



CITY OF ALPINE
REGULAR CITY COUNCIL MEETING
February 4, 2025 – 5:30 PM

City Council Chambers, 803 W. Holland Avenue, Alpine, Texas 79830

1. **CALL TO ORDER.**

- A. Pledge of Allegiance to the United States Flag.
- B. Pledge of Allegiance to the Texas Flag.
- C. Determination of a Quorum and Proof of Notice of the Meeting.

2. **PUBLIC COMMENTS.**

Each person in attendance who desires to speak to the City Council on an item on the agenda shall speak during this section. A Public Comment Card must be filled out and turned in to the City Secretary at least 5 minutes prior to the start time of the meeting. The Public Comment Card may be filled out at www.cityofalpine.com/councilcomments. Public comments may be made regarding agenda items only. Attendees must be physically present in order to address the City Council. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees. Please note that the City Council may only take action on items posted on the agenda. The Texas Open Meetings Act prohibits the Council from deliberating or taking action on an item not listed on the agenda. City Staff may ask commenters clarifying questions, respond with facts, and explain policy.

3. **PUBLIC HEARINGS.**

At this time, the Mayor will invite members of the public to address each item listed in this section. Comments made during this section are limited to the topic of each public hearing. Attendees must be physically present in order to address the City Council. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees. If more than one public hearing is being held, each person will be allowed to speak during each topic.

- A. Public Hearing to obtain citizens views and comments regarding the second and final reading of Ordinance 2025-01-01, repealing Article III – Water Conservation Plan and Article IV – Drought Contingency Plan of Chapter 66 – Natural Resources to the Alpine Code of Ordinances; Establishing an updated Water Conservation and Drought Contingency Plan; Establishing criteria for the initiation and termination of drought response stages; Establishing restrictions on certain water uses; Establishing penalties for the violation of and provisions for enforcement of these restrictions; Establishing procedures for granting variances; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance; And providing for the following clauses: Cumulative, Penalty, Savings, Severability, Proper Notice & Meeting, and Effective Date.
- B. Public Hearing to obtain citizen views and comments regarding the second and final reading of Ordinance 2025-01-02, an ordinance amending Chapter 74 – Parks and Recreation, Article I – In General, to the Alpine Code of Ordinances; amending and establishing rules and regulations for all city parks; Providing for the establishment of permitting processes for festivals, events, & alcohol; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance; Providing for the following: Findings of Fact, Enactment, Repealer, Penalty, Savings, Severability, Proper Notice and Meeting, and Effective Date Clauses.

- C. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2025-01-02, a special use permit application allowing the applicant, Alpine Velocity Ops LLC dba Velocity #19, to obtain a Wine and Malt Beverage Retail Dealer's Off-Premise (BQ) permit from the Texas Alcoholic Beverage Commission. The subject property is located at 1500 W. US 90. The property owner of record is CO Jones Enterprises LLC. The Parcel ID of the subject property is 11321. The current zoning designation of the subject property is C-1a Neighborhood Commercial District. If approved, the zoning will remain C-1a Neighborhood Commercial District.
- D. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2025-01-03, a special use permit application allowing the applicant, Alpine Velocity Ops LLC dba Velocity #18, to obtain a Wine and Malt Beverage Retail Dealer's Off-Premise (BQ) permit from the Texas Alcoholic Beverage Commission. The subject property is located at 610 W. Holland Avenue. The property owner of record is Sonoqui Leonardo and Morgan. The Parcel ID of the subject property is 12360. The current zoning designation of the subject property is C-2 Business District. If approved, the zoning will remain C-2 Business District.
- E. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2025-01-04, a special use application allowing the applicant, Alpine Harrys, LLC, is requesting the permit be issued to obtain a Wine and Malt Beverage Retail Dealer's On-Premise Permit (BG) and Late Hours Certificate (LH) from the Texas Alcoholic Beverage Commission. The subject property is located at 412 E. Holland Avenue. The property owner of record is Mois Harry and Lang Alois and Claudia. The Parcel ID of the subject property is 12335. The current zoning classification of the subject property is C-2 Business District and will remain the same if the application is approved.

4. **PUBLIC PRESENTATIONS.**

- A. Presentations & Recognitions
- B. Proclamations
- C. Community Interest Items
 - i) Mayor Announcements
 - ii) City Manager Announcements
 - iii) Council Member Announcements

5. **CHANGES TO POSTED AGENDA.**

NOTICE: *The City Council reserves the right to change the order of business at any time during the meeting. To change the order of business a motion, a second, and a majority vote is required.*

- A. **Items to be continued or withdrawn.** Items may be continued to the next City Council meeting or withdrawn from consideration during this agenda. Items to be continued or withdrawn require a motion, a second, and a majority vote.
- B. **Items to be removed from the Consent Agenda for separate discussion.** Items may be withdrawn from the consent agenda by a simple request by the Mayor or any City Council member. Items removed from the consent agenda will be considered in the *Items Removed from the Consent Agenda* portion of the meeting directly after approval of the items not requiring separate discussion.

- C. **Action items to be added to the consent agenda.** Adding action items to the consent agenda must be requested by the Mayor or any City Council member and requires a motion, a second, and a majority vote.
 - D. **Time-Sensitive Items.** The Mayor, any City Council Member, or a member of City Staff may, by simple request, ask that time-sensitive items be considered during that section.
6. **TIME SENSITIVE ITEMS.**
7. **CONSENT AGENDA.**
- A. Approval of the January 21, 2025 Regular Meeting Minutes. (G. Calderon, City Secretary)
 - B. Approval of the appointment of Tara Gaugler to the Place 4 position on the Planning & Zoning Commission. (L. Escovedo, City Council)
8. **ITEMS REMOVED FROM THE CONSENT AGENDA.**
9. **REPORTS & PRESENTATIONS.**
Presentations are limited to 6 minutes each. A bell will ring when the 6-minute timeframe has been reached. If further time is needed the presentation may be extended an additional 4 minutes at the discretion of the presiding officer. After the initial period and extension have passed, the presentation may be extended further by a motion, a second, and a majority vote of the City Council.
- A. Tourism update by Director of Tourism, Chris Ruggia. (M. Antrim, City Manager)
 - B. Alpine Police Department 2025 Racial Profiling Report. (M. Antrim, City Manager)
10. **INFORMATION OR DISCUSSION ITEMS.**
- A. Discuss the current timeline and process for creating city council meeting agendas and determine if changes need to be made. (R. Stephens, City Council)
 - B. Discussion regarding consideration of second ordinance authorizing the vacation, abandonment, and sale of the unimproved portion of South 5th Street lying between Lot 5, Block 1 and Lot 10, Block 2, of Ferguson's Second Addition to the City of Alpine, Brewster County, Texas, comprising of approximately 0.096 acres to Horticultural Consulting, LLC. (M. Antrim, City Manager)
 - C. Discuss establishing an airport committee. (R. Stone, City Council)
 - D. Discuss the Alpine Police Department Policy Manual updated by LexiPool. (M. Antrim, City Manager)
11. **ACTION ITEMS.**
Action items are to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 10 per meeting).
- A. Approve the second and final reading of Ordinance 2025-01-01, repealing Article III – Water Conservation Plan and Article IV – Drought Contingency Plan of Chapter 66 – Natural Resources to the Alpine Code of Ordinances; Establishing an updated Water Conservation and Drought Contingency Plan; Establishing criteria for the initiation and termination of drought response stages; Establishing restrictions on certain water uses; Establishing penalties for the

violation of and provisions for enforcement of these restrictions; Establishing procedures for granting variances; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance; And providing for the following clauses: Cumulative, Penalty, Savings, Severability, Proper Notice & Meeting, and Effective Date. (M. Antrim, City Manager)

- B. Approve the second and final reading of Ordinance 2025-01-02, an ordinance amending Chapter 74 – Parks and Recreation, Article I – In General, to the Alpine Code of Ordinances; amending and establishing rules and regulations for all city parks; Providing for the establishment of permitting processes for festivals, events, & alcohol; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance; Providing for the following: Findings of Fact, Enactment, Repealer, Penalty, Savings, Severability, Proper Notice and Meeting, and Effective Date Clauses. (M. Antrim, City Manager)
- C. Approve Resolution 2025-02-01, a resolution approving a non-profit group to administer the Mountain Country Christmas event for a period of two-years. (M. Antrim, City Manager)
- D. Approve Resolution 2025-02-02, a resolution authorizing the City of Alpine Environmental Services Department to participate in the Keep Texas Beautiful and Texas Department of Transportation's Governor's Community Achievement Award Program. (M. Antrim, City Manager)
- E. Approve Special Use Permit 2025-01-02, a special use permit application allowing the applicant, Alpine Velocity Ops LLC dba Velocity #19, to obtain a Wine and Malt Beverage Retail Dealer's Off-Premise (BQ) permit from the Texas Alcoholic Beverage Commission. The subject property is located at 1500 W. US 90. The property owner of record is CO Jones Enterprises LLC. The Parcel ID of the subject property is 11321. The current zoning designation of the subject property is C-1a Neighborhood Commercial District. If approved, the zoning will remain C-1a Neighborhood Commercial District. (M. Antrim, City Manager)
- F. Approve Special Use Permit 2025-01-03, a special use permit application allowing the applicant, Alpine Velocity Ops LLC dba Velocity #18, to obtain a Wine and Malt Beverage Retail Dealer's Off-Premise (BQ) permit from the Texas Alcoholic Beverage Commission. The subject property is located at 610 W Holland Avenue. The property owner of record is Sonoqui Leonardo and Morgan. The Parcel ID of the subject property is 12360. The current zoning designation of the subject property is C-2 Business District. If approved, the zoning will remain C-2 Business District. (M. Antrim, City Manager)
- G. Approve Special Use Permit 2025-01-04, a special use application allowing the applicant, Alpine Harrys, LLC, is requesting the permit be issued to obtain a Wine and Malt Beverage Retail Dealer's On-Premise Permit (BG) and Late Hours Certificate (LH) from the Texas Alcoholic Beverage Commission. The subject property is located at 412 E. Holland Avenue. The property owner of record is Mois Harry and Lang Alois and Claudia. The Parcel ID of the subject property is 12335. The current zoning classification of the subject property is C-2 Business District and will remain the same if the application is approved. (M. Antrim, City Manager)
- H. Award Request for Proposals (RFP) to Ergon and Jarrett Dirt Work and Paving for Road Materials responsive to RFP 2024-12-01. (M. Antrim, City Manager)
- I. Approve transfer of \$3,000.00 Hotel Occupancy Grant Funds not utilized by Alpine Gallery Night (Artwalk) Event to the Spirits of the West Event. (M. Antrim, City Manager)

12. EXECUTIVE REPORTS.

Executive reports are limited to 10 minutes each. The City Council may hold a discussion during this section regarding any item listed on the agenda. No action may take place regarding report items, unless specified on the agenda.

City Mayor Report

City Manager Report

13. CITY COUNCIL MEMBER COMMENTS.**14. EXECUTIVE SESSION.**

NOTICE: *The City Council reserves the right to reconvene, recess, realign, change the order of business, or adjourn into Executive Session at any time during the course of the meeting prior to adjournment, to discuss any item listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (development).*

A. Consultation with Attorney § 551.072, Texas Government Code

i. Discuss the possible sale and/or acquisition of property for long-term overall city goals and planning, including city owned structures. (M. Antrim, City Manager)

15. ACTION AFTER EXECUTIVE SESSION.

A. Action, if any, concerning any of the items listed in executive session. (M. Antrim, City Manager)

16. ADJOURN.**CERTIFICATION**

I, Geoffrey R. Calderon, do hereby certify that this notice was posted at City Hall, in a convenient and readily accessible place to the general public, and on the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted by 2:00 P.M. on January 31, 2025, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

WITNESS MY HAND AND SEAL
this 31st day of January, 2025.


Geoffrey R. Calderon, TRMC
City Secretary & Chief Governance Officer



CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 7A

Department:

Sponsor: Geoffrey R. Calderon, City Secretary

Memo Prepared By: Geoffrey R. Calderon, City Secretary

Staff Recommendation: Approve



AGENDA ITEM

Approval of the January 21, 2025 Regular Meeting Minutes. (G. Calderon, City Secretary)

EXECUTIVE SUMMARY

None

SUPPORTING MATERIALS

1. 1-21-25 City Council Minutes

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY 2024-2025: N/A

Additional Funding: N/A

APPROVERS

City of Alpine
REGULAR CITY COUNCIL MEETING
Tuesday, January 21, 2025 – 4:00 PM
Minutes

1. WORKSHOP MEETING - 4:00 P.M.

- A. Funding Opportunities - Government Capital Presentation. (M. Antrim, City Manager)

Mayor Eaves called the workshop meeting to order at 4:00 P.M.

City Council Members Present:

Councilor Darin Nance
Councilor Lucy Escovedo (*arrived late*)
Councilor Rick Stephens
Mayor Catherine Eaves
Councilor Eva Martinez

City Staff and Stakeholders Present:

Megan Antrim, City Manager
Geoffrey R. Calderon, City Secretary

Not Present: Councilor Reagan Stone

Others Present: None.

Drew Whittington, Municipal Advisor for Government Capital Presented to the City Council regarding financing.

2. CALL TO ORDER - REGULAR MEETING - 5:30 P.M.

- A. Pledge of Allegiance to the United States Flag.
B. Pledge of Allegiance to the Texas Flag.
C. Determination of a Quorum and Proof of Notice of the Meeting.

Mayor Catherine Eaves called the meeting to order at 5:30 P.M. The meeting was held at City Council Chambers located at 803 West Holland Avenue and via Zoom Videoconference in the City of Alpine, Texas. Mayor Eaves led the pledge of allegiance to the flags. The following persons were in attendance:

City Council Members Present:

Councilor Reagan Stone
Councilor Darin Nance
Councilor Lucy Escovedo
Councilor Rick Stephens
Mayor Catherine Eaves
Councilor Eva Martinez

City Staff and Stakeholders Present:

Megan Antrim, City Manager
Geoffrey R. Calderon, City Secretary
Cynthia Trevino, City Attorney
Kirk Caughman, Police Lieutenant

Not Present:

Others Present: 2 attendees.

Mayor Eaves announced that a quorum of the City Council was present at the City Council Chambers and City Secretary, Geoffrey Calderon, reported that the meeting agenda was posted by 2:00 P.M. on January 17, 2025.

3. **PUBLIC COMMENTS.**

Each person in attendance who desires to speak to the City Council on an item on the agenda shall speak during this section. A Public Comment Card must be filled out and turned in to the City Secretary at least 5 minutes prior to the start time of the meeting. The Public Comment Card may be filled out at www.cityofalpine.com/councilcomments. Public comments may be made regarding agenda items only. Attendees must be physically present in order to address the City Council. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees. Please note that the City Council may only take action on items posted on the agenda. The Texas Open Meetings Act prohibits the Council from deliberating or taking action on an item not listed on the agenda. City Staff may ask commenters clarifying questions, respond with facts, and explain policy.

4. **PUBLIC HEARINGS.**

At this time, the Mayor will invite members of the public to address each item listed in this section. Comments made during this section are limited to the topic of each public hearing. Attendees must be physically present in order to address the City Council. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees. If more than one public hearing is being held, each person will be allowed to speak during each topic.

Open (5:31 P.M.)

- A. Public Hearing to obtain citizen views and comments regarding the second and final reading of Ordinance 2024-11-01, an ordinance authorizing the vacation, abandonment, and sale of the unimproved portions of Saltillo Avenue, Monterey Avenue, Tuluco Avenue, and Avenue "C," all situated within Blocks One (1) through Six (6), Colima Addition to the City of Alpine, Brewster County, Texas; Authorizing the City Manager to execute a deed without warranty to the applicants Michael and Lynn McCarson; Directing that funds from the sale of the city's interest be deposited in the general fund for the purpose of street improvements; Providing for terms and conditions of such thereof; Providing for a Severability Clause; Providing for an effective date.

Public Comments: None.

- B. Public Hearing to obtain citizen views and comments regarding the second and final reading of Ordinance 2025-01-01, repealing Article III – Water Conservation Plan and Article IV – Drought Contingency Plan of Chapter 66 – Natural Resources to the Alpine Code of Ordinances; Establishing an updated Water Conservation and Drought Contingency Plan; Establishing criteria for the initiation and termination of drought response stages; Establishing restrictions on certain water uses; Establishing penalties for the violation of and provisions for enforcement of these restrictions; Establishing procedures for granting variances; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance; And providing for the following clauses: Cumulative, Penalty, Savings, Severability, Proper Notice & Meeting, and Effective Date.

