$5,000 or more wholesale. Like items may be seized (e.g., numerous tools seized when a chop shop is raided), with a cumulative value meeting this criteria.

2 PROCEDURAL GUIDELINES

When the department seizes contraband, the seizure shall be conducted according to the legal guidelines of the appropriate county's district attorney. That district attorney is responsible for reviewing and filing the civil actions required in contraband seizure cases. The final decision to file a contraband seizure case lies with the district attorney's office.

Members of the department who are anticipating seizing computer systems or related equipment are to follow the guidelines provided in General Order 700-01, **Property and Evidence Control Regulations**. Any questions should be directed to the Houston Forensic Science Center's Digital Forensics Unit.

Officers seizing contraband in Harris County shall immediately complete the *Notice of Seizure* packet located on the department's Intranet Portal, which includes the *Seizure Notification Form*. Officers shall email the *Seizure Notification Form* to the Harris County District Attorney's Special Crimes Unit and the Narcotics Division's Asset Forfeiture Unit using the email addresses provided.

Officers seizing contraband in other counties shall contact the appropriate district attorney's office in that county for instructions and documentation requirements.

When a seizure operation involves department personnel and other agencies (e.g., FBI, DEA, or U.S. Immigration and Customs Enforcement), department personnel are regulated by this General Order's guidelines and criteria for seized items.

Should any conflict arise regarding which agency or division is to take possession of seized contraband, the commander of the department's division assigned to the case shall coordinate efforts to resolve the issue with the other agencies or divisions involved. If the matter cannot be resolved, the issue shall be forwarded through the chain of command until agreement has been reached.

When seizures are processed federally, the seizing officer shall coordinate the action with the appropriate federal agency and the Narcotics Division's Asset Forfeiture Unit.

3 DELEGATION OF RESPONSIBILITIES

Seizing Officer

The seizing officer is responsible for:

- a. Identifying items for possible seizure.
- b. Determining all items seized meet prevailing state and federal statutes and the department's seizure criteria.
- c. Arranging for a Narcotics Division canine to be exposed to seized currency (unless the currency is obviously tainted).
- d. Documenting items in the incident report.
- e. Completing all appropriate forms.
- f. Hand carrying all original paperwork and copies of supporting documentation to the Narcotics Operations Control Center (NOCC) at 700 San Jacinto, for forwarding to the Narcotics Division at 1200 Travis.
- g. Emailing all appropriate forms to the proper district attorney's office and the Narcotics Division's Asset Forfeiture Unit.

If an officer works directly with any district attorney's office and does not utilize the Asset Forfeiture Unit, the officer shall provide copies of all paperwork to the Asset Forfeiture Unit for statistical purposes.

Asset Forfeiture Unit

After review, the Asset Forfeiture Unit shall:

- a. Deliver the original paperwork to the appropriate district attorney's office for state seizures or the appropriate federal agency for federal seizures.

- b. Act as liaison between the department and the various district attorneys' offices.
- c. Provide any additional follow-up investigation for the district attorney's office to complete the investigation.
- d. Process the seized contraband according to the district attorney's banking procedures.
- e. Track the process of seized items through the courts and civil procedures.

4 EXCEPTIONS TO THE ESTABLISHED SEIZURE CRITERIA

It is recognized there may be occasions when exceptions to the seizure criteria must be granted (e.g., real property seizures). Any contraband that does not meet the department's established criteria can be seized when the assistant chief of the appropriate investigative division and the Narcotics Division's assistant chief agree the guidelines should be waived. This type of seizure shall be evaluated on a case-by-case basis.

5 EXPENSES INCURRED AS A RESULT OF SEIZURES

The division authorizing the seizure of contraband is responsible for any funding of expenses incurred as a result of the seizure (e.g., liens, repairs, and storage fees). When seized contraband is utilized by the department, the division assigned the contraband becomes responsible for its upkeep and maintenance.

6 DISPOSITION OF SEIZED CONTRABAND

Only personnel of the Asset Forfeiture Unit are authorized to receive and process forfeited funds from a district attorney's office or federal agency. All funds received by the Asset Forfeiture Unit shall be turned over to the department's Office of Budget and Finance.

Only the Chief of Police or designee shall direct the disposition of seized contraband that has been forfeited and is to be used within the department.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 9, 2019

NO.

700-09

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 700-09, dated August 27, 2012

SUBJECT: PHOTOGRAPH AND LINEUP IDENTIFICATION PROCEDURES

POLICY

Witness identification is a frequently used investigative tool. As such, officers shall adhere to the procedures outlined in this General Order to reduce erroneous eyewitness identifications and to enhance the reliability and objectivity of eyewitness identifications.

Additionally, irrespective of the identification, or lack thereof, of a suspect, officers are required to diligently follow up with the investigation by seeking corroborating evidence, documenting the identification procedures utilized, and completing all appropriate reports pursuant to General Order 600-27, **Preliminary and Follow-Up Investigations**.

Every effort shall be made to determine that each witness is literate and proficient enough in the English language to participate in a viewing. Officers shall follow the guidelines set out in General Order 500-23, **Use of Interpreters: Providing Services to Limited English Proficient Persons**, if they encounter a witness who is a limited English proficient individual.

Officers shall follow the guidelines set out in General Order 500-13, **Dealing with the Deaf or Hard of Hearing**, if they encounter a witness participating in a viewing who is deaf or hearing impaired.

This General Order applies to all employees.

DEFINITIONS

Administrator. The employee charged with presenting the photo spread, live lineup, video lineup, or *show-up* to the witness.

Assigned Investigator. The officer primarily responsible for investigating an incident.

Blinded Administrator. An *administrator* who may know the identity of the suspect, but does not know the suspect's position in the *photo spread*, *live lineup*, or *video lineup*.

Double-Blind Administrator. An *administrator* who knows neither the suspect's identity nor the suspect's position in the *photo spread*, *live lineup*, or *video lineup*.

Fillers. The photographs used in a *photo spread* or the individuals used in a *live lineup* or *video lineup* whose race, sex, age, height, weight, hair style, and general appearance resemble the suspect.

Folder Method. A *photo spread* within a folder or envelope that is given to the *administrator* for presentation to the witness.

Lineup. See *live lineup*.

Live Lineup. Also referred to as a *lineup*. The presentation of individuals to a *witness* for the purpose of identifying and eliminating suspects.

Mock Lineup. A *lineup* procedure that is conducted without the presence of witnesses. The lineup is video recorded so that it can be shown to a *witness* at a later time.

Photo Lineup. See *photo spread*.

Photo Spread. Also referred to as a *photo lineup*. A collection of photographs including a suspect photograph and *filler* photographs that are placed in random order and shown to a *witness* for the purpose of identifying and eliminating suspects.

Sequential Viewing. An identification procedure in which *photo spread* photographs or lineup participants are shown one at a time to a *witness*. All photographs or lineup participants are shown to the *witness* even if an identification is made before all individuals are viewed.

Show-up. The presentation of a suspect to a *witness* within two hours following the commission of a crime for the purpose of identifying and eliminating suspects.

Simultaneous Viewing. An identification procedure in which *photo spread* photographs or lineup participants are shown all at once to a *witness*.

Video Lineup. A video recording of either a *live lineup* or a *mock lineup*.

Viewing. The *viewing* of a photo spread, live lineup, video lineup, or *show-up* by a *witness*.

Witness. A term referring to a complainant, eyewitness, or any other form of witness to an incident.

1 ADMONISHMENTS TO WITNESSES

Prior to a viewing for any photo spread, live lineup, video lineup, or *show-up* the administrator shall review the below admonishments with each witness.

Prior to a viewing for any photo spread, live lineup, or video lineup, the administrator shall also have each witness complete the *Witness Admonishment* form (available on the department's Intranet Portal).

- a. The individual who committed the offense may or may not be present.
- b. The witness is not required to select any individual and that it is equally important to clear persons not involved in the crime from suspicion as it is to identify persons believed to be responsible for the crime.
- c. The investigation shall continue whether or not an individual is identified.
- d. Individuals presented may not appear exactly as they did at the time of the incident because features such as head hair, facial hair, and clothing are subject to change.

- e. Individuals presented shall be positioned in random order. (This is not applicable to *show-ups*.)
- f. The *witness* shall not discuss the identification procedure with other witnesses.
- g. While participating in the viewing, the witness shall not speak or make gestures or outcries that may be seen or heard by other witnesses.
- h. While participating in the viewing, the witness shall not look for guidance from the *administrator*.
- i. The *administrator* is prohibited from providing feedback to the *witness* regarding a selection or non-selection.

In addition to the above, prior to any photo spread viewing, the administrator shall admonish each witness to remain in a position so that no one else including the administrator can see the photo spread.

2 PROCEDURES FOR A PHOTO SPREAD (PHOTO LINEUP)

Other than the *assigned investigator* or designee, all officers shall obtain authorization from the concerned investigative division prior to conducting a photo spread viewing.

Photo Spread Composition

A photo spread should contain the suspect's photograph plus a minimum of five *fillers*, whose race, sex, age, height, weight, hair style, and general appearance resemble the suspect. Officers shall create a consistent appearance between the suspect and the *fillers* with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature.

Officers shall avoid using *fillers* who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the *fillers*.

If possible, all photographs should be of the same type. No photograph type should stand out from the others and the photographs should be reasonably contemporary.

The identity or identifying numbers (e.g., TDL, HPD, or SID) of all *filler* photographs shall be known. If adequate identifiable *fillers* cannot be found, only a shift commander of the concerned investigative division may authorize the use of a *photo spread* that contains unknown *filler* photographs.

The officer creating the *photo spread* shall use the same photographs to produce as many additional photo spreads as needed for multiple witnesses. The photographs in each *photo spread* shall be shuffled to minimize the chances of the suspect's photograph being in the same position in subsequent photo spreads.

Once assembled using the *folder method*, the *photo spread* shall be given to an administrator to be presented to the witness.

Photo spreads involving juvenile suspects are composed and conducted in the same manner as for adults. However, access to the Juvenile Database within the DataWorks Plus application is limited. Officers needing assistance with a juvenile *photo spread* should contact the Juvenile Crimes Unit of the Juvenile Division.

Photo Spread Viewing

The viewing of a photo spread may be video or audio recorded.

Photo spreads may be presented as either a *simultaneous viewing* or a *sequential viewing*. A *photo spread* shall be shown to a *witness* by a *double-blind administrator* using the *folder method*. If the identity of the suspect is widely known such that a *double-blind administrator* cannot be located, then a *blinded administrator* shall present the photo spread. Officers shall document in the incident report the justification for not utilizing a *double-blind administrator*.

The administrator shall be in a position so that the administrator cannot see the photographs while the witness views the photo spread.

Prior to the viewing, the administrator shall admonish each witness as outlined in section 1, *Admonishments to Witnesses*, of this General Order.

The administrator shall not make suggestive statements or gestures that may influence the judgment or perception of the witness.

Multiple witnesses shall be shown separate photo spreads prepared and shuffled as described in the previous subsection. Each witness shall be presented the photo spread outside the presence of the other witnesses. The administrator shall instruct witnesses not to speak to or otherwise communicate with each other regarding the viewing.

Employees shall not provide any feedback regarding the viewing results to the witness.

Following the viewing, the administrator shall ask the witnesses about their observations individually and outside the presence of the other witnesses. Each witness shall be asked if any individual can be identified. Whether or not a witness answers in the affirmative, the witnesses shall be asked to describe in their own words how confident they are of the identification or lack thereof.

If a photo spread viewing results in a positive identification by a witness, the witness shall be asked to sign the photo spread or an acknowledgment confirming the results of the viewing in a manner that shall not be seen by subsequent witnesses.

Whether a viewing results in a positive or negative identification by a witness, the administrator's observations including any statements, gestures, or reactions by the witness shall be documented in the incident report.

Officers shall record in the incident report, the identity or identifying numbers of all persons displayed in the photo spread and their respective positions in each photo spread so that the photo spreads could be reproduced if needed.

All *photo spreads* shall be maintained as part of the case file.

3 PROCEDURES FOR A LIVE LINEUP AND MOCK LINEUP

Other than the *assigned investigator* or designee, all officers shall obtain authorization from the concerned investigative division prior to conducting a *live lineup* or a *mock lineup*.

Rights of a Suspect

A suspect has the right to be represented by an attorney at a *live lineup* to be viewed by a *witness* in the case in which the suspect is charged. The suspect may waive the right to counsel by signing a written waiver.

If a suspect in the above situation does not waive the right to counsel and he or she already has an attorney, the suspect shall be given sufficient notice of the *live lineup* time and location so that the attorney can attend the *viewing*.

If a suspect in the above situation does not waive the right to counsel and he or she is not represented by an attorney, officers shall contact the District Attorney's Office to allow the court to appoint an attorney prior to the live lineup viewing.

An investigator does not have a legal obligation to provide an attorney for a suspect in a *live lineup* under either of the following circumstances:

- a. The suspect is not charged with committing a crime in the case involving a witness viewing the *live lineup*.
- b. The suspect was arrested on a probable cause warrant (a.k.a. pocket warrant) and is placed in a live lineup.

An investigator does not have a legal obligation to provide an attorney for a suspect in a *mock lineup* for video recording purposes.

Even if an investigator does not have a legal obligation to provide an attorney for a suspect, the suspect may still be allowed to make arrangements to have an attorney present for the *live lineup* or *mock lineup*.

A suspect shall be given the option of arranging the order of individuals participating in the *live lineup* or *mock lineup*, including his or her position in the *live lineup* or *mock lineup*.

Live Lineup and Mock Lineup Composition

A live lineup or mock lineup should contain the suspect plus a minimum of four *fillers*, whose race, sex, age, height, weight, hair style, and general appearance resemble the suspect. Officers shall create a consistent appearance between the suspect and the *fillers* with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature.

Officers shall avoid using *fillers* who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the *fillers*.

Live Lineup and Mock Lineup Viewing

Live lineups or *mock lineups* may be presented as either a *simultaneous viewing* or a *sequential viewing*. Live lineups shall be conducted by a *double-blind administrator*. If the identity of the suspect is widely known such that a *double-blind administrator* cannot be located, then a *blinded administrator* shall present the *live lineup*. Officers shall document in the incident report the justification for not utilizing a *double-blind administrator*.

Prior to the viewing, the administrator shall admonish each witness as outlined in section 1 of this General Order.

The administrator shall not make suggestive statements or gestures that may influence the judgment or perception of the witness.

The administrator shall instruct witnesses not to speak to or otherwise communicate with each other regarding the viewing. The administrator shall also instruct witnesses not to address the suspect or other live lineup participants.

Any instructions to the participants in a *live lineup* or *mock lineup* shall be given by a single *administrator*. The participants in a *live lineup* or *mock lineup* may be asked to speak, repeat certain words, walk, turn, or make a gesture. Any conduct, gesture, or spoken words asked of one participant shall be asked of each participant of the *live lineup* or *mock lineup*.

Any objections to the procedure by the suspect's attorney or any changes that were made as a result of an objection shall be documented in the incident report.

Employees shall not provide any feedback regarding the viewing results to the witness.

Following the viewing, the *assigned investigator* or designee shall ask the witnesses about their observations individually and outside the presence of the other witnesses. Each witness shall be asked if any individual can be identified. Whether or not a witness answers in the affirmative, the witnesses shall be asked to describe in their own words how confident they are of the identification or lack thereof.

If a live lineup viewing results in a positive identification by a witness, the witness shall be asked to sign an acknowledgment confirming the results in a manner that shall not be seen by subsequent witnesses.

Whether a viewing results in a positive or negative identification by a witness, the administrator's and investigators' observations including any statements, gestures, or reactions by the witness shall be documented in the incident report.

Officers shall record in the incident report, the identity or identifying numbers of all persons displayed in the live lineup or *mock lineup* and their respective positions in the lineup. In addition, the report shall include a description of any actions required of the lineup participants and the names of all witnesses and persons *viewing* the lineup.

A record of the live lineup or mock lineup revealing the identity and the positions of the individuals displayed in the *live lineup* or *mock lineup* shall be preserved by a video recording or photograph and maintained as part of the case file.

A juvenile may appear in a physical lineup for the purpose of identification. Due to a number of regulations and limitations, a juvenile lineup should only be considered under the most exigent circumstances. A juvenile lineup shall only be coordinated by the Juvenile Division.

4 PROCEDURES FOR A VIDEO LINEUP

Other than the *assigned investigator* or designee, all officers shall obtain authorization from the concerned investigative division prior to conducting a video lineup viewing.

Video Lineup Composition

Composition requirements for video lineups are the same as for *live lineups* and *mock lineups* outlined in section 3, *Procedures for a Live Lineup and Mock Lineup*, of this General Order.

Video Lineup Viewing

The administrator of a video lineup viewing shall be a *double-blind administrator*. If the identity of the suspect is widely known such that a *double-blind administrator* cannot be located, then a *blinded administrator* shall present the video lineup. Officers shall document in the incident report the justification for not utilizing a *double-blind administrator*.

Prior to the *viewing*, the *administrator* shall admonish each *witness* as outlined in section 1 of this General Order.

The *administrator* shall not make suggestive statements or gestures that may influence the judgment or perception of the *witness*.

The *administrator* shall instruct witnesses not to speak to or otherwise communicate with each other regarding the *viewing*.

Employees shall not provide any feedback regarding the *viewing* results to the *witness*.

Following the viewing, the administrator or an investigator shall ask the witnesses about their observations individually and outside the presence of the other witnesses. Each witness shall be asked if any individual can be identified. Whether or not a witness answers in the affirmative, the witnesses shall be asked to describe in their own words how confident they are of the identification or lack thereof.

If a video lineup viewing results in a positive identification of the suspect by a witness, the witness shall be asked to sign an acknowledgment confirming the results of the viewing in a manner that will not be seen by subsequent witnesses.

Whether a viewing results in a positive or negative identification by a witness, the administrator's and investigators' observations including any statements, gestures, or reactions by the *witness* shall be documented in the incident report.

Officers shall record in the incident report, the identity or identifying numbers of all persons displayed in the video lineup and their respective positions in the video lineup. In addition, the

report shall include a description of any actions required of the video lineup participants and the names of all witnesses and persons viewing the video lineup.

All video lineups shall be maintained as part of the case file.

5 PROCEDURES FOR A SHOW-UP

Due to the inherent suggestiveness of *show-ups*, this practice shall be avoided whenever possible in preference for the use of a photo spread, live lineup, or video lineup. However, if a *show-up* is utilized, the following procedures and restrictions must be followed:

- a. A *show-up* shall not be used more than two hours following the commission of the crime.
- b. The same suspect shall not be presented to the same *witness* more than once.
- c. *Show-up* suspects shall 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.
- d. Prior to the *viewing*, the administrator shall admonish each witness as outlined in section 1 of this General Order.
- e. The *administrator* shall not make suggestive statements or gestures that may influence the judgment or perception of the *witness*.
- f. Multiple witnesses shall each be presented the suspect outside the presence of the other witnesses. Suspects shall be presented individually to the witness and not as a group. The administrator shall instruct witnesses not to speak to or otherwise communicate with each other regarding the viewing.
- g. If multiple witnesses are involved in a *show-up* procedure, the *show-up* procedure shall end once a *witness* positively identifies a suspect. The contact information of all remaining witnesses shall be documented so a different identification procedure (i.e., *photo spread*, *live lineup*, or *video lineup*) can be subsequently conducted.
- h. The administrator shall not provide any feedback regarding the viewing results to the witness.
- i. Following each viewing, the administrator shall ask the witness about his or her observations individually and outside the presence of the other witnesses. Each witness shall be asked if any individual can be identified. Whether or not a witness answers in the affirmative, the witnesses shall be asked to describe in their own words how confident they are of the identification or lack thereof.
- j. Whether a viewing results in a positive or negative identification by a witness, the administrator's observations including any statements, gestures, or reactions by the witness shall be documented in the incident report.

6 SINGLE WITNESS IDENTIFICATIONS

Situations may arise in which there is only a single witness who identifies a suspect and there is no corroborating evidence to link the identified suspect to the crime committed. All reasonable and practical leads must be investigated in an effort to corroborate or refute the single witness's identification of the suspect. Reviewing supervisors shall ensure these procedures are followed and documented in the incident report.

7 TRAINING

Each division commander shall ensure their personnel receive training in the procedures outlined in this General Order.

8 REFERENCE MATERIAL

Article 38.20, Texas Code of Criminal Procedure, *Photograph and Live Lineup Identification Procedures*



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

March 31, 2020

NO.

800-02

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-02, dated June 29, 2010

SUBJECT: MEDIA RELATIONS

POLICY

All employees of the Houston Police Department shall be transparent, open, fair, and honest with the media in accordance with the rules of the department and the laws of the city, state, and federal governments.

This General Order applies to all employees.

