

ORDINANCE NO. 46

AN ORDINANCE ESTABLISHING DUTIES AND RESPONSIBILITIES OF THE MARSHAL'S OFFICE; ESTABLISHING THE PHILOSOPHY AND GOALS OF A POLICE FORCE OPERATING WITHIN ANNETTA SOUTH; ESTABLISHING THE OPERATING RELATIONSHIP BETWEEN AND WITH COUNTY, STATE, AND FEDERAL LAW ENFORCEMENT AGENCIES; PROVIDING FOR FISCAL AND ADMINISTRATIVE RESPONSIBILITIES; PROVIDING OPERATING GUIDELINES IN SPECIFIC SITUATIONS; AND FORMALIZING THE PROCESS FOR CONSIDERATION AND EVALUATION OF APPLICANTS FOR THE OFFICE OF MARSHALL AND DEPUTY.

WHEREAS, the City Council of the City of Annetta South established the appointive office of Marshal in Ordinance No. 40, and

WHEREAS, the process of providing regulated crime prevention activities is a high priority to the City of Annetta South the conduct of which presents a significant liability to the city, and requires substantial resources provided by the city and

WHEREAS, the City of Annetta South operates a police force exclusively through the use of volunteers who are seeking to maintain licenses granted by the State of Texas; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNETTA SOUTH, TEXAS:

The Marshal's Office shall conform to the following:

1 ORGANIZATION

1.1 The Annetta South Marshal's Office consists of the appointed position of Marshal and sworn deputies consisting of reserve officers appointed by the Marshal. The qualifications of the Marshal and deputies are set forth in Section 2.14. The number of deputies shall be determined by the Marshal (not to exceed the limit set in paragraph 1.3.1) depending on the financial resources assigned to the Marshal's Office by the Annetta South City Council.

1.2 COMMAND STRUCTURE

1.2.1 The Marshal shall report directly to the Mayor of Annetta South regarding the day-to-day activities of the Marshal's Office, interpretation and implementation of policy as provided for by this ordinance, or questions concerning policy not addressed by this ordinance.

1.2.1 The command structure of the reserve officers working under the Marshal shall be determined and controlled by the Marshal.

1.2.2 The Marshal shall not have the authority to appoint anyone to act in his behalf for a period of time longer than 14 days.

1.2.3 Should the Marshal become incapacitated through illness, death, or for any reason resign, the responsibility for a making a new appointment shall belong to the Annetta South City Council.

1.3 SPAN OF CONTROL

- 1.3.1 To achieve effective direction, coordination, and control, the number of appointed reserve officers under the immediate control of the Marshal shall not exceed five (5).

1.4 COMMITTEES

- 1.4.1 When appropriate and at the discretion of the council the following citizen committees can be organized by the city council to support the Marshal's Office:

- 1.4.1.1 Policy Review Committee
- 1.4.1.2 Accident Review Board

1.5 POLICY REVIEW COMMITTEE

- 1.5.1 The purpose of the Policy Review Committee is to serve as a method for initiation of, or review of, proposed or existing policies and procedures of the Marshal's Office to ensure:

- 1.5.1.1 An adequate level of law enforcement is provided to the community.
- 1.5.1.2 Consistent enforcement of ordinances, statutes, and state and federal law.
- 1.5.1.3 Due consideration of the effect of policy changes to department personnel and the city council.

- 1.5.2 Any recommendations of the Policy Review Committee shall be approved by the city council.

1.6 ACCIDENT REVIEW BOARD

- 1.6.1 The purpose of the Accident Review Board is to review department vehicle accidents or property damage that involve private citizens and make restitution where appropriate.

- 1.6.2 Any recommendations of the Policy Review Committee shall be approved by the city council.

2 ADMINISTRATION

2.1 PURPOSE OF THE ANNETTA SOUTH MARSHAL'S OFFICE

- 2.1.1 The Annetta South Marshal's Office exists for the primary purpose of providing a law enforcement presence within the city limits of Annetta South to protect the property and welfare of the citizens of Annetta South. However, limiting a law enforcement agency to this narrowly defined objective presents unreasonable restrictions on law enforcement officers, severely damages the credibility of the Marshal's Office as a law enforcement agency within the community, and does not adequately account for the ever expanding situations that will arise in the future due to the development of the city and surrounding area. Therefore, the Marshal's Office must be able to handle a majority of law enforcement situations to some extent. The purpose of this document is to define the extent to which the Marshal's Office should respond to situations outside the primary purpose of protecting citizens and their property. The breadth of law enforcement activities pursued within the city is a function of the limited resources of the city, the need to limit the liability of the city, and the need to adequately provide for the safety of the officers and citizens of Annetta South.

Given these somewhat conflicting goals, the guidelines outlined in this document adhere to the following principles:

- A) The primary patrol periods shall be during the day during normal working hours and secondarily after dark or after 10 PM.
- B) The Marshal's Office shall subordinate to authorized county, state, or federal law enforcement agencies. The primary consideration for involving other law enforcement agencies shall be response time.

C) The Marshal's Office shall respond when available to all requests for support from an authorized law enforcement agency. Any law enforcement activities outside the city limits shall be at the direction of an authorized county, state, or federal law enforcement agency. However, neither the Marshal nor any reserve shall be used in undercover investigations conducted by other law enforcement agencies.

D) The primary areas that require patrolling are the city streets of Annetta South.

E) The Marshal and reserve officers should know and quickly learn the faces, names, and vehicles of the residents of Annetta South.

2.2 CODE OF ETHICS

2.2.1 TBD

2.3 OATH OF OFFICE

2.3.1 The Marshal and all reserve officers shall be required to take the following oath of office before assuming sworn status with the Marshal's Office:

I DO SOLUMNLY SWEAR (OR AFFIRM), THAT I WILL FAITHFULLY EXECUTE THE DUTIES OF THE OFFICE OF DEPUTY (MARSHAL) OF ANNETTA SOUTH IN THE STATE OF TEXAS, AND WILL TO THE BEST OF MY ABILITY PRESERVE, PROTECT AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES, OF THE STATE OF TEXAS, AND THE CITY OF ANNETTA SOUTH, SO HELP ME GOD.

2.4 LIMITS OF AUTHORITY WITHIN THE JURISDICTION OF ANNETTA SOUTH

2.4.1 Officers must be allowed to have freedom to make decisions, or use discretion, in the performance of their duties. The following policies are designed to provide guidance to general enforcement activities of the Marshal's Office.

2.4.1.1 Securing Private and Public Property

2.4.1.1.1 Suspicious vehicles or persons shall be approached with great caution. However, every person shall initially be afforded the benefit of the doubt. The officer shall have articulatable reasons for taking action.

2.4.1.1.2 If the officer witnesses a burglary, vandalism, or other crime in progress he shall seek assistance from the most available and appropriate law enforcement agency, record whatever information is needed to identify the persons, locations and vehicles involved, and detain the persons if possible and practical. If detainment is not possible, the officer shall follow the suspects while coordinating with the appropriate law enforcement agency.

2.4.1.2 Traffic Enforcement

2.4.1.2.1 See paragraph 5.3.1.1

2.4.1.3 Public Intoxication

2.4.1.3.1 When a person is found to be intoxicated to the point that they present a danger to themselves and others, the Officer shall request the assistance of the most available and appropriate law enforcement agency and detain the person until they arrive. The decision to make an arrest shall be made in consultation with the agency from which assistance was requested. Only in the event that the person becomes abusive, violent, or attempts to leave or flee shall the officer attempt to make a physical arrest. Applicable procedures outlined in paragraph 4.3 shall be followed.

2.5 USE OF FORCE

2.5.1 The use of force under certain circumstances is permitted by law and an officer is authorized to exercise force in those circumstances. The use of excessive force is contrary to law, creates the possibility of civil liability and subjects the officer to civil and criminal liability. Therefore, the excessive use of force by sworn personnel of the Marshal's Office is **PROHIBITED**.