Public Comments: None.

Close (5:32 P.M.)

5. **PUBLIC PRESENTATIONS.**

- A. Presentations & Recognitions
- B. Proclamations
- C. Community Interest Items
 - i) Mayor Announcements
 - ii) City Manager Announcements
 - iii) Council Member Announcements

6. **CHANGES TO POSTED AGENDA.**

NOTICE: *The City Council reserves the right to change the order of business at any time during the meeting. To change the order of business a motion, a second, and a majority vote is required.*

- A. **Items to be continued or withdrawn.** Items may be continued to the next City Council meeting or withdrawn from consideration during this agenda. Items to be continued or withdrawn require a motion, a second, and a majority vote.

RESOLUTION 2025-01-12: On a motion by Councilor Rick Stephens and seconded by Councilor Lucy Escovedo to continue item 10B and the Executive Session item to the next meeting, the City Council unanimously adopted the motion.

- B. **Items to be removed from the Consent Agenda for separate discussion.** Items may be withdrawn from the consent agenda by a simple request by the Mayor or any City Council member. Items removed from the consent agenda will be considered in the *Items Removed from the Consent Agenda* portion of the meeting directly after approval of the items not requiring separate discussion.

No items were removed from the consent agenda for separate discussion.

- C. **Action items to be added to the consent agenda.** Adding action items to the consent agenda must be requested by the Mayor or any City Council member and requires a motion, a second, and a majority vote.

No action items were added to the consent agenda.

- D. **Time-Sensitive Items.** The Mayor, any City Council Member, or a member of City Staff may, by simple request, ask that time-sensitive items be considered during that section.

No items were added to the time-sensitive items section of the agenda.

7. **TIME SENSITIVE ITEMS.**

8. **CONSENT AGENDA.**

- A. Approval of January 7, 2025 Regular Meeting Minutes. (G. Calderon, City Secretary)
- B. Approval of Fiscal Year 2024 - 2025 1st Quarter Investment Report. (M. Antrim, City Manager)
- C. November 2024, December 2024, and 1st Quarter of Fiscal Year 2024-2025 Office of the City Secretary (OCS) Reports including Legislative Services, City Council Activities, Board & Commissions Activities, Public Information, and Departmental Statistics and Updates. (G. Calderon, City Secretary)
- D. Approve payment of December 2024 monthly billing summary for Bojorquez Law Firm services. (M. Antrim, City Manager)

RESOLUTION 2025-01-13: On a motion by Councilor Rick Stephens and seconded by Councilor Eva Martinez to approve the consent agenda, the City Council unanimously adopted the motion.

9. **ITEMS REMOVED FROM THE CONSENT AGENDA.**

10. **REPORTS & PRESENTATIONS.**

Presentations are limited to 6 minutes each. A bell will ring when the 6-minute timeframe has been reached. If further time is needed the presentation may be extended an additional 4 minutes at the discretion of the presiding officer. After the initial period and extension have passed, the presentation may be extended further by a motion, a second, and a majority vote of the City Council.

- A. Update from the Alpine Country Club. (M. Antrim, City Manager)

Amy White, Alpine Country Club presented to the City Council.

- B. Alpine Volunteer Fire Department Update from Chief James Etcheson. (M. Antrim, City Manager)

Item 10B was continued to the next City Council meeting by City Council action, by Resolution 2025-01-12.

- C. Update from Emergent Air. (M. Antrim, City Manager)

The representative from Emergent Air was not present at the meeting, and no update took place.

11. **INFORMATION OR DISCUSSION ITEMS.**

- A. Discuss the request for support from the Coalition Against Bigger Trucks (CABT) opposition of multiple Congressional bills allowing heavier tractor-trailers on our roads. (C. Eaves, Mayor)
- B. City Manager 2024 End of Year Report. (M. Antrim, City Manager)
- C. Finance Report - November 2024 Revenue and Expenses. (M. Antrim, City Manager)

12. **ACTION ITEMS.**

Action items are to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 10 per meeting).

- A. Approve the second and final reading of Ordinance 2024-11-01, an ordinance authorizing the vacation, abandonment, and sale of the unimproved portions of Saltillo Avenue, Monterey Avenue, Tuluco avenue, and Avenue “C,” and Morilos Avenue, all situated within Blocks One (1) through Six (6), Colima Addition to the City of Alpine, Brewster County, Texas; Authorizing the City Manager to execute a deed without warranty to the applicants Michael and Lynn McCarson; Directing that funds from the sale of the city’s interest be deposited in the general fund for the purpose of street improvements; Providing for terms and conditions of such thereof; Providing for a Severability Clause; Providing for an effective date. (M. Antrim, City Manager)

RESOLUTION 2025-01-14: On a motion by Councilor Rick Stephens and seconded by Councilor Eva Martinez to approve the second and final reading of Ordinance 2024-11-01, discussion ensued.

RESOLUTION 2025-01-15: On a motion by Councilor Rick Stephens and seconded by Councilor Reagan Stone to amend the original motion to postpone the item to a future meeting, the City Council unanimously adopted the motion. The City Council subsequently unanimously voted to adopt the motion as amended.

Mayor Eaves called a 5 minute recess. (6:51 P.M.)

The meeting resumed. (6:56 P.M.)

- B. Approve the first reading of Ordinance 2025-01-02, an ordinance of the City Council of the City of Alpine, Texas amending Chapter 74 – Parks and Recreation, Article I – In General, to the Alpine Code of Ordinances; amending and establishing rules and regulations for all city parks; Providing for the establishment of permitting processes for festivals, events, & alcohol; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance; Providing for the following: Findings of Fact, Enactment, Repealer, Penalty, Savings, Severability, Proper Notice and Meeting, and Effective Date Clauses. (M. Antrim, City Manager)

RESOLUTION 2025-01-16: On a motion by Councilor Rick Stephens and seconded by Councilor Lucy Escovedo to approve the first reding of Ordinance 2025-01-02 as presented, discussion ensued.

RESOLUTION 2025-01-17: Councilor Reagan Stone moved to strike sec. 74-1(b). Councilor Lucy Escovedo seconded the motion. The amendment was not adopted with the City Council voting in the following manner:

Councilor Reagan Stone: For
Councilor Eva Martinez: Against
Councilor Darin Nance: Against
Councilor Lucy Escovedo: For
Councilor Rick Stephens: Against

The City Council unanimously adopted the original motion, Resolution 2025-01-16, as originally presented.

- C. Approve Order 2025-01-01, an Order of General Election for May 3, 2025, for the purpose of electing one Ward 1 Council Member and one Ward 3 Council Member for three year terms; with early voting from April 22, 2025, to April 30, 2025. (G. Calderon, City Secretary)

RESOLUTION 2025-01-18: On a motion by Councilor Rick Stephens and seconded by Councilor Reagan Stone to approve Order 2025-01-01, the City Council unanimously adopted the motion.

13. **EXECUTIVE REPORTS.**

Executive reports are limited to 10 minutes each. The City Council may hold a discussion during this section regarding any item listed on the agenda. No action may take place regarding report items, unless specified on the agenda.

City Mayor Report

City Manager Report

14. **CITY COUNCIL MEMBER COMMENTS.**

15. **EXECUTIVE SESSION.**

NOTICE: *The City Council reserves the right to reconvene, recess, realign, change the order of business, or adjourn into Executive Session at any time during the course of the meeting prior to adjournment, to discuss any item listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (development).*

The executive session scheduled on the agenda was continued to the next City Council meeting per City Council action, by Resolution 2025-01-12.

- A. Consultation with Attorney § 551.072, Texas Government Code

i. Discuss the possible sale and/or acquisition of property for long-term overall city goals and planning, including city owned structures. (M. Antrim, City Manager)

16. **ACTION AFTER EXECUTIVE SESSION.**

- A. Action, if any, concerning any of the items listed in executive session. (M. Antrim, City Manager)

17. **ADJOURN.**

There being no further business, Mayor Eaves adjourned the meeting. (7:23 P.M.)

APPROVED:

ATTEST:

Catherine Eaves, *Mayor*

Geoffrey R. Calderon, TRMC
City Secretary & Chief Governance Officer

CERTIFICATION

I, Geoffrey R. Calderon, do hereby certify that this notice was posted at City Hall, in a convenient and readily accessible place to the general public, and on the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted by 2:00 P.M. on January 17, 2025, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

WITNESS MY HAND AND SEAL
this 17th day of January, 2025.



Geoffrey R. Calderon, TRMC
City Secretary & Chief Governance Officer



CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 7B

Department: City Council

Sponsor: Lucy Escovedo, Councilor

Memo Prepared By: Geoffrey R. Calderon, City Secretary

Staff Recommendation: Approve



AGENDA ITEM

Approval of the appointment of Tara Gaugler to the Place 4 position on the Planning & Zoning Commission. (L. Escovedo, City Council)

EXECUTIVE SUMMARY

None

SUPPORTING MATERIALS

1. T. GAUGLER - BOARDS & COMMISSIONS_Redacted

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY 2024-2025: N/A

Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

Approved - 1/23/2025
Approved - 1/23/2025
Final Approval - 1/27/2025

RECEIVED
City of Alpine, Texas

JAN 16 2025

OFFICE OF THE CITY SECRETARY

BY: [Signature]



**CITY OF ALPINE
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE**

Name: TARA GAUGLER

Street Address: 307 S. 6TH ST.

City, State & Zip: ALPINE, TX 79830

Phone Number: _____

E-Mail: _____

Occupation: SELF EMPLOYED

How long have you been a resident of or involved with Alpine?: 20 YEARS

Are you a qualified voter of the City of Alpine?: YES

Board or Commission you have interest in servicing on: WARD 4/CITY COUNCIL

Please provide brief background information about yourself, including education, work experience, and any special qualifications you have for serving on this board/commission:

My background is the study of corporate
entities, Real Estate Law & hands-on
construction.

Please state why you wish to service the City of Alpine as a member of a board or commission:

I desire the ability to help others and
learn the system to do so.

Do you currently, or have you in the past served the City of Alpine? Yes____ No: ☒

If yes, in what capacity? _____

How long? _____

Do you receive any compensation from the City of Alpine or are there any potential conflicts of interest if you serve the City of Alpine? Yes____ No: ☒

If yes, please explain: _____

Signature: Jara Daugler

Date: 01-15-25

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 9A

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Megan Antrim, City Manager



Staff Recommendation: None

AGENDA ITEM

Tourism update by Director of Tourism, Chris Ruggia. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

None

SUPPORTING MATERIALS

1. 2025-02-05 Tourism Report

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY 2024-2025: N/A

Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk

Geoffrey R. Calderon, City Secretary

Megan Antrim, City Manager

Approved - 1/23/2025

Approved - 1/23/2025

Final Approval - 1/27/2025

2023–2024 Tourism Report

2023-2024 Fiscal Year: Oct 1, 2023 - Sep 30, 2024



Including data from



1

Total Hotel Occupancy Tax Collections

2023-2024 HOT Collections:

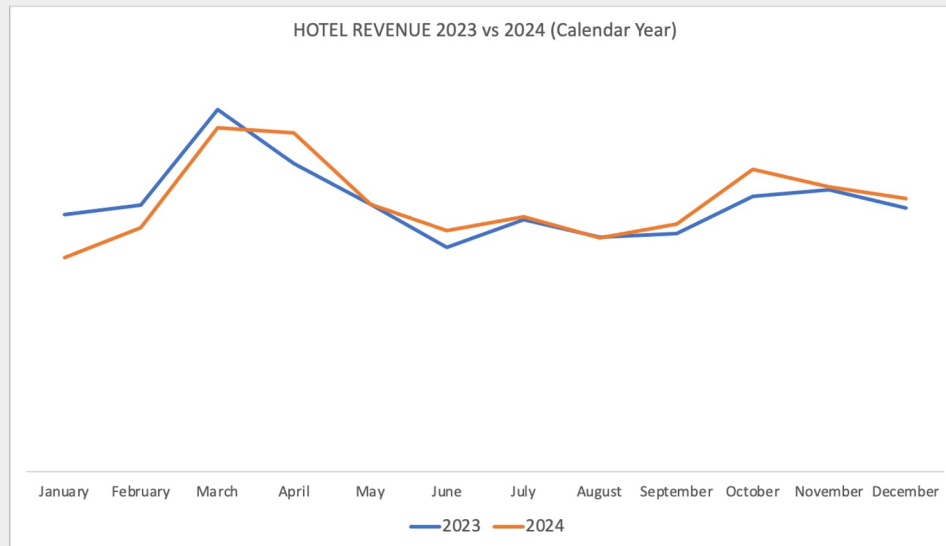
\$776,835.63

2022-2023 HOT Collections:

\$775,416.80

2

Hotel Revenue Year-to-Year



3

What are our top feeder markets by spend and visitation?

Visitor Market Area	% of Visitors 2024	% of Visitors 2023	% of Visitor Spend 2024	% of Visitor Spend - 2023
Odessa-Midland TX	18.1%	16.6%	17.7%	17.8%
San Antonio TX	12.4%	12.1%	10.4%	11.6%
Dallas-Ft. Worth TX	12.2%	12.0%	12.5%	9.8%
Houston TX	9.9%	9.5%	8.3%	8.6%
Austin TX	9.3%	8.8%	12.4%	14.4%
El Paso TX	5.5%	5.9%	5.5%	3.7%
Lubbock TX	2.7%	3.0%	2.6%	2.0%
San Angelo TX	2.4%	2.0%	1.5%	0.7%
Waco-Temple-Bryan TX	2.2%	2.3%	2.2%	2.1%
Abilene-Sweetwater TX	2.1%	1.8%	0.7%	0.7%

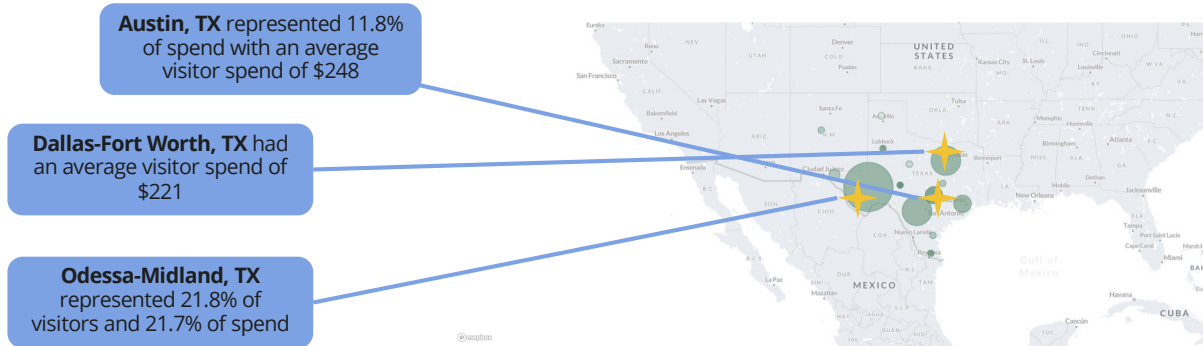
Source: Zartico Geolocation Data, Zartico Spending Data



4

Where are quality visits originating from?

17.8% of visitors were from out-of-state markets.