1 PROCEDURES

Media requests for information, including interviews, shall be handled as follows:

- a. Department employees shall refrain from making public statements about departmental policy or initiatives unless the statements have been approved by the Office of the Chief of Police. The department recognizes, however, that each employee has constitutional rights with regard to free speech and respects each employee's right to express personal opinions.
- b. In emergency or scene-related situations, officers shall provide the media with information regarding the scene or event in a timely manner. After the information is released, officers shall notify the department's Office of Public Affairs, Media Relations Unit, as soon as possible. Notification to the Media Relations Unit can be made either by telephone or by sending an email to the department's DL-PA Media Relations group. If the office is closed, the notification shall be left on the telephone recorder.
- c. In follow-up or other non-emergency situations, department employees receiving media inquiries shall first coordinate the release of this type of information by calling the Media Relations Unit. Employees shall talk to a public information officer who shall assist in handling the media request prior to the response. When it is impractical to contact the Media Relations Unit prior to the release of information, department employees shall do so as soon as possible after the release of information is made.
- d. If an officer is involved in a shooting, discharge of a firearm, or injury, or any other significant incident, the media release shall be handled by the duty public information officer. It shall be the responsibility of the Crime Analysis and Command Center to contact the duty public information officer upon receipt of a call of this nature.

2 MEDIA ACCESS THROUGH POLICE LINES

The department appreciates the media's right to have access to certain information concerning noteworthy events. The department also recognizes its primary missions are investigating criminal acts and taking action at the scene of emergencies. It is therefore necessary for the

department to place certain constraints on nonpolice personnel in order to conduct a successful police action.

Officers shall adhere to the following guidelines when dealing with the media at crime scenes and at other police emergencies:

- a. The first officers to arrive at a crime scene or other police event shall quickly establish a tight perimeter around the immediate crime scene. Only police and emergency personnel necessary for the on-scene investigation and operation shall be allowed inside this perimeter.
- b. Department employees are expected to assist members of the media by providing accurate information and allowing passage through police lines when it does not jeopardize public safety or compromise a criminal investigation.
- c. If a public information officer is needed to assist in the dissemination of information to the media at crime scenes or police events, the Crime Analysis and Command Center shall be contacted and advised to have the duty public information officer respond to the scene.
- d. Investigative personnel, when they are present at a police action, shall be responsible for releasing appropriate information to the media. Examples include homicides, robberies, burglaries, auto thefts, and other scenes at which divisional personnel routinely handle the release of information to the media.
- e. During special threat situations, media representatives shall be directed to an area predetermined by the scene commander. When appropriate, information may be released to the media at that area.

3 POLICE AND MEDIA RELATIONS

Officers shall permit media representatives to question witnesses, complainants, or suspects only after such persons have been questioned by the police.

Employees shall not arrange interviews of persons under arrest. (Note: Media representatives who attempt to interview an arrested person while that person is being walked from a scene of the arrest should not be viewed as interfering.)

No details of an internal investigation shall be given to the media until the case has been concluded, and then only with the approval of the Chief of Police.

When an employee is unsure if a person requesting information is in fact a representative of the media, the employee shall direct the person to contact the Media Relations Unit.

When the volume of media requests for information about a specific incident exceeds the ability of a command to answer the inquiries, or when an answer to such requests would compromise the success of an investigation or operation, a supervisor of that command shall contact the Media Relations Unit, brief a public information officer about the incident, and ask the Media Relations Unit to handle calls on the matter. All future media calls shall then be referred to the Media Relations Unit.

4 CONFIDENTIALITY OF INFORMATION

No employee shall release confidential information contained in any personnel database without proper authority. Items deemed to be confidential are employee numbers, home addresses, home and cell telephone numbers, and absences.

Officers' home addresses and home and cell telephone numbers shall not be placed on forms such as incident reports and crash reports.

If personal information about an officer is required on such forms, the following information shall be used:

- a. Name (officer's initials and last name)
- b. Address (1200 Travis)
- c. Phone Number (officer's work phone number)

This policy applies regardless of the duty status of the officer at the time of an incident.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

January 18, 2022

NO.

800-03

REFERENCE: This newly created General Order supersedes all prior conflicting Circulars, Directives, and General Orders

SUBJECT: CRITICAL INCIDENT VIDEO PUBLIC RELEASE

POLICY

It is the policy of the department to maintain transparency by publicly releasing video that is captured by the department related to officer-involved shooting and officer-involved civilian death incidents. The department shall make timely and consistent public releases of body worn camera (BWC) footage, unless otherwise prohibited by law.

This General Order applies to all employees.

DEFINITIONS

Core Footage. Sections of video footage that depict the actual critical incident and any other salient events leading up to the critical incident or thereafter.

Critical Incident. For the purposes of this General Order, an officer-involved shooting or officer-involved civilian death.

Investigating Unit. For the purposes of this General Order, the unit or division investigating the critical incident. For most incidents involving department personnel, this will be the Special Investigations Unit of the Homicide Division.

Officer-Involved Civilian Death. For the purposes of this General Order, the death of a detained or arrested individual in the custody of the department, a fatal crash in which an officer was involved, or a death of a previously detained or arrested individual immediately following the detention or arrest.

Officer-Involved Shooting. For the purposes of this General Order, an incident where an officer discharged his or her weapon in the performance of his or her duties causing injury or death to any person.

Prosecuting Authority. For the purposes of this General Order, the federal, state, or local authority investigating any critical incident for potential criminal charges or presentation to a grand jury.

1 TIMELINE FOR PUBLIC RELEASE

At the direction of the Chief of Police and within 30 days of a *critical incident*, the Office of Community Affairs shall publicly release the *core footage* of the *critical incident*. The *investigating unit* shall confirm that the involved officer(s), injured citizen(s), and/or the immediate family members of any deceased officer(s) or citizen(s) involved are given the opportunity to view the footage before the public release.

The *investigating unit* shall notify the *prosecuting authority* at least seven days prior to the department releasing the *core footage* of the *critical incident* to the public. If pressing circumstances require a shorter time period for release, the *investigating unit* shall notify the *prosecuting authority* as soon as practicable prior to release.

2 GUIDELINES FOR PUBLIC RELEASE

The Houston Police Department will make all public releases of *core footage* of *critical incidents* in compliance with Chapter 552 of the Texas Government Code (Texas Public Information Act) and all other applicable federal, state, and local laws. This includes, but is not limited to:

- a. Concealing the identity of juvenile victims and suspects.
- b. Protecting the identity of victims of sex crimes and domestic violence.
- c. Blurring explicit or graphic content.
- d. Protecting the life and/or safety of any person depicted in the video, including undercover officers and confidential sources.
- e. Withholding any video captured in a private space or other place where the person depicted in the video has a reasonable expectation of privacy, unless that person or the authorized representative of a deceased person gives written consent.

At times, the department will be prohibited from releasing video as a matter of law.

The Office of Community Affairs shall make the public release on a public-facing website capable of video playback (e.g., YouTube). The Office of Community Affairs shall include an appropriate warning label regarding explicit or graphic content at the beginning of all *core footage*.

In addition to the full public release of *core footage* of *critical incidents*, the Office of Community Affairs may release a summary video for any *critical incident* to provide context, explain policy, and/or bring attention to critical details.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 27, 2018

NO.

800-04

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-04, dated January 1, 1987

SUBJECT: RECEPTION AND DISSEMINATION OF CRIMINAL INTELLIGENCE INFORMATION

POLICY

Police officers are often exposed to information that may be relevant to criminal activity, is suspicious in nature, or reveals a possible threat to individuals or the community. This type of information is often cryptic, incomplete, and/or hearsay in nature. The department recognizes the importance of such information that, when gathered and analyzed, may be developed into *criminal intelligence information* for use by the department and other law enforcement agencies.

The development of *criminal intelligence information* is for protecting the community from serious threats, deterring crime, solving crimes, and evaluating existing and emerging crime trends.

While developing *criminal intelligence information* is indispensable, the department recognizes the necessity to protect the civil liberties and privacy rights of individuals. The Houston Police Department shall handle *criminal intelligence information* in compliance with local, state, and federal guidelines specifically delineated in Section 28, Code of Federal Regulations, Part 23, *Criminal Intelligence Systems Operating Policies*.

This General Order provides guidelines for ensuring that the collection, analysis, and dissemination of *criminal intelligence information* are done uniformly and in accordance with legal guidelines.

This General Order applies to all employees.

DEFINITION

Criminal Intelligence Information. Information compiled, analyzed, and/or disseminated in an effort to anticipate, prevent, or monitor criminal activity.

1 PROCEDURES

The Criminal Intelligence Division is charged with developing *criminal intelligence information* as it relates to individuals, groups, or organizations involved in criminal activity with a potential for violent public disorder, a threat to the community, or organized crime or terrorism.

When an officer receives or is made aware of information that could relate to the above, the officer shall report it to the Criminal Intelligence Division as follows:

- a. If the information does not require immediate action, an incident report entitled "Investigation CID" shall be generated and forwarded to the Criminal Intelligence Division.

b. If the information is sensitive and involves matters that need immediate attention, officers shall notify their immediate supervisor and contact the Criminal Intelligence Division as indicated below. This type of notification is particularly important for imminent threats, incidents with a terrorism nexus, or any other situation that the officer believes should be reported to CID immediately.

1. During regular business hours, officers shall contact the Criminal Intelligence Division directly and request an on-duty supervisor.
2. After business hours, officers shall contact the Command Center for the CID on-call supervisor.

Incident reports that contain criminal intelligence information that is sensitive in nature shall be coded confidential by the reporting officer, the officer's supervisor, or a supervisor in the Criminal Intelligence Division.

2 ANALYSIS AND DISSEMINATION

The Criminal Intelligence Division is responsible for dissemination of all criminal intelligence information after the information has been vetted and assessed.

Information shall be disseminated as follows:

- a. If time is crucial, criminal intelligence information shall be disseminated via telephone followed by email.
- b. Departmentwide dissemination of alerts, bulletins, notices, etc. may be completed utilizing one or more of the following methods: general broadcast, mobile computing device (MCD), roll call bulletin, and/or email.

The Criminal Intelligence Division shall maintain a record of all criminal intelligence information received and disseminated pursuant to this General Order.

3 RELATED GENERAL ORDER AND REFERENCE MATERIAL

800-07, Criteria for Submitting Incident Reports

Section 28, Code of Federal Regulations, Part 23 Criminal Intelligence Systems Operating Policies



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

January 16, 2015

NO.

800-05

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-05, dated March 10, 1998

SUBJECT: POLICE PUBLICATIONS

POLICY

All Houston Police Department publications intended for public distribution shall be accurate and have an overall professional appearance. All police publications must be approved by the Chief of Police before being distributed to the public.

This General Order applies to all employees.

DEFINITION

Police Publication. Any media developed, published, produced, distributed, or issued by the Police Department for public dissemination. This includes media that is developed, published, produced, distributed, or issued by any outside organization on behalf of the department for public dissemination. This definition includes, but is not limited to, messages from the Chief of Police, department newsletters, news releases,

public service announcements, pamphlets, fliers, operational reports, bumper stickers, and posters.

1 PUBLICATION APPROVAL

Police publications must be approved by the Chief of Police before being published, distributed, or issued to the public.

When submitting proposed publications for review and approval, employees shall include correspondence, via the chain of command, explaining the overall purpose of the publication. Any group or community organization to which the publication shall be released shall be identified in the correspondence.

Correspondence arising from daily department business (e.g., interoffice correspondence, letters to other law enforcement agencies, responses to inquiries) are not subject to these guidelines.


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

April 20, 2021

NO.

800-06

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-06, dated October 9, 2014

SUBJECT: CJIS COMPLIANCE

POLICY

The Houston Police Department (HPD) shall comply with state and federal criminal justice information services (CJIS) regulatory policies associated with the protection and access controls of criminal justice information (CJI) as defined in this General Order.

This General Order applies to all employees.

DEFINITIONS

CJIS Compliance Unit (CCU). The HPD unit assigned to the Risk Management Division that administers policy regulations to ensure the department maintains state and federal operational compliance associated with the protection of CJI.

CJIS Compliance Verification Database. An HPD database that employees may use to view the CJIS compliance status of *non-HPD personnel* as determined by the *CJIS Compliance Unit*. The database is populated and maintained by the CJIS Compliance Unit and is accessible via the department's Intranet Portal.

CJIS Security Policy (CSP). A policy approved and published by the Federal Bureau of Investigation (FBI) and that contains the minimum information security requirements, guidelines, and agreements for protecting the sources, generation, transmission, storage, and destruction of CJI. The *CJIS Security Policy* is available on the department's Intranet Portal.

Contractor. A private business, agency, or individual that has entered into an agreement with HPD or the City of Houston to conduct services or provide specific products for the department.

Criminal History Record Information. A subset of CJI. Any notations or other written or electronic evidence of an arrest, detention, complaint, indictment, information, or other formal criminal charge relating to an identifiable person and that includes identifying information regarding the individual as well as the disposition of any charges.

Criminal Justice Information (CJI). For the purposes of this General Order, *criminal justice information* refers to any and all of the criminal justice data necessary for law enforcement agencies to perform their mission. Such data includes, but is not limited to, biometric, identity history, person, organization, property, and case/incident history data as well as *criminal history record information*.

Criminal Justice Information Services (CJIS) Division. The FBI division responsible for the collection, warehousing, and timely dissemination of relevant CJI to the FBI and to qualified law enforcement, criminal justice, civilian, academic, employment, and licensing agencies.

Escort. Authorized personnel who accompany a visitor or other *non-HPD personnel* who have not been approved by the CJIS Compliance Unit (CCU) for *unescorted physical access*. Escorts shall accompany such persons at all times while in a *physically secure location* to ensure the protection and integrity of the *physically secure location* and any *criminal justice information* accessible therein. All HPD employees are authorized and required to provide escort to a visitor or other *non-HPD personnel* who have not been approved by the CCU for *unescorted physical access* into secured areas under the management control of HPD.

Escorted. Refers to the status of persons who have or require an *escort* to enter a *physically secure location*. CCU approval for *escorted access* is available for only *physical access*, not *logical access*.

Local Agency Security Officer (LASO). The employee who serves as the primary information security contact between HPD and the Texas Department of Public Safety through which HPD interfaces with the FBI CJIS Division.

Logical Access. The ability, right, or privilege of an individual or technological process to utilize or access (including remotely) any HPD technology system or application via technological, electronic, or computerized means.

Non-HPD Personnel. Any person conducting services at HPD and not paid directly through HPD's payroll (e.g., *contractors*, volunteers, external agency personnel, temporary workers, and other government personnel). For the purposes of this General Order, this term does not include visitors, who shall be *escorted* at all times while in a *physically secure location*.

Personally Identifiable Information (PII). Information that can be used to distinguish or trace an individual's identity, such as name, social security number, or biometric records, alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, such as date and place of birth or mother's maiden name.

Physical Access. As used in this General Order, *physical access* refers to the physical ability, right, or privilege to enter a *physically secure location* as defined herein. *Physical access* may be *escorted* or *unescorted*.

Physically Secure Location. A police vehicle or a facility, including an area, a room, or a group of rooms within a facility, under HPD management control where CJI may be accessible and where the public is not allowed access without an *escort* as defined herein or authorization for *unescorted physical access* from the department's CCU.

Terminal Agency Coordinator (TAC). The employee who serves as the point of contact between HPD and the Texas Department of Public Safety for matters relating to accessing the Texas or National Crime Information Centers (TCIC/NCIC), Texas Law Enforcement Telecommunications System (TLETS), or other CJI as defined herein. The TAC is assigned to the CCU.

Unescorted. Refers to the status of persons who do not have or do not require an *escort* to enter a *physically secure location*. Unless otherwise excluded, all HPD employees and *non-HPD personnel* who are approved by the CCU for *unescorted physical access* are authorized to enter a *physically secure location unescorted*.

1 DUTIES AND RESPONSIBILITIES

Executive Assistant Chiefs and Assistant Chiefs

Executive assistant chiefs and assistant chiefs shall help promote CJIS compliance and policy development to ensure HPD's information technology advancements meet or exceed the minimum access controls as required by the latest state and federal CJIS security policies.

Division Commanders

Division commanders are responsible for ensuring that all *non-HPD personnel* allowed escorted or unescorted physical access to a location under their management control are approved for such access by the Risk Management Division, *CJIS Compliance Unit* (CCU). Verification shall be made through the *CJIS Compliance Verification Database* via the department's Intranet Portal or by direct inquiry to the Risk Management Division, CCU. For information regarding physical access for non-HPD law enforcement officers, see section 5 of this General Order.

Division commanders shall verify the *logical access* status for *non-HPD personnel* by first contacting the CCU.

Supervisors

Supervisors must ensure their subordinates maintain CJIS compliance to access *criminal justice information* (CJI) by completing the annual *Employee Integrity and Verifications Program* checks and remind their subordinates to complete their required recertification tests. See General Order 200-11, **Employee Integrity and Verifications Program**. In the event an employee's criminal history record is returned and found to be non-compliant according to the *Texas CJIS Systems Access Policy*, the supervisor shall contact HPD's Internal Affairs Division to ascertain the proper course of action.

Risk Management Division CJIS Compliance Unit (CCU)

The CCU ensures HPD employees are apprised of the minimal security guidelines and regulations established by the FBI *CJIS Security Policy* and the *Texas CJIS Systems Access Policy*. The CCU disseminates educational and advisory updates related to CJIS operational compliance to department employees and makes recommendations upon request regarding CJIS policy conformity involving specific equipment used to connect to HPD's computer network. The CCU does not directly approve or disapprove implementation of any operational objective.

Employees shall contact the CCU to vet all *non-HPD personnel* needing either *logical access* or escorted or unescorted physical access as defined herein.

The *terminal agency coordinator* (TAC) oversees HPD's compliance with CJIS systems policies.

Local Agency Security Officer (LASO)

The *local agency security officer* (LASO) actively represents HPD with CJIS information security audits of hardware and reviews CJIS operational compliance procedures. The LASO assists the

Office of Technology Services with ensuring CJIS security policies are maintained within HPD's technology systems and that state and federal CJIS policy inquiries are resolved. The LASO keeps the Texas CJIS Compliance Office informed regarding information security issues.

Office of Budget and Finance

The Office of Budget and Finance serves as the liaison for processing temporary employees under the citywide contracts with temporary hiring agencies.

The Procurement Section helps facilitate the completion of CJIS agreements with *contractors* who have a need for *logical access* or *physical access*. The Procurement Section also provides guidance when CCU requires other City departments to comply with CJIS requirements on non-HPD contracts. The Procurement Section ensures original signed CJIS Security Addendums for HPD contracts are filed appropriately with the City Controller's Office and HPD.

Office of Community Affairs

The Office of Community Affairs serves as the liaison for processing volunteers and interns who conduct support services for HPD.

The Office of Community Affairs, in conjunction with the CCU, develops and maintains on the department's public website the most updated resource materials to help *contractors* understand HPD CJIS protocols.

Employee Services Division (ESD)

The Employee Services Division is responsible for issuing all identification credentials. *Non-HPD personnel* working *unescorted* in secured areas on a temporary basis may be issued identification credentials when requested by a division commander and approved by the ESD division commander.

Office of Technology Services

The Office of Technology Services serves as the primary resource responsible for HPD technology systems and delivery of related services. The Office of Technology Services works with the CCU to ensure that HPD technology systems are operated and maintained in compliance with CJIS security policies.

2 CJIS SECURITY POLICY

The FBI *CJIS Security Policy* (CSP) contains the minimum information security requirements, guidelines, and agreements reflecting the will of law enforcement and criminal justice agencies for protecting the sources, generation, transmission, storage, and destruction of CJI.

The state adheres to the CSP and has the authority to implement more stringent security measures. HPD conforms to the state and federal CJIS security policies; however, the Chief of Police has the authority to implement security measures in addition to those implemented by the state. The CSP is considered a living document. The CJIS Compliance Unit shall ensure

that the latest approved version is available to all employees on the department's Intranet Portal.

3 SECURING CRIMINAL JUSTICE INFORMATION

It is the responsibility of every employee to secure CJI in any form (digital, hardcopy, electronic, etc.) from being exposed to unauthorized personnel. Any CJI obtained or maintained by HPD including, but not limited to, education, financial transactions, medical history, or criminal or employment history may include *personally identifiable information* (PII). *Criminal history record information*, for example, inherently contains PII as would a Law Enforcement National Data Exchange (N-DEx) case file. PII shall be extracted from CJI for official business only.

Employees shall ensure no PII is contained in any email sent outside of HPD's computer network, unless contained in an attachment that is encrypted or password protected. The password shall be sent to the recipient in a separate email in order to protect the contents of the attached document.

Employees shall ensure physical and electronic media containing CJI is safeguarded at all times. If media containing CJI becomes inoperable or when it is no longer needed or required per department records retention policies, the media shall be destroyed by shredding or incineration. Employees shall ensure any disposal or destruction of CJI is witnessed or carried out by authorized personnel.

4 LOGICAL ACCESS CONTROLS

When making *logical access* (technological, electronic, or computerized) to any HPD computer or network, all system users shall utilize their assigned user ID and password to log in. Generic passwords shall not be used to access systems attached to the HPD computer network.

Any division requiring *non-HPD personnel* to conduct Texas Law Enforcement Telecommunications System (TLETS) transactions or to access any HPD computer shall first contact the CCU to ensure the person has completed the *Non-HPD Personnel Logical System Access* form and is CJIS compliant. This form is available on the department's public website or Intranet Portal or from the CCU.