- 2.5.2 It is imperative that an officer act within the boundaries of law, professional ethics, good judgment and acceptable practices and that he be prepared by training, leadership and direction to act wisely whenever using a firearm in the course of official activity. For these reasons, each sworn appointee must be given a copy of this document and have proof that he has had training on the proper use of force before being authorized to carry a firearm.
- 2.5.3 Use of Force Guidelines
- 2.5.3.1 The amount and degree of force that may be used to effect lawful objectives will be determined by the surrounding circumstances, including but not limited to:
- A) the nature of the offense,
 - B) the behavior of the suspect against whom force is to be used,
 - C) the physical condition of the suspect,
 - D) the feasibility or availability of alternative actions.
- 2.5.3.2 When circumstances permit, it is an officer's responsibility to first exhaust every reasonable means of employing the minimum amount of force, including his physical presence and verbal skills, before escalating the amount of force used. Under normal circumstances, only the methods listed below may be used. These methods are listed in ascending order from the least extreme to the most extreme:
- A) officer presence and verbal skills,
 - B) open hand techniques,
 - C) a baton, pepper spray, or mace,
 - D) approved firearm.
- 2.5.4 Non-deadly Force
- 2.5.4.1 Non-deadly force may be used in instances where an officer reasonably believes it is immediately necessary to take physical action to:
- A) preserve the peace, prevent the commission of offenses or suicide or serious bodily injury,
 - B) make a lawful arrest and/or search, overcome resistance to a lawful arrest and/or prevent an escape from custody; or,
 - C) defend himself or another against unlawful violence to his person or property.
- 2.5.5 Deadly Force
- 2.5.5.1 Deadly force is defined by the Texas Penal Code as "**force that is intended or known by the actor to cause, or in the manner of its use or intended use is capable of causing death or serious injury**". (Texas Penal Code Section 9.01, Subsection 3)
- 2.5.5.2 Deadly force **may** be used when the officer has reasonable cause to believe there is a danger of the loss of life or serious bodily injury to himself or another. Deadly force should be used as a last resort.
- 2.5.5.3 The use of deadly force shall be with the intent of rendering the person incapable of continuing the action that prompted the officer to use deadly force.
- 2.5.5.4 Before using deadly force, officers shall identify themselves and state their intent to use deadly force, where feasible.
- 2.5.5.5 An officer **shall not** use deadly force when it appears that an innocent person may be injured.
- 2.5.5.6 Deadly force **may** be directed at a building **only** if deadly force is being directed at the officer or other person from the building.
- 2.5.5.7 Deadly force **may not** be directed at a fleeing vehicle.
- 2.5.5.8 Deadly force **may** be used to stop a fleeing felon **only** when his escape presents an immediate threat to human life.
- 2.5.5.9 Officers **may** use deadly force to destroy an injured or dangerous animal only if the animal is a danger to the officer or others or must be destroyed because of its injuries and then only if due caution is used to protect the public safety and public property.
- 2.5.5.10 The use of warning shots is prohibited.
- 2.5.6 Reporting Requirements
- 2.5.6.1 Whenever deadly force is used, the Marshal and the most available and appropriate law enforcement agency shall be notified immediately.
- 2.5.6.2 The officer involved in the use of deadly force shall submit to any investigation that the notified agency deems appropriate for the situation.

- 2.5.6.2.1 All cases in which the use of deadly force results or is likely to result in serious bodily injury or death, the involved officer will be placed on mandatory administrative leave until completion of any investigation.
- 2.5.6.2.2 While on administrative leave, the officer shall remain available to discuss the incident with authorized individuals conducting the investigation.
- 2.5.6.2.3 The officer shall not discuss the incident with anyone outside of the investigative team other than his psychologist, private attorney, chosen clergy or his spouse.

2.6 FIREARMS

- 2.6.1 The Marshal and all reserve officers shall use his personal firearm on duty after the firearm has been approved by the Marshal. All officers shall be required to provide a firearm that meets the guidelines listed below. The following combinations of caliber, action type, and brand name are permitted for use on duty and off duty or for use as a back-up weapon.
- 2.6.4 The Marshal shall periodically inspect officers' firearms for cleanliness. If an officers firearm is found to be dirty, it shall be cleaned before assuming duty.
- 2.6.5 Officers shall not carry firearms exposed to public view when not in uniform.
- 2.6.6 Anytime an officer carries a weapon in public, he is required to carry all proper identification required by the Marshal's office. The carrying of a firearm off duty is left to the discretion of the officer.
- 2.6.7 Harassment, jokes, and tricks involving firearms are prohibited.
- 2.6.8 The Marshal and all officers shall be required to maintain currency in firearms training on a course that meets the standards as set by the Texas Commission on Law Enforcement Officers Standards and Education. Depending on the resources available the expense for this activity may have to be paid by the officer.

2.7 MONTHLY REPORTS

- 2.7.1 The marshal shall present on a monthly basis at the regular scheduled Annetta South City Counsel meeting a report that contains the following information.
 - 2.7.1.1 Number of offense reports in the reporting month
 - 2.7.1.2 Number of arrests in the reporting month
 - 2.7.1.3 Number of other departments assisted in the reporting month
 - 2.7.1.4 Number of alarms answered in the reporting month
 - 2.7.1.5 Number of citations issued in the reporting month
 - 2.7.1.6 Number of warnings issued in the reporting month
 - 2.7.1.7 Number of suspicious vehicles/persons investigated during the reporting month
 - 2.7.1.8 Number of traffic accidents investigated in the reporting month categorized by severity; i.e. minor, major, hit and runs etc.
 - 2.7.1.9 Number of offenses filed with the District Attorney in the reporting month categorized by severity; i.e. felonies, misdemeanors, etc.
 - 2.7.1.10 Number of hours worked in the reporting month
 - 2.7.1.11 Number of miles driven in the reporting month
 - 2.7.1.12 Department costs categorized by fuel, repair, incidentals etc.
 - 2.7.1.13 Other activities during the reporting month

2.8 OFFICIAL DEPARTMENT FORMS

- 2.8.1 All forms required by this document, forms required by the Parker County Sheriff's office, and forms required by the State of Texas shall be developed and maintained by the Marshal.
- 2.8.2 All traffic citation books shall be distributed by the Marshal and will be the responsibility of the officer to whom they are assigned.

2.9 FISCAL MANAGEMENT

- 2.9.1 The Marshal shall have ultimate authority and responsibility for the fiscal management of the Marshal's Office. This will include budget preparation and control of expenditures. He may designate other officers to participate in the budget process.
- 2.9.2 Daily fiscal affairs shall be the responsibility of the Marshal.

2.10 BUDGET FORMAT

- 2.10.1 The Marshal's Office budget shall be presented by the Marshal to the Annetta South city secretary on or before May 1st preceding the upcoming fiscal year preparation of the Annetta South city budget. The Marshal's Office budget shall be in the approved format required by the city secretary and will be accompanied by proper justification. As a minimum, the operating budget shall be separated into major categories. Once approved the budgeted funds shall not be moved from one category to another without approval by the city council. Quarterly reports showing actual cost performance against budget categories shall be provided to the city council.

2.11 PURCHASE AND REQUISITION PROCEDURES

- 2.11.1 The "purchase order" system used for purchases made by the City of Annetta South shall be used to make all purchases and requests for services by the Marshal's Office. Specific instructions can be obtained from the city secretary.
- 2.11.2 Items costing in excess of \$500.00 shall be approved by the city council of Annetta South and may require at least (3) price quotes. The request for purchase shall show all three (3) quotes if required and a listing of the specifications. Should the items be available only from a "sole source", the purchase request shall so reflect.
- 2.11.3 Purchases of items under \$500.00 may be made and must be approved by the Marshal or Mayor of Annetta South.
- 2.11.4 The practice of breaking up orders with the intent of avoiding the need of obtaining price quotes or bids shall be prohibited.

2.12 CONTROL OF DEPARTMENT PROPERTY, EQUIPMENT, & ASSETS

- 2.12.1 The Marshal or his designee shall be responsible for maintenance and control of all department equipment and property. All equipment belonging to the Marshal's Office shall be inventoried once a year and a physical audit shall be conducted by the Mayor or his designee.
- 2.12.2 Property belonging to the Marshal's Office or the City of Annetta South shall not be used by any appointee except for official business.

2.13 PUBLIC INFORMATION

- 2.13.1 The public should have accurate, authentic information concerning events that affect the public welfare or the public interest. The public should be informed of department actions when it is possible to give such information without interfering with the performance of vital emergency law enforcement services or jeopardizing the results of an investigation.
- 2.13.2 The Mayor shall have responsibility to coordinate and communicate directly, or through authorized officers, all information to the media regarding any event that is considered newsworthy by the local news media, any event that could endanger the lives and/or property of the citizens in a particular area, or any crisis situation that may occur within the Marshal's Office.
 - 2.13.2.1 The Mayor shall also coordinate the release of all public service type information. No personnel shall release any information to the media or grant an interview with a representative of the media without direct approval from the Mayor.
- 2.13.3 Routine News Releases
 - 2.13.3.1 A file shall be maintained of all written major news releases. Information regarding major news events shall be released upon request to all media representatives by the Mayor.
 - 2.13.3.2 After an initial release has been made, the Marshal and reserve officers can read the written media release to any media organization requesting information. All additional questions from media organizations should be referred to the Mayor.

- 2.13.3.3 The Marshal and reserve officers may release information to the media regarding traffic conditions due to major accidents or inclement weather.
- 2.13.3.4 The following is a list of information that may be released to a member of the media by the Marshal or designated officer:
- A) the time and place of an arrest,
 - B) the race, sex, marital status, and the age of the suspect(s) arrested. The name(s) and address(s) of the suspect(s) may be released only after formal charges have been filed or the suspect(s) has been booked into the appropriate correctional or holding facility,
 - C) any resistance, pursuit or use of weapons,
 - D) the identity of the arresting officer(s),
 - E) a general description of evidence seized when it would not conflict, compromise or otherwise interfere with an investigation, and
 - F) the nature, substance or text of the charge(s), including a brief description of the offense.