Source: Zartico Geolocation Data, Zartico Spending Data



5

Key Insights

Key tourism performance indicators:

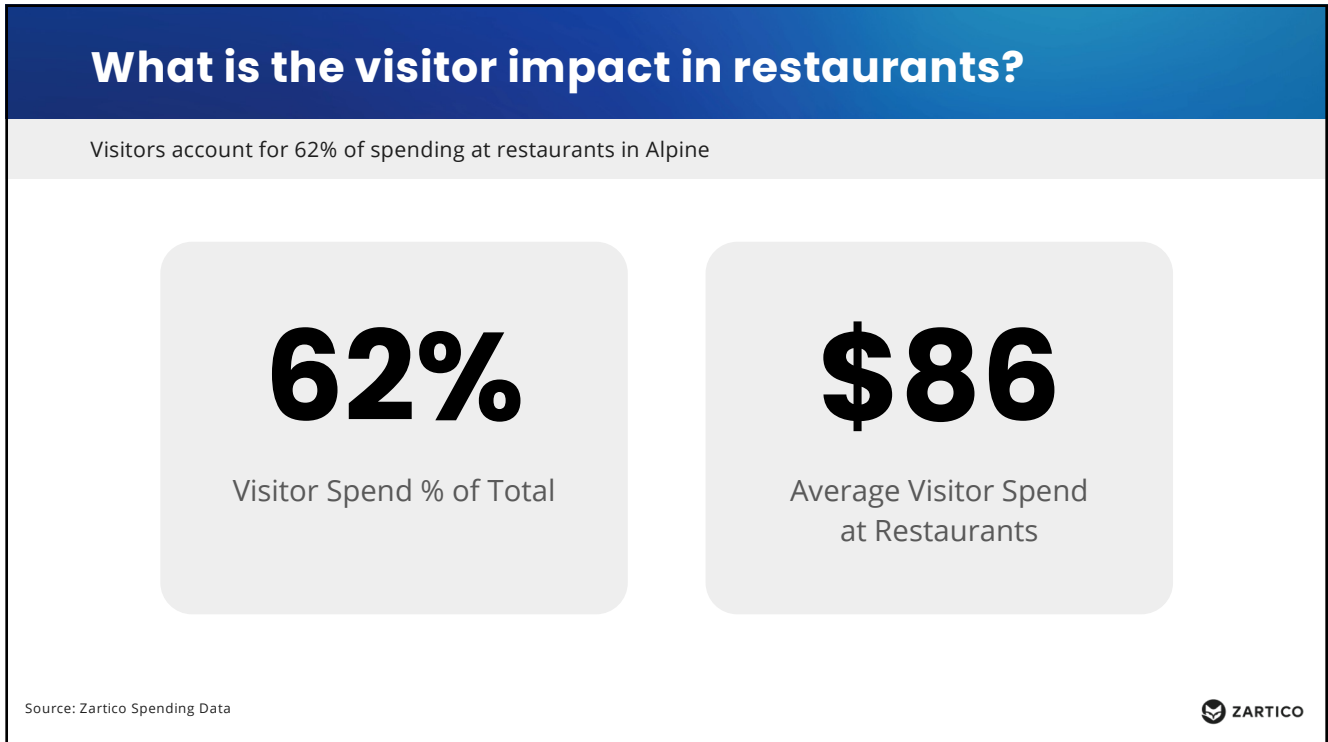
- Visitors represented **44.9% of all devices observed** in the destination
- Visitors represented **49.8% of all spending activity** in the destination

Where were visitors from and what did they do?

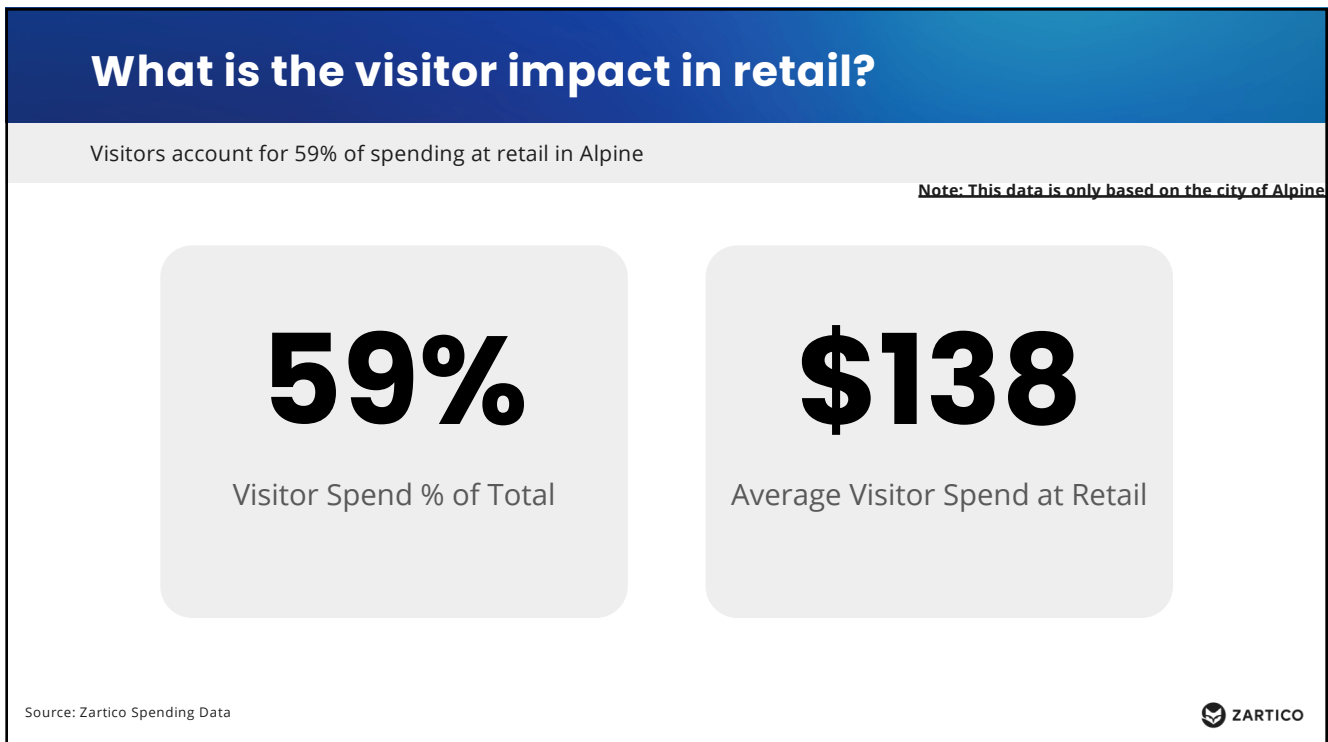
- 17.8% of visitors were from **out of state markets**, and **top visitor origin markets** include:
 - Odessa-Midland, TX (21.8%)
 - San Antonio, TX (12.3%)
 - Dallas-Ft.Worth, TX (9.9%)
- Out of the Top 10 visitation markets, visitors from the San Angelo, TX market **spent the most on average** at \$348 per cardholder
 - Lubbock, TX ranked second for an average of \$176
- Visitors from Odessa-Midland, TX spend **259% more time on Events pages** on the website



6



7



8

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 9B

Department: Police

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Megan Antrim, City Manager

Staff Recommendation: None



AGENDA ITEM

Alpine Police Department 2025 Racial Profiling Report. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

The Annual Alpine Police Department Racial Profiling Report is a critical document prepared to ensure transparency, accountability, and compliance with state regulations regarding policing practices. The report aims to provide a detailed analysis of traffic stops and other relevant encounters conducted by the Alpine Police Department, focusing on the race and ethnicity of individuals involved. This process helps identify and address any potential bias or disparities in law enforcement activities, promoting fairness and equity in the department's operations.

The report is prepared in accordance with the Texas Commission on Law Enforcement (TCOLE) guidelines, which mandate that all law enforcement agencies in Texas submit an annual racial profiling report.

SUPPORTING MATERIALS

1. 2024.RacialProfiling

BUDGET CONSIDERATIONS

Expenditure Required: N/A
Savings Anticipation: N/A
Current Budget FY 2024-2025: N/A
Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

Approved - 1/23/2025
Approved - 1/23/2025
Final Approval - 1/27/2025

Racial Profiling Report | Full report

Agency Name: ALPINE POLICE DEPARTMENT
Reporting Date: 1/28/2025
TCOLE Agency Number:
Chief Administrator: Chief Darrell Losoya
Agency Contact:
Phone: (432) 837-3486
Email:
Mailing Address: 309 W. Sul Ross Avenue, Alpine, TX 79830

This Agency filed a full report

ALPINE POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the ALPINE POLICE DEPARTMENT from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the ALPINE POLICE DEPARTMENT if the individual believes that a peace officer employed by the ALPINE POLICE DEPARTMENT has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the ALPINE POLICE DEPARTMENT who, after an investigation, is shown to have engaged in racial profiling in violation of the ALPINE POLICE DEPARTMENT
- 6) requires collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;

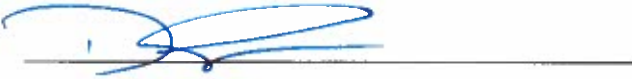
- c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- d. whether the peace officer used physical force that resulted in bodily injury during the stop;
- e. the location of the stop;
- f. the reason for the stop.

7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- a. the Commission on Law Enforcement; and
- b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The ALPINE POLICE DEPARTMENT has satisfied the statutory data audit requirements as prescribed in Article 2, 133(c), Code of Criminal Procedure during the reporting period.

Executed by: Chief Darrell Losoya



Date: 1/28/2025

Racial Profiling Report | Full Report
ALPINE POLICE DEPARTMENT
1/1/2024 - 12/31/2024

Page 1

Total stops: 1,505 100.00%

Street address or approximate location of the stop

City street: 699 46.45%
US highway: 660 43.85%
State highway: 137 9.10%
County road: 0 0.00%
Private property or other: 9 0.60%

Was race or ethnicity known prior to stop?

Yes: 2 0.13%
No: 1,503 99.87%

Race or ethnicity

Alaska Native/American Indian: 4 0.27%
Asian/Pacific Islander: 35 2.33%
Black: 63 4.19%
White: 641 42.59%
Hispanic/Latino: 762 50.63%

Gender

Female:

Total	<u>502</u>	<u>33.36%</u>				
Alaska Native/American Indian	<u>1</u>	<u>0.20%</u>	Asian/Pacific Islander	<u>9</u>	<u>1.79%</u>	
Black	<u>15</u>	<u>2.99%</u>	White	<u>232</u>	<u>46.22%</u>	Hispanic/Latino <u>245</u> <u>48.80%</u>

Male:

Total	<u>1,003</u>	<u>66.64%</u>				
Alaska Native/American Indian	<u>3</u>	<u>0.30%</u>	Asian/Pacific Islander	<u>26</u>	<u>2.59%</u>	
Black	<u>48</u>	<u>4.79%</u>	White	<u>409</u>	<u>40.78%</u>	Hispanic/Latino <u>517</u> <u>51.55%</u>

Racial Profiling Report | Full Report

ALPINE POLICE DEPARTMENT

1/1/2024 - 12/31/2024

Page 2

Reason for stop?

Violation of law:

Total	<u>40</u>	<u>2.66%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>1</u>	<u>2.50%</u>	White	<u>18</u>	<u>45.00%</u>	Hispanic/Latino	<u>21</u> <u>52.50%</u>

Preexisting knowledge:

Total	<u>11</u>	<u>0.73%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>5</u>	<u>45.45%</u>	White	<u>1</u>	<u>9.09%</u>	Hispanic/Latino	<u>5</u> <u>45.45%</u>

Moving traffic violation:

Total	<u>1,140</u>	<u>75.75%</u>					
Alaska Native/American Indian	<u>3</u>	<u>0.26%</u>	Asian/Pacific Islander	<u>33</u>	<u>2.89%</u>		
Black	<u>39</u>	<u>3.42%</u>	White	<u>503</u>	<u>44.12%</u>	Hispanic/Latino	<u>562</u> <u>49.30%</u>

Vehicle traffic violation:

Total	<u>314</u>	<u>20.86%</u>					
Alaska Native/American Indian	<u>1</u>	<u>0.32%</u>	Asian/Pacific Islander	<u>2</u>	<u>0.64%</u>		
Black	<u>18</u>	<u>5.73%</u>	White	<u>119</u>	<u>37.90%</u>	Hispanic/Latino	<u>174</u> <u>55.41%</u>

Was a search conducted?

Yes:

Total	<u>130</u>	<u>8.64%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>3</u>	<u>2.31%</u>		
Black	<u>11</u>	<u>8.46%</u>	White	<u>56</u>	<u>43.08%</u>	Hispanic/Latino	<u>60</u> <u>46.15%</u>

No:

Total	<u>1,375</u>	<u>91.36%</u>					
Alaska Native/American Indian	<u>4</u>	<u>0.29%</u>	Asian/Pacific Islander	<u>32</u>	<u>2.33%</u>		
Black	<u>52</u>	<u>3.78%</u>	White	<u>585</u>	<u>42.55%</u>	Hispanic/Latino	<u>702</u> <u>51.05%</u>

Reason for Search?

Consent:

Total	<u>79</u>	<u>5.25%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>1</u>	<u>1.27%</u>		
Black	<u>4</u>	<u>5.06%</u>	White	<u>33</u>	<u>41.77%</u>	Hispanic/Latino	<u>41</u> <u>51.90%</u>

Contraband:

Total	<u>2</u>	<u>0.13%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>0</u>	<u>0.00%</u>	White	<u>2</u>	<u>100.00%</u>	Hispanic/Latino	<u>0</u> <u>0.00%</u>

Racial Profiling Report | Full Report

Page 3

ALPINE POLICE DEPARTMENT

1/1/2024 - 12/31/2024

Probable cause:

Total	<u>30</u>	<u>1.99%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>1</u>	<u>3.33%</u>		
Black	<u>6</u>	<u>20.00%</u>	White	<u>13</u>	<u>43.33%</u>	Hispanic/Latino	<u>10</u> <u>33.33%</u>

Inventory:

Total	<u>2</u>				
Alaska Native/American Indian	<u>0</u>		Asian/Pacific Islander	<u>0</u>	
Black	<u>0</u>		White	<u>1</u>	
			Hispanic/Latino	<u>1</u>	

Incident to arrest:

Total	<u>17</u>	<u>1.13%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>1</u>	<u>5.88%</u>		
Black	<u>1</u>	<u>5.88%</u>	White	<u>7</u>	<u>41.18%</u>	Hispanic/Latino	<u>8</u> <u>47.06%</u>

Was Contraband discovered?

Yes:

Total	<u>45</u>	<u>2.99%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Yes	<u>0</u>	<u>0.00%</u>	No	<u>0</u> <u>0.00%</u>
Asian/Pacific Islander	<u>1</u>	<u>2.22%</u>	Yes	<u>1</u>	<u>100.00%</u>	No	<u>0</u> <u>0.00%</u>
Black	<u>4</u>	<u>8.89%</u>	Yes	<u>0</u>	<u>0.00%</u>	No	<u>4</u> <u>100.00%</u>
White	<u>23</u>	<u>51.11%</u>	Yes	<u>5</u>	<u>21.74%</u>	No	<u>18</u> <u>78.26%</u>
Hispanic/Latino	<u>17</u>	<u>37.78%</u>	Yes	<u>2</u>	<u>11.76%</u>	No	<u>15</u> <u>88.24%</u>

Did the finding result in arrest (total should equal previous column)?