Connections to any HPD technology system shall be established with only the equipment and software approved by the HPD Office of Technology Services and the LASO.

Employees shall confer with HPD's Office of Technology Services regarding purchases involving technology items prior to project development and implementation in order to ensure CJIS compliance for the method of use of the specific item. If the Office of Technology Services is not able to ascertain a definitive response, the CCU shall obtain an official approval from the state.

5 PHYSICAL ACCESS CONTROLS

Visitor Access

All facilities under the management control of HPD shall require visitors entering a *physically secure location* to check in at the main entrance to have their identity verified (e.g., by presenting government issued identification). Some buildings have designated public access areas to conduct business or services where *unescorted* visitor access is permitted (e.g., entry lobbies, common hallways, vending areas, lunch rooms, museums, bonding waiting rooms, and some elevator waiting areas). However, once a visitor enters a *physically secure location* the visitor shall be *escorted* at all times by authorized personnel.

Non-HPD Personnel Access

HPD employees shall contact the CCU to process *non-HPD personnel* scheduled to conduct services at a *physically secure location* at least 10 *working days* prior to the job start date. If an immediate need does not allow time for CCU processing, CCU may grant *non-HPD personnel* temporary *physical access* under *escort*. The CCU shall populate the *CJIS Compliance Verification Database* with the *physical access* status (*escorted* or *unescorted*) of all *non-HPD personnel* scheduled to perform services at any *physically secure location*.

HPD employees working security desks at building entry points shall utilize the *CJIS Compliance Verification Database* via the department's Intranet Portal to verify the *physical access* status of any *non-HPD personnel* who does not have an HPD identification card and who is seeking *escorted* or *unescorted physical access* to conduct services at HPD. This includes, but is not limited to, *contractors*, other City of Houston department personnel, volunteers, or interns.

If the *CJIS Compliance Verification Database* is not available or does not return any data regarding an inquiry, the HPD employee shall verify the person's nature of business with the CCU, if available, or the concerned division, or associated City department project manager. The concerned division or authorized personnel from another City department coordinating services shall ensure an *escort* is provided before *physical access* is granted.

Non-HPD Law Enforcement Officers

Unless otherwise excluded, any United States law enforcement officer with a current identification issued from the concerned law enforcement agency is CJIS compliant. However, these officers are subject to the building security policies of the concerned HPD-controlled facility, division, or area.

6 CJIS TRAINING

It is the responsibility of each employee to complete the minimum CJIS training as required by the department in order to access any state or federal *criminal justice information* system. The CCU maintains and tracks all HPD employee online training records and recertification related to the CJIS Compliance mandates. It is the responsibility of the HPD Training Division to maintain and track all HPD employee in person classroom training records related to state and federal mandates.

The CCU along with training coordinators shall provide assistance to employees in order to fulfill required training offered via the Internet (including nexTEST® or CJIS Online). The Texas Department of Public Safety's nexTEST and CJIS Online Training Websites are accessible through any Internet connection.

7 AUDITS

The Houston Police Department undergoes scheduled and unscheduled CJIS information technology compliance audits (see General Order 800-11, **TCIC/NCIC**). The CCU facilitates the preparation and handling of audit interviews along with the concerned divisions. Upon request, divisions shall cooperate with the CCU to help facilitate audit requests. Actionable items in audit findings shall be corrected by the controlling office or division.

8 PENALTIES

Improper access, use, or dissemination of CJI may result in state and federal administrative sanctions against the employee and/or the department including, but not limited to, termination of services and state and federal criminal penalties. Employees may also be subject to departmental disciplinary action up to and including indefinite suspension.



Troy Finner
Chief of Police

General Order
Houston Police Department

ISSUE DATE:

June 19, 2018

NO.

800-07

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-07, dated April 25, 2017

SUBJECT: CRITERIA FOR SUBMITTING INCIDENT REPORTS

POLICY

Incident reports shall be completed when an officer views or becomes aware of any activity that may indicate the occurrence of a crime or becomes aware of a suspicious incident with a potential terrorism connection. Incident reports shall be completed and submitted for review prior to the end of each shift.

This General Order applies to all employees.

1 EXCEPTIONS

Exceptions to this policy include certain misdemeanor thefts or criminal mischief incidents. Prior to arrival, officers who receive a call to a misdemeanor theft or criminal mischief case having no solvability factors (e.g., suspect, witness, or physical evidence), may request that the police dispatcher redirect the call either to the Teleserve Unit or to the "Online Police Report" via the department's website, if eligible. The police dispatcher shall examine the queue for the Teleserve Unit and if possible, redirect the call. The dispatcher shall be the final authority regarding these matters.

The primary duty of the Teleserve Unit is to take preliminary incident reports by telephone, which allows patrol units to be available for response to higher priority calls for service. Teleserve services "delayed report" calls that deal with lost or stolen property or willful damage to property in which there is no evidence to gather and there are no witnesses able to identify possible suspects. Teleserve shall not handle "In Progress" calls for service. Teleserve Unit eligible calls include:

- a. Telephone Harassment / No Threat
- b. Theft – Lost or Stolen Under \$10,000
- c. Theft of Service
- d. Theft from Motor Vehicle
- e. Criminal Mischief
- f. Burglary of Motor Vehicle
- g. Burglary of Coin Operated Machine
- h. Auto Theft / LoJack
- i. Auto Theft / Investigation Auto Theft

j. Forgery / Investigation Forgery

k. Out of Jurisdiction / Long Distance

Under most circumstances, officers are not required to generate an incident report regarding civil matters. A first-line supervisor shall be contacted in all cases in which there is disagreement between a citizen and an officer regarding the generation of a report.

With the exception of City property, firearms, explosives, or circumstances addressed in section 6, *Suspicious Activity*, of this General Order, generating lost or stolen property reports for items believed to be lost rather than stolen, shall be left to the discretion of the officer.

When a loss involves credit cards, banking checkbooks, automated teller machine (ATM) cards, pagers, keys, or other items that can be devalued by closing accounts, discontinuing service, or changing locks, complainants shall be directed to notify the concerned company or financial institution. When a wireless device is stolen, officers shall contact the relevant investigative division prior to advising the complainant to terminate services associated with the device.

Nothing prohibits completing a lost or stolen property report if the officer feels the circumstances surrounding the loss support generating an incident report (e.g., sensitive documents, expensive items, driver licenses, or social security cards).

2 ONLINE POLICE REPORTS

WebCop is an online based self-reporting incident report writing system that allows citizens to file their own police reports for minor crimes with low solvability and without any evidence, witnesses, or possible suspects. With these criteria in place, WebCop serves to help increase the efficiency of patrol and investigative operations by allowing officers more time to respond to and investigate higher priority incidents. WebCop eligible incidents are limited to theft and criminal mischief reports for which the loss is less than \$5,000 in value.

Online police reporting is intended as a convenience for citizens who wish to use the Internet to report certain crimes. Officers shall not direct citizens to the online police reporting application as a substitute for taking a report call or as a substitute for a walk-in transaction at a police facility.

3 SITUATIONS THAT ALWAYS REQUIRE AN INCIDENT REPORT

The following situations always require the creation and submission of an incident report:

- a. Felony or Class A or B misdemeanor.
- b. Family violence (see General Order 600-06, **Family Violence**).
- c. Hate crime (see General Order 600-37, **Hate Crimes**).
- d. Home invasion.

- e. Class C misdemeanor assault, trespassing, or trespassing on school property.
- f. Juvenile involvement of any type. Reports concerning a juvenile in custody or public service transportation shall be completed and entered before leaving the Juvenile Division.
- g. Threat of or actual bodily injury sustained by a citizen, suspect, or a police employee.
- h. Tagged property, including video evidence.
- i. Death of a person.
- j. Stolen vehicle.
- k. Response to resistance by an employee, (see General Order 600-17, **Response to Resistance**).
- l. Display of any weapon necessitating a police response.
- m. Rejection of a prisoner by jail personnel for medical reasons.
- n. Suspicious activity, as listed in section 6 of this General Order.
- o. Contact with a diplomatic representative of a foreign government (see General Order 500-15, **Contact with Representatives of Foreign Governments**).
- p. Any incident involving a person suspected of mental illness. If a mentally ill citizen has been handled more than once in any given *calendar* year for emergency detention and an original report exists, officers may supplement the original report.
- q. Lost firearms or explosives.
- r. Lost, stolen, or damaged City property (see General Order 400-18, **Responsibility for City and Other Government Property**).
- s. Trafficking of persons. When a person has been found and it is reported they were smuggled or trafficked, officers shall generate a report titled "Trafficking of Persons."
- t. Documentation of an offender in the Misdemeanor Marijuana Diversion Program.

4 REPORTS AND APPROVAL IN THE RECORDS MANAGEMENT SYSTEM

Incident Report Approval Time Frames (Patrol and Investigations)

Anytime an original or supplement incident report is created in the department's records management system (RMS), the owner of that report shall complete and Owner Approve (OA) the report by the end of the shift, with the exception of high priority reports (e.g., stolen or recovered vehicles, stolen or recovered license plates), which shall be Owner Approved immediately. Once an original or supplement incident report is Owner Approved, RMS automatically places the report in Supervisor Approved status. The Records Division shall leave

the report in Supervisor Approved status for three *calendar* days to allow supervisors time to review the reports. Supervisors shall be responsible for the quality of work performed by their subordinates.

After a report has been OA and it is determined that corrections or modifications need to be made, the officer or supervisor can reopen the report for the modifications if it has not been frozen by Records Division. The system will allow a supervisor to send a follow-up request, if necessary. In this case, the supervisor would reopen the report for the user and send the user a follow-up request. If the supervisor does this, the recipient's employee number shall be entered on the form to ensure the author of the report receives the request.

After the initial three-*calendar*-day period, the report shall be frozen and transferred to RMS by the Records Division. Once the report has been frozen and transferred, it shall not be reopened and all changes or corrections shall then be done through a supplement.

Unapproved Reports and Corrections

All employees who enter incident reports in RMS shall log into the system daily to obtain any notification (e.g., follow-up requests) regarding their reports. If an employee receives notification that a report has been unapproved by either a supervisor or the Records Division, the report shall be corrected and OA by the end of the employee's shift, regardless of the due date listed on the follow-up request. Corrected and OA reports shall be frozen after three *calendar* days following the date the report was OA.

Reports Created in Error

If an incident report was created in error (e.g., incorrect incident number was used), whether it is an original or a supplement, then the report shall be titled: "Report Created in Error." If a supplement report was created under the wrong incident number, with no original report entered, then an original report shall be created under the same incident number in order for the supplement report to be OA and transferred into RMS. If an employee finds that a correct incident number was previously used in error for another report, then a new incident number can be requested for the same location in order to complete a report.

Homicide Reports

When a Homicide investigator responds to a scene, the Homicide hold desk personnel shall be responsible for completing, at a minimum, the Incident Tab of the original incident report with the primary investigator entered as the primary officer. The Homicide hold desk personnel shall also OA the report so that supplement reports can move through the approval process within the time frame described above. Patrol personnel shall not write an original report when a Homicide investigator is responding to the scene. Patrol officers shall generate only supplement reports for such incidents.

Extra Employment

All incident reports created while working extra employment shall be OA on the officer's own time by the end of the extra employment hours. See General Order 300-14, **Extra Employment**.

5 TEXAS ALCOHOLIC BEVERAGE COMMISSION (TABC) ESTABLISHMENTS

Incidents involving a shooting, stabbing, or other public disturbance on the premises of an establishment holding a TABC license or permit shall require officers to submit a copy of the incident report to the Vice Division for transmittal to the TABC.

6 SUSPICIOUS ACTIVITY

Suspicious activity is defined as observed behavior reasonably indicative of pre-operational planning associated with terrorism or other criminal activity. While a single instance of suspicious activity may not be a precursor to terrorist or criminal activity, other factors and circumstances may be present that cause concern and require additional investigation. If there is a criminal offense associated with the incident, officers shall utilize the appropriate criminal offense title and indicate the Criminal Intelligence Division (CID) as the secondary concerned division.

When a suspect is in custody or suspicious circumstances require additional investigative assistance, officers shall contact the Houston Regional Intelligence Service Center (HRISC) supervisor. After business hours officers shall contact the on-call CID homeland security supervisor via the Command Center.

In order to ensure appropriate review and analysis of suspicious incidents with a potential terrorism connection, officers shall complete an "Investigation Criminal Intelligence" report concerning any of the suspicious activities listed below:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- e. **Observation/Surveillance:** Incidents involving unusual or prolonged interest in facilities, buildings, or infrastructure beyond casual or professional interest that would arouse

suspicion of terrorism. [REDACTED]

- f. **Aviation Activity:** Incidents involving suspicious events or persons associated with aviation that would arouse suspicion of terrorism. [REDACTED]
- g. **Misrepresentation, Eliciting Information, Testing or Probing Security, Breach, or Attempted Intrusion:** Incidents involving suspicious events or persons associated with the security of a facility, infrastructure, or secured, protected site that would arouse suspicion of terrorism. [REDACTED]
- h. **Theft/Loss/Diversion:** The theft of badges, uniforms, identification, or emergency vehicles associated with a facility, infrastructure, or secured, protected site.
- i. **Sabotage/Tampering/Vandalism:** Incidents involving the damaging, defacing, or destroying any part of a critical infrastructure. [REDACTED]
- j. **Miscellaneous Activity:** Incidents of suspicious events or persons that cannot be vetted and based on additional factors continue to arouse suspicion of terrorism or criminal activity.

7 RELATED GENERAL ORDERS

300-14, Extra Employment
400-18, Responsibility for City and Other Government Property
400-19, Microcomputer Regulations
400-21, Mobile Computing Devices
400-22, Keys, Passwords, and Personal Identification Numbers
500-12, Handling Persons Exhibiting Mental Health Crisis
500-15, Contact with Representatives of Foreign Governments
600-06, Family Violence
600-17, Response to Resistance
600-37, Hate Crimes
800-08, Auto Theft Reports


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

January 4, 2019

NO.

800-08

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-08, dated November 7, 2005

SUBJECT: AUTO THEFT REPORTS

POLICY

This General Order establishes criteria and procedures to be followed by Houston Police Department personnel when taking auto theft reports.

This General Order applies to all employees.

1 EMERGENCY COMMUNICATIONS PERSONNEL

Call takers at the Houston Emergency Center take initial calls from complainants. Personnel assigned to the Emergency Communications Division, Teleserve Unit shall take incident reports regarding stolen vehicles by contacting the complainant and receiving report information via the telephone unless there is a need to collect physical evidence at the scene, any suspect information is provided, or the complainant requests a unit. If a unit responds, the responding officer shall generate the incident report.

When the complainant does not want to report the theft to Teleserve or a field unit, they shall be directed to a police station, storefront, or the Auto Theft Division.

A *General Broadcast/Lookout* (see General Order 600-03, **General Broadcasts**) shall be made to alert officers in the area of a possible stolen vehicle. In such cases, the vehicle status shall be given as "Possible Stolen" because the report is incomplete until the vehicle is entered into TCIC/NCIC. The *General Broadcast* shall not be considered as probable cause for an arrest.

Teleserve personnel and field officers are encouraged to contact the Auto Theft Division for guidance in cases involving unusual circumstances.

The procedures for recovery and towing of stolen or possibly stolen vehicles are outlined in General Order 600-10, **Towing**.

2 TELESERVE UNIT

Personnel assigned to the Emergency Communications Division, Teleserve Unit shall follow procedures established in the unit for processing auto theft calls. Such procedures shall be formulated in conjunction with those established by the commander of the Auto Theft Division. When an auto theft report is taken, a stolen status shall be entered on the vehicle as soon as possible. In handling calls regarding auto thefts, Teleserve personnel shall adhere to the following guidelines.

- a. When the incident is clearly an auto theft, the vehicle shall be considered stolen and an Auto Theft incident report shall be completed.

b. When the complainant knows the person who took the vehicle and the incident is not clearly an auto theft, an Investigation Auto Theft incident report shall be completed and the vehicle shall be listed as General. Such cases may include, but are not limited to:

1. An acquaintance or a family member has the vehicle.
2. A vehicle that has been leased or rented but not returned.
3. A mechanic who will not return the vehicle because of nonpayment.
4. The complainant has loaned the vehicle to another person.

In such cases, employees shall advise the complainant that the circumstances may be civil in nature and that the report will be listed as Investigation Auto Theft. Employees shall also advise the complainant that the vehicle will not be listed as stolen in TCIC or NCIC until further investigation by the Auto Theft Division. In these investigation auto theft cases, the complainant shall be given the procedures for sending a demand letter (see section 4 below).

If an employee accepting the report has questions as to the status, the employee shall consult an investigator in the Auto Theft Division or send a patrol unit to the scene prior to completing the interview.

3 PROCEDURES

When officers are dispatched or flagged down by a complainant regarding a possible auto theft, officers shall complete an incident report. Officers shall not refer the complainant to Teleserve. This includes incidents that may be civil in nature or situations when a complainant does not have a vehicle license plate number or a vehicle identification number (VIN).

When a complainant does not immediately have the required vehicle identification information available, an Investigation Auto Theft report shall be made. The complainant shall be given the incident number and instructed to call the Auto Theft Data Entry Section of the Records Division and provide the VIN or license plate number. The complainant shall be advised that failure to provide this information to the Records Division will prevent the vehicle from being entered into the system as stolen.

Once the Records Division receives either the VIN or license plate number from the complainant, Records Division personnel shall:

- a. Supplement the incident report.
- b. Validate the VIN and license plate number and enter the VIN and license plate number into HCIC, TCIC, and NCIC.

Once the required information is received, the Auto Theft Division shall initiate a supplemental report to the original report and title the supplemental report Auto Theft. In the body of the supplement the facts that led to the modification shall be detailed and notification shall be made

to the Records Division in the supplement to reclassify the report from Investigation Auto Theft to Auto Theft for crime reporting purposes in the incident module only.

Upon the Records Division receipt and review of the supplement created by the Auto Theft Division, the Records Division shall reclassify the report from Investigation Auto Theft to Auto Theft for crime reporting purposes in the incident module only.

In all circumstances when an auto theft report is taken, a stolen status shall be entered on the vehicle as soon as possible.

Incident Report Entry

Officers shall use the department's records management system (RMS) to document auto theft and/or auto recovery incidents as soon as possible. Officers shall be responsible for entering their own vehicle recoveries. Officers without computer access (e.g., during extra employment) shall contact the Teleserve Unit to make such incident or supplemental reports.

4 DEMAND LETTER PROCEDURES FOR INVESTIGATION AUTO THEFT CASES

Complainants shall not be referred to the District Attorney's Office when an investigation auto theft report has been entered.

When investigation auto theft reports meet the criteria outlined in section 2, item (b) of this General Order, the complainant shall be informed that:

- a. If the complainant has the complete name and address of the suspect in the case, the complainant must send a letter to the suspect demanding return of or compensation for the vehicle. The letter shall be sent via certified mail with a return receipt requested and must contain:
 1. An accurate and complete description of the circumstances under which the vehicle was obtained from the complainant.
 2. An accurate and complete description of the vehicle that the complainant owns and wishes returned.
 3. An affirmative demand that the complainant be allowed to take possession of the vehicle at the place where it is presently located, or that the vehicle be returned, or that the complainant be compensated for the full present market value of the property.
 4. A statement indicating that if one of the above demands is not satisfied within ten business days following receipt of this letter, the matter shall be turned over to the District Attorney's Office for appropriate action.
- b. If the demand letter is not satisfied within the specified ten-business-day period, the complainant shall go to the Auto Theft Division and take:
 1. A copy of the demand letter.

2. The certified mail, return receipt from the Post Office.
3. The unopened letter, if it was returned to the complainant for any reason.
- c. If the complainant does not have a complete name and address for the suspect, the complainant must attempt to obtain this information. If the complainant is unable to obtain a complete name and address to send the demand letter, the complainant shall be told to contact the Auto Theft Division after the incident report has been made.

5 ADDITIONAL CONSIDERATIONS

Employees shall be aware of the following regarding auto theft cases:

- a. A vehicle taken in the course of repossession by the lienholder is not a theft.
- b. If the complainant had care, custody, and control of the vehicle but is not the owner, a report shall be accepted. The employee accepting the report shall attempt to determine the current owner of the vehicle in question. Upon ownership determination, the employee shall generate an Auto Theft incident report and include a notation regarding determination of ownership of the vehicle in the narrative section of the incident report. If there is a doubt as to ownership, the employee shall make an Investigation Auto Theft report and include an explanation in the narrative section of the incident report.
- c. If the employee is doubtful about significant elements of the offense, the employee shall call the Auto Theft Division for guidance.
- d. Auto rental agencies are permitted to call the Auto Theft Division and email copies of the demand letter paperwork to the Auto Theft Division for investigative follow-up.

Personnel accepting auto theft related reports are encouraged to call the Auto Theft Division when circumstances not specifically addressed in this General Order are encountered or they have inconclusive evidence that would not support listing a vehicle as stolen and they need clarification on whether to list a vehicle as stolen.