2.13.3.5 The following information **MAY NOT** be released to members of the media:

- A) the existence, or contents of any written statement, admission of guilt, offer or refusal of a polygraph examination, or confession,
- B) any personal opinion, or any unsubstantiated fact or rumor about any evidence, suspect, crime, event or situation,
- C) the identity of any witnesses nor their anticipated testimony or their truthfulness,
- D) the results of fingerprint comparisons, ballistics tests or any other laboratory test,
- E) prior arrest records,
- F) the names of victims, deceased or injured persons until the next of kin have been notified,
- G) any opinion as to the accused guilt or the possibility of plea bargaining
- H) the name(s) of any juvenile(s) taken into custody.

2.13.4 Release of Information from Department Records

2.13.4.1 The following information may be released by the Marshal to members of the news media:

- A) accident reports,
- B) the complainant copy of an incident report.

2.14 MINIMUM QUALIFICATIONS

2.14.1 The City of Annetta South establishes the following minimum qualifications for any appointee to Marshal or reserve officer.

- A) must be a citizen of the United States,
- B) must have completed at least (30) hours of college credit with a grade point average of 2.0 at the time of testing,
- C) must possess a current, valid Texas driver's license or have the ability to obtain one,
- D) must not be on probation or parole for any criminal offense,
- E) no convictions for Driving While Intoxicated or Driving Under the Influence of Drugs,
- F) no indictments or convictions for a felony offense,
- G) no conviction for a Class A misdemeanor within the past twelve (12) months or Class B misdemeanor within the last six (6) months,
- H) vision correctable to 20-20,
- I) hearing equivalence of 15-15,
- J) have never had a license issued by any State law enforcement regulatory commission revoked or suspended; and
- K) No illegal drug usage twenty-four (24) months prior to application. The City Council reserves the right to require a urinalysis to verify this stipulation.

2.14.2 The City of Annetta South establishes the following minimum experience and certification qualifications for an appointee for Marshal. The office of Marshal is an unpaid, appointed, voluntary position.

2.14.2.1 The person must be currently certified as a law enforcement officer in good standing by the State of Texas.

2.14.2.2 The City of Annetta South reserves the right to give preference to an individual who has a legal residence in the city limits of Annetta South.

- 2.14.2.3 The person must have at least five (5) years of experience as a law enforcement officer.
- 2.14.2.4 The person must stipulate that he/she is available on a volunteer basis for an average of twenty (20) hours a week.
- 2.14.2.5 The person must stipulate that he/she will faithfully follow and enforce the guidelines and policies of this ordinance.
- 2.14.3 The City of Annetta South establishes the following minimum experience and certification qualifications for an appointee for Reserve Officer. The position of Reserve Officer is an unpaid, appointed, voluntary position.
- 2.14.3.1 The person must be currently certified as a law enforcement officer in good standing by the State of Texas.

2.15 SELECTION PROCESS

- 2.15.1 When an opening exists or openings are anticipated, the city council will request submissions of resumes from persons wishing to apply. Prospective applicants will be provided an application packet to be completed and returned.
- 2.15.2 Background investigations will be conducted on persons returning completed applications and meeting minimum requirements as stated in paragraph 2.14. The applicant will be told that the background investigations may be conducted by an authorized law enforcement agency.
- 2.15.3 For appointment of the Marshal, the Annetta South City Council will interview the applicants meeting the requirements listed in paragraph 2.14 and that have satisfactorily completed the background investigation. Results of background investigations whether satisfactory or not shall not be disclosed to the applicant or any other persons. The council will then make a final determination for appointment.
- 2.15.4 For appointment of a Reserve Officer, the Marshal will interview the applicants meeting the requirements listed in paragraph 2.14 and have satisfactorily completed the background investigation. Results of background investigations whether satisfactory or not shall not be disclosed to the applicant or any other persons. The Marshal will make a recommendation for appointment to the city council of Annetta South. The council will then make a final determination for appointment.
- 2.15.5 Candidates will be removed for cause for the following reasons:
 - A) serious medical conditions;
 - B) indications of psychological problems,
 - C) unacceptable background investigations,
 - D) false information on any application form or personal history statement; or
 - E) failing to meet time limits set for the return of information or the completion of required tasks.

2.16 EQUAL EMPLOYMENT OPPORTUNITY POLICY

- 2.16.1 The intent of the City of Annetta South is to appoint those persons who are most qualified for the positions to be filled. The City will appoint these persons without regard to race, sex, color, religion, ancestry, national origin, age or handicap (if appropriate). Fitness and merit alone will guide the City in its appointment decision.

2.17 AGENCY JURISDICTION

- 2.17.1 The jurisdiction of the Marshal's Office will be limited to the incorporated City limits as approved by the City Council unless otherwise temporarily expanded by a county, state, or federal law enforcement agency.
- 2.17.2 Appointees are authorized to leave the City limits as required by their official duties following the guidelines of paragraph 2.1 and 2.4.

2.18 MUTUAL AID

- 2.18.1 The City of Annetta South has entered into the following mutual aid agreements:

A) The Parker County Emergency Management Plan

2.19 FEDERAL LAW ENFORCEMENT ASSISTANCE

- 2.19.1 In the event that federal assistance is required, the Marshal shall notify and coordinate with the Parker County Sheriff's Office.
- 2.19.2 The Marshal shall maintain a current list of all Federal law enforcement agencies and their telephone numbers.
- 2.19.3 For incidents involving bank robberies, kidnapping or other similar crimes, the Federal Bureau of Investigation will be notified.
- 2.19.4 For incidents involving firearms, alcohol, tobacco or explosive devices, the Bureau of Alcohol, Tobacco, and Firearms will be notified.
- 2.19.5 For incidents involving counterfeiting or forgery or United States Government checks, the Secret Service will be notified.
- 2.19.6 For incidents involving the United States mail, the Postal Inspector will be notified.

3 PERSONNEL

3.1 TRAINING OF DEPARTMENT PERSONNEL

- 3.1.1 All requests for training will be brought before the City Council of Annetta South for consideration. Given the circumstances the expenses for the requested training may not be entirely provided by the city.

3.2 CODE OF CONDUCT

3.2.1 Conditions of Appointment

- 3.2.1.1 All reserve officers volunteering for duty with the Annetta South Marshal's Office shall comply with the stipulations set forth in this document and with the orders and instructions of the Marshal.
- 3.2.1.2 Reserve officers shall acquire a working knowledge of City ordinances, Texas Code of Criminal Procedure, Texas Penal code and appropriate Federal statutes.
- 3.2.1.3 Ignorance of any provision contained in the City ordinances Texas Code of Criminal Procedure, Texas Penal code shall neither be an excuse nor serve as a defense for a violation of these materials.
- 3.2.1.4 In the event of improper action or breach of discipline, it shall be presumed the appointee was familiar with the law, rule, or policy in question.
- 3.2.1.5 Disciplinary action shall be determined by the seriousness of the violation, the consequences of the violation, the record of the offending member and past actions of similar offenses.
- 3.2.1.6 An employee shall immediately surrender any department issued identification or property upon suspension. No volunteer shall wear their uniform or carry a weapon while under suspension for any cause.
- 3.2.1.7 No volunteer shall procure appointment in the department by means of intentional misrepresentation or omission of any fact concerning personal history, qualifications for employment or physical condition.
- 3.2.1.8 At the City Counsel's discretion, a candidate for Marshal or Reserve Officer shall submit to a physical and/or psychological examination when directed.
- 3.2.1.9 The City of Annetta South reserves the right to remove the Marshal or any Reserve Officers at will and without cause with the majority vote of the council.