No:

Total	<u>85</u>	<u>5.65%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>2</u>	<u>2.35%</u>		
Black	<u>7</u>	<u>8.24%</u>	White	<u>33</u>	<u>38.82%</u>	Hispanic/Latino	<u>43</u> <u>50.59%</u>

Description of contraband

Drugs:

Total	<u>35</u>	<u>2.33%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>1</u>	<u>2.86%</u>		
Black	<u>3</u>	<u>8.57%</u>	White	<u>17</u>	<u>48.57%</u>	Hispanic/Latino	<u>14</u> <u>40.00%</u>

Currency:

Total	<u>0</u>	<u>0.00%</u>
-------	----------	--------------

Racial Profiling Report | Full Report

Page 4

ALPINE POLICE DEPARTMENT

1/1/2024 - 12/31/2024

	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>
	Black	<u>0</u>	<u>0.00%</u>	White	<u>0</u>	<u>0.00%</u>
				Hispanic/Latino	<u>0</u>	<u>0.00%</u>
Weapons:						
Total	<u>0</u>	<u>0.00%</u>				
	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>
	Black	<u>0</u>	<u>0.00%</u>	White	<u>0</u>	<u>0.00%</u>
				Hispanic/Latino	<u>0</u>	<u>0.00%</u>
Alcohol:						
Total	<u>8</u>	<u>0.53%</u>				
	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>
	Black	<u>1</u>	<u>12.50%</u>	White	<u>4</u>	<u>50.00%</u>
				Hispanic/Latino	<u>3</u>	<u>37.50%</u>
Stolen property:						
Total	<u>0</u>	<u>0.00%</u>				
	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>
	Black	<u>0</u>	<u>0.00%</u>	White	<u>0</u>	<u>0.00%</u>
				Hispanic/Latino	<u>0</u>	<u>0.00%</u>
Other:						
Total	<u>2</u>	<u>0.13%</u>				
	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>
	Black	<u>0</u>	<u>0.00%</u>	White	<u>2</u>	<u>100.00%</u>
				Hispanic/Latino	<u>0</u>	<u>0.00%</u>

Result of the stop

Verbal warning:

Total	<u>864</u>	<u>57.41%</u>				
	Alaska Native/American Indian	<u>2</u>	<u>0.23%</u>	Asian/Pacific Islander	<u>17</u>	<u>1.97%</u>
	Black	<u>30</u>	<u>3.47%</u>	White	<u>398</u>	<u>46.06%</u>
				Hispanic/Latino	<u>417</u>	<u>48.26%</u>

Written warning:

Total	<u>214</u>	<u>14.22%</u>				
	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>1</u>	<u>0.47%</u>
	Black	<u>13</u>	<u>6.07%</u>	White	<u>78</u>	<u>36.45%</u>
				Hispanic/Latino	<u>122</u>	<u>57.01%</u>

Citation:

Total	<u>405</u>	<u>26.91%</u>				
	Alaska Native/American Indian	<u>2</u>	<u>0.49%</u>	Asian/Pacific Islander	<u>17</u>	<u>4.20%</u>
	Black	<u>18</u>	<u>4.44%</u>	White	<u>158</u>	<u>39.01%</u>
				Hispanic/Latino	<u>210</u>	<u>51.85%</u>

Racial Profiling Report | Full Report

ALPINE POLICE DEPARTMENT

1/1/2024 - 12/31/2024

Page 5

Written warning and arrest:

Total	<u>6</u>	<u>0.40%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>0</u>	<u>0.00%</u>	White	<u>3</u>	<u>50.00%</u>	Hispanic/Latino	<u>3</u> <u>50.00%</u>

Citation and arrest:

Total	<u>14</u>	<u>0.93%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>2</u>	<u>14.29%</u>	White	<u>4</u>	<u>28.57%</u>	Hispanic/Latino	<u>8</u> <u>57.14%</u>

Arrest:

Total	<u>2</u>	<u>0.13%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>0</u>	<u>0.00%</u>	White	<u>0</u>	<u>0.00%</u>	Hispanic/Latino	<u>2</u> <u>100.00%</u>

Arrest based on

Violation of Penal Code:

Total	<u>21</u>	<u>1.40%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>2</u>	<u>9.52%</u>	White	<u>7</u>	<u>33.33%</u>	Hispanic/Latino	<u>12</u> <u>57.14%</u>

Violation of Traffic Law:

Total	<u>1</u>	<u>0.07%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>0</u>	<u>0.00%</u>	White	<u>0</u>	<u>0.00%</u>	Hispanic/Latino	<u>1</u> <u>100.00%</u>

Violation of City Ordinance:

Total	<u>0</u>	<u>0.00%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>0</u>	<u>0.00%</u>	White	<u>0</u>	<u>0.00%</u>	Hispanic/Latino	<u>0</u> <u>0.00%</u>

Outstanding Warrant:

Total	<u>0</u>	<u>0.00%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>0</u>	<u>0.00%</u>	White	<u>0</u>	<u>0.00%</u>	Hispanic/Latino	<u>0</u> <u>0.00%</u>

Racial Profiling Report | Full Report
ALPINE POLICE DEPARTMENT
1/1/2024 - 12/31/2024

Page 6

Was physical force resulting in bodily injury used during stop?

Yes:

Total	<u>0</u>	<u>0.00%</u>					
	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>	
	Black	<u>0</u>	<u>0.00%</u>	White	<u>0</u>	<u>0.00%</u>	Hispanic/Latino <u>0</u> <u>0.00%</u>
Injured Suspect	<u>0</u>	<u>0.00%</u>	Officer	<u>0</u>	<u>0.00%</u>	Both	<u>0</u> <u>0.00%</u>

No:

Total	<u>1,505</u>	<u>100.00%</u>					
	Alaska Native/American Indian	<u>4</u>	<u>0.27%</u>	Asian/Pacific Islander	<u>35</u>	<u>2.33%</u>	
	Black	<u>63</u>	<u>4.19%</u>	White	<u>641</u>	<u>42.59%</u>	Hispanic/Latino <u>762</u> <u>50.63%</u>

Number of complaints of racial profiling?

Total	<u>0</u>	<u>0.00%</u>
Resulted in disciplinary action	<u>0</u>	<u>0.00%</u>
Did not result in disciplinary action	<u>0</u>	<u>0.00%</u>

Submitted electronically to the



The Texas Commission on Law Enforcement

Racial Profiling Report | Full Report
ALPINE POLICE DEPARTMENT
1/1/2024 - 12/31/2024

Page 7

Comparative Analysis
Motor Vehicle Stops vs. Gender Ethnic Population of Service Area
ALPINE POLICE DEPARTMENT

Racial Profile Data Provided by Kologik COPSync Mobile	# of Stops	% of Stops	Agency Service Area Demographics Provided by Agency Official (Not Kologik)	Total Number	% of Population
Male	1,003	66.64%	Male	2,813	47.5%
Female	502	33.36%	Female	3,114	52.5%
Alaska Native/American Indian	4	0.27%	Alaska Native/American Indian	0	0
Asian/Pacific Islander	35	2.33%	Asian/Pacific Islander	135	2.2%
Black	63	4.19%	Black	32	.5%
White	641	42.59%	White	2,526	45%
Hispanic/Latino	762	50.63%	Hispanic/Latino	3,366	54.7%
			Other/Not Reported Above	63	1%

DATA SOURCE USED FOR AGENCY SERVICE AREA DEMOGRAPHICS:
city-data.com

ADDITIONAL INFORMATION THAT MAY INFLUENCE AND/OR IMPACT DATA REPORTED:

This form is produced in accordance with the Texas Code of Criminal Procedure Article 2.134 as required by the Texas Occupation Code Section 1701.164 and the Texas Commission on Law Enforcement. The Agency Service Area Demographics data was derived from available public data sources such as the US Census Bureau and other statistical services available to the reporting agency.



CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 10A

Department: City Council

Sponsor: Rick Stephens, Councilor

Memo Prepared By: Geoffrey R. Calderon, City Secretary

Staff Recommendation: None



AGENDA ITEM

Discuss the current timeline and process for creating city council meeting agendas and determine if changes need to be made. (R. Stephens, City Council)

EXECUTIVE SUMMARY

None

SUPPORTING MATERIALS

None

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY 2024-2025: N/A

Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk

Geoffrey R. Calderon, City Secretary

Megan Antrim, City Manager

Approved - 1/23/2025

Approved - 1/23/2025

Final Approval - 1/27/2025

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 10B

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Megan Antrim, City Manager

Staff Recommendation: None



AGENDA ITEM

Discussion regarding consideration of second ordinance authorizing the vacation, abandonment, and sale of the unimproved portion of South 5th Street lying between Lot 5, Block 1 and Lot 10, Block 2, of Ferguson's Second Addition to the City of Alpine, Brewster County, Texas, comprising of approximately 0.096 acres to Horticultural Consulting, LLC. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

On August 6, 2024, Horticultural Consulting, LLC, represented by Kara Coats, submitted a request to purchase a portion of an unimproved street located at the end of South 5th Street. After deliberation, the City Council unanimously opposed the sale, citing concerns over the presence of essential utilities, specifically water and sewer infrastructure, within the property in question.

In November 2024, Mrs. Coats re-initiated discussions to explore alternatives for the property. Subsequently, Interim Utility Director Johnny Marquez and City Manager Megan Antrim met with Bill Coats to review the site and evaluate potential options. Upon further assessment, Mr. Marquez determined that purchasing a smaller section of the unimproved street could be a viable solution, ensuring the City retains access to and control over the utilities within the area.

Horticultural Consulting, LLC, has expressed a desire to proceed with this adjusted proposal. Given the additional costs associated with reappraisal and re-surveying, a preliminary discussion item with the City Council is recommended to gather input and determine the appropriate course of action.

SUPPORTING MATERIALS

- 1-6-25 PETITION TO PURCHASE CITY PROPERTY

BUDGET CONSIDERATIONS

Expenditure Required: N/A
Savings Anticipation: N/A
Current Budget FY 2024-2025: N/A
Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

Approved - 1/27/2025
Approved - 1/27/2025
Final Approval - 1/27/2025

Horticultural Consulting LLC
509 S. 5th Street, Alpine, TX 79830
504 W. 19th Street, Wilmington, DE 19802
(302) 494-1153 kcoats1000@gmail.com

December 27, 2024

Office of the City Secretary
100 N. 13th Street
Alpine, TX 79830

RE: REVISED REDUCED ACREAGE Petition to Purchase Right-of-Way at Terminus of South 5th St.

Mr. Calderon, City Secretary:

Thanks for your continued assistance with our right-of-way petition for the terminus of South 5th Street.

The original May 29, 2024, petition was not approved by City Council due to concerns expressed by Alpine's Utility Department regarding the existence of utilities in the right-of-way, even though the utilities primarily serve the adjacent parcel with which the right-of-way would have been merged, and even though we had agreed to record a utility easement, and additionally agreed to record a prohibition on grading or building on the acquired right-of-way.

Therefore, in early November we provided the City Manager with an aerial map with the City's utility location estimates marked on the original acreage requested for purchase, as well as a map showing a revised reduced acreage request that does not cover any City utilities. On Nov. 21, the City's Utility Department and City Manager graciously met us on the property to review the original and revised reduced acreage requests. We explained that we are interested in acquiring the right-of-way to preserve parking in front of the parcel at 508 S. 5th Street, as well as to slightly increase the size of the parcel from 6,924 sq ft, to over 7,000 sq. ft., making the parcel large enough to build on per the City Zoning Code which requires a minimum buildable lot size of 7,000 sq. ft. Accordingly, we continue to have no interest in building on the requested right-of-way or grading it, but we would like to purchase it in order to have exclusive access to it.

Enclosed please find all relevant documents in support of a Revised Reduced Acreage Petition to the City to sell a portion of the City's excess right-of-way at the terminus of S. 5th Street, that does not include any underlying City utilities, to Horticultural Consulting LLC, owner of abutting parcel 508 S. 5th Street (Tax parcel #10378). If the City approves the purchase, we will have the new revised reduced acreage officially re-surveyed, and the value of the right-of-way will be proportionally reduced based off the original appraisal of \$3,150 for 0.096 acres.

The Revised Reduced Acreage Petition is submitted by Horticultural Consulting LLC, confirmed through signatory authority by owner and manager Kara S. Coats, as per the attached Resolution of the LLC.

Sincerely,

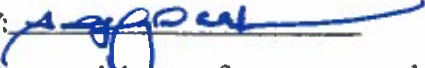
Kara S. Coats

RECEIVED
City of Alpine, Texas

JAN 06 2025 10:00 AM.

OFFICE OF THE CITY SECRETARY

REVISED Enclosures:

BY: 

1. ORIGINAL ACREAGE detailed sketch on aerial map of area requested showing utilities
2. REVISED REDUCED ACREAGE detailed sketch on aerial map of area requested showing utilities
3. HAND MARK-UP OF REDUCED ACREAGE REQUEST on certified survey of Right of Way

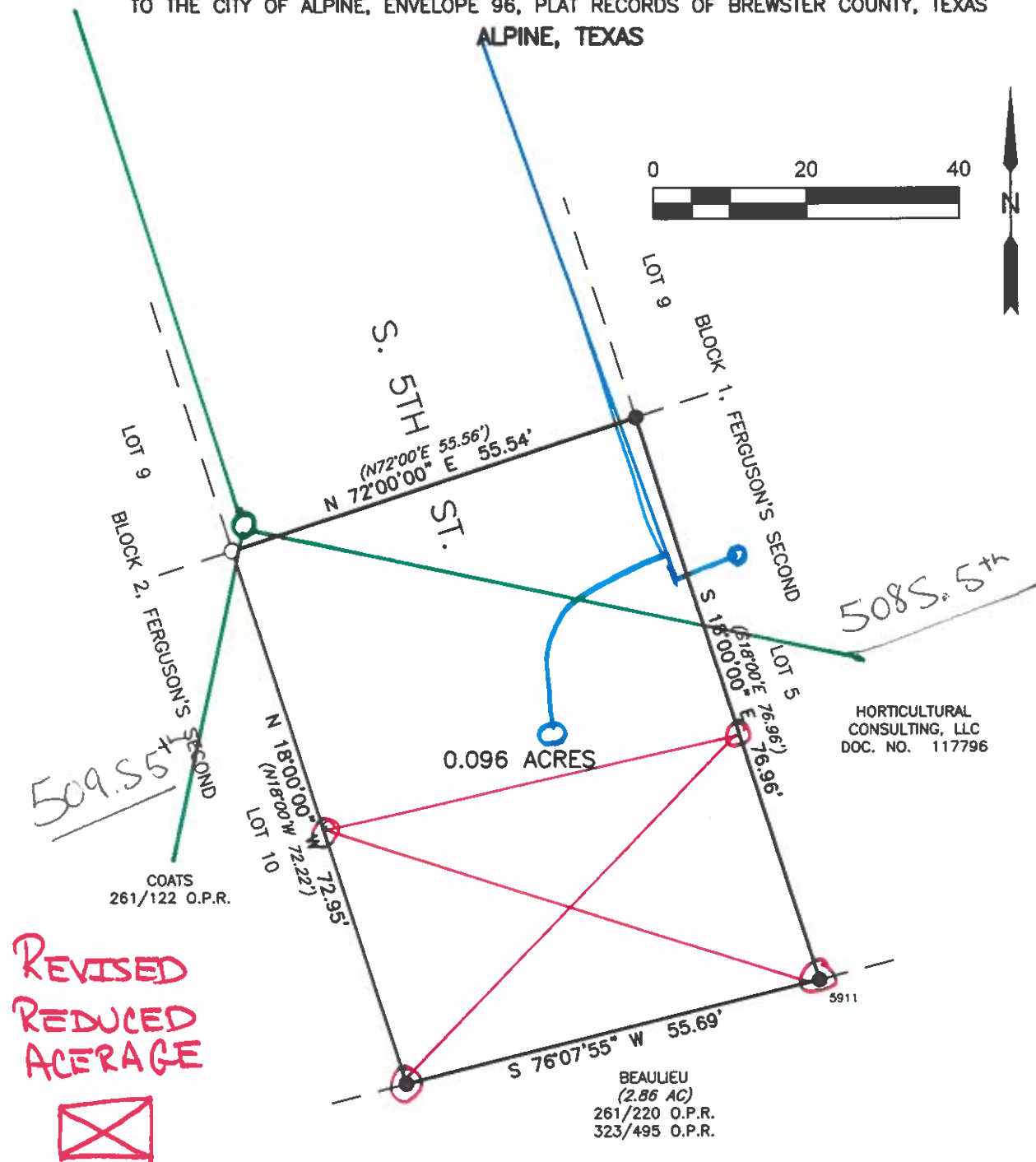
Horticultural Consulting LLC
509 S. 5th Street, Alpine, TX 79830
504 W. 19th Street, Wilmington, DE 19802
(302) 494-1153 kcoats1000@gmail.com

ORIGINAL Enclosures:

1. Exhibit 1 – Signed Petition for Closure & Purchase of Right of Way (Notarized original) including signature of abutting property owners
2. Exhibit 2 – Petition to Replat Purchased Property (Notarized original)
3. Name and contact information of the petitioner.
4. Texas Certificate of Fact for LLC; Delaware Certificate of Formation for LLC, and Resolution of LLC to acquire property.
5. Appraisal of the Right of Way by Paul Loeffler Dated May 24, 2024
6. Original Letter sent May 29, 2024 for Petition
7. Supplemental Letter sent to City Council dated August 2, 2024, agreeing to record a permanent easement for utilities and to prohibit permanent structures and grading of the area.

SURVEY PLAT

0.096 ACRES OUT OF S. 5TH ST. RIGHT-OF-WAY, PLATTED AS PART OF FERGUSON'S SECOND ADDITION
TO THE CITY OF ALPINE, ENVELOPE 96, PLAT RECORDS OF BREWSTER COUNTY, TEXAS
ALPINE, TEXAS



REVISED
REDUCED
ACERAGE



AN INDEPENDENT EXHAUSTIVE SEARCH OF THE
PUBLIC RECORD HAS NOT BEEN CONDUCTED.
EASEMENTS/RESTRICTIONS NOT SHOWN HEREON
MAY AFFECT THIS TRACT.

LEGEND

- IRON ROD FOUND [CAPPED AS NOTED]
 - CAPPED IRON ROD SET [5911]
 - () RECORD INFORMATION
- BEARING BASIS: AS SHOWN



I HEREBY CERTIFY THAT THIS PLAT IS BASED ON AN
ACTUAL ON THE GROUND SURVEY AND THAT THE LINES
AND CORNERS ARE TRUE AND CORRECT TO THE BEST
OF MY KNOWLEDGE AND BELIEF.