6 RELATED GENERAL ORDERS

300-14, Extra Employment
400-19, Microcomputer Regulations
600-03, General Broadcasts
600-10, Towing
800-07, Criteria for Submitting Incident Reports


Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

December 17, 2018

NO.

800-09

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-09, dated August 2, 2016

SUBJECT: OFFICIAL DOCUMENT ARCHIVES

POLICY

The department preserves copies of specialized reports, documents, and periodicals in archives maintained by the department's Office of Planning.

This General Order applies to all employees.

1 RESPONSIBILITY

Commanders and civilian equivalents shall review specialized reports, documents, and periodicals generated by their immediate command, office, or division and select those documents that are to be designated for archival storage.

The Office of Planning shall be responsible for archiving all selected specialized reports, documents, and periodicals and indexing them by year according to subject. The Office of Planning shall maintain an archival structure that allows commanders access to documents for review or research.

2 SELECTING DOCUMENTS FOR ARCHIVAL STORAGE

Examples of specialized reports, documents, and periodicals selected for archival storage include, but are not limited to:

- a. Consent to Search Report
- b. HPD Strategic Plan
- c. Annual Crime Report
- d. Racial Profiling Report
- e. Reports produced by the Chief's Office
- f. Mayor's Office reports that pertain to HPD
- g. HPD Command Overview
- h. Core Services Documents
- i. Major Budget & Finance Report
- j. Product Evaluation Report

- k. Reports for Special Topics
- l. United States Department of Justice, Federal Bureau of Investigation (FBI) Annual Report
- m. International Association of Chiefs of Police (IACP), Police Executive Research Forum (PERF), Major Cities Chief Report
- n. IACP Model Policies
- o. Chief and/or Command Staff Report

3 SUBMITTING DOCUMENTS FOR ARCHIVAL STORAGE

Specialized reports, documents, and periodicals selected for archival storage shall be forwarded, via interoffice correspondence to the Office of Planning. The correspondence subject shall be designated as "Archival Document." The title and year of the publication shall be listed in the correspondence. If the report or document is available in an electronic format the electronic version shall be submitted with the hard copy. A copy of the document to be stored shall be enclosed with the correspondence.

4 REQUESTING DOCUMENTS FROM ARCHIVAL STORAGE

Commanders requesting information or copies of archived documents shall send an email request to the Deputy Director of the Office of Planning outlining the justification for the request and the format (hard copy or electronic) of the document. Once approved, the Office of Planning shall send the information and/or document to the commander in the format requested.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

August 21, 2020

NO.

800-10

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-10, dated November 6, 2015

SUBJECT: POLICE RECORDS

POLICY

Retention and disposal of *City records* and dissemination of information contained therein shall be done in accordance with applicable laws and ordinances.

This General Order applies to all employees.

DEFINITIONS

Agreed Order of Expunction/Sealing of Criminal Records. A court-ordered physical destruction or obliteration of a criminal, civil, or juvenile record or portion thereof by any criminal justice agency having possession of such record.

City Records. Any record so defined by the municipal ordinance (§2-111) dealing with municipal records management.

Criminal Justice System. Courts and governmental agencies that perform the administration of criminal justice pursuant to a statute or executive order and allocate a substantial part of their budget to the administration of criminal justice.

Hard Copy. Printed output on paper as distinguished from data stored on electronic media.

Open Records Request. A written request for any information collected, assembled, or maintained by the Houston Police Department.

1 OPEN RECORDS

All *open records requests* shall be submitted in writing to the department's Open Records Unit (ORU) in the Office of Planning & Data Governance (OPDG) within 24 hours after receipt of the request. Upon receipt, the ORU shall immediately consult with the OPDG staff attorney to ensure handling of the request in accordance with the Texas Public Information Act.

The ORU shall advise whether disclosure of the requested record is required or prohibited by law or whether an exception to disclosure is available to the department under the law.

If disclosure of the information is required or if an exception to disclosure will not be claimed by the department, the ORU shall gather the information from the appropriate division and respond to the requestor.

If disclosure of the information is prohibited or the department will claim an exception to the disclosure, the ORU shall gather the information from the appropriate division and follow the guidelines set forth in the Texas Public Information Act.

Divisions that receive a request from the ORU shall immediately determine if the requested information is available. Division commanders who determine that the information is not available shall advise the ORU why the information cannot be provided. If the information is available, it shall be forwarded to the ORU in a timely manner.

Requests from other law enforcement agencies or other governmental entities for statistics, policy and procedure material, survey participation, or information of a general nature, shall be sent directly to the Office of the Chief of Police.

2 RELEASE OF INFORMATION

Employees shall not release copies of an official police report or information obtained from any police report unless authorized by the Chief of Police or this General Order.

If not prohibited by law, employees authorized by their supervisor or assignment may release the following information if the release will not jeopardize an investigation, criminal prosecution, civil litigation in which the City of Houston or the Police Department is a party, or a pending or ongoing police mission.

- a. Suspect's name, alias, gender, race, address, occupation, department blotter number, and physical condition.
- b. Name of the arresting officer.
- c. Date and time of arrest.
- d. Booking information.
- e. Charge.
- f. Identification of the court in which charges have been filed.

Employees shall not release the following information:

- g. Incident report information (other than the public release front page).
- h. Suspect's personal history or arrest records to persons outside the department.
- i. The names of deceased persons until the next of kin have been officially notified.
- j. Information about the identity and description of criminal assault victims.

Requests for information regarding juvenile arrests shall be directed to the division conducting the investigation or OPDG.

3 CITIZEN REQUESTS

Employees who receive verbal requests from citizens for information shall refer such requests to the division that can provide the information. If the information is not routinely released, employees shall advise citizens to submit a written request to the ORU.

Records or reports that may be released to or viewed by the public shall be made available each day between the hours of 8 a.m. and 4 p.m. Availability at other times may be approved by the division commander.

Divisions that release department information are responsible for maintaining a log documenting the releases. Employees who release such information are responsible for entering the requesting person's name, telephone number, and other pertinent information in their division log.

4 REMOVAL OF RECORDS

Employees shall not remove any official *City record* or report from the department without the approval of the division commander. The removal must be directly related to official police business.

5 PERSONNEL PHOTOGRAPHS

Divisions within the department that maintain employee photographs shall secure such photographs so that they are not accessible to unauthorized personnel. Except as provided by this General Order, *hard copies* of HPD personnel photographs shall not be obtained with the use of any department computer imaging system database unless authorized by the Chief of Police.

Internal Use of Personnel Photographs

Employees may acquire photographs of other employees only with approval from the requesting employee's division commander. The photographs shall be used for official business only and the use of such pictures shall not endanger the life or physical safety of the employee. Officers assigned to the Internal Affairs Division are exempt from obtaining approval from their division commander before obtaining photographs of employees.

Employees requesting a personnel photograph shall complete a *Personnel Photograph Release* form located on the department's Intranet Portal. The form shall be processed and filed by the Photographic Services Unit (Photo Lab).

Photographs of employees may be given to other employees for the following reasons only:

- a. Investigative purposes
- b. Awards/Commendations
- c. Department authorized media release

Release to the Public

All public requests for photographs of employees shall be referred to the ORU.

Only the ORU or Public Affairs may release an employee's photograph to the public.

Photographs of classified employees may be released to the public for the following reasons only:

- a. The classified employee is under indictment or charged with an offense by information.
- b. The classified employee is a party in a police civil service hearing or a case in arbitration.
- c. The photograph is introduced as evidence in a judicial proceeding.

A photograph exempt from disclosure may be made public only if the classified employee gives written consent to the disclosure.

6 DISSEMINATION OF CRIMINAL HISTORY RECORDS

The dissemination of criminal history information by the Houston Police Department is subject to Department of Justice regulations found in the United States Code.

The following persons and agencies are eligible to receive criminal history information from this department:

- a. Criminal justice agencies (if the information will be used for criminal justice purposes).
- b. Federal or state agencies specifically authorized by statute to receive such information.

The Records Division shall not disseminate criminal history records and information (CHRI) to any person or agency outside the strict definition of the *criminal justice system*, unless the agency or person is specifically authorized by statute to receive such information.

All divisions of the department shall maintain a dissemination log cross-indexed by name for CHRI given to an individual or agency outside the department unless the dissemination is done in the normal course of processing through the *criminal justice system* or the information is disseminated to a criminal justice agency within Harris County.

Dissemination of CHRI includes oral, printed, or computer-to-computer communication.

7 SUBPOENAS FOR RECORDS

All criminal and civil subpoenas that require testimony about the information contained in the subpoena are the responsibility of the division or individual served. If the division subpoenaed questions the validity of a subpoena, the Office of Legal Services shall be contacted.

All subpoenas in which the City of Houston is a party to the lawsuit, or any civil process that is served on the Chief of Police or the department, shall be handled by the Office of Legal Services.

Subpoenas that are served on the department for the production of records or documents shall be forwarded to the Subpoena Unit in the OPDG. If the Subpoena Unit does not have the records that are requested in the subpoena, the subpoena shall be forwarded to the appropriate division.

The responsible division shall immediately obtain the records requested in the subpoena and return the records and the subpoena to the Subpoena Unit.

The Subpoena Unit shall consult with the OPDG staff attorney for legal review of the subpoena and advice as to whether disclosure of the requested records is required or whether there is a legal basis to object to production of the record.

Questions concerning subpoenas shall be directed to the Subpoena Unit in the OPDG.

8 EXPUNCTION OF RECORDS

Responsibilities

Any division that receives an *agreed order of expunction/sealing of criminal records* is responsible for ensuring that it is executed properly.

Process

The concerned division shall complete the following procedures:

- a. Ensure electronic data files related to the case are removed from the division's electronic data systems.
- b. Gather all of the records subject to the order and return the records to the Records Division within 60 *calendar* days after the date the order was received.
- c. Create a single document to replace the file. The document shall state only the date of the expunction order, the court and number of the expunction proceedings, and the HPD incident number.
- d. Confirm no electronic or written copies of the criminal records are maintained.

Multiple Defendants

If an *agreed order of expunction/sealing of criminal records* relates to a case with multiple suspects, the responsible division is required only to destroy the documents and computer files

related to the suspect named in the order. Identifying information relating to the individual suspect named in the order shall be redacted or deleted.

Questions concerning agreed orders of expunction shall be directed to the Office of Legal Services.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

March 4, 2022

NO.

800-11

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-11, dated August 3, 2018

SUBJECT: TCIC/NCIC

POLICY

This General Order provides guidelines for conducting Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC) entries and inquiries in accordance with the rules set forth by the Texas Department of Public Safety (DPS) and the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS). The Houston Police Department's participation in the TCIC/NCIC systems is conditional on adherence to the policy set forth in the TCIC/NCIC Operating Manual, which makes the department subject to scheduled audits by the Department of Public Safety and the Federal Bureau of Investigation (FBI).

HPD's Terminal Agency Coordinator (TAC) is responsible for ensuring that all TCIC/NCIC terminal users have the required DPS and Texas Law Enforcement Telecommunications System (TLETS) publications readily accessible to reference. Divisional TACs are responsible for ensuring terminal users within their respective divisions have access to these publications and the NexTest System where they will take their recertification tests.

The department's Intranet Portal serves as a link to the most updated DPS and TLETS resource publications and links.

This General Order applies to all employees.

DEFINITIONS

TCIC/NCIC Person Record Entry. An entry into TCIC/NCIC placing a notification that the Houston Police Department has listed a person as a missing person, subject to a protective order, identified as a violent person, having made threats against a police officer, or as an unidentified person. The Houston Police Department does not list individuals as wanted persons in TCIC/NCIC. Any warrants obtained for the arrest of a person by Houston Police Department personnel will be listed as wanted by the county in which the warrant for their arrest was obtained.

TCIC/NCIC Property Record Entry. An entry into TCIC/NCIC placing a notification on property that it has been reported as stolen to the Houston Police Department. 'Property' includes, but is not limited to, guns, vehicles, license plates, securities, and articles.

1 OBTAINING INFORMATION ON AN INDIVIDUAL FROM TCIC/NCIC

All personnel are reminded that when making inquiries with TCIC/NCIC on individuals using either the Records Management System (RMS) or Computer Aided Dispatch (CAD) system they must provide adequate information as to clearly identify why the inquiry was made, including Reason For Inquiry (RFI), the case number or control number, and the correct Purpose Code.

Employees shall not use "Investigation" or "Inv" for the RFI. At a minimum, RFI will include the type of offense under investigation, and the involvement of the individual being inquired into. For

example, if you are running a suspect in a family violence assault investigation, the RFI entry should be "Assault/FV-Susp". All RFI field entries are subject to audit by DPS and the FBI and must meet minimum standards as outlined above.

If an inquiry is being made in an incident where a case number is yet to be assigned (i.e., traffic stop), employees shall use an incident number or some identifier that will allow for the identification of the incident in the event of an audit.

Purpose Code shall be one of three codes, as indicated below:

- a. "C" shall be for criminal investigations, and CJIS clearance for contractors;
- b. "J" shall be used when running applicants for employment, and for employee evaluations such as Employee Integrity Verifications;
- c. "F" shall be used when returning a firearm to the legal owner

No other Purpose Codes are permitted, per CJIS policy.

2 SECURITY, RESTRICTIONS, AND REQUIREMENTS

All systems capable of accessing TCIC/NCIC shall be kept secure at all times and access shall be restricted to authorized personnel only. All authorized personnel are responsible for ensuring their TCIC/NCIC inquiries are conducted for official criminal justice purposes only.

Required TCIC/NCIC Training

Division commanders are responsible for identifying assignments under their command that require various levels of logical TCIC/NCIC access and training.

All employees shall complete, at a minimum, the *TCIC/TLETS Criminal Justice Practitioner* training/certification and the *CJIS Online Security Awareness* training/certification in order to comply with DPS and FBI regulations. All employees shall also complete the training and recertification test for their respective level of TCIC/TLETS access and the CJIS Online Security Awareness Certification annually during the employee's birth month, in order to maintain this security privilege.

All *non-HPD personnel* (e.g., contractors, vendors, and employees of other City departments) shall complete, at a minimum, the TCIC-NCIC Criminal Justice Practitioner Training Course (Online Video Presentation) in order to comply with DPS and FBI regulations. Additionally, all *non-HPD personnel* shall review the CJIS Compliance Security Awareness Training Course annually in order to maintain this security privilege. A vendor or contractor who is *escorted* by any HPD employee authorized to access CJIS data is exempt from this mandate for *physical access* only, not *logical* (computer) access. See General Order 800-06, **CJIS Compliance**, for related definitions and CJIS security requirements.

Any Less Than Full Access (LTFA) employees or authorized *non-HPD personnel* (e.g., contractors) accessing or querying criminal justice information via department computers or mobile computing devices (MCDs) shall be required to complete the *TCIC/NCIC Less Than Full Access* course prior to gaining security privileges allowing access. Additionally recertification

tests for LTFA as well as the *TLETS Mobile Certification* (DL and REG only) test along with the CJIS Online Security Awareness Certification test shall be taken and passed annually during the individual's birth month in order to maintain this security privilege.

Any employee who is responsible for entering, editing, or deleting criminal justice data in the TCIC/NCIC systems or TLETS shall complete the *TCIC/NCIC Full Access* course prior to gaining security privileges at this level. In order to maintain security privileges, all full access users shall take and pass a *Full Access Recertification* test and the CJIS Online Security Awareness Certification test annually during their birth month.

3 TCIC/NCIC ACCESS

Division commanders shall ensure that the Risk Management Division's CJIS Compliance Unit has vetted all non-HPD personnel prior to TCIC/NCIC access being granted within their respective division.

Once the individual has been granted TCIC/NCIC access, they shall obtain the required level of TCIC/NCIC training according to the type of security access needed (see section 2 of this General Order).

For employees, their division commander shall then submit the employee's *Records Management System Security Access Request* form (available on the HPD Intranet Portal) to the HPD Office of Technology Services to complete the individual's access capability. For *non-HPD personnel*, the department's CJIS Compliance Unit shall coordinate with the Office of Technology Services to complete the individual's access capability (see General Order 800-06, **CJIS Compliance**).

In the event an employee (classified or civilian) is relieved of duty, access to the HPD computer system, including TCIC/NCIC, is automatically suspended by Employee Services Division (ESD) until the employee is returned to full duty. When the employee has been returned to full duty, the ESD shall be responsible for restoring the employees TCIC/NCIC Access. See General Order 200-03, **Investigation of Employee Misconduct**, for further information.

Upon separation from the department, employees shall have their TCIC/NCIC access rights terminated by ESD. ESD shall make the proper notifications to the Department of Public Safety by deactivating the DPS identification number in nexTEST®.

4 TCIC/NCIC PROPERTY RECORD ENTRY

Property record entries to TCIC/NCIC shall be made only when a valid theft report is on file or other TCIC/NCIC entry criteria are met. Mandatory property record entries shall be entered as soon as possible after the theft report is documented and on file.

Investigative Division

The concerned investigative division shall:

- a. Ensure that TCIC/NCIC entry criteria are met when an official theft report is made.

- b. Provide the necessary information to the HPD Records Division via original or supplement report as soon as possible.

Records Division

Records Division personnel shall:

- a. Prior to entry, verify that the information on the property screens meets TCIC/NCIC entry requirements.
- b. Record the entry by entering the NCIC number on the appropriate screen (e.g., property, vehicle, boat, gun) in the original incident report, and ensure that the proper ORI of TXHPD0000 is placed in the entered record.

Additionally, Records Division entry operators shall inform a Records Division supervisor about any missing or incorrect data in a report. Entry operators shall enter records once the mandatory field data is available.

Records Division Supervisors

Records Division supervisors shall:

- a. Verify the validity and accuracy of the record.
- b. Ensure the accuracy of the record entry is double checked by a second party.
- c. Ensure that the record is entered as soon as possible after the receipt of the theft report.
- d. Coordinate with the concerned investigative division to obtain complete information when it is not included in the theft report.

5 TCIC/NCIC PERSON RECORD ENTRY

Person record entries to TCIC/NCIC shall be made only when an appropriate report is on file or when TCIC/NCIC entry criteria are met. Missing persons shall be entered into TCIC/NCIC within two hours following notification to law enforcement.

Investigative Division

The concerned investigative division shall:

- a. Ensure an appropriate report is made.
- b. Provide the information to the appropriate entry operator as soon as possible.

Investigative Division Entry Operator

The concerned investigative division's entry operator shall:

- a. Verify that the information in the report meets TCIC/NCIC entry criteria.
- b. Verify identification information with driver license and criminal history checks.
- c. Include all available information including, but not limited to, driver license and criminal history returns in the person record entry. Such information should be added to the entry only when there is a high degree of certainty that the returns are the subject of the warrant.
- d. Notify the Records Division office supervisor about any missing or incorrect data. The entry operator shall enter additional available data, if possible.
- e. Ensure the record is entered as soon as possible after the receipt of report. Entry Operators are reminded that record entry of a missing person is required within two hours following notification to law enforcement and record entry of protective orders is required within seventy-two hours following notification. Ensure that the proper ORI of TXHPD0000 is placed in the entered record.
- f. Have a second party check the entry for accuracy and completeness before the entry is submitted to TCIC/NCIC. TCIC/NCIC requires a second check by another party of any entry made before it is submitted.
- g. Forward a hard copy of the record to the investigating officer for inclusion in the appropriate incident file. The hard copy shall include the date, operator's initials, and a copy of the entry acknowledgment. Copies of motor vehicle registration, driver license, and criminal history checks shall also be included.

Investigative Division Supervisors

The supervisor of the investigative division's entry operator shall:

- a. Ensure the validity of the record and ensure the accuracy of the record entry is double checked by a second party.
- b. Ensure all appropriate data is entered and verified against the report, and against the Department of Motor Vehicle, driver license, and criminal history checks. Verify that the missing person is entered into TCIC/NCIC.
- c. Ensure the record is entered as soon as possible after the receipt of the report. Supervisors are reminded that record entry of a missing person is required within two hours following notification to law enforcement and record entry of protective orders is required within seventy-two hours following notification.
- d. Coordinate with the officers to obtain complete information when it is not included in the report.

6 RECORD CANCELLATION AND MODIFICATION

Employees shall notify the concerned division by supplement report when information becomes available that a TCIC/NCIC record entry is invalid. Additionally, employees shall notify the

Records Division via a supplement report as soon as possible when property listed in a theft report is recovered.

The appropriate entry operator shall clearly mark the incident files to indicate the status of the enclosed theft reports and file the appropriate hard copy teletype returns to document the status of the TCIC/NCIC records involved.

7 QUALITY CONTROL OF RECORDS

The DPS and FBI initiate quality assurance checks on all records entered into TCIC/NCIC for all agencies statewide.

DPS/TCIC Messages

The Emergency Communications Division's (ECD) communications operator on duty at the time that any TCIC messages are received shall immediately forward the messages to the Records Division and the concerned investigative division for handling and resolution.

If the Records Division and the concerned investigative division are unable to resolve the problem, a supervisor from the concerned division shall contact DPS by telephone for assistance and resolution. If the department's records are correct, the concerned division's supervisor shall, if required, notify DPS that the records show the entry to be valid. Additionally, employees shall document modifications to TCIC/NCIC entries by supplementing the appropriate incident report.