3.2.2 Professional Conduct

- 3.2.2.1 The Marshall or Reserve Officer shall not be guilty of "neglect of duty". Neglect of duty may result in disciplinary action. The following constitutes "neglect of duty":
 - A) Failure to observe and give effect to the policies contained herein,
 - B) Failure to deliver any evidence, property found, confiscated by or relinquished to an Officer of the department without any undue delay to an authorized law enforcement agency or court after receiving a lawful request,

- C) Failure to give his proper name and identification number to any person upon request,
 - D) Failure to abide by the laws of the United States, the State of Texas, Parker County or the City of Annetta South,
 - E) Using unnecessary violence toward any person,
 - F) Being disrespectful of any person,
 - G) Use of indecent, profane or harsh language in the performance of official duties,
 - H) Accepting, agreeing to accept or soliciting a bribe, emolument, money, thing of value, appointment or personal advantage or the promise of solicitation of same for the purpose of obtaining special privileges or personal gain by the donor or other person,
 - I) Cowardice or failure to perform duties because of potential danger,
 - J) Sleeping on duty.
- 3.2.2.2 The Marshal or Reserve Officer shall not engage in any personal conduct that could result in justified unfavorable criticism of that person or the department.
- 3.2.2.3 While occupying an appointed position in the department, no person shall publicly criticize the department or council, its policies or members by speech, writing or other expression where such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline or is made with reckless disregard for the truth or with falsity.
- 3.2.2.4 While occupying an appointed position in the department, no person shall ridicule, mock, taunt or belittle any person. Neither shall he willfully embarrass, humiliate or shame any person nor do anything that might incite such person to violence.
- 3.2.3 Responsibilities and General Conduct
- 3.2.3.1 The Marshal or Reserve Officers shall respond to, or dispatch without delay all calls for service from citizens or any county, state, or federal law enforcement agency. Emergency calls take precedence, however, all calls shall be answered as soon as possible and consistent with normal safety precautions and traffic laws.
- 3.2.3.2 The Marshal or Reserve Officers, while in the City Limits of Annetta South, shall, at all times, take appropriate action to:
- A) protect life and property,
 - B) preserve the peace,
 - C) prevent crime,
 - D) detect and arrest violators of the law, and
 - E) enforce all Federal, State and local laws coming within the jurisdiction of the Annetta South Marshal's Office.
- 3.2.3.3 The ranking on-duty officer at the scene of any incident from a county, state, or federal law enforcement agency shall be in charge and responsible for the proper conclusion of that incident. In the absence of such an officer the senior reserve officer or marshal shall be in charge and responsible for the conclusion of the incident.
- 3.2.3.4 The Marshal or Reserve Officer shall not address public gathering, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or periodical, release or divulge investigative information or any other matters without proper authority from the City Council of Annetta South.
- 3.2.3.5 The duty hours of all officers shall be regulated by the Marshal.
- 3.2.3.6 The Marshal and Reserve Officers shall have a telephone at their place of residence.
- 3.2.3.7 When on duty, the marshal and reserve officers shall devote their entire time and attention to the business of the department.
- 3.2.4 Civil, Criminal, Judicial, And Investigative Actions
- 3.2.4.1 The Annetta South Marshal's Office has jurisdiction in criminal cases only. The Marshal or Reserve Officers shall not render aid or assistance in civil cases except to prevent an immediate breach of peace. This does not prevent the Marshal or Reserve Officer from advising citizens that a civil remedy may exist.
- 3.2.4.2 The Marshal or Reserve Officers shall not investigate any criminal case, or personally file any criminal charges for an offense committed against him/her or members of his/her family. This shall not be construed to prevent an officer from signing the required complaint for prosecution of offenses that he has witnessed.

- 3.2.4.3 The Marshal or Reserve Officers shall not knowingly falsify any report, document or record or cause to be entered any inaccurate, false or improper information on records, documents or reports of the department or of any court, or alter any record, document or report. No member of the department shall remove or destroy or cause the removal or destruction of any report, document or record without authorization.
- 3.2.4.4 The Marshal or Reserve Officers must be present or available to testify in any court or before any grand jury in Parker County when officially notified to appear. In criminal cases outside Parker County and in all civil cases members of the department shall respond to a proper subpoena or the specific direction of the Marshal.
- 3.2.4.5 The Marshal or Reserve Officers who are subpoenaed to testify in a civil case involving his on-duty activities in the city shall notify the Mayor of Annetta South, in writing, upon receipt of the subpoena.
- 3.2.4.6 The Marshal or Reserve Officers shall not recommend any attorney, bondsman, bail broker or any particular firm or place of business to anyone.
- 3.2.4.7 The Marshal or Reserve Officers shall not engage in the following:
 - A) Attempting to have citation reduced, voided or stricken from any court calendar, or
 - B) Recommending a dismissal, reduction of charges or other disposition of a pending criminal case.

3.3 SEXUAL HARASSEMENT POLICY

- 3.3.1 The Annetta South City Council and the Marshal's Office strictly prohibit any form of sexual harassment. It is the right of all appointees, male or female, to be free of sexual harassment in the work place, and to be afforded the respect and dignity of their job assignments.
- 3.3.2 Sexual Harassment Defined
 - 3.3.2.1 The offended party may or may not be of the same sex as the offender. Sexual harassment includes, but is not limited to:
 - A) the requirement of sexual favors for job considerations or continued appointment,
 - B) the use of obscene language directed at an applicant or employee,
 - C) the display or possession of obscene materials where caution is not used as to who may see it,
 - D) touching or other physical contact of a sexual nature or which is deemed offensive, and
 - E) comments not of a sexual nature which can be reasonably construed as sexual.
 - 3.3.3 Office Business of a Sexual Nature
 - 3.3.3.1 When, in the course of official business, it is necessary to discuss sexual related matters or handle sexually related items, the above restrictions shall not apply. The conversation will be in a business-like manner and common courtesy and respect will be observed. Copies of official department reports or property seized by members of the department will not be displayed or used in any horseplay or practical jokes.
 - 3.3.4 Complaint Procedure
 - 3.3.4.1 Any member of the department who feels they have been a victim of sexual harassment should file a written complaint to with the City Council of Annetta South. The written complaint should contain as much of the following information as is known:
 - A) the name, title, and assignment of the offender,
 - B) the nature of the sexual harassment,
 - C) the dates, times and details of the incident(s), and
 - D) the steps taken by the employee to indicate to the offender that the actions are inappropriate and offensive.
 - 3.3.4.2 With the consent of the council the mayor shall assign an agent, agency, or individual not involved in the incident to investigate.
 - 3.3.5 Investigation of Sexual Harassment Complaints
 - 3.3.5.1 The investigation will consist of oral depositions conducted by the assigned investigator and an attorney retained for the city. The investigation will be complete within thirty (30) days of the filing of the complaint. The conclusion of the investigation shall be a written report summarizing the findings of the investigation and a written recommendation by the city attorney as to the proper course of action to be taken by the department.

3.3.6 Confidentiality

3.3.6.1 The allegations, the conduct of the investigation, the reports, summaries, and recommendations of the investigation shall be held in strict confidence. Any person who has filed a complaint will be instructed not to discuss the details of the incident(s) with anyone other than the complaint investigator, city attorney, or the offended person's privately retained attorney. The restrictions shall also apply to the person against whom a complaint has been filed as well as those who may have witnessed the incident.

3.4 USE OF EQUIPMENT/RIDE ALONG PROGRAM

3.4.1 Use Of Equipment

3.4.1.1 All appointees shall be held accountable and personally responsible for the proper handling and use of all equipment, tools or other property issued to them by the department or the City of Annetta South. No person shall willfully misuse, waste or convert to his own use any City-owned supplies, equipment or services. Improper or negligent handling of or willful damage to City property shall be subject to disciplinary action.

3.4.1.2 Appointees who have lost, damaged or destroyed any equipment issued to them by the department may face disciplinary action if the loss or damage is a result of negligence on their part. Appointees may also be required to pay for the replacement of the aforementioned equipment.

3.4.1.3 Employees shall promptly report accidents, damage and the need for repairs of any City-owned property issue to, used, or possessed by them. No appointee of the department shall operate any City vehicle in a hazardous or reckless manner. All vehicles shall be operated in the manner prescribed by and in accordance with City ordinances, State laws and approved department procedures.

3.4.2 Ride Along Program

3.4.2.1 No persons shall be allowed to ride along with the officer in police vehicles; with the following exceptions only;

- A) All members of the Annetta South Marshal's Office;
- B) sworn officers of other law enforcement agencies;
- C) persons assigned by the Marshal; and
- D) persons needing assistance, ie., stranded motorists, lost children, crime victims, etc.

3.4.2.2 All persons requesting to ride along with officers must first obtain prior approval of the Marshal.

3.4.2.3 Appointees shall make written record of any person(s) who rode with officers during that shift.

3.4.2.4 Officers who have persons riding along shall ensure that the rider adheres to the applicable portions of this document, safety procedures. and all other department rules and regulations.

4 OPERATIONS

4.1 LEGAL PROCESS

4.1.1 It shall be the policy of the Marshals Office to make every effort to seek the assistance of the nearest and most appropriate law enforcement agency when serving any legal processes. Under no circumstances shall the Marshal or any Reserve Officers serve a legal process without adequate backup. However, sworn members of the department may serve the following legal processes:

- A) arrest warrants,
- B) search warrants, and
- C) subpoenas.

4.1.2 All attempts to serve legal processes, whether successful or not will be documented. This may be done by submitting a supplemental report to the original offense report, on the warrant or subpoena itself or both. The following information will be recorded, if known:

- A) date and time received,
- B) type of legal process,
- C) nature of legal process,

- D) source of legal process,
 - E) names of parties involved,
 - F) Officer assigned,
 - G) date received for service,
 - H) case number, and
 - I) effective dates of the legal process (search warrants).
- 4.1.3 Once a legal process is served, the following information will be recorded:
- A) date and time served;
 - B) name of Officer serving the process;
 - C) to whom process was served or location where process was executed;
 - D) method of service; and
 - E) location of service.
- 4.1.4 For the service of legal process in another jurisdiction, the Officer will contact that agency and request that a representative be assigned to assist. The Officer will provide the following information:
- A) nature of the legal process,
 - B) location,
 - C) names of the parties involved, and
 - D) safety information such as past criminal records or known to possess weapons.