Kevin Mueller

4-28-2024

KEVIN MUELLER
105 N. COCKRELL ST.
(432) 538-2115
KEVIN.MUELLER@SAWTOOTHSURVEY.COM

SAW TOOTH SURVEY
P.O. BOX 1751
ALPINE, TX 79831



Google

Google



EXHIBIT 1

PETITION FOR CLOSURE & PURCHASE OF CITY-OWNED PROPERTY

STATE OF TEXAS §

COUNTY OF BREWSTER §

TO THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS:

Now, come(s) Horticultural Consulting LLC of the City of Alpine, County of Brewster, State of
(Purchaser)

Texas, and request the City Council of the City of Alpine, Texas to close and/or abandon a
street/alley described as: End of South 5th Street between 508 (#10378) and 509 (#10385) South 5th Street
(alley, street location and boundaries)

Said) Horticultural Consulting LLC represents that they/he/she own(s) the following property:
(property owner(s))

508 S. 5th Street Alpine TX 79830 (Tax Parcel #10378) and legally described as
(Street Address)

Lot 5, Block 1, J.W. Ferguson's 2nd Addition to Alpine, Enclave 96 which adjoins or abuts
(Legal Description)

the street/alley. Said property owner(s) request the above referenced street/alley be closed and/or
abandoned for the following reason(s): To combine with tax parcel 10378

ABUTTING PROPERTY OWNER PETITION

I, James R. Seal affirm that I own the property that abuts the street or
(Abutting Property Owner Printed Name)
alley that the above petition is concerning. I hereby request the closure, abandonment, and sale of
the land to the above petitioner.

Address: 605 South 5th St. P.O.
Phone Number: 0

Signature: James R. Seal
Date: 4/5/24

ABUTTING PROPERTY OWNER PETITION

I, MARTHA B. COATS affirm that I own the property that abuts the street or
(Abutting Property Owner Printed Name)
alley that the above petition is concerning. I hereby request the closure, abandonment, and sale of
the land to the above petitioner.

Address: 509 S. FIFTH ALPINE, TX
Phone Number: 1.342.545.7834 79830

Signature: Martha B. Coats
Date: APR 11, 2024

The City shall have the right to reserve easements necessary for the existing utilities or require the owner(s) provide a new utility/drainage easement should the closing require relocation of utilities. The said property owner(s) agree(s) that should the closing require relocation of utilities, such relocation shall be at their expense.

The purchaser(s) agree(s) that expenses related to the survey (plat and field notes including jointers), appraisal, publication and mailing of public hearing notices and any other applicable fees shall be at the petitioner's expense.

We, the petitioner(s) agree to hold the City of Alpine harmless, and indemnify it against all suits, costs, expenses and damages that may arise out of this request for closure and abandonment.

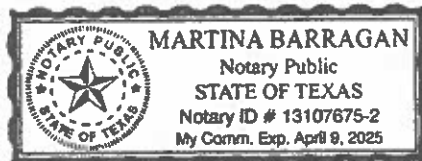
RESPECTFULLY SUBMITTED BY Kara Coats this the day 3rd of
(Printed Name of Purchaser) (Day)
May, 2024.
(Month) (Year)

[Signature]
(Signature of Purchaser)

THE STATE OF TEXAS §
COUNTY OF BREWSTER §

This instrument was acknowledged before me on this the 3 day of
May, 2024.

[SEAL]



[Signature]
Notary Public, State of Texas

RESPECTFULLY SUBMITTED BY _____ this the day _____ of
(Printed Name of Purchaser) (Day)
_____, 20____.
(Month) (Year)

(Signature of Purchaser)

THE STATE OF TEXAS §
COUNTY OF BREWSTER §

This instrument was acknowledged before me on this the _____ day of
_____, 20____.

[SEAL]

Notary Public, State of Texas

EXHIBIT 2

AGREEMENT TO REPLAT PURCHASED PROPERTY

WHEREAS, I (we), the undersigned purchaser(s) of real property described as

End of South 5th Street between 508 (#10378) and 509 (#10388) South 5th Street
(alley, street location and boundaries)

located in the City of Alpine, County of Brewster, and State of Texas wish to purchase said property from the City of Alpine; and

WHEREAS, said purchase requires that the property described above be replatted upon approval by the City Council; and

WHEREAS, I (we) understand that the replat is non-negotiable and a contingent part of the sale.

THEREFORE, I (we) agree to have the property described above replatted as required by the City of Alpine and to file said replat with the County of Brewster within sixty (60) days of the finalization of the sale of the property.

1. I (we) agree that all costs associated with the aforementioned replat, including surveying, filing, advertising and recording fees shall be the responsibility of the undersigned.
2. I (we) agree that any improvements made prior to the completion of this replat are made entirely at our own risk and the City of Alpine shall not be responsible for any cost or loss.
3. I (we) agree that the City of Alpine may seek injunctive relief to enforce the terms of this agreement and that I (we) shall be assessed with those costs, expenses and reasonable attorney's fees.
4. This agreement is binding upon the parties and their heirs, successors and assigns.
5. I (we) agree to deliver a certified check to the Alpine Finance Department no later than five (5) working days after the passage of the ordinance.

In witness whereof, I (we) have hereunto set my (our) hand(s) this the 3rd day of May, 2024.

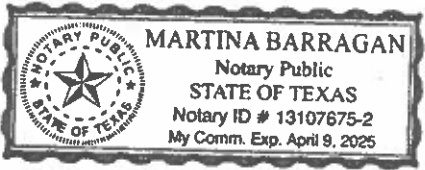
Kara S. Coats
Printed name of Purchaser

[Signature]
Signature of Purchaser

THE STATE OF TEXAS §
COUNTY OF BREWSTER §

This instrument was acknowledged before me on this the 3 day of May, 2024.

[SEAL]



[Signature]
Notary Public, State of Texas

Horticultural Consulting LLC
509 S. 5th Street, Alpine, TX 79830
504 W. 19th Street, Wilmington, DE 19802
(302) 494-1153 kcoats1000@gmail.com

May 29, 2024

Office of the City Secretary
100 N. 13th Street
Alpine, TX 79830

RE: Petition to Purchase Right of Way at Terminus of South 5th Street

TO: City Secretary, Geo Calderon

Enclosed please find all relevant documents in support of a Petition to the City of Alpine to sell a portion of the City's excess Right of Way at the terminus of S. 5th Street to Horticultural Consulting LLC, owner of abutting parcel 508 S. 5th Street (Tax parcel #10378).

The Petition is submitted by Horticultural Consulting LLC, confirmed through signatory authority by owner and manager Kara S. Coats, as per the attached Resolution of the LLC.

Please let me know if you have any questions or need additional documentation.

Sincerely,



Kara S. Coats
302.494.1153; kcoats1000@gmail.com

Enclosures:

1. Exhibit 1 – Signed Petition for Closure & Purchase of Right of Way (Notarized original) including signature of abutting property owners
2. Exhibit 2 – Petition to Replat Purchased Property (Notarized original)
3. Copies of the deeds to show title verification of ownership of abutting properties.
4. Detailed sketch of area requesting to be closed.
5. Name and contact information of the petitioner.
6. Texas Certificate of Fact for LLC; Delaware Certificate of Formation for LLC, and Resolution of LLC to acquire property.
7. Certified Survey of Right of Way
8. Metes and Bounds Description of Right of Way
9. Copy of Appraisal of the Right of Way – Paul Loeffler will send original under separate cover

Horticultural Consulting LLC
509 S. 5th Street, Alpine, TX 79830
504 W. 19th Street, Wilmington, DE 19802
(302) 494-1153 kcoats1000@gmail.com

August 2, 2024

RE: Utility infrastructure easement accommodation for:
Petition to Purchase Right of Way at Terminus of South 5th Street

TO: Alpine Mayor & City Council Members:
City Council Member Reagan Stone: ward1.stone@cityofalpine.com
City Council Member Eva Olivas: ward2.olivas@cityofalpine.com
City Council Member Darin Nance: ward3.nance@cityofalpine.com
City Council Member Lucy Escovedo: ward4.escovedo@cityofalpine.com
City Council Member Rick Stephens: ward5.stephens@cityofalpine.com
Mayor Catherine Eaves: mayor.eaves@cityofalpine.com

CC: City Secretary, Geoffrey Calderon: city.secretary@cityofalpine.com

Members of Alpine City Council

It recently came to our attention that the City of Alpine Water Utilities Department identified some utility infrastructure on, or near, the Right of Way for which the Petition to Purchase was submitted by Horticultural Consulting LLC at the terminus of South 5th Street.

To address this concern, we would agree as a condition of sale to record a permanent easement granting the City of Alpine Water Utilities perpetual access to the utility infrastructure and agree not to build any permanent structures on the area where utility infrastructure has been identified by the City of Alpine Water Utility.

Please let me know if you have any questions or need additional documentation.

Sincerely,



Kara S. Coats
Owner/Director Horticultural Consulting, LLC

SUPERIOR LAND SERVICES LLC

P. O. Box 11407
Alpine, TX 79831-11407

May 24, 2024

City of Alpine
Attn: Geoffrey R. Calderon, City Secretary
101 N. 13th Street
Alpine, TX 79830

Re: Restricted Appraisal of 4,181.76 square feet (0.096 acres), being the unimproved portion of South 5th Street lying between Lot 5 , Block 1 and Lot 10, Block 2, of Ferguson's Second Addition to the City of Alpine, Brewster County, Texas

Dear Mr. Calderon,

As requested, I have inspected the property referenced above, collected and analyzed market data and have provided you, representing the City of Alpine, herein with my opinion of the market value of the ownership of the fee simple title of the surface estate of said property. The subject property consists of approximately 4,181.76 square feet (0.096 acres), more or less, located at the extreme south end of South 5th Street, between three privately owned properties. The subject property was inspected on May 17, 2024, which serves as the effective date of valuation.

As agreed, this report is presented in a restricted format with data and analysis presented to support an estimate of value. This appraisal report meets the minimum appraisal standards set forth by the Uniform Standards of Appraisal Practice (U.S.P.A.P.) of the Appraisal Foundation, Title XI of F.I.R.R.E.A., and the Code of Professional Ethics of the American Society of Farm Managers and Rural Appraisers. I have researched the market for applicable, comparable data and other pertinent information. As the property is unimproved, the Cost Approach to value estimation is not applicable. As the property is not currently leased for the generation of economic income, the Income Approach to value estimation is not necessary for credible assignment results.

The following pages set forth the current market data and assumptions employed in formulating my opinion of the market value for the subject property. Based on the available data, my opinion of the market value of the ownership interest of the surface estate of the subject property, assuming a reasonable exposure time of three to six months, as of May 17, 2024, is:

THREE THOUSAND ONE HUNDRED FIFTY DOLLARS
(\$3,150.00)

It has been a pleasure to prepare this report. If you have any questions concerning the contents of this report, please feel free to call.

Respectfully submitted,

Restricted Use Appraisal Report

Client Information:

CITY OF ALPINE
Attn: Geoffrey R. Calderon, City Secretary
101 N. 13TH STREET
Alpine, TX 79830

Date of Valuation: May 17, 2024

Date of Inspection: May 17, 2024

Appr. Report Date: May 24, 2024

Appraiser: Paul V. Loeffler
TALCB #1327826- G

Summary

County: Brewster

Net Square Feet: 4,181.76 sq. ft., more
or less

Property ID No.: None; City Property

Land Located: 500 Block of South Fifth Street, Alpine, TX

Legal Description: Unimproved and unutilized portion of South 5th Street between Lot 5, Block 1 and Lot 10, Block 2, Ferguson's Second Addition to the City of Alpine, Brewster County, Texas

Land Value Indicated by: Sales Comparison: \$ 3,136.32

MARKET VALUE OF PROPERTY: \$3,150.00 (rounded)

Special Remarks: The subject property of approximately 4,181.76 square feet (0.096 acres) is owned by the City of Alpine and is currently the unopened, undeveloped and unutilized portion of South 5th Street located at the extreme south end of the street at the base of "A" Mountain. The subject property lies between Lot 5, Block 1, owned by Horticultural Consulting, LLC on the east and Lot 10, Block 2, owned by Coats et. al. on the west. Assemblage of the subject property (4,181.76 sq. ft.) with the two adjoining properties is the objective.

Scope of Appraisal: This appraisal has been prepared in accordance with accepted techniques, standards, methods, and procedures of the appraisal industry. This appraisal was completed after analysis of the subject area and neighborhood, inspection of the subject property, and collection of comparable sales and market data. Information regarding the subject, the area, and the neighborhood has been collected and analyzed to determine the subject's highest and best use.

This appraisal was developed using the Sales Comparison Approach. The Cost Approach and the Income Approach are not considered applicable due to the size and footprint of the property, as well as the property not being considered an economical unit. For these reasons, these approaches are excluded from this analysis.

The comparable sales information was obtained through various reporting services and was confirmed by knowledgeable parties of the sales such as the grantor, grantee, broker, and other appraisers.

Purpose and Intended Use of the Appraisal: The purpose of the appraisal is to estimate the market value of the property for the use and benefit of the City of Alpine, its successors and/or assigns, for a probable sales price determination.

Market Value Defined

According to Federal Reserve Regulation 12 CFR Part 225, subpart H, market value is defined as:

"The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and each acting in what they consider their best interest;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and,
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

This is a restricted appraisal report intended for a specific purpose and a specific client; as such, it may not be understood properly without additional information that is retained in the appraiser's work file.

Definition of Exposure Time

According to *The Appraisal of Rural Property, 2nd Ed.*, The Appraisal Foundation, and the *Uniform Standards of Professional Appraisal Practice, 2024-2025 ed.*, Exposure Time is defined as follows:

"The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective opinion based on an analysis of past events assuming a competitive and open market."

Exposure time is different for various types of property and under different marketing conditions. It is noted that the overall concept of reasonable exposure encompasses not only adequate, sufficient, and reasonable time but also adequate, sufficient, and reasonable effort. This statement focuses on the time element.

The fact that exposure time is always presumed to occur prior to the effective date of value is substantiated by related facts in the appraisal process: supply/demand conditions as of the effective date of the appraisal; the use of current cost information; the analysis of historical sales information (sold after exposure and after completion of negotiations between the seller and buyer); and, the analysis of future income expectancy projected from the effective date of value. The opinion of the reasonable exposure period is a function of time, price and use, not an isolated opinion of time alone. Following review of the market data presented and the analysis of the physical, functional and economic factors affecting the property, our opinion of a reasonable exposure time for the subject property, assuming conventional marketing, is estimated to be three to six months.

Property Rights Appraised: Fee Simple, Surface only

Minerals Conveyed: 0 % Royalties Conveyed: 0 % Mineral Value per Acre: \$0

SALES HISTORY

The subject property is owned by the City of Alpine, Texas. The subject parcel was acquired by the City of Alpine as right-of-way of South 5th Street as part of the Ferguson's Second Addition Plat of Alpine as recorded in Plat Envelope No. 96, Official Plat Records, Brewster County, Texas. The property has not changed hands since originally platted, more than a century ago.

HIGHEST AND BEST USE ANALYSIS

PHYSICALLY POSSIBLE: The subject property has significant limitations for typical uses due to the size and orientation of the subject parcel; indicating the most common and practical use being assemblage of the land to an adjoining property. While the parcel is approximately the same width (55 +/- feet) as found in a typical city lot, the reduced depth, averaging 74 feet, presents considerable challenges to effective development or utilization of the tract. Utilization of a portion of the northern part of the tract to provide access to the properties on either side further diminishes the effective depth of the parcel. As the Highest and Best Use of the parcel is assemblage with the adjoining properties on either side, this reduced utility is generally eliminated. Despite not being opened to use or maintained as a street by the City of Alpine, the current use is for access to those parcels on either side of the tract. It is noted that access to the property to the south (Boyd/Beaulieu) is not through the subject parcel and would be difficult due to land slope.

LEGALLY PERMISSABLE: The adjoining property is subject to zoning ordinances and regulations administered by the City of Alpine and any use following assemblage with the adjoining property must comply with those regulations. The adjoining parcels are currently zoned "R-3", Apartment District, for multiple levels of residential occupancies and development. The past and intended use of the larger assembled parcel and its existing and potential improvements are believed to meet the allowed uses.

FINANCIALLY FEASIBLE: Market analysis and the surrounding land uses indicate a most feasible and practical use being that of support of the proposed surrounding use, following assemblage with the adjoining property.

MAXIMALLY PRODUCTIVE: The most productive use to achieve the highest value of the land is for assemblage with the adjoining properties to the east and west, to support the intended use of such.