The ECD communications operator shall forward quality control messages to Records Division. The Records Division's on-duty supervisor shall forward all quality control messages regarding missing persons or protective orders to the department's Terminal Agency Coordinator (TAC) and to the concerned division.

FBI/NCIC Messages

Error messages received from the FBI will have "\$.E." at the top of the message. The record will already have been canceled by the FBI/NCIC. The concerned division's entry operator shall take immediate action by attempting to resolve the error and re-entering the record if possible. If the operator cannot resolve the problem, the operator shall notify a supervisor of the "\$.E." message.

8 RECORDS VALIDATION

DPS requires that the department regularly validate records on a schedule set forth by DPS. The department's records shall be verified by the concerned division as being accurate, valid, and complete.

Validation of vehicle, boat, securities, boat part, vehicle part, gun, license plate, sex offenders' registration, protective orders, violent persons, threats against officers, unidentified persons, and missing persons entries require the department to confirm the record is complete, accurate, and active. Validation is accomplished by reviewing the original entry and current supporting documents, and by *recent consultation* with the appropriate complainant, victim, prosecutor, court, motor vehicle registry files, or other appropriate sources. For the purposes of TCIC/NCIC

records validation, *recent consultation* may be accomplished by various means including telephone communication or written notification.

If the concerned division is unsuccessful in its attempts to contact the victim, complainant, etc., the concerned division shall make a determination based on the best information and knowledge available whether or not to retain the original entry in the file. All efforts to validate a vehicle or missing person record shall be documented by completing a supplement report.

TCIC/NCIC records shall be validated between 60 and 90 *calendar* days after they are entered. The TAC shall coordinate the validations with the concerned divisions to meet the stated deadline, however, each concerned division is responsible completing validations of the records they are responsible for. Per DPS requirement, validations are to be double checked by a second party, including the accuracy of the ORI (TXHPD0000).

9 TCIC/NCIC HIT CONFIRMATIONS

Employees shall follow all of the guidelines in this section whenever they are acting on or providing information from the TCIC/NCIC network or requesting hit confirmations from other agencies.

Providing Hit Confirmations

The concerned division or in the absence of the concerned division, Records Division, shall provide written TCIC/NCIC hit confirmation to requesters whenever possible. If it is impossible to do so, confirmation shall be made over the telephone and a teletype message shall be sent when it becomes possible to do so.

Note: Under no circumstances shall employees allow hit confirmation requests to the Houston Police Department to go unanswered.

The concerned division shall reply to all requests for hit confirmations within the time limit specified in the request. If the concerned division is unable to provide the positive or negative confirmation within that time frame, the concerned division shall immediately send a message to the requesting agency giving them a specific amount of time needed to confirm or deny a hit.

The concerned division shall confirm all hits by reviewing the original incident report and supplements or warrant to accomplish the following applicable tasks:

- a. Ensure that the person or property inquired about is identical to the person or property identified in the record by performing a thorough and skillful investigation.
- b. Ensure that any missing persons report or theft report is still outstanding.
- c. Obtain a decision regarding the extradition of any wanted person.
- d. Obtain information regarding the return of any missing person to the appropriate authorities.
- e. Obtain information regarding the return of stolen property to its rightful owner.

- f. Obtain information regarding the terms, conditions, and service of a protective order.

Employees having questions about a piece of property or a person's connection to the TCIC/NCIC hit shall consult their supervisor for further assistance.

Requesting Hit Confirmations

A hit **alone** is not probable cause to arrest. The hit confirmed with the originating agency is one factor to be added to other factors at the scene to arrive at an arrest decision.

Officers recovering a vehicle reported stolen by an outside agency must request and receive a hit confirmation via a dispatcher in ECD before taking any action regarding the vehicle. The officer shall contact the Auto Theft Division when confirmation responses are not received in a timely manner.

When an employee assigned to ECD receives a TCIC/NCIC hit confirmation request from an officer to confirm a record, the employee shall do the following:

- a. Notify the requesting officer that the hit confirmation request was received and that confirmation is being requested.
- b. Send a teletype to the agency that originated the entry and fully describe the person or property in custody via a dispatcher in ECD.

If the entering agency does not provide positive or negative confirmation within the time limit specified in the first request, the communications operator shall send another message to the entering agency requesting confirmation. The operator shall enter the number 2 in the request number field. This will cause the message to be sent also to the appropriate state control terminal agency (CTA).

If the agency does not provide the confirmation within the time specified in the second request, the operator shall send another message to the entering agency, and enter the number 3 in the request number field. This will cause the message to be sent also to the appropriate state CTA and the FBI/NCIC in Washington, D.C.

NCIC guidelines outline the hit confirmation policies and procedures. There are no NCIC requirements that the hit confirmations be written; however, HPD shall accept telephone hit confirmation only when teletype confirmation is not possible. In such cases, employees shall insist that the agency provide a teletype confirmation when it becomes possible. However, if telephone hit confirmation is accepted a further teletype request cannot have a number 2 or a number 3 in the request number field.

Officers shall contact dispatch to obtain hit confirmation from the entering agency before taking any of the following actions on hits:

- c. Arresting the wanted person.
- d. Detaining the missing person.
- e. Seizing the stolen property.

General Order 500-08, **Required Booking Information and Procedures**, provides clear guidance in checking the wanted status of any individual who is ticketed, arrested, or jailed. If there is a warrant hit and confirmation is not received within 15 minutes, officers may release the detainee if they do both of the following:

- f. Obtain a supervisor's approval.
- g. Document the detainee's identification information.

Note: Consideration should be given to the nature of the warrant and the circumstances of the detention.

10 **PROBLEMS**

All problems related to TCIC/NCIC issues shall be handled in the following manner:

- a. All issues or problems related to technical access shall be forwarded to the Office of Technology Services.
- b. All issues or problems related to verification of training shall be forwarded to the Training Division, TCIC/NCIC training coordinator.
- c. Any issues or problems that cannot be resolved using the above resources shall be forwarded to the department's TAC and the Risk Management Division's CJIS Compliance Unit.

11 **POLICE RECORDS**

Procedures regarding the dissemination of criminal history records and release of police information are outlined in General Order 800-10, **Police Records**.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

December 3, 2020

NO.

800-12

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-12, dated December 18, 2013

SUBJECT: RECORDS RETENTION

POLICY

Employees of the department shall retain records in accordance with applicable laws and ordinances and the Texas State Library and Archives Commission (TSLAC).

All City records are the property of the City of Houston and shall be retained in accordance with this General Order and applicable City *records control schedules*. The unauthorized destruction, removal, or use of City records is prohibited.

All employees shall be mindful of any documents being sent or taken out of their division and notify their supervisor if they have any reason to question or doubt the sending or removal of an item.

This General Order applies to all employees.

DEFINITIONS

Administratively Valuable (AV). There is a business purpose for which the record was created and that purpose has not been fulfilled or completed. There is still a continuing need for the retention of the record to conduct an operation or direction.

Electronic Mail Record (Email). An electronic document, meeting the definition of a record, sent or received in the form of a message on an electronic mail system, including any attachments transmitted with the message.

Record. Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium (regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state) created or received by the City government or any of its employees pursuant to law, including an ordinance, or in the transaction of official business.

The term does not include:

- a. Extra identical copies of documents created only for convenience or reference.
- b. Blank forms.
- c. Notes, journals, or similar documents created by an employee for the employee's own convenience.
- d. Notes, journals, or similar documents that do not in whole or in part conduct official business.

Records Control Schedule. A document in accordance with §2-119, of the City of Houston Code of Ordinances and the TSLAC under the authority of chapter 441, subchapter J, of the Texas Statutes, *Government Code*, that establishes a mandatory retention period for City records.

Transitory Information. Records of temporary usefulness that are not an integral part of a records series of the department, are not regularly filed within the department's record keeping system, and are required only for a limited period of time for the completion of an action by an employee or for the preparation of an ongoing records series.

1 **RESPONSIBILITIES**

Employees are reminded that everything created or received regarding their job assignment may be considered a record and shall be treated as such. If an employee is not sure if what they have created or received is a record, then the employee shall work with the division records retention officer (DRRO) for clarification.

City Records Management Officer

The position of City records management officer is held by the director of the City of Houston Administration and Regulatory Affairs (ARA) Department. The ARA Department is responsible for providing annual records retention training. The City records management officer or designee is responsible for citywide file management and the direction and control of the City's records disposition program.

Department Records Officer

The department records officer (DRO) is appointed by the Chief of Police and is responsible for maintaining the department's records retention system in accordance with City ordinance and as directed by the ARA Department, Operations Division, Records Management office. The Deputy Director of the Office of Planning & Data Governance (OPDG) is assigned as the DRO.

The DRO or designee is also responsible for coordinating with the City Records Management office and each DRRO on tasks such as:

- a. Compiling and storing *records control schedules* for every command and division within the department and ensuring they comply with regulations set out by the TSLAC in cooperation with the City Records Management office.
- b. Attending mandated training for the assignment and ensuring all DRROs are adequately trained to perform their duties.
- c. Assisting DRROs in the destruction of records according to the *records control schedule*, and other procedures.
- d. Working with DRROs to ensure *records control schedules* are updated as necessary.
- e. Working with the chiefs' commands or division commanders and DRROs in submitting revised *records control schedules* to the City Records Management office.

Chief of Police and Command Staff Members

The Chief of Police and each command staff member shall be responsible for appointing a DRRO and an alternate for their command or division and submitting these names to the DRO on a *Harris County Department of Education (HCDE) Access Authorization Form* and providing the DRO with updates when any DRRO is replaced for any reason. The *HCDE Access Authorization Form* along with the *Application for Records Management Web User ID* form shall be approved by the DRO prior to submission to the ARA Department. These forms are available on the department's Intranet Portal.

The Chief of Police and each command staff member shall be responsible for:

- a. Conducting a quarterly self-evaluation to ensure compliance with records control schedules and timely destruction of records pursuant to the records control schedules. An authorization memo shall be provided to the DRO when submitting the required paperwork for destruction of records. No destruction of records paperwork shall be processed without this authorization.
- b. Reviewing and updating their command's or division's records control schedule annually or as needed and presenting any changes to the DRO via the chain of command.
- c. Developing an annual records retention report and forwarding a copy to the DRO. This report shall be kept within the command or division files in accordance with its records control schedule and shall:
 1. Summarize quarterly evaluation findings.
 2. Summarize corrective measures taken, if any, in response to quarterly evaluation findings.
 3. List records destroyed in accordance with the records control schedule.
 4. List any updates to the records control schedule.
 5. Document that command or division employees have had annual records retention training (e.g., at roll calls or by other designated division personnel).

Division Records Retention Officers

DRROs shall have full access to all files in their command and shall do the following:

- a. Work with their commander, the DRO, and the City Records Management office in the creation of a records control schedule.
- b. Work with the DRO or designee in the destruction of records according to the records control schedule.
- c. Work with the DRO or designee to ensure specific provisions are complied with and added to the records control schedule.
- d. Submit a list of records to the DRO that were indexed into the COH Web Application that corresponds to the number of PC labels requested from the DRO.

- e. Obtain approval from the DRO prior to submitting any records to the HCDE for retention to ensure all required information has been entered in to the COH Web Application.

2 RECORDS MANAGEMENT

Every command and division shall retain records according to that command's or division's records control schedule. Records common to all commands and divisions include, but are not limited to, the following:

- a. Attendance records (roll-call rosters)
- b. Red books
- c. Personnel files
- d. Overtime records

The Chief of Police and each command staff member is responsible for the security and accuracy of their command's or division's attendance records and red books. Only authorized personnel shall have access to and be allowed to make additions or corrections to the command's and division's attendance records and red books.

Revision of Records Control Schedules

If a command or division determines its records control schedule should be revised, the DRRO shall contact the DRO. The DRRO shall provide the DRO with a revised copy of the modified records control schedule containing the necessary changes with written approval from the commander. The approved forms shall be forwarded to the DRO who shall submit them to the City Records Management office.

The City Records Management office shall submit the revised records control schedule to the City Attorney who shall have 40 *business* days to lodge an objection to the revision. If an objection is made, the City Records Management office shall determine a retention period satisfactory to the office or department concerned and to the City Attorney according to the TSLAC guidelines. If no objection is made, the records control schedule shall be adopted by the City of Houston.

When a records control schedule is adopted by the City, it shall constitute full authority for the office or department to destroy, transfer, microphotograph, etc., records according to that schedule without further notice to the City Council or other City office. However, no records shall be destroyed until formal approval has been obtained from the City Records Management office, unless the records have a retention period designated on the records control schedule of either of the following:

- a. Less than or equal to one year.
- b. *Administratively Valuable (AV)* and the records are no longer *administratively valuable*.

Litigation and Open Records Requests

A local government record that is the subject of litigation may not be destroyed until the litigation is finally settled and closed.

A local government record that is the subject of a request under Chapter 552 of the Texas Statutes, *Government Code* may not be destroyed until the request is resolved.

Email Use, Storage, and Retention

The department's computer system automatically backs up and saves any *electronic mail records (emails)* left on computers that are linked to the system, regardless of whether the email is left in the mail box or the trash bin. This is done at regular intervals as determined by HPD's Office of Technology Services. Pursuant to §441.158 of the *Government Code*, the TSLAC states the retention period for an email depends on the content.

If an email is of a simple routine matter, such as an internal meeting notice or minutes of an internal staff meeting, the email is considered to be *transitory information*. The law does not require this kind of information to be maintained. Therefore, these emails should be deleted as soon as they are no longer *administratively valuable*.

If an email (in whole or in part) falls under the definition of *record*, it is the responsibility of the sender to retain it (in either hard copy or electronic form) according to the records control schedule. The exception is if the email originates from a source outside the department. Then it is the responsibility of the receiver to properly retain the record.

If an email is the only record of correspondence pertaining to a complaint, the complaint and correspondence shall be maintained according to the records control schedule and shall be destroyed only in accordance with the City's records management policy. However, if the email is printed and maintained as the official record, there is no need to keep an electronic copy.

If a request for information (e.g., Texas Public Information request or a subpoena) is received, the employee becomes aware of pending or possible litigation relating to records in custody, or there is an internal affairs investigation, the employee shall not delete those records, regardless of whether the retention period has expired.

Emails of a purely personal nature may be deleted because they are not considered official government documents. However, if a personal email is not deleted and it becomes the subject of an open records request or litigation, it shall not be deleted or edited (in whole or in part) until the open records request or litigation is resolved.

Special Note: If there are issues concerning the retention of emails, employees shall request assistance from the Office of Technology Services or the City Records Management office.

WARNING: Employees shall use discretion when sending emails of a personal or sensitive nature. All emails can be reviewed by a third party and messages are routinely screened at random.

The department realizes employees deal with sensitive issues constantly, and those sensitive issues must sometimes be transmitted to other employees. However, if an employee receives an

unsolicited questionable or offensive email, the employee shall refer to General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**.

Microcomputer Files and Documents

The timetable for the retention of records is based on the content of the records and not the medium used for the storage of information. Therefore, records stored electronically, on the network, hard disk of a computer, magnetic tape, or in other electronic format shall be maintained in accordance with the official records control schedule.

Scanning

Employees shall not scan original documents and place them in an electronic format in lieu of maintaining the original hard copy. Original copies shall still be maintained in accordance with this General Order.

This subsection does not apply to those divisions and units that have in place a scanning process as set up and approved by the Office of Technology Services and certified by the City Records Management office to meet state electronic records standards as long as no changes have been made to the certified scanner.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

February 22, 2022

NO.

800-13

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-13, dated July 2, 2019

SUBJECT: COLLECTION AND DISSEMINATION OF POLICE SERVICE INFORMATION

POLICY

The Houston Police Department shall collect, store, and disseminate police service information as outlined in this General Order or as approved by the Chief of Police. The department tracks many of the services it provides for various purposes including, but not limited to, proper manpower and resource allocations, personnel management, and accountability to the public.

Police service information is the term used to describe the combination of crime event data and computer aided dispatch (CAD) event data. This can include new information as streams come in about in-progress and recent events. The collection and dissemination of police service information is a vital function of the Houston Police Department. These processes impact not only internal operations, but also how the department interacts with external groups such as other law enforcement and government agencies, private citizens, business groups, elected officials, and the media.

This General Order applies to all employees.

DEFINITIONS

CAD Event. A recorded occurrence that requires a response or action, or for informational purposes to document an event. A computer aided dispatch (CAD) event includes citizen requested service, directed service, and officer created service. Each CAD event generates an Event Display Record (a.k.a. call slip), which contains a unique event number (a.k.a. incident number) for tracking purposes.

CAD Event Reports. Reports maintained on the department's Intranet Portal and that serve as the Police Department's official source of information for all CAD events and response times. These reports and the information contained in the reports are generated and maintained in accordance with the standard operating procedures of HPD's Emergency Communications Division, Crime Analysis & Command Center Division, Office of Technology Services and Office of Planning & Data Governance.

CAD Event Warehouse. The electronic warehouse that houses all recorded HPD CAD event data. This warehouse is contained within the Crime Analysis Server (CAS) and is maintained by HPD's Office of Technology Services. The data maintained in this warehouse are used to generate the CAD event reports published on the department's Intranet Portal.

COPLINK. A software application accessible via the department's Intranet Portal that provides single search access to internal HPD databases including, but not limited to, HPD incident reports, calls for service, and gang information; parolee and probationer information; municipal court data; Harris County warrants; and Harris County jail population. *COPLINK* is used by officers to generate tactical leads and support investigations with link analysis and geographical tools.

Crime Event Data. Data and information about an occurrence that are collected and entered directly into the Police Department's records management system under a unique incident number and recorded in an incident report.

Crime Event Warehouse. The electronic warehouse containing all HPD *crime event data*. This warehouse is contained within the Crime Analysis Server and is maintained by HPD's Office of Technology Services. The information maintained in this warehouse is used to conduct crime analysis, generate various internal departmental reports, and upload information to *COPLINK*, *Operational Support System* (OSS), and the City of Houston public website.

National Incident-Based Reporting System (NIBRS). The Federal Bureau of Investigation (FBI) program used by law enforcement agencies for collecting and reporting crime event data. National criminal offense data types are divided by two major groups: Group A offenses and Group B offenses.

Operational Crime Summary Report. A monthly statistical report that is compiled and generated by the department's Office of Planning & Data Governance after all the incident reports for the previous month have been through the staff review process. This report is considered the Police Department's official crime statistics report. Data from this report are available on the department's public website and are subsequently published in the FBI's *National Incident-Based Reporting System* (NIBRS).

Operational Support System. A near real-time reporting system that is primarily utilized by Houston Police Department Command Staff, supervisory staff, and crime analysts.

1 COLLECTION AND DISSEMINATION OF CRIME EVENT INFORMATION AND STATISTICS

An incident report of a crime event can be generated in a variety of ways including, but not limited to, an officer responding to a *CAD event* or a citizen making a report by using a self-reporting online system, by reporting as a walk-in at a police facility, or by telephoning the Teleserve Unit or Patrol Desk Unit. Regardless of the method by which it is generated, each incident report shall be loaded directly into the department's records management system. The *crime event data* is maintained in the *crime event warehouse* by the department's Office of Technology Services.

Once all of the incident reports for a particular month have been through the Staff Review Unit process, the Records Division shall upload the monthly statistics to the DPS website, so that the *Operational Crime Summary Report* can be compiled by the HPD Office of Planning & Data Governance (Planning). The information contained in the *Operational Crime Summary Report* shall be used for press conferences and briefings by the Chief of Police or the Mayor. Information in the *Operational Crime Summary Report* shall be used for public release of official *National Incident-Based Reporting System* (NIBRS) crime statistics for the department, including responses to open records requests for HPD's official NIBRS information. Planning is responsible for uploading public crime statistics data (redacted to the 100 block) to the crime statistics section of the department's website. Planning is also responsible for producing the Annual Crime Report, crime analysis and other internal operations require additional real-time information.

For that reason, crime event data are exported from the department's records management system into the Crime Analysis Server (CAS) every 4 hours and once daily into *COPLINK*. The crime event data stored in the CAS are used throughout the department to conduct crime analysis, generate internal reports, and update the *Operational Support System*. *COPLINK* is used to generate tactical leads and support investigations with link analysis and geographical data. It is a software application that is accessible via the department's Intranet Portal.

Employees may access crime event data to assist them in conducting civic meetings whenever the department's *Operational Crime Summary Report* for that particular month is not yet available. However,

because this information may or may not have been through the staff review process, when utilizing data from sources other than the *Operational Crime Summary Report*, employees shall inform all attendees the statistics being discussed are not the official Police Department NIBRS crime statistics.

Planning is responsible for the review and release of crime event data to universities, research institutions, open records requests, or other law enforcement or government agencies requesting HPD crime event statistics. Requests for HPD crime event information not specifically addressed in this General Order shall be directed to Planning for an open records request. Only the Chief of Police may approve the release of HPD crime event information to another City of Houston department or elected official.