4.2 ARREST WITH A WARRANT

- 4.2.1 Under the conditions outlined in Paragraph 4.1.1, sworn members of the Department may serve the following arrest warrants:
- A) warrants obtained by members of the Department,
 - B) warrants referred to the Department by other agencies, and
 - C) warrants located as a result of computerized crime information centers.
- 4.2.2 Prior to the serving of a warrant, Officers will confirm the warrant with the issuing agency.
- 4.2.3 Only the amount of force necessary will be used in the execution of warrants. Care and caution should be used in all arrest situations so as to protect the Officers, citizens and the arrested.
- 4.2.4 All warrants will be executed in accordance with the Texas Code of Criminal Procedure.

4.3 ARREST WITHOUT A WARRANT

- 4.3.1 Arrests without a warrant shall be made in accordance with the Texas Code of Criminal Procedure. Every effort shall be made to allow the nearest and most appropriate county, state, or federal law enforcement agency to make any arrests without a warrant. However, in the event that such an agency has been called and is not available in a timely manner to effect the arrest, arrests without a warrant may be made in the following circumstances:
- A) offenses committed within the Officer's view or presence,
 - B) offenses committed within the view or presence of a magistrate,
 - C) persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten, or are about to commit a criminal offense,
 - D) when probable cause exists that an assault with bodily injury has occurred and there is probable cause to believe that there is danger of further injury,
 - E) when probable cause exists that a violation of Section 25.08 of the Texas Penal Code has occurred,
 - F) when a felony has been committed and there is no time to obtain a warrant, and
 - G) to prevent the consequences of a theft.
- 4.3.2 Once the arrest has been made, the prisoner will be searched, transported to the nearest and most appropriate detention facility and booked.
- 4.3.3 Searches by consent may be conducted of a person's vehicle or property when that person freely or voluntarily consents to such a search. Consent searches must be stopped at the time the individual changes his/her mind and exercises his fourth amendment rights. Whenever possible Officers will obtain a signed "Consent to Search" form before conducting the search. When the

signed "Consent to Search" form is not obtained, the Officer will establish articulatable facts that the consent for the search was freely given.

- 4.3.4 Officers may "stop and frisk" an individual whenever the Officer has a reasonable suspicion that the subject is committing, has committed, or is about to commit a crime and the Officer has real, articulatable reasons to fear for his or her safety. Such a search may not be intrusive and the scope of the search will be limited to weapons. However, any contraband discovered in such searches is subject to seizure and may be admissible as evidence.
- 4.3.5 Officers may search a motor vehicle under the "movable vehicle exception", when a vehicle cannot adequately be secured and there is probable cause to believe that it contains contraband or evidence.
- 4.3.6 Searches at the scene of a crime may be conducted to secure the scene and search for evidence if the victim is the owner or possessor of the property to be searched. In cases where the property is owned by the suspect, either consent to search or a search warrant shall be obtained, unless other exceptions to a warrantless search apply.
- 4.3.7 When exigent circumstances exist, and there is a compelling need for official action and there is no time to secure a warrant, an Officer may make an emergency search of persons or premises without a search warrant. The deciding factor in each case should be "the totality of the circumstances".
- 4.3.8 Warrantless pursuits into the offender's home or "hot pursuit" justifies forcible entry into the offender's home, provided that three (3) elements are satisfied: (1) the arrest process has begun; (2) the offender knows he is being placed under arrest, and (3) the offender takes action to avoid the arrest. Officers should exercise extreme caution when these incidents occur, being aware of Officer safety and legal issues. Warrantless probable cause arrests, permissible in a public place, do not justify access to the sanctity of an offender's home.

4.4 SEARCH AND ARREST WARRANTS

- 4.4.1 Search warrants obtained by members of this Department will be served in accordance with the Texas Code of Criminal Procedure. Search warrants must be served within three (3) days exclusive of the day of issuance and the day of execution.
- 4.4.2 All property and evidence seized as a result of a search warrant will be listed on the warrant return. The person in control of the property will be provided with a list of the items. The property and evidence will be stored and handled by the nearest and most appropriate prosecuting agency. The Officer executing the warrant will submit a written report.
- 4.4.3 Property or contraband seized as a result of an arrest warrant service will be handed over to the nearest and most appropriate prosecuting agency.

5 PATROL

- 5.1 PRISONER TRANSPORTATION - The primary reason for transporting prisoners shall be to deliver prisoners to the nearest and most appropriate detention center.
 - 5.1.1 Vehicle Search - Any vehicle used to transport prisoners shall be searched for weapons and contraband prior to the beginning of duty, before and after each prisoner transfer and at the end of a tour of duty.
 - 5.1.2 Prisoner Search - Prior to placing a prisoner in a Police vehicle, the arresting Officer and/or the transporting Officer will conduct a thorough search of the prisoner for weapons and contraband. Prisoners should be searched each time transporting Officers change.
 - 5.1.3 Prisoner Restraints - Prisoners being transported shall be handcuffed or otherwise restrained.
 - 5.1.3.1 When handcuffs are used they should be applied to the wrist, hands behind the back and double locked.
 - 5.1.3.2 In the event of age, injury, physical handicap or other circumstances where the arrestee is incapable of placing his hands behind his back, but circumstances warrant restraints, one of the following may occur:
 - A) waist chain/belt, ankle cuffs, or hobble may be used,
 - B) handcuffs may be applied with the hands to the front, or
 - C) Officer may choose not to use restraining devices.

- 5.1.3.3 Mentally ill or extremely violent prisoners should be restrained using handcuffs, waist chain/belt and/or ankle cuffs.
- 5.1.3.4 When the waist chain/belt is used, the prisoner's hands should be in front or to the side.
- 5.1.3.5 In circumstances of multiple prisoners, each prisoner shall be restrained in the same manner as a single prisoner.
 - A) Prisoners may be handcuffed together in unusual circumstances or during special operations. Flex cuffs may be used.
 - B) Only prisoners of the same sex and age group may be restrained together. The only exception to age group is when an adult and juvenile are arrested in regards to the same incident or a parent/guardian relationship exists.
- 5.1.3.6 If medical personnel request the removal of restraining devices in cases of injured prisoners, restraints will be removed. The custodial Officer will remain with the prisoner at all times unless directed to depart from the room by medical personnel for medical reasons. The Officer shall remain near by to prevent escape or violent acts.
- 5.1.3.7 Prisoners will not be handcuffed to any part of a vehicle.
- 5.1.4 Prisoner Transport
 - 5.1.4.1 Prisoners shall be transported from arrest scenes to the nearest and most appropriate detention facility in Police vehicles equipped with protective shields and deactivated rear doors in the following manner:
 - A) seated in the right rear seat, whenever possible.
 - 5.1.4.2 Prisoners shall be transported in Police vehicles not equipped with protective shields in the following manner:
 - A) a singular transporting Officer will transport only one prisoner. This prisoner will be placed in the right front passenger seat with the seat belt properly engaged. When a vehicle is equipped with dual air bags, the prisoner in the front right seat should be restrained with the hands and arms in front.
 - B) Two (2) transporting Officers will place a singular prisoner in the right rear seat with the seat belt properly engaged and the second Officer seated behind the driver.
 - C) Multiple prisoners should be transported separately using as many Police vehicles as circumstances warrant, or arrangements should be made to obtain a transport van from the Parker County Sheriffs Office.
 - 5.1.4.3 Once the prisoner has been secured in the Police vehicle, he will not be allowed to communicate with anyone other than Police personnel.
 - 5.1.4.4 When transporting prisoners of the opposite sex, or juveniles, Officers will notify the nearest and most appropriate dispatcher of the beginning location, mileage of the Police vehicle, and the intended destination. Upon arrival at the intended destination, the Officer will give the same dispatcher the ending mileage of the Police vehicle.
 - A) In unusual circumstances, and, at the discretion of the Officer(s), a prisoner would be transported by a female Officer or two (2) Officers.
 - 5.1.4.5 Transporting of the physically handicapped should be done with the Officer's safety and the physical comfort of the handicapped prisoner in mind. Circumstances may require that the arresting Officer transport the handicapped prisoner in a larger, more accommodating vehicle.
 - 5.1.4.6 Transporting Officers shall not lose sight of prisoners except when directed by medical personnel or when the prisoner is allowed privacy to use restroom facilities.
 - 5.1.4.7 Transporting Officers shall not respond to calls for service or initiate any enforcement action unless it is a situation where a risk of serious bodily harm or death to an innocent third party is imminent and the risk to the prisoner is minimal. Officers will notify the nearest and most appropriate law enforcement dispatcher of any incident that may require a Police response.
 - 5.1.4.8 Upon arrival at the intended detention facility, the transporting Officer(s) shall follow the appropriate procedures used within the facility.
 - 5.1.4.9 Prisoners who are ill or injured will be provided for in accordance Parker County Sheriff's Office Procedures.
- 5.1.5 Escape
 - 5.1.5.1 In the event an escape occurs while transporting a prisoner, the Officer shall immediately notify the nearest and most appropriate law enforcement dispatcher and request assistance.