SITE DESCRIPTION ANALYSIS: The subject parcel consists of approximately 4,181.76 square feet (0.096 acres), more or less, of land, generally rectangular in shape and is currently the unused and undeveloped portion of South 5th Street at its extreme south terminus. The property is approximately 55.615 feet wide (average) across South 5th Street by 74.995 feet deep (average), north to south. All city utilities including water, sanitary sewer and gas, as well as electricity and telephone, are in place on the adjoining properties or streets. Some of these utilities could possibly cross overhead or occupy some portion of the tract. The adjoining property is zoned "R-3" for multiple residential occupancy uses. It is believed that the past use of the adjoining properties, as well as the proposed future use following assemblage, will comply with existing zoning regulations. The majority of the surrounding properties are developed to residential uses, with the Catholic Church and a city park being found in the immediate neighborhood.

Topography: Considerable slope to the south

Trees: Mesquite and desert shrub vegetation

Flood Plain: ☐ YES ☒ NO

Map Panel #: 480085 0002B

ENHANCEMENTS: All city utilities in proximity, paved street frontage at north end.

DETRIMENTS: Size, utility and slope.

UTILITIES

ELECT: ☒ YES ☐ NO

Elect. Provided by: AEP Texas

GAS: ☒ YES ☐ NO

TELEPHONE: ☒ YES ☐ NO

WATER METER: ☐ YES ☒ NO

Water Provided by: City of Alpine

WATER WELL: ☐ YES ☒ NO

PUMP: ☐ YES ☒ NO

DEPTH: Not applicable

SEPTIC TANK: ☐ YES ☒ NO

Size/Condition:

City Sewer available

ADDITIONAL COMMENTS:

On the date of inspection, no situation or condition was observed which would be considered to constitute an environmental contamination or concern; however, the appraiser is not qualified to render an opinion of possible environmental concerns or contaminations. The client is advised to consult with an environmental professional concerning any situation that may present an environmental concern.

During the inspection of the subject property, the appraiser did not observe any threatened or endangered species; however, the appraiser is not qualified to render an opinion of the possible existence of threatened or endangered species. The client is advised to consult with a qualified professional biologist concerning the possibility of the presence of threatened or endangered species. In the event there is shown to be the presence of threatened or endangered species on the subject property, the appraiser reserves the right to change the opinion of value based upon the property rights lost due to regulations for the protection of threatened or endangered species.

SALES COMPARISON APPROACH

Sales	1	2	3	4	5
Date	4/24/2023	1/20/2023	6/16/2022	7/14/2021	1/31/2020
Address	909 W. Murphy Ave.	904 W. Avenue J	1104 W. Sanderson	203 E. Murphy Ave.	933 E. Gallego
Size/S.F. of Lots	16,664	7,667	13,305	26,145	37,050
Sales Price	\$22,000	\$21,000	\$36,000	\$52,300	\$60,000
Grantor	Ned Allen	Ned Allen	Christine Johnson	Schaake	Sanchez
Grantee	Montilva & Paredes	Ramon Aguirre	Jose Uranga	Chisos Brewing	Food Pantry
Recording	117302	116718	115490	113171	109576
Price/S.F.	\$1.32	\$2.74	\$2.71	\$2.00	\$1.62
Financing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Condition of Sale	\$0.00	\$0.00	\$0.00	\$0.00	\$0.40
Time	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Adjusted Values	\$1.32	\$2.74	\$2.71	\$2.00	\$2.02
Size	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Function/Utility	<\$0.33>	<\$1.42>	<\$1.42>	<\$1.42>	<\$1.42>
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Appeal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Water	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Improvements	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Adjustments	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Adjusted Values	\$0.99	\$1.32	\$1.29	\$0.58	\$0.60

ADJUSTED PRICE: \$ 0.75 per square foot X 4,181.76 square feet = \$ 3,136.32

Rounded to \$ 3,150.00

MARKET ANALYSIS

The subject parcel is located in the south-central part of Alpine, at the extreme south terminus of South 5th Street and is approximately 4,182 square feet (0.096 acres) in size. The five sales utilized in the analysis are considered the most current transactions having similarity to the subject property in most aspects. The sales set forth range from 7,667 square feet to 37,050 square feet in total size and all have taken place in a period of just over four years prior to the effective date of value. Unadjusted, the sales prices range from \$1.32/sq. ft. to \$2.74/sq. ft.

Sale 5 is adjusted upward by 20 percent for Condition of Sale. Given the non-profit status of the buyer (Food Pantry of Alpine) and the intended use of the property being construction of a new food bank building, the seller of the property discounted the sales price by 20 percent from the initial listing price.

In comparing the five sales to each other and to the subject parcel, each of the sales are considered to have superior utility, primarily in terms of the size and layout of the lot. The subject property is unique in being a smaller size and shape than most city lots in Alpine, measuring approximately 55 feet wide (mostly typical) by 75 feet deep. It is currently owned by the City of Alpine and is the undeveloped, unused south end of South 5th Street. The east and west sides of the parcel are bounded by properties owned by the potential purchaser under the proposed assemblage. The south side is bounded by an acreage homesite parcel.

A diligent search of all available data revealed minimal sales of vacant properties of comparable size, especially with respect to the width to length ratio. Each of the sales discovered were conveyances of similar undeveloped, unopened streets or alleys sold by the City of Alpine to the adjoining property owner. These sales occurred from mid-2017 through early 2024 and included tracts of 3,920 to 16,553 square feet in size. The sales prices ranged from \$0.36 to \$1.50 per square foot, depending upon location, size and utility.

As discussed, the subject's size is only minimally capable of supporting a residential or commercial construction due to the reduced tract size and location at the end of street. Utilization of the parcel for development independent of the two adjoining properties could potentially impact the access and utility of those properties. When all these factors are considered, along with the adjoining building and site improvements, the highest and best use of the parcel is felt to be assemblage with the adjoining properties on either side. For all these reasons, the subject parcel is considered inferior in terms of function and utility to the normal sized vacant parcel selling on the open market in Alpine.

Through comparison of these and other sales in the subject market, adjustment levels of 25 to 60 percent were indicated for the reduced function and utility found in the subject. Due to the unique circumstances found in the subject property, as well as the five prior conveyances of similar properties by the City of Alpine, an adjustment amount at the top of the indicated range is considered appropriate to address the reduced function and utility of the subject parcel. The adjustment in Sales 2 through 5 is derived by applying a 60 percent discount to the mean value of these four sales (\$2.37/sf), yielding an adjustment amount of \$1.42 per square foot. The lower unadjusted sales price in Sale 1 (\$1.32/sf) is believed to be due to the property adjoining the Union Pacific Railroad, a very active rail line passing through Alpine. This sale is adjusted downward at a level of 25 percent, the lower end of the indicated range, due to the lower sale price.

As mentioned previously, the subject property's highest and best use is considered to be the assemblage of land with the adjoining property, such being the two lot lying on either side of the unused street area.

Following all adjustments derived through comparison and analysis, the value range indicated by the comparable sales is \$0.58 to \$1.32 per square foot, with the mean of the range being \$0.956 per square foot. The mean value of the five City of Alpine conveyances mentioned above is \$0.796 per square foot. Due to the diminished market appeal, the reduced functional utility due to size and the stated highest and best use of the subject parcel, a value somewhat less than the mean of the two indicated ranges presented is considered to be representative of the market value of the subject, as of the effective date of valuation. As supported by the data and analysis presented, the indicated market value of the subject, by the Sales Comparison Approach, as of April 12, 2024, is \$0.75 per square foot or \$3,150.00 (rounded).

ASSUMPTIONS AND LIMITING CONDITIONS

1. LIMIT OF LIABILITY: The liability of the appraiser and employees is limited to the client and to the fee collected. Further, there is no accountability, obligation, or liability to any third party. If this report is placed in the hands of anyone other than the client, the client will make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The Appraiser assumes no responsibility for any costs incurred to discover or correct any deficiencies of any type present in the property - physically, financially, and legally.

2. COPIES, PUBLICATION, DISTRIBUTION, USE OF REPORT: Possession of this report or any copy thereof does not carry with it the right of publication, nor may it be used for other than its intended use; the physical reports(s) remain the property of the appraiser for the use of the client -- the fee being for the **analytical services only**.

The Bylaws and Regulations of the American Society of Farm Managers and Rural Appraisers require each Member or Candidate to control the use and distribution of each appraisal report signed by such Member or Candidate; except as hereinafter provided, the client may distribute copies of this appraisal report in its entirety to such third parties as he may select; however, selected portions of this appraisal report will not be given to third parties without the prior written consent of the signatories of this appraisal report. Neither all nor any part of this appraisal report will be disseminated to the general public communication without the prior written consent of the appraiser. (See last items in following list for client agreement/consent).

3. CONFIDENTIALITY: This appraisal is to be used only in its entirety and no part is to be used without the entire report. All conclusions and opinions concerning the analysis set forth in the report were prepared by the Appraiser(s) whose signatures(s) appear on the appraisal report, unless indicated as "Review Appraiser." No change of any item in the report will be made by anyone other than the Appraiser(s). The Appraiser(s) will have no responsibility if any such unauthorized change is made.

The Appraiser(s) may not divulge the material (evaluation) contents of the report, analytical findings or conclusions, or give a copy of the report to anyone other than the client or his designee as specified in writing except as may be required by the American Society of Farm Managers and Rural Appraisers as they may request in confidence of ethics enforcement, or by court of law or body with the power of subpoena.

4. TRADE SECRETS: This appraisal was obtained from Superior Land Services LLC, Paul V. Loeffler, Appraiser and Consultant, or related independent contractors and/or appraiser trainees and consists of "trade secrets and commercial or financial information" which is privileged and confidential and exempted from disclosure under 5 U.S.C. 552(b)(4). Notify the appraiser(s) signing the report of any request to reproduce this appraisal in whole or part.

5. INFORMATION USED: No responsibility is assumed for accuracy of the information furnished by work of others, the client, his designee, or public records. I am not liable for such information or the work of possible subcontractors. Be advised that some of the people associated with the Appraiser and possibly signing the report is independent contractors. The comparable data relied upon this report has been confirmed with one or more parties familiar with the transaction or from affidavit or other sources thought reasonable; all are considered appropriate for inclusion to the best of our factual judgment and knowledge. An impractical and uneconomic expenditure or time would be required in attempting to furnish unimpeachable verification in all instances, particularly as to engineering and market related information. It is suggested that the client consider independent verification as a prerequisite to any transaction involving sale, lease, or other significant commitment of funds for the subject property.

6. TESTIMONY AND COMPLETION OF CONTRACT FOR APPRAISAL SERVICES: The contract for appraisal, consultation or analytical services is fulfilled and the total fee payable upon completion of the report. The appraiser(s) or those assisting in preparation of the report will not be asked or required to give testimony in court or hearing because of having made the appraisal, in full or in part, nor engage in post appraisal consultation with client or third parties except under separate and special arrangement and at an additional fee. If testimony or deposition is required because of subpoena, the client will be responsible for any additional time, fees, and charges, regardless of issuing party.

7. EXHIBITS: The sketches and maps in this report are included to assist the reader in visualizing the property and are not necessarily to scale. Various photos, if included, are included for the same purpose as of the date of the photos. Site plans are not surveys unless shown from a separate surveyor.

8. LEGAL, ENGINEERING, FINANCIAL, STRUCTURAL, OR MECHANICAL, HIDDEN COMPONENTS, SOIL: No responsibility is assumed for matters legal in character or nature, nor matters of a survey, nor of any architectural, structural, mechanical, or engineering nature. No opinion is rendered as to the title, which is presumed to be merchantable. The property is appraised as if free and clear, unless otherwise stated in particular parts of the report. The legal description is assumed to be correct as used in this report as furnished by the client, his designee, or as derived by the appraiser(s).

Please note that no advice is given regarding mechanical equipment or structural integrity or adequacy, nor soils and potential for settlement, drainage (seek assistance from a qualified architect and/or engineer); nor matters concerning liens, title status, and legal marketability (seek legal assistance). The lender and owner should inspect the property before any disbursement of funds; further, it is likely that the lender or owner may wish to require mechanical or structural inspections by qualified and licensed contractors, civil or structural engineer, architect, or other expert.

The appraiser(s) have inspected as far as possible by observation the land and improvements; however, it was not possible to personally observe conditions beneath the soil or hidden structural components. We have not critically inspected mechanical components in the improvements, and no representations are made herein as to these matters unless specifically stated and considered in the report. The value estimates consider there being no such conditions that would cause a loss in value. The land or the soil of the area being appraised appears firm; however, subsidence in the area is unknown. The appraiser(s) do(es) not warrant against this condition or occurrence of problems arising from soil conditions. As these are Extraordinary Assumptions, the appraiser(s) reserve(s) the right to change the opinion of value based upon conditions disclosed following the report date pursuant to U.S.P.A.P. Standard Rule 2-2(a)(ii).

The appraisal is based on there being no hidden, unapparent, or apparent conditions of the property site, subsoil, or structures or toxic materials which would render it more or less valuable. No responsibility is assumed for any such conditions or for any expertise or engineering to discover them. All mechanical components are assumed to be in an operable condition and status standard for properties of the subject type. Conditions of heating, cooling, ventilating, electrical, and plumbing equipment are considered to be commensurate with the condition of the balance of the improvements unless otherwise stated. No judgment may be made by us as to adequacy of insulation, type of insulation, or energy efficiency of the improvements or equipment which is assumed standard for subject age and type. As these are Extraordinary Assumptions, the appraiser(s) reserve(s) the right to change the opinion of value based upon conditions disclosed following the report date pursuant to U.S.P.A.P. Standard Rule 2-2(a)(xi).

The Appraiser(s) assume(s) no responsibility for any costs or consequences arising due to the need or the lack of need for flood hazard insurance. An Agent for The Federal Flood Insurance Program should be contacted to determine the actual need for Flood Hazard Insurance.

This appraisal report does not constitute a property inspection and cannot be relied upon to disclose defects or conditions in the property.

9. LEGALITY OF USE: The appraisal is based on the premise that there is full compliance with all applicable federal, state and local environmental regulations and laws unless otherwise stated in the report; further, that all applicable zoning, building, and use regulations and restrictions of all types have been complying with unless otherwise stated in the report; further, it is assumed that all required license, consents, permits or other legislative or administrative authority by local, state, federal and/or private entities or organizations have been or can be obtained or renewed for any considered in the value estimate.

10. COMPONENT VALUES: The distribution of the total valuation in this report between land and improvements apply only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal and is invalid if so used.

11. INCLUSIONS: Furnishings and equipment or personal property or business operations, except as specifically indicated and typically considered as a part of real estate, have been disregarded with only the real estate being considered in the value estimate unless otherwise stated. In some property types, business and real estate interests and values are combined.

12. PROPOSED IMPROVEMENTS, CONDITIONED VALUE: Improvements proposed, if any, on or off-site, as well as any repairs required, are considered, for purposes of this appraisal, to be completed in workmanlike manner according to information submitted and/or considered by the appraisers. In cases of proposed construction, the appraisal is subject to change upon inspection of property after construction is completed. This estimate of market value is as of the date shown, as proposed, as if completed and operating at levels shown and projected.

13. VALUE CHANGE & ALTERATION OF ESTIMATE BY APPRAISER(S): The estimated market value, which is defined in the report, is subject to change with market movement over time; value is highly related to exposure, time, promotional effort, terms, motivation, and conditions surrounding the offering. The value estimate considers the productivity and relative attractiveness of the property physically and economically in the marketplace as it contributes to an economic or social need.

In cases of appraisals involving capitalization of income benefits, the estimate of market value or investments value or value in use is a reflection of such benefits and the appraiser's interpretation of income, yields, and other factors derived from general and specific client and market information. Such estimates are reported as of a specific date; they are thus subject to change since the market and value are naturally dynamic.

The "Estimate of Market Value" in the appraisal report is not based in whole or in part upon the race, color, or national origin of the present owners or occupants of the properties in the vicinity of the property appraised.

14. CHANGE: Appraisal report and value estimates are subject to change if physical, legal entity, or financing differ from that envisioned at the time of writing this report becomes apparent at a later date.

15. MANAGEMENT OF THE PROPERTY: It is assumed that the property which is the subject of this report will be under prudent and competent ownership and management, neither inefficient nor super-efficient. As these are Extraordinary Assumptions, the appraiser reserves the right to change the opinion of value based upon conditions disclosed following the report date pursuant to U.S.P.A.P. Standard Rule 2-2(a)(xi).