2 COLLECTION AND DISSEMINATION OF CAD EVENT INFORMATION

Information in the *CAD event warehouse* is used to generate a variety of *CAD event reports* documenting event types/codes, event sources, and response times. CAD event reports are located on the department's Intranet Portal. CAD event reports are considered the department's official records with regard to CAD event information and the information from these reports shall be used for press conferences and briefings by the Chief of Police or the Mayor. Information in the CAD event reports shall be used for any public release of official CAD event information for the department, including responses to open records requests. Open records requests for CAD event information not found in the CAD event reports shall be handled in accordance with General Order 800-10, **Police Records**. Public requests for CAD event data shall be coordinated through Planning.

Some of the information from the CAD event warehouse is downloaded to the Operational Support System dashboard for quick access by employees needing the information for civic meetings. Since information on the OSS dashboard may include categories that are grouped differently than the information listed in the CAD event reports on the department's Intranet Portal, employees shall inform all attendees the statistics being discussed are not the official HPD CAD event statistics.

Only the Office of the Chief of Police may release HPD CAD event information to another City of Houston department or elected official. The Crime Analysis & Command Center Division may release CAD event information to other law enforcement or government agencies. Planning will assist the Office of the Chief of Police in any request and may release certain CAD event information as it relates to studies, surveys, or other formal reports that may be a part of a memorandum of understanding signed by the Chief of Police or approved as part of the Open Data project. These projects often times require collaboration over an extended period of time to ensure datasets are presented within context. Other requests for CAD event information not addressed in this General Order shall be directed to Planning for an open records request.



Troy Finner
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

October 11, 2019

NO.

900-01

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 900-01, dated May 10, 2017

SUBJECT: ABSENCE FROM DUTY – CIVILIAN

POLICY

The Houston Police Department shall adhere to all federal and state laws and City rules pertaining to employee absences.

Civilian employees who have been absent for over 30 *calendar days* for any reason *AND are returning to certified safety impact positions* shall be required to submit to a drug test immediately upon returning to work as outlined in General Order 300-17, **Employee Drug and Alcohol Testing** and City of Houston Executive Order 1-12, *Amended Controlled Substance & Alcohol Abuse*. The Risk Management Division's Employee Drug Testing Unit maintains a list of certified safety impact positions.

When a holiday occurs during an employee's authorized leave period, the holiday shall be considered observed and that day shall not be charged against the employee's leave. Holiday leave is addressed in more detail in General Order 900-07, **Overtime Compensation – Civilian**.

This General Order applies to civilian employees only.

DEFINITIONS

Administrative Personnel Committee (APC). A departmental committee that is responsible for ensuring compliance with all federal, state, and local laws with respect to determining whether an employee is physically and psychologically fit for duty. APC coordinates with employees who because of injury, illness, or psychological issues are unable to perform their essential job duties.

Benefit Year. A plan year beginning September 1 of each *calendar year* and continuing through August 31 of the next *calendar year* and used for the purpose of awarding or calculating benefits payable to employees.

Injured or Ill Employees and Transitional Duty Report. The form used to notify the department's Health and Safety Unit (HSU) of employees who are working in a transitional duty assignment or unable to work due to any injury or illness. This form is available on the department's Intranet Portal.

1 UNSCHEDULED LEAVE

Civilian employees shall comply with the requirements below unless directed by a supervisor to meet more stringent requirements.

A leave event is considered to be unscheduled if the leave is requested less than 24 hours prior to the start of the leave, unless it is approved by a supervisor as a scheduled leave event. If a division commander requires a specific time period for advance notice, the commander shall include that requirement in the division's standard operating procedures (SOPs) pursuant to General Order 100-07, **Standard Operating Procedures**.

In the event an employee is going to be tardy or unable to report to work due to an unscheduled event, the employee shall communicate with the direct supervisor or other on-duty supervisor in the division before the employee's shift begins. As soon as possible, the supervisor shall advise the employee of receipt of the leave request or tardy notification. The employee shall ensure that the on-duty supervisor acknowledges the leave request or notification of tardiness.

All communications delivered by employees regarding an unscheduled leave or tardiness shall:

- a. Clearly identify the employee.
- b. Clearly explain the reason for the employee's absence or tardiness.
- c. Provide the employee's anticipated return to or arrival for work, as applicable.
- d. Provide a working telephone number at which the employee or a designated individual acting on behalf of the employee may be reached to discuss the condition or circumstance that has resulted in the employee's absence or tardiness.

Such communications may be delivered by a friend or family member on behalf of the employee in the event the employee is incapable of initiating and/or delivering a required communication. However, all such third-party communications shall expressly indicate the reason why the employee is not able to contact the supervisor, shall be delivered in accordance with this policy, and shall include the information required in items (a) through (d) above.

2 VACATION LEAVE

Except as provided below, accruals of vacation time shall be limited to a maximum of 420 hours per the Meet and Confer Agreement (Civilian).

Persons who were employed by the City on October 1, 2003, and who have a Compensation Date (a.k.a. Comp Date) for vacation benefit purposes that is prior to January 1, 2000, shall be subject to a vacation accrual limit of 840 hours as long as they remain continuously employed by the City without a gap in service.

Employees who use over 240 vacation hours in any one *calendar year* shall obtain prior approval from their assistant chief or civilian equivalent in writing via the chain of command.

No employees shall accumulate vacation leave until they have been in the City's service for a period of six months. Employees with six or more months of service who continue in employment with the City of Houston are eligible to receive all vacation time accrued during those first six months of service.

Employees who separate from the City for any reason after completing six months of service shall be paid for accumulated vacation leave up to a maximum of 360 or 720 hours, depending on the employee's Comp Date.

If an employee is forced to leave employment with the City because of an illness, injury, or death, and the employee has completed six months or more of service, the employee or the employee's beneficiaries shall be paid the full amount of the employee's salary for a maximum of 360 or 720 accumulated vacation hours, as applicable, at the employee's then current rate of pay.

When it is necessary for an employee to be called back from vacation or if a vacation is scheduled but not taken, the Kronos® and SAP® systems shall be updated to reflect the employee's actual status.

Vacation requests, if approved, are scheduled at the division level. Division commanders shall ensure vacations are scheduled according to the following guidelines:

- a. Employees shall be given their first choice by seniority, except when application of seniority creates a void in personnel skills, experience, or knowledge in a particular assignment.
- b. An employee transferring to a division shall not bump another employee with lesser seniority out of a previously approved vacation period. When employees' vacations have been approved prior to their transfer, they shall be allowed to take the vacations as originally scheduled, unless doing so would disrupt the operations of the division or unit.
- c. Newly hired employees shall not be granted vacation leave during their probationary period except for an emergency and as approved by their division commander.
- d. Use of vacation leave requires a supervisor's approval. When a supervisor receives a request for the use of vacation leave, it shall be approved unless to do so would be unduly disruptive to the operation of the unit.
- e. Employees can use vacation time if calling in sick. Sick leave is addressed in detail in the following section.

3 SICK LEAVE

Absences resulting from an employee's illness, medical condition, or off-duty injury or a family member's illness or medical condition may be charged to the employee's accumulated sick leave.

Employees who are ill shall contact a supervisor prior to their reporting time and request that they be given leave for that *workday*. The supervisor shall grant the request, but may require a health care provider's statement in any instance of potential abuse of sick leave.

Employees who call in sick for their regular shift shall not work extra employment or scheduled overtime within 24 hours following the start of the shift for which they called in sick.

Each division timekeeper shall provide a monthly *Sick Leave Report* to the division commander identifying employees who have used 64 or more sick leave hours in the *benefit year*. Timekeepers shall generate this report from the SAP or Kronos systems.

Health Care Provider Statement

Sick leave absences in excess of 64 hours in a benefit year shall be documented with a health care provider's statement regardless of the length of each subsequent absence or the nature of the illness. Employees shall submit a health care provider's statement within five *workdays* after returning to work. The supervisor authorizing the sick leave is responsible for ensuring that the employee provides a health care provider's statement upon returning to work and shall take appropriate action if the employee fails to timely submit the required health care provider's statement. If an employee fails to submit a health care provider's statement, the supervisor shall carry the employee as having been absent without approved leave and the event may be processed as an unauthorized absence. Division commanders shall ensure that all documentation from health care providers is kept in a locked cabinet. This documentation is subject to audit.

Absences covered by the Family and Medical Leave Act (FMLA) or workers' compensation shall not be charged against the 64-hour sick leave threshold.

Abuse of Sick Leave

Abuse of sick leave occurs when an employee uses sick leave for reasons other than the employee's or family member's illness or medical condition. Sick leave abuse may be suspected when an employee uses an inordinate amount of sick days. Abuse of sick leave shall be investigated in accordance with department policy. When there is a potential abuse of sick leave, supervisors may require verification of an employee's illness or medical condition by a health care provider's statement or other means before the employee has used 64 hours of sick leave in a benefit year. See section 10, *Health-Related Absences*, of this General Order for information regarding patterns of potential abuse of leave for health-related reasons.

Modified Sick Leave Plan (MSP)

Employees in the Modified Sick Leave Plan (MSP) earn sick leave at the rate of 4 hours and 37 minutes each pay period with a final adjustment during August of each benefit year for a total of 120 hours per year. Unused sick leave may be accumulated without limit. As sick leave is used, the hours are charged first to the oldest accumulated leave and then, if necessary, to the sick leave earned during the current benefit year.

After the conclusion of each benefit year, any sick leave accrued during the benefit year that was not utilized during the benefit year shall be valued based on the employee's average base pay plus longevity during the benefit year. The leave is accumulated for use later (if needed) or payable to the employee or to the employee's beneficiaries, as applicable, when the employee separates from employment with the City of Houston.

If an employee's illness continues after all sick leave has been used, no further sick leave benefits shall be paid (except as noted in General Order 300-29, **Donation of Time**).

Compensable Sick Leave Plan (CSL)

All employees hired after August 31, 1985, or who elected to change to the Income Protection Plan (IPP), are covered by the Compensable Sick Leave Plan (CSL). These employees shall accrue 2 hours and 30 minutes of sick leave per pay period (65 hours annually).

Until the employee's CSL balance reaches 1,040 hours, the unused portion of the 65-hour annual accrual shall be matched and added to the employee's balance at the end of each benefit year. If an employee uses more than 65 hours in a benefit year, the excess hours shall come from the employee's balance until depleted.

After the employee's CSL balance reaches 1,040 hours, the unused portion of the 65-hour accrual shall be credited to the balance without doubling. Upon separation from employment with the City of Houston, all unused accumulated sick leave time in excess of 1,040 hours shall be payable to the employee or to the employee's beneficiaries, as applicable, at the employee's rate of base pay plus longevity at the time of separation.

If an employee's illness continues after all sick leave has been used, no further sick leave benefits shall be paid (except as noted in General Order 300-29, **Donation of Time**).

4 WELLNESS LEAVE

Wellness leave of 8 hours each benefit year is to be used for *preventative health care*. Wellness leave shall not be charged against an employee's CSL balance, but shall be charged against an employee's MSP balance. Wellness leave shall not count toward the 64-hour sick leave threshold. A health care provider's verification is required for each wellness leave event. New employees must be employed a full benefit year before they are eligible for wellness leave. Wellness leave hours shall be used during the benefit year in which they are awarded. Wellness leave hours do not accumulate and they are not transferable from one benefit year to another benefit year.

5 PERSONAL LEAVE HOURS

Personal leave hours are granted as a special incentive to CSL participants who used no more than 16 hours of sick time during the preceding full benefit year. Personal leave hours are earned according to the following schedule:

Sick Hours Used In Prior Benefit Year	Personal Leave Hours Earned
0 Hours	24 Hours
1-8 Hours	16 Hours
9-16 Hours	8 Hours
Over 16 Hours	0 Hours

Personal leave hours may be used in the same manner as vacation; however, they must be used during the benefit year in which they are awarded. Personal leave hours do not accumulate and they are not transferable from one benefit year to another benefit year. No compensation of any sort will be granted for personal leave hours that are not timely used during the benefit year in which they are awarded.

6 COMPENSATORY TIME

Compensatory time is addressed in General Order 900-07, **Overtime Compensation – Civilian**.

7 MILITARY LEAVE

Employees required to perform military duty shall be allowed up to and including 15 *workdays* per federal fiscal year (October 1 through September 30). Absences shall be reported in Kronos and SAP.

Absences in excess of 15 *workdays* for military training shall be charged to the employee's vacation or compensatory time bank, provided the employee has not been granted an unpaid leave of absence. If the employee has no vacation time or compensatory time or is on an unpaid leave of absence, the employee shall not receive pay.

When possible, employees shall submit requests for military leave at least two weeks prior to the effective date of the leave. A copy of the military order shall be forwarded through the chain of command to the appropriate assistant chief or civilian equivalent.

8 FUNERAL LEAVE

In the case of death in the immediate family of an employee, the division commander may excuse an employee from reporting for duty for as many as three *workdays*. Immediate family includes father, mother, sister, brother, husband, wife, child, grandparents, and other relatives if, in the opinion of the division commander, such employee's presence would be required due to the employee's individual relationship and the circumstances of the case. Additional leave beyond the three funeral days may be granted by taking the additional time from the employee's accrued paid leave banks. Funeral leave absences shall be reported in Kronos and SAP.

9 OTHER LEAVE

Jury Duty

Employees shall be permitted to serve on a jury with no loss of pay even if it occurs during their shift. A copy of the jury summons shall be presented to the employee's immediate supervisor at the time of notification. The period of absence shall not exceed the time specifically required for the employee to complete jury duty. There shall be no additional compensation beyond the employee's regular shift.

Voting

Employees shall be allowed to vote in local, state, and federal elections with no loss of pay provided the performance of official duties during their regularly scheduled off-duty time did not allow them adequate time to vote. Employees shall notify their supervisors of the need for time off to vote as soon as possible.

10 HEALTH-RELATED ABSENCES

Any type of leave taken due to personal injury, possible psychological issue, or extended illness requires notification by the employee to a supervisor that there is a health-related reason for the time off request. Division commanders shall ensure that employees are listed on the *Injured or Ill Employees and Transitional Duty Report* when applicable, and that FMLA guidelines are followed.

When a holiday occurs during an employee's injured on duty (IOD) leave, the holiday is considered observed and the absence is not charged against the IOD leave.

Division commanders shall submit an *Injured or Ill Employees and Transitional Duty Report* each Friday to the department's Health and Safety Unit in accordance with General Order 300-10, **Transitional Duty Assignment**, and per the instructions on the report.

Supervisors shall regularly monitor leave taken for health-related reasons to identify any patterns of usage and possible abuse and to mitigate any adverse impact to other employees or police services. Abuse of leave for health-related reasons may be indicated by, but not limited to, any of the following patterns of leave taken for *health-related reasons*:

- a. Leave taken consistently on the day immediately before or after the employee's regular days off.
- b. Leave taken consistently on the day before or after a holiday.
- c. Leave taken after a non-health-related leave request was denied.
- d. Leave taken when difficult assignments or projects are scheduled or due.
- e. Leave taken following counseling or disciplinary action.
- f. Leave taken when the supervisor is on leave.
- g. Leave taken to avoid having to assume additional duties when coworkers are on scheduled leave.

11 FAMILY AND MEDICAL LEAVE ACT (FMLA)

Employees who have worked for the City for a total of 12 months (not necessarily consecutively) and who have been physically at work for at least 1,250 hours during the preceding twelve months are entitled to a maximum 12 weeks of FMLA leave during the *benefit year*. Exceptions are noted below.

Employees may take FMLA leave for any of the following reasons:

- a. The birth of a child and in order to care for the child.
- b. The placement of a child with the employee for adoption or foster care.

- c. To care for a spouse, child, or parent with a serious health condition.
- d. The employee's own serious health condition that renders the employee unable to perform the functions of the employee's position.
- e. Certain qualifying exigencies arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty in the Armed Forces or has been notified of an impending call or order to active duty in the Armed Forces.
- f. To care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty in the Armed Forces. This "Military Caregiver Leave" allows an eligible employee who is the spouse, son, daughter, parent, or next of kin of the service member to take up to a total of 26 weeks of FMLA leave in a single 12-month period. Eligible employees are limited to a *combined total* of 26 weeks of *all* types of FMLA leave during the single 12-month period.

Spouses who are employed by the City shall be limited to a combined total of 12 weeks of FMLA leave during the benefit year if the leave is taken for the birth of a child, the placement of a child for adoption or foster care, or to care for a parent with a serious health condition.

It is mandatory for employees to notify their supervisor when they have a serious health condition that may qualify for FMLA leave. Although it is not always necessary for employees requesting FMLA leave to explicitly mention FMLA by name, employees are required to provide employers with sufficient information about their absence to help an employer understand that it may be an FMLA protected situation. Employees shall provide notice as soon as possible. Generally, employees shall request leave 30 *calendar days* in advance when the need is foreseeable. Employees shall also tell employers the anticipated duration of the leave. Proper notification allows the employee to receive statutory notices and any other documentation, certification, or notice necessary to qualify for such protected leave.

The employee and the employee's immediate supervisor are responsible for notifying the HPD FMLA Coordinator in the FMLA Section of the City of Houston Human Resources Department when a possible FMLA leave situation arises. Supervisors shall remain vigilant in order to recognize FMLA triggering events. Supervisors who become aware of or learn that an employee under their command may have a qualifying FMLA event shall notify the employee of the employee's ability to apply for FMLA leave. In addition, if an employee has been absent for more than three consecutive *workdays* and the possibility exists that it is for any of the aforementioned reasons the supervisor shall notify the employee of the employee's ability to apply for FMLA leave.

Only the HPD FMLA Coordinator in the FMLA Section of the City's Human Resources Department is authorized to determine whether an employee is eligible for FMLA leave. An employee's eligibility for FMLA leave is contingent upon the employee's compliance with all FMLA reporting requirements. FMLA leave is an entitlement; therefore, if the employee and the event qualify under FMLA guidelines, no department approval is required for the employee to use FMLA leave.

The FMLA Section of the City's Human Resources Department is responsible for maintaining current FMLA leave rules and procedures. They shall provide the employee with a *forms packet* that outlines employee responsibilities and reporting requirements. The packet shall be

completed by the employee in a timely manner and submitted to the FMLA Section of the City's Human Resources Department.

The FMLA Section of the City's Human Resources Department shall notify the employee whether or not the FMLA eligibility guidelines are met.

Eligible employees are *required* to use certain types of accrued paid leave while on FMLA leave. Employees seeking to take FMLA leave must use all paid leave accumulated in their sick and vacation leave banks only, before unpaid FMLA leave can be used. Other types of accrued paid leave shall not be used for FMLA leave.

Accrued paid leave used for an FMLA qualifying reason shall be counted against the employee's 12-week (or 26-week, if applicable) FMLA entitlement.

At the end of authorized FMLA leave, the employee is entitled to return to the same or an equivalent position.

Supervisors suspecting employee abuse of FMLA shall contact both the HPD FMLA Coordinator in the FMLA Section of the City's Human Resources Department and the HPD Office of Legal Services.

12 ADMINISTRATIVE PERSONNEL COMMITTEE (APC) REFERRALS

When an employee is absent or unable to perform the essential job duties of his or her position, the concerned division commander may be required to notify the chair of the Administrative Personnel Committee (APC). Division commanders shall see General Order 300-10, **Transitional Duty Assignment**, for circumstances and requirements.

In addition, all employees are responsible for notifying the APC chair in writing about the circumstances of any employee who because of an apparent medical or psychological condition is possibly a danger to himself or others.

The APC notifications outlined in this section are required whether or not the employee's injury or condition is due to a work-related incident. At the discretion of the APC chair, the issue may be forwarded to the department's Office of Legal Services for review.

APC notifications are not required for pregnant employees.

13 ADVERSE WEATHER

If employees are unable to report to their regular assignments because of adverse weather conditions, they shall notify the appropriate supervisor of the specific weather conditions preventing them from reporting to work. The employee shall make every effort to report to work as soon as weather permits.

The absent employee shall be carried on the payroll as present and shall make up the missed time as soon as possible by working additional hours comparable in number to those missed or the employee shall account for the time missed by using any authorized leave.

Tier designation determines an employee's reporting requirements during severe weather or other emergency conditions. City of Houston personnel are designated as either "Tier 1" or "Tier 2."

Tier 1 includes civilian equivalents of commander and above and other employees as designated by the department. Tier 1 employees shall report to work unless otherwise directed.

Tier 2 includes civilian personnel without immediate, specific emergency roles but who may be necessary to execute duties for the department under certain circumstances. Tier 2 employees are to be on call and are essential when notified by a supervisor they are required to report to work. When severe weather conditions or other emergency situations are anticipated or have occurred, employees designated as Tier 2 shall contact their supervisor or another supervisor in the employee's assigned division, command, or office to ascertain whether they are required to report to work or receive other directions as appropriate.

Division commanders shall communicate in writing to each civilian employee in their respective division, command, or office whether the civilian employee's position is designated as Tier 1 or Tier 2.

14 UNPAID LEAVE OF ABSENCE

Unpaid leaves of absence that are requested for reasons covered under the FMLA shall be addressed according to section 11, *Family and Medical Leave Act (FMLA)* of this General Order. Other requests for unpaid leaves of absence shall be handled as outlined in this section.