- 5.1.5.2 After the proper notifications have been made, the Officer should make every attempt to recapture the escaped prisoner.
- 5.1.5.3 If the Officer is unsuccessful in his attempt to recapture the escapee, the nearest and most appropriate law enforcement dispatcher shall be requested to send a regional broadcast with the pertinent data. The Officer shall be required to complete the necessary offense reports to ensure the preparation of an arrest warrant by the appropriate law enforcement agency.
 - A) If the escapee is recaptured, the Officer shall complete the necessary offense reports and a criminal case will be filed by the appropriate law enforcement agency

5.2 TRAFFIC ADMINISTRATION

- 5.2.1 Performance objectives of traffic enforcement.
 - 5.2.1.1 In the interest of the public safety, it is the duty of all sworn personnel to promote the following objectives:
 - A) to investigate and report accidents as prescribed by law,
 - B) to apprehend intoxicated or drugged drivers,
 - C) to respond to public calls for service that relate to traffic flow and regulation, and
 - D) to enforce traffic laws and provide for the orderly flow of traffic.

5.3 TRAFFIC LAW ENFORCEMENT

- 5.3.1 Procedure and Enforcement Actions
 - 5.3.1.1 All sworn personnel are required to take the appropriate actions in enforcing State, County or local traffic laws. This action may be:
 - A) **Verbal Warning** - in the event of a single, isolated non-hazardous violation or inadvertent violation, the Officer shall issue a verbal warning,
 - B) **Written Warning** - in the event of a repeated or deliberate non-hazardous violation, the Officer may elect to issue a written warning,
 - C) **Citation** - in the event of a serious non-moving, moving or hazardous violation exposing people to injury or damage, the Officer may elect to issue a citation. In the case of multiple violations, the Officer may issue multiple citations or a combination of citations and written or verbal warnings.
 - D) **Physical Arrest** - in the event of multiple violations or if the driver cannot be positively identified, the Officer may detain the driver and ask for the assistance of the Parker County Sheriffs Office in making an arrest.
 - 5.3.1.2 At all times the Officer's discretion and judgment will direct the course of action to be taken.
 - 5.3.1.3 Violators who live outside the Department's service area and military personnel will be warned, cited, or arrested at the discretion of the Officer based on the circumstances.
 - 5.3.1.4 Violators who are under fourteen (14) years of age will not be issued citations. The Officer should attempt to reach a parent or other responsible adults who will take custody of the violator and the violator's vehicle.
 - 5.3.1.5 Officers are prohibited by law from citing or arresting State Legislators who are enroute to or from official government business or during the session of the Legislature. This privilege applies except in cases of treason, felony or breach of the peace. Legal restrictions also prohibit the citing or arresting of any foreign diplomats, consular officials or other foreign government officials. In the event that these persons are physically unable to drive, the Officer may provide or arrange transportation. Family members of diplomats and consular officials cannot claim immunity and should be dealt with courteously, according to law and Department procedure.
 - 5.3.1.6 Uniform enforcement of traffic laws is essential in controlling unlawful acts and encouraging voluntary compliance. Officers should use the guidelines set forth in paragraph 5.2.1.1 of this document in enforcing traffic laws concerning:
 - A) excessive and obvious speed violations,
 - B) other hazardous violations,
 - C) equipment violations,
 - D) public carrier and commercial violations,
 - E) other non-hazardous violations,

- F) multiple violations, and
 - G) newly enacted laws and regulations.
- 5.3.1.7 Driving While Intoxicated and Driving Under the Influence of Drugs violations shall be dealt with in accordance with the Texas Motor Vehicle Code, the Texas Code of Criminal Procedure, and paragraph 5.5. In all cases the arrestee shall be handed over to the nearest and most appropriate law enforcement agency.
- 5.3.1.8 Officers may use the following methods in traffic law enforcement on all streets maintained by the City of Annetta South:
- A) line-patrol from point to point on a specific city street or road,
 - B) area-patrol in a specified area including multiple streets and intersections,
 - C) directed-patrol or observation of a specific point or specific problem area, or
 - D) stationary observation (overt)-stationary observation of a specific point; such as an intersection or school crossing using a marked vehicle only.
- 5.3.1.9 Unmarked vehicles may not be used by the Marshal's Office for traffic law enforcement.

5.4 STOPPING AND APPROACHING VIOLATORS

- 5.4.1 Officers who observe traffic law violations on city streets are required to take enforcement action, if appropriate. The Officer should select a safe location for the contact. The violator should be signaled to stop by use of the emergency lights. The Officer should notify the nearest and most appropriate law enforcement dispatcher of the violator's vehicle information and the location. He should then place the Police vehicle in the proper position based on the circumstances. License checks should only be made to provide for the safety of the Officer when approaching unfamiliar vehicles. Minimizing the period of detention shall be a primary goal for violations that warrant a verbal or written warning as outlined in paragraph 5.3.1.1.
- 5.4.2 Once the violator is stopped, the Officer should make the safest approach to the vehicle as possible, depending on the circumstances. The Officer should identify himself and the violator's proper identification and insurance information should be requested. The Officer shall record the date, time, name and driver's license number of the violator, and vehicle license number of the automobile. This information shall be used internally for continuity and retained for no longer than 30 days.
- 5.4.3 The Officer should inform the violator of the action to be taken, if any. This action should be completed as quickly as possible. All of the forms and citations needed should be readily available. The violator should be released as soon as the action is taken.
- 5.4.4 The Officer should be aware of his surroundings and be alert to the actions and conditions of the violator.
- 5.4.5 The Officer should remain professional and business-like at all times to include assisting the violator to re-enter the flow of traffic, if necessary.
- 5.4.6 Officers should be certain that the violator has committed a chargeable offense before a citation is issued.
- 5.4.7 The safety of the Officer and the violator is of primary importance.

5.5 DRIVING WHILE INTOXICATED AND DRIVING WHILE UNDER THE INFLUENCE OF DRUGS

- 5.5.1 All sworn personnel are to actively and vigorously enforce D.W.I. and D.U.I.D. violations. This will be accomplished by:
- A) selective assignment of personnel to high offense or problem,
 - B) selective enforcement of applicable laws at roadway,
 - C) application of the appropriate State laws and recommendations made by the District Attorney's Office, and
 - D) education of the public in the area of alcohol and drug abuse.
- 5.5.2 Persons suspected for Driving While Intoxicated and Driving Under the Influence of Drugs will be processed in the following manner:
- A) Once the Officer has stopped a driver and reasonably determines that he is intoxicated, the Officer shall require the assistance of the nearest and most appropriate county or state law enforcement agency and detain the driver until backup arrives. The decision to

make an arrest or to conduct sobriety tests shall be made in consultation with the requested backup. Only in the event that the driver becomes abusive, violent, or attempts to leave or flee shall the officer attempt to make a physical arrest. Applicable procedures outlined in paragraph 4.3 shall be followed.

5.6 USE OF RADAR

- 5.6.1 The Marshall's Office shall not use radar devices in the course of traffic law enforcement unless specifically requested by the Parker County Sheriff's Office or the Texas State Highway Patrol. These radar units shall be provided, maintained, and calibrated by the requesting agency.
- 5.6.2 Radar enforcement, when requested, shall be conducted in areas where speed related problems are present. The Officer should:
 - A) determine whether moving or stationary enforcement is appropriate,
 - B) select a safe location for the positioning of the unit, and
 - C) ensure that the radar unit is working properly to include a calibration check after each citation is issued.
- 5.6.3 Prior to enforcement activity, the Officer should ensure that the unit is in proper working order. The unit should be kept clean and free of obstructions, It should be properly installed and secured so as to prevent injury to the Officer or damage to the unit in case of accident.
- 5.6.4 Operators will be familiar with the operation of the individual radar unit. Instruction in the care and use of the radar unit will be provided by the by the requesting agency.

5.7 RECOMMENDATIONS TO THE MEDICAL ADVISORY BOARD

- 5.7.1 Officers who come in contact with drivers who are impaired due to age or medical condition shall refer them to the Texas Medical Advisory Board. Forms issued for this purpose provided by the Medical Advisory Board will be maintained by the Marshall's Office.

5.8 PEDESTRIAN, BICYCLE, AND OFF-ROAD VEHICLE ENFORCEMENT

- 5.8.1 Under the guidelines articulated in paragraph 5.3, Officers shall enforce local ordinances relating to pedestrian and bicycle traffic and off-road vehicles on City property, City parks and private property.
- 5.8.2 To prevent accidents and interruption of the orderly traffic flow, Officers shall enforce State and local laws regulating the use of off-road unregistered vehicles on public roadways under the guidelines articulated in paragraph 5.3. This will include, but is not limited to:
 - A) mopeds,
 - B) dirt bikes,
 - C) go carts, and
 - D) other recreational vehicles.