16. CONTINUING EDUCATION: A mandatory continuing education program is in place for those appraisers certified by the Texas Appraiser Licensing and Certification Board and the appraiser(s) signing the report is current under this program.

17. FEE: The fee for this appraisal or study is for the service rendered and not for the time spent on the physical report or the physical report itself. The compensation (fee) for the preparation of this appraisal report has no relation to the final values reported.

18. CHANGES & MODIFICATIONS: The appraiser(s) reserves the right to alter statements, analysis, conclusions or any value estimate in the appraisal if there becomes known to the undersigned facts pertinent to the appraisal process which were unknown to us/me at the time of report preparation.

19. MINERAL RIGHTS, NOISE, AND ENVIRONMENTAL CONCERNS: Mineral rights, noise, and environmental factors have not been given segregated consideration except as noted; they have been treated with the whole.

20. ACCEPTANCE OF, AND/OR USE OF, THIS APPRAISAL REPORT BY THE CLIENT OR ANY THIRD PARTY CONSTITUTES ACCEPTANCE OF THE ABOVE CONDITIONS.

CERTIFICATE OF APPRAISAL

I certify that, to the best of my knowledge and belief:

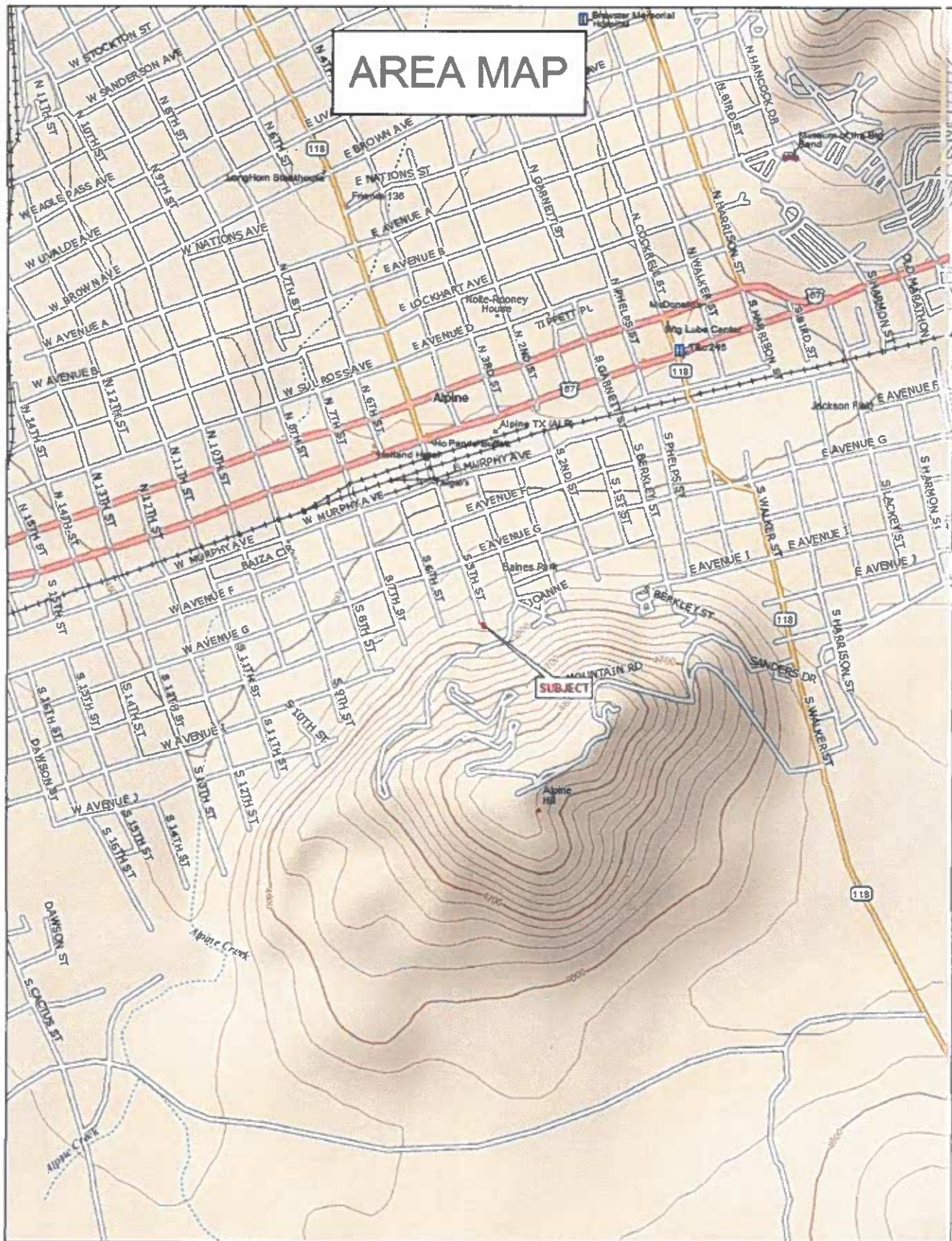
- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no personal bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- my engagement in this assignment was not contingent upon developing or reporting predetermined results.
- my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice (U.S.P.A.P.)* and the Code of Professional Ethics of the American Society of Farm Managers and Rural Appraisers.
- The use of this report is subject to the requirements of the Texas Appraisers Licensing and Certification Board relating to review by their duly authorized representatives.
- I, Paul V. Loeffler, am currently certified under the mandatory continuing education programs of the Texas Appraisers Licensing and Certification Board.
- I have made a personal inspection of the property that is the subject of this report.
- no one has provided significant real property appraisal assistance to the person signing this certification.

Respectfully submitted,

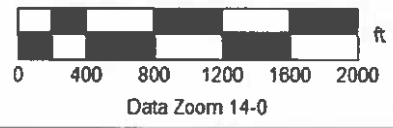

Paul V. Loeffler

Texas Certified General Real Estate Appraiser
License No. 1327826-G

AREA MAP



DeLorme
Data use subject to license.
© DeLorme. XMap® 8.
www.delorme.com



LOCATION MAP

Alpine

Alpine TX (ALP)

McPhee Buffet

Alpine Guest Lodge

McPhee Motel

E MURPHY AVE

E AVENUE F

W AVENUE F

E AVENUE G

W AVENUE G

W AVENUE H

W AVENUE I

S 1ST ST

S 2ND ST

S 3RD ST

S 4TH ST

S 5TH ST

S 6TH ST

S 7TH ST

S 8TH ST

S 9TH ST

S 10TH ST

S 11TH ST

S 12TH ST

S 13TH ST

S 14TH ST

S 15TH ST

S 16TH ST

S 17TH ST

S 18TH ST

S 19TH ST

S 20TH ST

S 21ST ST

S 22ND ST

S 23RD ST

S 24TH ST

S 25TH ST

S 26TH ST

S 27TH ST

S 28TH ST

S 29TH ST

S 30TH ST

S 31ST ST

S 32ND ST

S 33RD ST

S 34TH ST

S 35TH ST

S 36TH ST

S 37TH ST

S 38TH ST

S 39TH ST

S 40TH ST

S 41ST ST

S 42ND ST

S 43RD ST

S 44TH ST

S 45TH ST

S 46TH ST

S 47TH ST

S 48TH ST

S 49TH ST

S 50TH ST

S 51ST ST

S 52ND ST

S 53RD ST

S 54TH ST

S 55TH ST

S 56TH ST

S 57TH ST

S 58TH ST

S 59TH ST

S 60TH ST

S 61ST ST

S 62ND ST

S 63RD ST

S 64TH ST

S 65TH ST

S 66TH ST

S 67TH ST

S 68TH ST

S 69TH ST

S 70TH ST

S 71ST ST

S 72ND ST

S 73RD ST

S 74TH ST

S 75TH ST

S 76TH ST

S 77TH ST

S 78TH ST

S 79TH ST

S 80TH ST

S 81ST ST

S 82ND ST

S 83RD ST

S 84TH ST

S 85TH ST

S 86TH ST

S 87TH ST

S 88TH ST

S 89TH ST

S 90TH ST

S 91ST ST

S 92ND ST

S 93RD ST

S 94TH ST

S 95TH ST

S 96TH ST

S 97TH ST

S 98TH ST

S 99TH ST

S 100TH ST

Benches Park

JOHNS

3RD ST

4TH ST

5TH ST

6TH ST

7TH ST

8TH ST

9TH ST

10TH ST

11TH ST

12TH ST

13TH ST

14TH ST

15TH ST

16TH ST

17TH ST

18TH ST

19TH ST

20TH ST

21ST ST

22ND ST

23RD ST

24TH ST

25TH ST

26TH ST

27TH ST

28TH ST

29TH ST

30TH ST

31ST ST

32ND ST

33RD ST

34TH ST

35TH ST

36TH ST

37TH ST

38TH ST

39TH ST

40TH ST

41ST ST

42ND ST

43RD ST

44TH ST

45TH ST

46TH ST

47TH ST

48TH ST

49TH ST

50TH ST

51ST ST

52ND ST

53RD ST

54TH ST

55TH ST

56TH ST

57TH ST

58TH ST

59TH ST

60TH ST

61ST ST

62ND ST

63RD ST

64TH ST

65TH ST

66TH ST

67TH ST

68TH ST

69TH ST

70TH ST

71ST ST

72ND ST

73RD ST

74TH ST

75TH ST

76TH ST

77TH ST

78TH ST

79TH ST

80TH ST

81ST ST

82ND ST

83RD ST

84TH ST

85TH ST

86TH ST

87TH ST

88TH ST

89TH ST

90TH ST

91ST ST

92ND ST

93RD ST

94TH ST

95TH ST

96TH ST

97TH ST

98TH ST

99TH ST

100TH ST

101ST ST

102ND ST

103RD ST

104TH ST

105TH ST

106TH ST

107TH ST

108TH ST

109TH ST

110TH ST

111ST ST

112ND ST

113RD ST

114TH ST

115TH ST

116TH ST

117TH ST

118TH ST

119TH ST

120TH ST

121ST ST

122ND ST

123RD ST

124TH ST

125TH ST

126TH ST

127TH ST

128TH ST

129TH ST

130TH ST

131ST ST

132ND ST

133RD ST

134TH ST

135TH ST

136TH ST

137TH ST

138TH ST

139TH ST

140TH ST

141ST ST

142ND ST

143RD ST

144TH ST

145TH ST

146TH ST

147TH ST

148TH ST

149TH ST

150TH ST

151ST ST

152ND ST

153RD ST

154TH ST

155TH ST

156TH ST

157TH ST

158TH ST

159TH ST

160TH ST

161ST ST

162ND ST

163RD ST

164TH ST

165TH ST

166TH ST

167TH ST

168TH ST

169TH ST

170TH ST

171ST ST

172ND ST

173RD ST

174TH ST

175TH ST

176TH ST

177TH ST

178TH ST

179TH ST

180TH ST

181ST ST

182ND ST

183RD ST

184TH ST

185TH ST

186TH ST

187TH ST

188TH ST

189TH ST

190TH ST

191ST ST

192ND ST

193RD ST

194TH ST

195TH ST

196TH ST

197TH ST

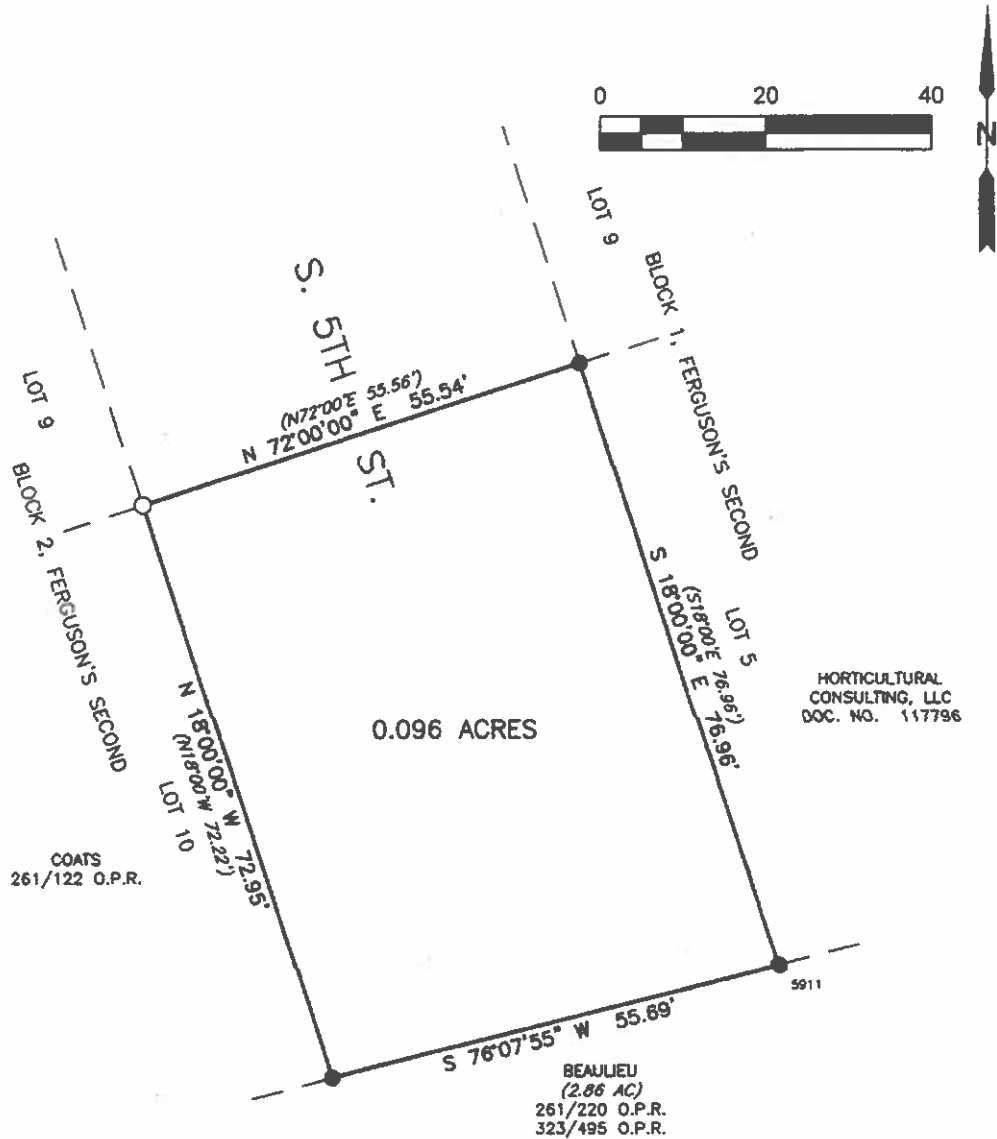
198TH ST

199TH ST

2

SURVEY PLAT

0.096 ACRES OUT OF S. 5TH ST. RIGHT-OF-WAY, PLATTED AS PART OF FERGUSON'S SECOND ADDITION
TO THE CITY OF ALPINE, ENVELOPE 96, PLAT RECORDS OF BREWSTER COUNTY, TEXAS
ALPINE, TEXAS



AN INDEPENDENT EXHAUSTIVE SEARCH OF THE
PUBLIC RECORD HAS NOT BEEN CONDUCTED.
EASEMENTS/RESTRICTIONS NOT SHOWN HEREON
MAY AFFECT THIS TRACT.

LEGEND

- IRON ROD FOUND [CAPPED AS NOTED]
 - CAPPED IRON ROD SET [5911]
 - () RECORD INFORMATION
- BEARING BASIS: AS SHOWN



I HEREBY CERTIFY THAT THIS PLAT IS BASED ON AN
ACTUAL ON THE GROUND SURVEY AND THAT THE LINES
AND CORNERS ARE TRUE AND CORRECT TO THE BEST
OF MY KNOWLEDGE AND BELIEF.