Employees who have exhausted all available paid leave and require additional leave may make a written request to the Chief of Police for a leave of absence without pay. The Chief of Police may grant leaves of absence without pay for as many as 14 consecutive *calendar days* for full-time employees.

Employees requesting an unpaid leave of absence or an extension thereof shall submit correspondence via the employee's chain of command to the Chief of Police. The correspondence shall:

- a. Outline the reasons for the request.
- b. Include the effective date as to when leave without pay is scheduled to begin.
- c. Provide an anticipated return to duty date.

Division commanders shall attach written correspondence with a recommendation regarding the employee's leave request. If the employee's request is due to a personal illness or injury, the division commander shall include in the correspondence whether or not the employee is currently being evaluated and monitored by APC.

Unpaid leaves of absence in excess of 14 *calendar days* but less than or equal to 180 *calendar days* require approval by the Civil Service Commission before such leaves shall be authorized. Unpaid leaves of absence in excess of 180 *calendar days* require approval by City Council before such leaves shall be authorized.

Employees absent without pay are required to immediately contact the City of Houston Human Resources Department to make arrangements for continuation of medical and other insurance benefits. Employees returning to work following an unpaid leave of absence shall contact the Police Department Employee Services Division for information regarding reinstatement and/or continuation of benefits and pay.

15 UNAUTHORIZED ABSENCES

Unauthorized absences are subject to disciplinary action up to and including indefinite suspension. Employees who are absent without authorized leave for three consecutive *workdays* without good cause and without notifying their supervisor are assumed to have resigned their position and appropriate actions may be taken by the department to initiate termination or indefinite suspension.

16 REFERENCE MATERIAL

City of Houston Code of Ordinances Chapter 14

City of Houston Administrative Procedure 3-2 Revised, Family and Medical Leave

City of Houston Administrative Procedure 3-11, Absence

City of Houston Executive Order 1-12, Amended Controlled Substance & Alcohol Abuse Meet and Confer Agreement (Civilian)

City of Houston Mayor's Memorandum, Absenteeism and Sick Leave Usage, April 19, 2017



Art Acevedo
Chief of Police

General Order

Houston Police Department

**ISSUE DATE:**

January 19, 2021

NO.

900-02

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 900-02, dated March 28, 2016

SUBJECT: TRAINING – CIVILIAN

POLICY

Civilian employees shall fulfill in-service training as required by the department.

The training requirements in this General Order apply to civilian employees only.

1 CIVILIAN TRAINING REQUIREMENTS

The Chief of Police shall determine the minimum department training standards for civilian employees. This shall include any training required to comply with state or federal mandates. Additional training may be required and/or approved by division commanders.

New Hire Training

Within 30 *calendar days* following their hire date, all civilian employees shall complete the *TCIC/NCIC Criminal Justice (CJ) Practitioner* video course and the *CJIS Compliance Security Awareness* video course.

In addition to the *New Employee Orientation* course required by the City of Houston, all civilian employees shall, within 90 *calendar days* following their hire date, complete the Houston Police Department *Civilian New Hire Orientation* course via the Training Division. Also within 90 *calendar days* following their hire date, civilian employees shall complete Kronos® training (if required by their job function) and the *Defensive Driving Course* (if driving a City vehicle at any time while on duty).

New hire training shall be completed on duty.

Mandatory Training

All civilian employees shall complete mandatory training as determined by the Chief of Police during the designated training cycle. The Chief of Police shall announce the required hours, curriculum, and schedule guidelines as appropriate. Civilian mandatory training shall be completed on duty.

Each civilian employee shall complete all mandatory in-service training during the training quarter that contains the employee's birthday month. Training quarters are defined as:

- a. Quarter 1: September 1 through November 30
- b. Quarter 2: December 1 through February 28 (February 29 in a leap year)
- c. Quarter 3: March 1 through May 31

d. Quarter 4: June 1 through August 31

Employees shall register for mandatory in-service course offerings available only during their individual training quarter as defined above. Employees who are division commanders or higher are exempt from the quarterly training restriction.

Specialized Training

Division commanders are responsible for identifying assignments under their command that require special skills. Required training for these skills must begin as soon as possible and must be pre-approved by the Training Division commander. This requirement includes newly promoted personnel. Specialized training shall be completed on duty.

Training may be provided by the department, outside sources, or through a supervised on-the-job training program. In addition, all specialized training must:

- a. Adhere to the department's policies, procedures, directives, and regulations specific to the assignment.
- b. Develop and enhance the knowledge, skills, and abilities of the personnel assigned to the specialized activity.
- c. Make personnel aware of any administrative concerns that may be inherent in the specialized assignment.

When the Training Division sets performance standards, employees must demonstrate their abilities to perform to those standards by the end of the training period.

Other Required Training

Recertification testing for CJIS Security Awareness and, if applicable, TCIC/NCIC access shall be completed annually during the employee's birthday month. This training shall be completed on duty.

Waiver of In-Service Training Requirements

Civilian employees who are unable to attend or satisfactorily complete mandatory in-service training or other required training shall request either a waiver or an extension from their executive assistant chief or deputy director, as applicable, via correspondence through the chain of command.

Waivers for civilian directors shall be at the discretion of the Chief of Police.

Additional Training

Courses taken in addition to mandatory, specialized, and other required training may be attended on duty only with prior approval of the employee's division commander. Any other training shall be attended on the employee's own time or while using authorized leave.

2 TRAINING FROM OUTSIDE PROVIDERS

Employees who receive training outside the department shall submit the following items and information to the Training Division Talent Management System (TMS) Unit within 10 *calendar* days following course completion:

- a. Certificate of completion containing the following:
 1. Employee name
 2. Employee number
 3. Start and end date of training
 4. Number of hours completed
 5. Name of the provider or sponsor agency
- b. Attending employee's critique of the course (Critique forms may be found at the Training Division Certification Unit or on the department's Intranet Portal under the *Training Division* link.)
- c. Number of other HPD employees attending
- d. Copy of course outline, if available
- e. Copy of available handouts

Completion of the outside training shall then be documented in the certification database.

Information Sharing

Employees attending training outside the department may be expected to make the benefits of the programs available to other employees. An employee's training coordinator and Training Division personnel shall determine the most appropriate means of sharing the information, if applicable (e.g., teaching the material, discussing the ideas presented, or sharing printed materials).

3 ATTENDANCE REQUIREMENTS

Employees scheduled for in-service training shall report on time and complete all required course work. An employee arriving more than 10 minutes after the scheduled starting time shall not be allowed to enter the class unless approved by a Training Division supervisor.

Personnel shall follow all applicable rules, regulations, and guidelines set by the department, Training Division, and Academy supervisors and instructors.

In-Service Training Dress Code

Employees shall wear their assigned department uniform or conservative business casual attire while attending in-service training.

Any clothing with inscriptions or decorative artwork must be in good taste and reflect a professional appearance. Employees shall not wear shorts, beach or sport sandals, tank or halter tops, sweat pants or any type of gym pants, or any clothing that is distracting such as tights or leggings. Jeans shall be allowed as long as they are not dirty, torn, or ripped. Training staff supervisors shall decide whether clothing is appropriate.

Display Official Police Department Identification

While attending training at the department or any department contracted training site, employees shall wear their official Police Department identification card prominently displayed at or above the waist on the front of their person so that the employee's photograph and name are easily visible. Employees visiting the Houston Police Academy for any reason shall also properly wear and display their official Police Department identification as stated above.

In-Service Training Roster

Outside of each classroom or inside the classroom a preprinted roster sign-in sheet or a walk-in sheet (hereinafter referred to collectively as roster) shall be made available. These rosters are official government documents and are the only documents that verify the attendance of employees for specific courses. Unless the roster is filled out completely and signed by the employee on the date of training, the employee shall not get credit for the course and shall have to retake the course to obtain proper credit.

Employees shall not for any reason fill out any part of the roster for another employee.

Employees who are pending approval on the roster shall get prior authorization from a supervisor in their division before attending class. Once authorization has been obtained, employees shall notify in-service personnel of the name of the supervisor granting authorization. Employees who are division commanders or higher are exempt from obtaining commander approval.

Removal from Training Class

Training staff supervisors may remove an employee from an in-service class for any violation of a policy or rule set by the department, Training Division, or Academy instructor. If an employee is removed from class, Training Division personnel shall submit correspondence through the chain of command to the employee's assistant chief explaining the reason for the removal. An employee removed from in-service class:

- a. May be subject to disciplinary action.
- b. Shall lose the class credit and have to reschedule the class with a training coordinator.

4 OVERTIME COMPENSATION

Employees shall complete mandatory, specialized, and other required training on duty. If needed, a supervisor shall temporarily adjust an employee's shift or regular days off to meet this requirement. However, if making this adjustment for a nonexempt employee would negatively impact division operations, the supervisor may instead authorize overtime compensation if the training hours cause the employee to qualify for overtime compensation per the department's and the City of Houston's policies regarding overtime compensation and if the employee does not violate the department's policy regarding *maximum work hours*. For overtime, employees shall have their arrival and departure time certified by a member of the Academy staff.

5 REVIEW AND APPROVAL OF PROPOSED TRAINING PROGRAMS

Before any new training program is implemented or taught, the below listed materials must be submitted to the division commander of the Training Division at least 30 *calendar days* before training is to begin.

- a. A curriculum that includes the course goals, participant learning objectives, teaching outline, and class time schedule.
- b. One copy of all handout materials for participants.
- c. A copy of all visual presentations (e.g., PowerPoint and transparencies).
- d. A copy of any video or photograph not stored within the visual presentation.
- e. Test questions, if applicable.
- f. The instructors' current résumés.

After reviewing the course materials, the Training Division shall contact the concerned divisional course coordinator to approve or revise the material. Once approved, the Training Division shall assign a Training Division course coordinator who shall work with the divisional course coordinator or the instructor in initiating and scheduling the training.

The Training Division shall establish a curriculum file of all courses coordinated by the department. Future presentations of a particular course can be facilitated by referring to a curriculum already on file.

6 TRAINING COORDINATOR'S RESPONSIBILITIES

All commanders of divisions or units that operate as divisions shall appoint a training coordinator. It is the commander's responsibility to inform the Training Division when there is a change in the designated training coordinator.

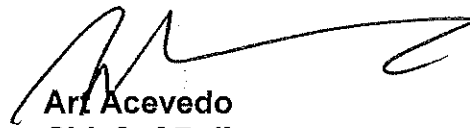
Training coordinators are responsible for:

- a. Ensuring employees are aware of training opportunities both inside and outside the department.
- b. Aiding supervisors in securing approval for training and making necessary arrangements for employees to attend training.
- c. Serving as liaison with the Training Division.
- d. Coordinating and fulfilling requests for training.
- e. Advising the Training Division of training opportunities outside the department so the Training Division may evaluate them.

Training Division personnel shall assist division training coordinators whenever requested.

7 TUITION REIMBURSEMENT

A civilian employee shall be entitled to receive tuition reimbursement for the successful completion of credit hours at an accredited college or university. Courses must be approved as outlined in department policy. For policy details, rules, and requirements relating to tuition reimbursement, employees should refer to the department's policy and instructions available on the department's Intranet Portal. The *Civilian Employee Tuition Reimbursement Request* form is also available on the department's Intranet Portal. Employees may contact the Training Division for additional information.



Art Acevedo
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

December 5, 2012

NO.

900-03

REFERENCE: This newly created General Order supersedes all prior conflicting Circulars, Directives, and General Orders

SUBJECT: EMPLOYEE CONCERN RESOLUTION PROGRAM

POLICY

The department shall maintain the Employee Concern Resolution Program (ECRP) as outlined in this General Order to provide a process through which civilian employees may seek resolution of eligible concerns, problems, or disputes.

Although the ECRP may be utilized by only civilian employees, this General Order applies to all employees.

DEFINITIONS

Alternative Dispute Resolution (ADR) Office. The office that performs the administrative functions of the ECRP process.

Departmental Union Representative (DUR). A union representative as defined in the Houston Organization of Public Employees (HOPE) Meet and Confer Agreement with the City of Houston.

ECRP Committee. The ECRP Coordinator and other members appointed by the Chief of Police to review ECRP issues.

ECRP Coordinator. The assistant chief or executive assistant chief to which ADR is assigned.

Initiating Party. The civilian employee filing an ECRP issue.

1 ELIGIBLE ISSUES

Civilian employees may seek review of reasonable concerns, problems, or disputes of a factual nature that can be resolved within the department. ECRP eligible issues may include, but are not limited to, supervisor conflicts, work assignments, or employee

performance evaluations with an overall rating of 3.0 or higher.

The ECRP Coordinator shall make the final determination regarding issues eligible for resolution via the ECRP process.

2 INELIGIBLE ISSUES

The following issues are not eligible for ECRP review:

- a. Grievable issues.
- b. Discrimination or sexual harassment complaints.
- c. Retaliation as defined in General Orders 200-03, **Investigation of Employee Misconduct** or 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**.
- d. "Whistle Blower" complaints.
- e. Matters that are subject to appeal to the Civil Service Commission including, but not limited to, appeals of indefinite suspension, removal, or demotion.
- f. Reviews of temporary suspensions.
- g. Performance improvement discussions.
- h. Salaries, pay raises, and performance incentive plans.
- i. Nonreferral complaints by job applicants.
- j. Job classification challenges.
- k. Actions related to motor vehicle assignment and use.

l. Issues related to General Orders 300-17, **Employee Drug Testing** or 300-28, **Use of Intoxicants**.

m. Salary continuation.

n. Layoffs or reduction in workforce issues.

o. Denial of Family Medical Leave Act (FMLA) issues.

p. Terminations during probation.

q. Class I complaints as defined in General Order 200-03, **Investigation of Employee Misconduct**.

r. Any issue that was previously filed by the same employee and already addressed by the ECRP Committee.

s. Any written City of Houston or Houston Police Department policy or directive.

Issues that are not eligible for ECRP review may be eligible for review under another department resolution or support process. See section 10 of this General Order.

3 INITIATING THE ECRP PROCESS

Prior to submitting a formal ECRP issue, civilian employees shall attempt to resolve issues by discussing them with their supervisors.

Requests for ECRP review must be submitted to ADR within 15 *calendar* days following the date of the action or inaction giving rise to the issue. Requests shall be made using the *ECRP Issue* form. All ECRP related forms are available in the ADR office.

ADR shall review issues submitted to ECRP to ensure that they are eligible. Ineligible issues may be referred to any of the following:

a. Another section of ADR.

b. Another section of the department that may be able to assist with resolving the issue.

c. The ECRP Coordinator for further review.

If an issue is not accepted in ECRP, a written notice explaining the rejection shall be provided to the initiating party within five *calendar* days after the issue was filed in ADR.

4 ECRP COMMITTEE MEETING

The ECRP Committee shall meet to consider accepted ECRP issues within 30 *calendar* days following the date the employee files the *ECRP Issue* form in ADR.

The ECRP Committee meetings shall be conducted as follows:

a. A minimum notice of two *calendar* days shall be given to the initiating party prior to any scheduled ECRP Committee meeting unless otherwise mutually agreed upon.

b. The initiating party shall appear in person at the meeting. The burden of proof is on the initiating party.

c. The initiating party may have a representative of his or her choosing present at the meeting. However, the representative may not be another City of Houston employee unless the representative is a certified or probationary departmental union representative (DUR).

d. Meetings are not open to the public.

e. Meetings shall not be recorded.

f. Meetings shall not exceed one hour.

g. The Committee shall make a written recommendation for resolving the issue

during or after the meeting. The Committee's written recommendation shall be provided to the initiating party within five *calendar* days following the conclusion of the Committee meeting.

5 RESPONSIBILITY OF PARTICIPANTS

The ECRP Committee, the initiating party, and any applicable witnesses shall meet in person to fully, candidly, and openly discuss the employee's concern in an effort to mutually resolve the issue before the Committee.

6 GENERAL PROVISIONS

- a. ECRP records shall not become part of an employee's personnel record.
- b. Disciplinary action is not affected in any manner by participation in ECRP.
- c. The initiating party shall be allowed reasonable time off from regular duties to file ECRP issues with ADR and to attend ECRP Committee meetings. Such activities shall be considered City business.
- d. Preparation, meeting with witnesses or representatives, drafting responses, or gathering evidence shall be done on the employee's own time and shall not be considered City business.
- e. After conclusion of the ECRP Committee meeting, the ECRP Coordinator shall ensure originals of the following documents are forwarded to ADR:
 1. *ECRP Issue* form.
 2. Written recommendation from the ECRP Committee.
 3. All other records that should become part of the department's ECRP records.

7 WITNESSES

The ECRP Committee may, at its discretion, allow witnesses to participate in the meeting. If the Committee decides to permit witnesses:

- a. Only factual witnesses shall be allowed to participate.
- b. A maximum of five factual witnesses may be allowed in limited circumstances, although a maximum of two witnesses is preferred.
- c. Authorized witnesses shall be considered on City business.

If the initiating party desires to have witnesses appear at the ECRP Committee meeting on his or her behalf, the names of these witnesses and the facts to which they will attest shall be indicated on the *ECRP Witness and Document* form available in ADR. This form shall be attached to the *ECRP Issue* form at the time the issue is filed in ADR.

8 ECRP ISSUE CONSOLIDATION

Multiple employees who have issues arising from the same or similar fact situations, or an employee who files more than one issue, may request to have the ECRP issues and meetings consolidated.

The ECRP Committee may, at its discretion, elect to either combine the issues or hear them separately.

9 EXPEDITED CLOSURE

The ECRP Coordinator, ECRP Committee, or Chief of Police may close any ECRP issue without resolution if it is determined that:

- a. The issue is ineligible for the ECRP.

- b. The initiating party voluntarily withdrew the issue by completing the *ECRP Issue Withdrawal* form available in ADR.
- c. The initiating party is no longer an employee of the City.

10 ALTERNATIVE RESOLUTION PROCESSES

ADR or the ECRP Committee may recommend that an issue be resolved using another department resolution or support process. Some examples of these processes are:

- a. Mediation.
- b. Employee Representative Council (ERC).
- c. Referral of issue to various levels of the initiating party's chain of command.
- d. Remedial training.
- e. Psychological Services.
- f. Employee Assistance Program (EAP).
- g. Administrative Personnel Concerns Program (APC).
- h. Personnel Concerns Program (PCP).

11 APPEAL

If the ECRP Committee's resolution does not resolve the initiating party's issue, he or she may file an appeal to the Chief of Police. The Chief of Police shall issue a written decision on all appeals. There is no further ECRP appeal.

To file an ECRP appeal, the initiating party shall submit a completed *ECRP Appeal* form to ADR. The *ECRP Appeal* form must be submitted to ADR within five *calendar* days following the date that the ECRP Committee's written recommendation was provided to the initiating party.

12 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

- 200-03, Investigation of Employee Misconduct
- 300-11, Discrimination, Harassment, and Other Prohibited Conduct
- 300-12, Grievance Procedure
- 300-17, Employee Drug Testing
- 300-26, Employee Representative Council
- 300-28, Use of Intoxicants
- 300-32, Processing Complaints and Employee Issues
- 300-33, Mediation
- Meet and Confer Agreement (Civilian)


Charles A. McClelland, Jr.
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

May 23, 2018

NO.

900-07

REFERENCE: This newly created General Order supersedes all prior conflicting Circulars, Directives, and General Orders

SUBJECT: OVERTIME COMPENSATION – CIVILIAN

POLICY

Overtime compensation for *nonexempt* civilian employees shall be paid in accordance with federal and state statutes, the City of Houston Code of Ordinances, and the current civilian Meet and Confer Agreement.

This General Order applies to all civilian employees who are not exempt except where specifically provided (e.g., supervisors and timekeepers responsibilities).

DEFINITIONS

Adjusted Shift. See General Order 200-26, **Workday and Workweek**.

Kronos®. The time and attendance system for the City of Houston.

Nonexempt. Refers to an employee whose job classification is covered by the Fair Labor Standards Act (FLSA) as being eligible for overtime compensation. For the purposes of this General Order, this includes civilian employees whose job classification has been designated by the City of Houston Human Resources Director and the Civil Service Commission as being covered by the FLSA overtime rules.

Pay Period. See General Order 200-26, **Workday and Workweek**.

SAP®. Systems Applications and Products (SAP) is the financial, purchasing, fixed-asset, payroll, and human resources program used by the City of Houston.

Time Actually Worked. For purposes of calculating overtime, *time actually worked* includes time the nonexempt civilian employee is actually on duty including on-duty training and City business, on a City Council declared holiday, or on authorized sick leave, vacation leave, compensatory time off, death in the family leave, or any other authorized leave. Any *accrued holiday hours* banked are not counted as *time actually worked* for the purposes of calculating overtime since the employee is not actually working on the holiday for which the holiday hours are accrued.

1 CALCULATION OF OVERTIME

Nonexempt civilian employees shall earn overtime compensation after they have worked in excess of 40 hours in the workweek, including all *time actually worked*.