5.9 ACTIONS AT SCENES WITH INJURIES, FIRE HAZARDS & HAZARDOUS SPILLS

- 5.9.1 In the event of injuries, the Officer on the scene shall:
 - A) provide emergency first aid, and
 - B) request and facilitate emergency medical response.
- 5.9.2 If a fire hazard is present, the Officer on the scene shall eliminate the fire hazard, if possible. If fire equipment is needed to eliminate the hazard, he/she shall evacuate the area and request the proper Fire Department response. The scene shall remain evacuated until the danger is past.
- 5.9.3 In the event of a hazardous spill, the Officer on the scene will request the assistance necessary to evacuate the area and request Fire Department assistance. Upon arrival of the Fire Department, shall assist as needed. The Fire Department will direct all clean up measures.

5.10 PROPERTY AND EVIDENCE COLLECTED AT ACCIDENT SCENES

5.10.1 Evidence collected at accident scenes will be delivered to the appropriate prosecuting agency in a manner similar to property and evidence collected due to searches (see Sections 3.2.2.1 Part B and 4.4.2).

5.11 TRAFFIC DIRECTION AND CONTROL

5.11.1 Traffic Direction

5.11.1.1 When conditions are present which interfere with the orderly flow of traffic, members of this Department shall direct traffic until the conditions no longer exist. These conditions include, but are not limited to:

- A) accident scenes,
- B) power failures,
- C) fire scenes,
- D) parades,
- E) special events, and
- F) periods of unusually heavy traffic.

5.11.1.2 The decision to direct traffic will rest with the Officer at the scene and will be based on the circumstances and conditions present.

5.11.1.3 Officers will use the uniform signals and gestures as described in TED.

5.11.1.4 All Officers while directing traffic and during accident investigations will wear high visibility reflective vests. These vests will be kept in each patrol vehicle.

5.11.2 Traffic Control at Fire Scenes

5.11.2.1 Traffic control at fire scenes will be at the discretion of the Officer and in coordination with Fire Department and other Law Enforcement Agencies. Care will be taken to protect Fire personnel and equipment and effectively move traffic through or around the affected area.

5.11.3 Adverse Weather and Road Conditions

5.11.3.1 In the event that any roadway becomes impassable due to adverse road or weather conditions the Officer will:

- A) request the assistance of the appropriate county or state authorities to obtain temporary traffic control devices, sand, or gravel,
- B) determine alternate routes if any, and
- C) direct and control traffic until assistance arrives.

5.11.4 Escorts

5.11.4.1 Escorts will not be provided unless requested by another law enforcement agency or a City, County or State agency. Escorts will be limited to:

- A) funeral of a law enforcement Officer or an immediate family member,
- B) funeral of a Fire Fighter or an immediate family member,
- C) hazardous materials,
- D) oversize vehicles, and
- E) dignitaries and public officials.

5.11.5 Roadblocks

5.11.5.1 Roadblocks for the purpose of inspecting vehicles or drivers licenses shall not be used.

5.11.6 School Crossing Guards - N/A

5.11.7 Contingency Plans for Special Events and Situations

5.11.7.1 The Marshall or his designee will develop contingency plans prior to the special situation or event.

5.11.7.2 These plans will include a summary of the event and address any special needs that may be anticipated. These needs will include, but are not limited to:

- A) manpower needs,
- B) street closures,
- C) temporary traffic control devices,
- D) alternate routing or parking of traffic or vehicles,
- E) ingress and egress of traffic,
- F) pedestrian and spectator control and safety, and
- G) access of emergency equipment.

5.12 TRAFFIC ANCILLARY SERVICES

5.12.1 Operational Guidelines

5.12.1.1 Appointees of the Marshal's Office shall be committed to the safety of the motoring public and the free and unobstructed flow of traffic. Officers shall render the assistance necessary to effect this goal.

5.13 STRANDED MOTORISTS

5.13.1 Motorists who are stranded due to accident or mechanical difficulty will be assisted as needed. Should the motorists need a wrecker, the Officer shall assist in requesting a wrecker service. The Officer should remain at the scene if:

- A) the street or roadway is obstructed;
- B) debris or other hazards are present; or
- C) the stranded party is a lone female or has small children present.

5.13.2 Should the motorist need the assistance of a mechanic, the Officer should arrange for the mechanic to be contacted. Officers should not recommend any specific service but may advise the motorist as to the closest facilities available and their hours of operation, if known.

5.13.2.1 Officers may use whatever emergency equipment is necessary to provide protection. This will include:

- A) emergency lights,
- B) hazard lights,
- C) flares,
- D) traffic cones, and
- E) temporary barricades.

5.13.2.2 Officers may arrange for or provide transportation for stranded motorists.

5.14 EMERGENCY ASSISTANCE

5.14.1 Officers may provide emergency first aid and first aid kits shall be maintained in all of the patrol cars.

5.14.2 Injured parties should not be transported in Police vehicles unless absolutely necessary.

5.14.3 The Marshal's Office will provide emergency medical escorts. In the case of minor injury the Officer may direct the parties to the nearest assistance. For the more seriously injured, an ambulance shall be called.

5.15 HAZARDOUS ROADWAY CONDITIONS

5.15.1 In the event of circumstances that interfere with the orderly flow of traffic, the Officer shall take corrective action. These conditions include but are not limited to:

- A) roadway or bridge damage,
- B) debris in the roadway,
- C) sign damage, and
- D) abandoned vehicles.

5.15.2 Upon identifying a need for assistance in correcting the problem, the Officer will make the appropriate request. Should the problem be a threat to life or property, the Officer shall remain at the scene until the problem is corrected or a service crew arrives. The Officer shall assist the service crew as needed.

5.15.3 In the event of an incident involving hazardous materials, the Officer should contact the Fire Department immediately and take appropriate action to protect life and property. This may include evacuating or limiting the access to the scene. The Fire Department will direct all removal and cleanup measures.

5.16 TOWING OF VEHICLES

5.16.1 Should an Officer encounter an abandoned vehicle, he/she should:

- A) determine if the vehicle is a traffic hazard,

- B) attempt to contact the owner,
- C) provide protection for the abandoned vehicle,
- D) restore the orderly flow of traffic, and
- E) if the vehicle needs to be removed, notify the nearest and most appropriate county or state agency of the vehicle's disposition. The Marshal's Office patrol vehicle shall never be used to push another vehicle even if the vehicle is considered a traffic hazard.

5.17 PATROL OPERATIONS

5.17.1 Patrol of the city streets of Annetta South will be the primary task of the Marshal's Office. The Patrol duties will include:

- A) preventative patrol,
- B) crime prevention activities,
- C) response to calls for service,
- D) arrest of offenders,
- E) traffic direction and control,
- F) providing emergency services,
- G) public order and maintenance, and
- H) providing information and other services as required.

5.18 OPERATIONAL GUIDELINES

5.18.1 The Marshal will make determination of patrol times as the availability of Officer's schedules allows. The scheduling of patrol times should be made with the following priority:

- A) The primary desired patrol time is the daylight hours when many Annetta South citizens are away from their residences. Of secondary importance is to patrol at night after 10PM or the weekend times when citizens may be out of town or otherwise away from their residence.

5.18.2 The number of Officers responding to a call for service will vary according to the following guidelines.

5.18.2.1 For a non-criminal, non-violent, crime not in progress type of call, one Officer can respond.

5.18.2.2 Two (2) Officers if available will respond to calls involving:

- A) crimes in progress,
- B) any type of arrest,
- C) domestic disturbances,
- D) robbery,
- E) major accidents,
- F) all shootings, knifings or other aggravated assaults,
- G) bomb threats or other threats of bodily harm,
- H) a fleeing suspect, or
- I) any incident with the potential of assault, resistance or violence.

5.19 MISSING PERSONS AND RUNAWAYS

5.19.1 Missing person reports will be taken when it is shown that the individual has been missing in the excess of twenty-four (24) hours. If it is known that the individual is a minor or may be missing due to foul play or is mentally ill or elderly, a report should be taken immediately. All reports shall be coordinated with the nearest and most appropriate county, state, or federal law enforcement agency.

5.19.2 A Missing Persons Affidavit will be completed for both missing persons and juvenile runaways.

5.20 RESPONDING TO CALLS

5.20.1 Calls for service will be categorized and attached the following priorities:

5.20.1.1 **EMERGENCY** priority calls are limited to the following:

- A) assist officer/emergency.

5.20.1.2 **PRIORITY 1** is any call requiring an immediate response. Examples are:

- A) major accident,
- B) shooting in progress,
- C) cutting in progress,
- D) robbery in progress,
- E) assault in progress,
- F) barricaded person,
- G) burglary in progress,
- H) burglary and robbery alarms,
- I) criminal trespass in progress,
- J) death investigations,
- K) domestic disturbances,
- L) fights,
- M) sexual assaults reported or in progress,
- N) bomb threats,
- O) DUI or DWI,
- P) person with a weapon, and
- Q) lost or found child.

5.20.1.3 **PRIORITY 2** is any call requiring expeditious response. These calls may be held up to ten (10) minutes.

- A) minor accidents,
- B) intoxicated persons,
- C) reported assaults,
- D) suspicious vehicles,
- E) open door or window, or
- F) indecent exposure.

5.20.1.4 **PRIORITY 3** is any call which does not involve a threat to life or property and which a delayed response would not adversely affect the outcome. These calls may be held up to two (2) hours.

- A) reported burglaries and thefts,
- B) reported criminal mischiefs,
- C) lost, found, or abandoned property,
- D) animal ordinance violations,
- E) parking violations, or
- F) non-emergency messages.

5.20.2 Calls for service shall be assigned the following running codes.

5.20.2.1 **CODE 3** - This code call for immediate response with the use of emergency lights and siren. All Emergency Priority calls will allow a Code 3 response. Priority 1 calls may be treated Code 3 based on the information available to the Officer.

5.20.2.2 **CODE 2** - This code calls for immediate response without the use of emergency equipment and in compliance with all applicable traffic laws. Priority 2 and 3 calls will be assigned Code 2.

5.20.2.3 **CODE 1** - This code calls for a response with discretion without the use of emergency equipment. Administrative calls such as meetings with other Officers or the Marshal or the transfer of vehicles for service will be assigned Code 1 responses.

5.20.3 Officers will respond **Code 3** only when a call is classified as an emergency or Priority 1 call.

5.21 PURSUIT POLICY

5.21.1 High-speed pursuit is dangerous to participants and bystanders and is not justified in all situations. There is serious risk of injury and death from high-speed pursuit and the officer should continuously evaluate whether the risk is justified in any given situation. Good judgment will require that some pursuits will be initiated and that others will be terminated. The Officer's decision to terminate will never be a cause for discipline.

Officers shall pursue and attempt to apprehend any person who is fleeing and attempting to elude apprehension in a vehicle when the officer has reasonable cause to believe the person has committed any criminal act or traffic violation and that the risk to participants and bystanders does not exceed the danger created by the suspect eluding arrest and the need to apprehend including the need of the community for compliance with the law. The procedure for motor vehicle pursuit includes:

- 5.21.1.1 Evaluating the circumstances - Officers will exercise sound judgment and carefully consider:
- A) seriousness of the offense; what is to be gained by the pursuit,
 - B) roadway , traffic, weather and vehicle conditions,
 - C) safety of officers, the person being pursued and uninvolved citizens - the responsibility to avoid injury or damage to an innocent third party has supreme priority to that of the pursuit, and
 - D) alternatives to pursuit, such as determining the identity of the driver and effectuating an arrest through the nearest and most appropriate county or state law enforcement agency or waiting for a later date.
- 5.21.1.2 Initiating Officers responsibilities:
- A) All pursuit driving will comply with Article II, Section 24 of the Uniform Act of the Texas Motor Vehicle Laws which permits speeds in excess of the maximum limits only so long as life and property are not endangered and all operation shall be done with due regard for safety of all persons,
 - B) Motor vehicle pursuits will be limited to on-duty Officer's driving department vehicles that are equipped with emergency lights and sirens. No pursuit shall be engaged by an officer driving a vehicle which is not equipped with operating emergency lights and siren. Officers engaged in a motor vehicle pursuit will utilize both visual and audible emergency equipment,
 - C) No pursuit shall be initiated or participated in by any department vehicle carrying a non-law enforcement passenger,
 - D) The pursuit shall be terminated if, in the officer's opinion, the hazards or dangers of continuing the pursuit outweigh the need for apprehension.
- 5.21.1.3 Forcible Stopping Guidelines:
- A) all officers will keep a safe distance from the fleeing vehicle,
 - B) patrol units will never be used to ram or force any pursued vehicle from the roadway,
 - C) patrol units will never be utilized as a moving barrier by getting in front of a pursued vehicle and attempting to slow or stop the vehicle,
 - D) patrol units may be used as a stationary barricade only when necessary to imminently protect human life.
- 5.21.1.4 Termination of a Pursuit - a pursuit will be terminated when:
- 5.21.1.4.1 sight contact with the violator is lost;
 - 5.21.1.4.2 when known hazards are critically high enough to expose the participants and public to unwarranted risk;
 - 5.21.1.4.3 the following is a partial list of conditions that would indicate the futility of further pursuit:
 - A) severe road and weather conditions,
 - B) heavy traffic,
 - C) too great a distance between pursuer and pursued, or
 - D) speed in excess of the capability of the officers vehicle.
- 5.21.2 Inter-Jurisdictional Pursuits
- 5.21.2.1 When assisting with another agency's pursuit that has entered the city, the unit will cease participation when the pursuit leaves the city limits.
 - 5.21.2.2 If the pursuit is being conducted by a county, state, or federal law enforcement agency all available aid will be given **if directed** even if the pursuit is outside the city limits.
 - 5.21.2.3 The nearest and most appropriate law enforcement agency shall be notified if an engage pursuit is continued outside the city limits.

5.22 PURSUIT REPORTING REQUIREMENTS

5.22.1 Any arrests made as a result of the pursuit will follow the same procedures as outlined in paragraph 4.3. The officer making the arrest is responsible for all reports required by appropriate prosecuting agency.

5.23 PROCEDURES FOR HANDLING DOMESTIC DISTURBANCES

5.23.1 Every attempt will be made to expedite response to calls involving domestic disturbances. See paragraph 5.18.2.2.

5.23.2 Priority will be given to maintaining order, preventing injury and making arrests for criminal violations.

5.23.3 Officers are authorized to make arrests for assaultive offenses when probable cause exists that bodily injury or serious bodily injury has occurred and there is a danger that further injury may occur.

5.23.4 The victim's refusal to press charges shall not effect a decision to arrest.

5.23.5 In cases where protective court orders are in force the decision as to how to enforce them will be made by the appropriate county, state, or federal law enforcement agency.

5.23.6 Any legal information pertaining to family violence shall be obtained from the Parker County Sheriff's Office.

5.23.7 The appropriate county, state, or federal law enforcement agency shall be requested to make arrangement to provide shelter and assistance for female victims as needed. Strict confidentiality will be maintained in these cases.

6 PROCEDURES FOR HANDLING JUVENILES

6.1 GOALS AND OBJECTIVES

6.1.1 The goal of the Marshal's Office shall be to return the Juvenile to his/her parents or guardian to provide proper supervision in as many cases as practical. Consistent with public safety, all Officers will use the least coercive procedure, among reasonable alternatives, in dealing with Juvenile offenders. In those cases where an arrest or citation must be made due to the seriousness of the violation, the nearest and most appropriate county, state, or federal law enforcement agency will immediately be notified and asked to handle the Juvenile by their procedures. The decision to hand over the Juvenile offender to this agency shall be based on the following factors:

- A) the nature of the alleged offense,
- B) the age and circumstances of the alleged offender,
- C) the alleged offender's prior history, if any, and
- D) the amount of hard evidence or witnesses available to the officer.

6.2 MINOR IN POSSESSION OF ALCOHOLIC BEVERAGES

6.2.1 When an officer observes a minor illegally in possession of an alcoholic beverage and no other violation is present, the beverage container shall be confiscated and one of the following actions will be taken:

- A) if the minor is between the ages of fourteen (14) and twenty-one (21) years, a citation will be issued and the subject released to a parent or legal guardian.
- B) if the minor is under fourteen (14) years he shall be released to a parent or another responsible adult. A citation shall not be issued.

6.3 JUVENILES CHARGED WITH CLASS "C" MISDEMAANORS

6.3.1 If a Juvenile is charged with a Class C Misdemeanor, a citation will be issued to the Juvenile if he/she is between the ages of fourteen (14) and seventeen (17) years, and then released to the parent/guardian.

7.0 PUBLICATION

7.1 The City Secretary of the City of Annetta South is hereby directed to publish in the official newspaper of the City of Annetta South, the caption, Paragraph 2.1.1, and publication clause of this ordinance one (1) time within ten (10) days after the first reading of this ordinance.


8.0 EFFECIVENES

8.1 This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

AND IT IS SO ORDERED.

Passed on the 14th day of January, 1999, by a vote of 3 to 0.

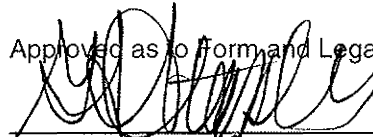
CITY OF ANNETTA SOUTH

By: 
Ken Sanders, Mayor

ATTEST:


Doris Meadows, City Secretary

Approved as to form and Legality:


George A. Staples, Attorney