Nonexempt civilian employees' overtime shall be calculated based on the actual hours recorded and credited to the employee in a workweek as measured by Kronos®.

When calculating overtime compensation, quarter-hour time blocks shall be used for time entered into the Kronos system. If a nonexempt civilian employee works eight minutes or more of a quarter-hour time block, then the entire 15-minute block shall be approved for compensation. When less than eight minutes in a time block are worked, credit for that time block shall not be granted.

Except as otherwise noted in this General Order, all overtime earned shall be compensated at the rate of time and a half.

Overtime pay shall be calculated at the nonexempt civilian employee's rate of pay at the time the overtime was earned.

Other than court attendance, it is the department's decision whether to pay nonexempt civilian employees in monetary compensation or compensatory time for overtime worked. Before the overtime is worked, a supervisor shall inform the nonexempt civilian employee whether overtime will be compensated in the form of pay or compensatory time. If offered in the form of pay and the nonexempt civilian employee wishes to be paid in compensatory time, such alternative option shall be honored, if feasible, but not vice versa. However, compensatory time shall not be approved if the overtime will cause the nonexempt employee's compensatory time bank limit to be exceeded (see section 4, *Compensatory Time*).

When a nonexempt civilian employee is informed in advance that the overtime will be compensated only by compensatory time, the nonexempt employee's participation in overtime must be voluntary.

For further information regarding court attendance and compensation, supervisors and employees shall refer to General Order 300-25, **Court Attendance and Compensation**.

2 GENERAL RULES

Travel from home to work or the reverse is not hours worked for purposes of the Fair Labor Standards Act (FLSA). See section 3, *Call-Back Pay*, for an exception.

Nonexempt civilian employees shall not work overtime without prior authorization from the appropriate supervisor.

All overtime shall be justified as serving a specific department function or need.

Authorizing overtime for the specific purpose of allowing an employee to receive overtime compensation is strictly prohibited. Authorizing adjusted shifts resulting in overtime compensation is prohibited, unless it can be established that the adjustment is in the best interest of the department. The authorizing supervisor shall properly document the reason for the adjustment on all appropriate overtime compensation request forms (a.k.a. overtime request forms).

Buddy Punching, whether it results in overtime compensation or not, is also prohibited. Employees shall refer to General Order 200-26, **Workday and Workweek** for further information regarding *Buddy Punching*.

Additionally, intentional or careless working off the clock is prohibited. Nonexempt civilian employees who underreport or fail to report hours worked are subject to disciplinary action. Supervisors who allow such action shall also be subject to disciplinary action. Unless otherwise allowed by law or the applicable civilian Meet and Confer Agreement, the following applies:

- a. Nonexempt employees may not waive their right to or refuse compensation for overtime worked.
- b. Supervisors shall not order or suggest to nonexempt civilian employees to waive their right to or refuse compensation for overtime worked. See also section 13, *Denial or Removal of Overtime Compensation*.

3 CALL-BACK PAY

If, after a nonexempt civilian employee's scheduled hours of work have ended and without prearrangement, the nonexempt employee is ordered by a supervisor to report immediately to a specific location for a department action other than court attendance, overtime compensation shall be authorized from the time the employee receives the notification and shall continue until the employee is released from the last location to which he was ordered to report.

The travel time allowed for compensation must be realistic in association and not have an appearance of impropriety. Travel time shall not apply to prescheduled overtime, end of shift hold-overs, or responses made via telephone or other electronic device, which shall continue to be compensated based on *time actually worked* at the applicable straight or overtime rate. Nor shall this provision apply in circumstances governed by City of Houston Code of Ordinances 14-168.

4 COMPENSATORY TIME

The total number of hours of compensatory time in a nonexempt civilian employee's time bank shall not exceed 240 hours. Once the nonexempt civilian employee's compensatory time accrual reaches the 240-hour limit, all additional overtime worked shall be compensated with pay. Accrued compensatory time shall be used within 120 *calendar* days following the date accrued, provided that it does not unduly disrupt departmental operations.

Nonexempt civilian employees shall be paid for accrued compensatory time not taken within 120 *calendar* days following the date of accrual.

When nonexempt civilian employees' compensatory time banks are maximized or may become maximized because of an overtime assignment, nonexempt employees shall advise their supervisors of the fact whenever they request or are required to work overtime.

Pursuant to the civilian Meet and Confer Agreement, nonexempt civilian employees shall be given fair opportunity to take accrued compensatory time within 120 *calendar* days following the date accrued. If a nonexempt employee is within 45 days of the 120-*calendar*-day time limit for compensatory time usage, a request for compensatory time leave shall be given preference above any other leave request except emergency, vacation, or Family and Medical Leave. Also, in this 45-day period, when a nonexempt employee submits a request for compensatory

time leave and it is denied twice due to an operational need, the supervisor shall provide alternative date(s) to the nonexempt employee that would be acceptable for such leave to be taken before the time limit is reached. If the alternative dates are not acceptable to the nonexempt employee, the employee may submit other dates to the supervisor within such period with both coming to an agreement on when such compensatory time leave may be taken before it expires. If no agreement is reached as to mutually agreeable dates for leave to be taken, the nonexempt employee may proceed to the next higher level of supervision in the employee's chain of command for a final resolution as to dates for leave before the expiration date.

If a nonexempt civilian employee fails to submit a compensatory time leave request in the 30 *calendar* days before the relevant expiration time, the department may convert a request for vacation or sick time to compensatory time leave upon notice to the nonexempt employee in order to avoid the expiration of the compensatory time.

Supervisors may direct nonexempt civilian employees with compensatory time leave hours that are close to expiration to take such leave before it expires.

At the time of a nonexempt civilian employee's separation from the City of Houston, all banked compensatory time (depending on how it was accrued) shall be administered in accordance with the applicable law or the applicable Meet and Confer Agreement.

5 COUNCIL-APPROVED HOLIDAYS

Only holidays designated by City Council are authorized holidays. The department may, subject to the operational requirements and needs of the department, require nonexempt civilian employees to work on a City Council declared holiday.

The following apply to nonexempt civilian employees:

- a. If a holiday falls on an employee's regular day off and he is not required to work, the employee shall receive *accrued holiday hours* equal to the employee's regular shift. Alternatively, at the discretion of the department director or designee, the timekeeper may force the system to pay holiday pay at straight time for the employee's regular shift. Since the employee is not actually working during the holiday, these paid or *accrued holiday hours* do not count as *time actually worked* and therefore are not included in calculating any overtime for the employee during the workweek.
- b. If a holiday falls on an employee's regularly scheduled workday and the employee observes the holiday, the hours count as *time actually worked* during the workweek like other paid leave for the purpose of calculating overtime.
- c. Hours worked during a holiday are *time actually worked* and therefore count toward calculating an employee's overtime for the workweek.
- d. If an employee works overtime in a workweek that contains a holiday, the employee shall be compensated at the rate of time and a half for all overtime hours worked in excess of 40 hours of *time actually worked* in the workweek.

- e. If an employee is required to work on a holiday and receives more than 24 hours' notice of that requirement, the employee shall be paid straight time (one times the regular rate) for the hours worked; plus the employee shall be compensated with pay or *accrued holiday hours* at the employee's regular rate for the hours worked for a total of two times the regular rate.
- f. If an employee receives "short notice" of the requirement to work on a holiday, the employee shall be paid straight time (one times the regular rate) for the hours worked; plus the employee shall be compensated with pay or *accrued holiday hours* at one and a half times the employee's regular rate for the hours worked for a total of two and a half times the regular rate. "Short notice" is either one of the following:
 - 1. A call in to work on a holiday.
 - 2. Less than 24 hours' notice of the requirement to work a holiday.
- g. For situations described in either item (e) or (f) above in which an employee works on a holiday, the employee shall receive in addition to the compensation outlined in item (e) or (f), overtime compensation at one-half times the employee's regular rate for any overtime hours worked on a holiday that are in excess of 40 hours in the workweek, including all *time actually worked*.
- h. The supervisor approving the holiday work shall specifically note on the overtime request form if the employee received short notice of the requirement to work.
- i. City ordinance requires employees to use *accrued holiday hours* within 180 *calendar* days following the date of accrual. Employees shall be paid for any *accrued holiday hours* not used on or before the 180th *calendar* day after the holiday for which the hours were accrued.

6 DAYLIGHT SAVING TIME

At the beginning of Daylight Saving Time, which occurs each year on the second Sunday in March at 0200 hours, clocks are adjusted forward one hour. Nonexempt civilian employees whose scheduled shift is shortened by one hour due to the change in time, shall have the option of either one of the following:

- a. Burning one hour of accumulated leave.
- b. Working one hour directly before or directly after their regularly scheduled shift.

Division commanders shall ensure nonexempt civilian employees' time is accounted for accordingly. Division commanders shall also ensure a coordination of efforts between shifts when nonexempt civilian employees elect to work one hour directly before or after their regularly scheduled shift.

At the end of Daylight Saving Time, which occurs each year on the first Sunday in November at 0200 hours, clocks are adjusted backward one hour. Prior to the first Sunday in November of each year, division commanders shall determine appropriate staffing levels necessary to

provide adequate police services for the extended shift when the end of Daylight Saving Time occurs. Division commanders shall generate a sign-up list and ask for volunteers to work the additional hour on such date for overtime. If vacancies exist after everyone has been offered the opportunity to volunteer, the division shall utilize a seniority list to fill any vacancies remaining. Seniority shall be used in conjunction with each nonexempt civilian employee's preference to determine which nonexempt employees will be permitted to go off duty after having worked the number of hours in their normal shift and which nonexempt employees will be required to work the extra hour in the extended shift. Overtime shall be paid in accordance with section 1, *Calculation of Overtime*.

7 EARN AND BURN

The department prohibits the practice known as "Earn and Burn" in which an employee burns some personal leave time in order to work an overtime program and earn overtime. Described below are prohibitions regarding Earn and Burn.

Nonexempt civilian employees shall not use or be allowed to use (burn) any type of leave (straight time) and earn overtime compensation during the same shift.

Furthermore, if a nonexempt civilian employee burns unscheduled leave for a regularly scheduled shift in the 24-hour period before or after working any overtime program, an Earn and Burn violation has occurred unless one of the exceptions noted below applies.

Additionally, if there is a pattern of a nonexempt civilian employee burning scheduled or unscheduled leave for a regularly scheduled shift in the 24-hour period before or after working any overtime program, then a violation has occurred unless one of the exceptions noted below applies.

The following are exceptions and shall not constitute violations of the Earn and Burn policy.

- a. *Manpower Shortages, Call Backs, or Special Assignments.* Division commanders have the authority to give approval for nonexempt civilian employees to work an overtime program due to manpower shortages, call backs, or special assignments even though the employee has burned unscheduled leave. The division commander's approval shall be documented on the overtime request form.
- b. *Exceptional Circumstances.* If a nonexempt civilian employee burns unscheduled leave due to unforeseen, exceptional circumstances (e.g., family emergency) in the 24-hour period before or after working an overtime program and it is deemed appropriate by the below designated supervisor, the following shall apply:
 1. *When the employee burns up to and including half of the employee's regularly scheduled shift* (e.g., 4 hours of an 8 hour shift), a supervisor may approve the employee to work an overtime program. The supervisor may also determine a violation has not occurred if the time burned occurs after working an overtime program. The supervisor's approval shall be documented on the overtime request form.
 2. *When an employee burns more than half of the employee's regularly scheduled shift* due to exceptional circumstances, the division commander may approve the employee

to work an overtime program. The division commander may also determine a violation has not occurred if the time burned occurs after working an overtime program. The division commander's approval shall be documented on the overtime request form.

If an Earn and Burn violation occurs, the nonexempt civilian employee may be prohibited from working any overtime program in the future and may be investigated in accordance with the department's disciplinary system. The division commander shall make the final determination of whether a nonexempt civilian employee is prohibited from working an overtime program. Additionally, division commanders have the final decision on questions regarding the Earn and Burn policy.

8 FLOATING HOLIDAYS

The hour value of a floating holiday shall be equal to an employee's normal workday, and shall be of non-accruable time. Floating holidays cannot be submitted for pay. Floating holidays must be used as whole workdays. If an employee is required to work or attend court during the employee's regular shift on a day previously approved as a floating holiday, the entire holiday shall remain unused and must be rescheduled.

9 ON-DUTY TRAINING

Nonexempt civilian employees shall adjust their shift to attend on-duty training when such training falls outside their regularly scheduled shift. If the on-duty training falls on the nonexempt civilian employee's regular day off, the supervisor shall adjust the employee's days off.

Nonexempt civilian employees attending on-duty training are eligible for overtime compensation if the training causes the nonexempt civilian employee to exceed 40 hours of *time actually worked* in the workweek. Nonexempt civilian employees shall have their arrival and departure times certified by a member of the Academy staff.

Except as provided above, overtime may be authorized only to avoid a negative impact on division operations.

10 TRAVEL TIME GAP

Except as noted below, there shall be a non-compensated travel time gap between a nonexempt civilian employee's end of shift and the beginning time of an overtime assignment and vice versa. The travel time gap shall be realistic in association and not have an appearance of impropriety. Calculation of travel time gap shall consider the time of day, traffic, weather, and distance traveled. If travel is required, the minimum travel time gap shall be no less than 15 minutes.

When nonexempt civilian employees are traveling to an overtime assignment in a privately owned vehicle, the requirement of a travel time gap applies. There is no travel time gap requirement when nonexempt civilian employees are traveling to an overtime assignment using a City owned or controlled vehicle or when no travel is required.

11 NONEXEMPT EMPLOYEE OVERTIME COMPENSATION REQUEST FORM**Documentation on the Overtime Request Form**

Nonexempt civilian employees requesting overtime compensation shall use the appropriate form (e.g., *Nonexempt Employee Overtime Compensation Request* form located on the department's Intranet Portal, *Court Overtime Request* form available at the courthouse).

Nonexempt civilian employees requesting overtime compensation shall list in the *Details* section the reasons for the overtime, any reference numbers, and who authorized the overtime.

When subpoenaed to Municipal Court or the Harris County Courthouse complex, nonexempt civilian employees who request overtime compensation and are unable to arrive at the court liaison office within 15 minutes after being dismissed from the courtroom shall document in the *Details* section sufficient details explaining why the employee was unable to arrive within 15 minutes.

If nonexempt civilian employees need extra room to make comments, they shall use the back of the form (if it is blank) or a separate piece of paper. Nonexempt civilian employees shall note on the first page if the comments continue on the back or separate paper.

If an employee other than the nonexempt civilian employee submitting or supervisor approving the overtime request form adds a comment in the *Details* section, that employee shall include his name and employee number.

Submission of the Overtime Request Form

Nonexempt civilian employees requesting overtime compensation in the form of either pay or compensatory time shall submit the appropriate overtime request form to their immediate supervisor. However, if a nonexempt civilian employee's immediate supervisor is on approved leave, the overtime request form shall be submitted to another supervisor in the employee's assigned division for approval. If the overtime was worked outside the nonexempt employee's assigned division, the nonexempt employee shall submit the overtime request form to the appropriate supervisor in the division for which the overtime was worked.

Nonexempt civilian employees shall submit the overtime request form as set forth above immediately upon completion of the hours worked.

Once a nonexempt civilian employee submits an overtime request form to a supervisor, it becomes the responsibility of the receiving supervisor to ensure the timekeeper is immediately provided the approved overtime request form so the department activity code (DAC) can be entered prior to the end of the pay period. All overtime request forms shall be submitted to the division's timekeeper where the overtime was performed.

Records Retention

All original approved overtime request forms shall be retained by the compensating division and a copy shall be forwarded to the nonexempt civilian employees' regular assigned division for placement in their division files in accordance with General Order 800-12, **Records Retention**.

12 SUPERVISOR RESPONSIBILITIES

Overtime Request Form

Supervisors shall not delegate their authority to approve overtime compensation requests to non-supervisory personnel. Stamped signatures for approval are prohibited.

Supervisors shall ensure travel time gaps and requests for overtime and travel compensation are reasonable, proper, and in accordance with the rules for overtime compensation as outlined in this and other applicable General Orders and directives.

Supervisors shall ensure that times on an overtime request form do not overlap with the nonexempt civilian employee's regular shift. Supervisors shall pay special attention when nonexempt civilian employees adjust their shift or take off partial days.

An overtime compensation request shall not be approved if it contains obvious inaccuracies. The overtime request form shall be returned to the employee for correction or explanation to the satisfaction of the supervisor. Except for obvious inaccuracies noted above, supervisors shall refer to section 13, *Denial or Removal of Overtime Compensation*, if the overtime compensation request does not comply with this General Order.

Other than filling in the DAC, if still blank, and adding comments in the *Details* section, supervisors shall not make changes on a submitted overtime request form. Corrections shall be made by the submitting nonexempt civilian employee.

Requests for overtime compensation require approval by two different supervisors of ascending rank in the employee's chain of command for which the overtime was worked (see section 11, *Overtime Compensation Request Form*).

Supervisors shall not staff weekend duty assignments with nonexempt civilian employees on overtime except when minimum staffing requirements cannot be met or for emergencies or special situations. These staffing situations shall be documented and authorized by the appropriate commander.

Approval in Kronos

Unless a nonexempt civilian employee's supervisor delegates his authority in Kronos to another supervisor, the nonexempt employee's supervisor is responsible for reviewing and approving the employee's Timecard and overtime in Kronos.

13 DENIAL OR REMOVAL OF OVERTIME COMPENSATION

Unless there is an obvious inaccuracy on an overtime request form for which an explanation or correction is needed as set forth in section 12, *Supervisor Responsibilities*, nonexempt civilian employees who have worked overtime cannot be denied compensation.

It is the department's stance to compensate questionable overtime and then an inquiry shall be conducted. If the overtime worked is questionable, supervisors shall approve it, note their

concerns in the *Details* section of the overtime request form along with the supervisor's name and employee number, submit it, and then conduct an inquiry.

If an inquiry concludes the nonexempt civilian employee should not have received overtime compensation, the timekeeper shall arrange to have the overtime amount removed from the employee's pay or banked time. Furthermore, supervisors discovering an overtime violation shall adhere to the requirements of reporting employee misconduct set out in General Order 200-03, **Investigation of Employee Misconduct**.

When a determination is made that a nonexempt civilian employee should not receive overtime compensation, a copy of the overtime request form and a written explanation shall be provided to the employee. The original overtime request form and a copy of the written explanation shall be forwarded to the concerned division commander immediately. The original documentation shall be filed in the employee's divisional overtime file according to General Order 800-12, **Records Retention**.

Employees who wish to appeal overtime compensation denial or removal shall follow the departmental grievance process detailed in General Order 300-12, **Grievance Procedure**.

14 TIMEKEEPER RESPONSIBILITIES

Commanders shall ensure the number of overtime hours worked or taken by employees under their command are verified and/or posted in the Kronos system in the individual employees' computerized overtime records by the timekeeper. Timekeepers shall finalize only approved requests for overtime compensation in an employee's overtime records. Posting and/or verifying overtime worked or taken shall be done on a daily basis within system constraints except for weekends and holidays or as approved by the commander. Even if the commander approves an alternative timeframe, timekeepers shall enter and/or verify in the Kronos system all approved overtime worked or taken before the end of each pay period. Kronos updates the SAP® system on a biweekly basis.

For civilian employees' overtime request forms, the timekeeper shall verify the information on the forms with that in the Kronos system and enter into Kronos the appropriate DAC and any other required information. Following entry and/or verification, the timekeeper shall date and sign each overtime request form indicating the DAC and other information on the form were entered and/or verified in the Kronos system. Stamped signatures attesting to entry and/or verification are prohibited.

Upon completion of entering and/or verifying all exceptions and overtime request forms, the timekeeper shall do all of the following:

- a. Generate in Kronos and print a batch report for each batch submitted.
- b. Reconcile the printed batch report with the overtime compensation and leave requests.
- c. Sign and date the reconciled batch report certifying the accuracy of the entries. Stamped signatures certifying the accuracy of entries are prohibited.

- d. Retain signed batch reports in the division in accordance with General Order 800-12, **Records Retention**.
- e. File the original overtime request forms in the applicable employee's divisional overtime file and retain in accordance with General Order 800-12, **Records Retention**.

Timekeepers may make any needed and approved modifications of overtime compensation information after it has been entered into Kronos. However, if any needed and approved adjustments cannot be completed by the timekeeper, the timekeeper shall send a written request to the City of Houston's Payroll Services Division in the Administration and Regulatory Affairs Department so the adjustments can be made.

Overtime earned by a timekeeper shall be verified by the back-up timekeeper. If no back-up is available, timekeepers shall submit their approved overtime request forms to Payroll Services for verification in Kronos.

15 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-26, **Workday and Workweek**
300-12, **Grievance Procedure**
300-25, **Court Attendance and Compensation**
800-12, **Records Retention**
900-01, **Absence from Duty – Civilian**
U.S. Department of Labor, Fair Labor Standards Act (FLSA)
Code of Ordinances City of Houston, Texas
Civilian Meet and Confer Agreement
City of Houston Administrative Procedure 2-4 Revised, Electronic Timekeeping Policy



Art Acevedo
Chief of Police