Kevin Mueller

4-28-2024

KEVIN MUELLER
105 N. COCKRELL ST.
(432) 538-2115
KEVIN.MUELLER@SAWTOOTHSURVEY.COM

SAW TOOTH SURVEY
P.O. BOX 1751
ALPINE, TX 79831

0.096 ACRES

METES AND BOUNDS DESCRIPTION OF 0.096 ACRES OUT OF S. 5TH ST. RIGHT-OF-WAY, PLATTED AS PART OF FERGUSON'S SECOND ADDITION TO THE CITY OF ALPINE, ENVELOPE 96, PLAT RECORDS OF BREWSTER COUNTY, TEXAS, SAID 0.096 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped iron rod [5911] found for the southeast corner of S. 5th St., southwest corner of Lot 5, Block 1 of said Ferguson's Second Addition and **POINT OF BEGINNING** of the herein described tract;

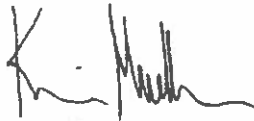
THENCE with the south line of said S. 5th St. and south line of said Ferguson's Second Addition, **S 76°07'55" W**, a distance of **55.69 feet** to an iron rod found for the southwest corner of said S. 5th St. and southeast corner of Lot 10, Block 2 of said Ferguson's Second Addition;

THENCE with the west right-of-way line of said S. 5th St. and east line of said Lot 10, **N 18°00'00" W**, a distance of **72.95 feet** to a capped iron rod [5911] set for the northeast corner of said Lot 10 and northwest corner of the herein described tract;

THENCE over and across said S. 5th St., **N 72°00'00" E**, a distance of **55.54 feet** to an iron rod found in the east right-of-way line of said S. 5th St. for the northwest corner of said Lot 5 and northeast corner of the herein described tract;

THENCE with the west line of said Lot 5, **S 18°00'00" E**, a distance of **76.96 feet** to the **POINT OF BEGINNING** of the herein described tract, containing **0.096 ACRES** of land, more or less.

I, Kevin Mueller, do hereby certify that this description was prepared from a survey performed under my supervision during April 2024, and is true and correct to the best of my knowledge.

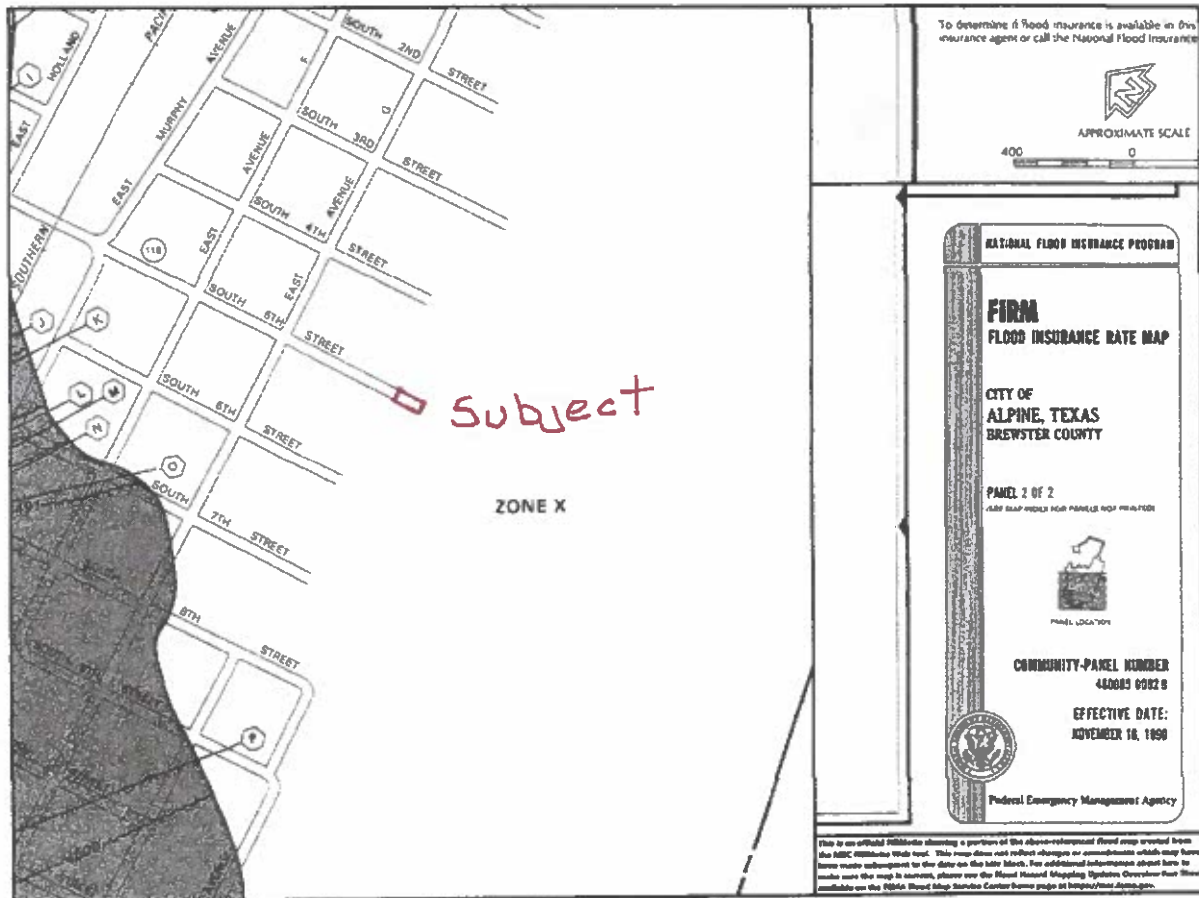


4-27-2024

KEVIN MUELLER
SAW TOOTH SURVEY
P.O. BOX 1751
ALPINE, TX 79831
(432) 538-2115



SUBJECT FLOOD MAP



SUBJECT PHOTO



Subject property, looking south from the south end of South 5th Street. The north corners of the subject are located at the edge of the photo in line with the near edge of the rock on the left. The south corners are obscured by the brush.

COMPARABLE SALES MAP





Certified General Real Estate Appraiser

Appraiser: PAUL VICTOR LOEFFLER

License #: TX 1327826 G

License Expires: 04/30/2026

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Occupations Code, Chapter 1103, authorization is granted to use this title:
Certified General Real Estate Appraiser

For additional information or to file a complaint please contact TALCB at www.talcb.texas.gov.

A handwritten signature in blue ink, which appears to read 'Chelsea B.', is located to the right of the authorization text.

**Chelsea Buchholtz
Executive Director**

STATE OF DELAWARE CERTIFICATE OF FORMATION OF LIMITED LIABILITY COMPANY

The undersigned authorized persons, desiring to form a limited liability company pursuant to the Limited Liability Company Act of the State of Delaware, hereby certify as follows:

1. The name of the limited liability company is: Horticultural Consulting, LLC.
2. The Registered Office of the limited liability company in the State of Delaware is located at 504 W. 19th Street, in the City of Wilmington, DE 19802. The name of the Registered Agents at such address upon whom process against this limited liability company may be served is Kara S. Coats.

By: _____

Authorized Person

Name: Kara S. Coats

Date: _____

August 12, 2021

State of Delaware

Secretary of State

Division of Corporations

Delivered 08:34 AM 08/12/2021

FILED 08:34 AM 08/12/2021

SR 20212956041 - File Number 6162945



Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Application for Registration for Horticultural Consulting, authorized under the name Horticultural Consulting Alpine LLC (file number 804633993), a DELAWARE, USA, Foreign Limited Liability Company (LLC), was filed in this office on July 05, 2022.

It is further certified that the entity status in Texas is in existence.

Delayed Effective date: August 01, 2022

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on June 14, 2023.



A handwritten signature in black ink that reads "Jane Nelson".

Jane Nelson
Secretary of State

RESOLUTION – APRIL 10, 2024

HORTICULTURAL CONSULTING, LLC

We, the undersigned, being all the Members of Horticultural Consulting, LLC, a Delaware Series corporation, having its principal office at 504 W. 19th Street, Wilmington, DE 19802, (the "LLC"), hereby certify that the following is a true and correct copy of a resolution duly adopted at a meeting of the two LLC Members on April 10, 2024.

THEREFORE, BE IT RESOLVED this 10 day of April 2024:

That Horticultural Consulting, LLC agrees to submit a petition to the City of Alpine, TX to request purchase of the unused right of way at the end of South 5th Street, Alpine, TX, 79830, adjacent to the property already owned by the LLC at 508 S. 5th Street, Alpine, TX, 79830.

As evidenced by the signatures below, both Members with the authority to bind the LLC approve the form and content of this resolution, to be effective immediately. The signature of one of the owners is sufficient to bind the LLC in execution of any of the steps in the process of acquiring the right of way.

IN WITNESS WHEREOF, the undersigned, intending to be legally bound hereby, have duly executed this resolution as of the day and year first above written.



William S. Haldeman



Kara S. Coats

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 10C

Department: City Council

Sponsor: Reagan Stone, Councilor

Memo Prepared By: Geoffrey R. Calderon, City Secretary

Staff Recommendation: None



AGENDA ITEM

Discuss establishing an airport committee. (R. Stone, City Council)

EXECUTIVE SUMMARY

None

SUPPORTING MATERIALS

None

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY 2024-2025: N/A

Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk

Geoffrey R. Calderon, City Secretary

Megan Antrim, City Manager

Approved - 1/23/2025

Approved - 1/23/2025

Final Approval - 1/27/2025

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 10D

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Megan Antrim, City Manager

Staff Recommendation: None



AGENDA ITEM

Discuss the Alpine Police Department Policy Manual updated by LexiPool. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

The Alpine Police Department Policy Manual (2025) serves as a comprehensive guide for departmental operations, addressing policies, procedures, and responsibilities to ensure effective law enforcement aligned with federal and state regulations. This manual reflects the department's commitment to ethical policing, community engagement, and the continuous professional development of its staff.

Highlights include:

Mission and Vision:

The department pledges to deliver services with pride, professionalism, and integrity, fostering a safe and secure community environment. A future-oriented vision emphasizes community partnerships, innovative strategies, and efficient resource management.

Chief's Preface:

Chief Darrell R. Losoya underscores the manual's role as a dynamic and essential tool for guiding officers in decision-making and maintaining public trust.

Development and Training:

Recognizing the evolving nature of law enforcement, Chief Losoya allocated resources from the Abandoned Vehicle Fund to engage Lexipol, a third-party provider, to ensure the manual meets rigorous state and federal standards. Lexipol's involvement included the development of the policy framework, training sessions for staff to comprehend and implement policies effectively, and regular updates to maintain compliance with current laws and best practices.

Core Policies:

Detailed protocols cover law enforcement authority, organizational structure, general and patrol operations, traffic and investigation processes, equipment management, and support services. Specific emphasis is placed on the use of force, community relations, and adherence to ethical standards.

Commitment to Training:

Policies mandate ongoing training aligned with Texas Commission on Law Enforcement

(TCOLE) standards and federal requirements. The inclusion of Daily Training Bulletins ensures officers stay updated on procedures and policies.

Flexibility and Accountability:

The manual provides a framework for discretion while maintaining accountability. Officers are expected to act judiciously and uphold constitutional rights in all actions. This manual demonstrates a robust effort by the Alpine Police Department to align its practices with contemporary law enforcement needs, ensuring operational excellence and public confidence. The strategic use of Lexipol as a partner highlights a proactive approach to fostering a knowledgeable and compliant police force.

SUPPORTING MATERIALS

1. Alpine Police Department Policy Manual 2025

BUDGET CONSIDERATIONS

Expenditure Required: N/A
Savings Anticipation: N/A
Current Budget FY 2024-2025: N/A
Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

Approved - 1/23/2025
Approved - 1/23/2025
Final Approval - 1/27/2025

Alpine Police Department

Alpine Police Department Policy Manual

CHIEF'S PREFACE

This manual has been designed to provide the employees of the Alpine Police Department with readily accessible and contemporary reference information pertaining to the department policies.

This manual is not intended to cover the many situations that constantly confront the members of a law enforcement organization. Each member, at all times, is expected to use initiative, resourcefulness and sound judgment while performing his/her duties.

Each officer is given the legal authority and is charged with the responsibility to prevent and detect criminal activity, apprehend offenders, protect life and property and enforce laws and ordinances vigorously. This must be accomplished in a manner that will inspire the confidence and respect of the public we serve.

An officer must function with sensitivity, self-control, impartiality and, above all, honesty. An officer must do that which is required for self-preservation, but must absolutely refrain from the use of unnecessary force.

This manual has been assigned to you and must be maintained by you at all times. It is to be kept current at all times by making any and all deletions or additions as changes are issued to you. You will be held responsible for its contents and it is important that you use it regularly as reference material. This manual is confidential and the information contained is not to be passed on to those for whom it is not intended.

This manual will be subject to change as the needs of the department change and any future additions to it automatically revoke any and all previous orders in conflict with it.

Darrell R. Losoya
Chief of Police

Alpine Police Department

Alpine Police Department Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

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

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

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

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

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

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

Alpine Police Department

Alpine Police Department Policy Manual

MISSION STATEMENT

"Service with Pride and Professionalism"

MISSION STATEMENT

WE, the members of the Alpine Police Department, are committed to providing ethical, quality and responsive service to the community with pride and professionalism. WE are committed to improving the quality of life for those we serve by delivering the highest standard of police services.

VISION STATEMENT

WE envision a future where law-abiding citizens feel safe and take pride and comfort in the quality of life in our community; a future where disorder and criminal activity continues to be vigorously and intelligently pursued. WE envision our department as a superior service oriented organization that incorporates innovative strategies, contemporary technologies, proven community policing philosophies, positive leadership, and efficient and effective use of resources into all organizational decisions.

OUR ORGANIZATIONAL VALUES

Commitment to Service

WE believe our primary duty is to safeguard lives and property, while respecting the human and constitutional rights of all.

Commitment to Community Involvement

WE believe community partnerships are critical elements of our organization. Collaboration, cooperation and communication with our citizens and businesses are the framework for successful community oriented policing.

Commitment to Our Employees

WE believe that our employees are the greatest and most valuable assets of our organization; and that through regular training, education, career development, exemplary leadership and organizational support, our employees will reach the highest standards of performance and professional satisfaction, while serving the needs of our community.

Commitment to Responsibility and Accountability

WE believe that the prudent and effective management of our resources is critical to the future of our organization.

The Mission of the Alpine Police Department is to provide the District community with a safe, secure, and tranquil environment in which to learn, grow, work, and live. This is accomplished by partnering and collaborating with the community, by providing service in a professional, courteous manner and by affording dignity and respect to all individuals.

Alpine Police Department
Alpine Police Department Policy Manual

Table of Contents

Chief's Preface.	1
Law Enforcement Code of Ethics.	2
Mission Statement.	3
Chapter 1 - Law Enforcement Role and Authority.	8
100 - Law Enforcement Authority.	9
101 - Chief Executive Officer.	12
102 - Oath of Office.	13
103 - Policy Manual.	14
Chapter 2 - Organization and Administration.	17
200 - Organizational Structure and Responsibility.	18
201 - General Orders.	19
202 - Emergency Management Plan.	20
203 - Training.	22
204 - Electronic Mail.	26
205 - Administrative Communications.	27
206 - Supervision Staffing Levels.	28
207 - Retiree Concealed Firearms.	29
Chapter 3 - General Operations.	33
300 - Use of Force.	34
301 - Use of Force Review Boards.	43
302 - Handcuffing and Restraints.	45
303 - Control Devices.	50
304 - Conducted Energy Device.	55
305 - Officer-Involved Shootings and Deaths.	62
306 - Firearms.	71
307 - Vehicle Pursuits.	81
308 - Foot Pursuits.	94
309 - Officer Response to Calls.	99
310 - Canines.	103
311 - Family Violence.	112
312 - Search and Seizure.	119
313 - Child Abuse.	121
314 - Adult Abuse.	129
315 - Discriminatory Harassment.	134
316 - Missing Persons.	139
317 - Public Alerts.	147
318 - Victim and Witness Assistance.	154
319 - Hate Crimes.	157
320 - Standards of Conduct.	159

Alpine Police Department

Alpine Police Department Policy Manual

321 - Information Technology Use.	166
322 - Department Use of Social Media.	169
323 - Report Preparation.	172
324 - Media Relations.	176
325 - Subpoenas and Court Appearances.	179
326 - Part-Time Officers.	182
327 - Reserve Officers.	186
328 - Outside Agency Assistance.	190
329 - Registered Offender Information.	192
330 - Major Incident Notification.	195
331 - Death Investigation.	197
332 - Identity Theft.	201
333 - Private Person's Arrest.	203
334 - Limited English Proficiency Services.	205
335 - Communications with Persons with Disabilities.	213
336 - Biological Samples.	221
337 - Chaplains.	224
338 - Public Safety Video Surveillance System.	230
339 - Child and Dependent Adult Safety.	234
340 - Service Animals.	238
341 - Volunteers.	241
342 - Native American Graves Protection and Repatriation.	248
343 - Off-Duty Law Enforcement Actions.	250
344 - Community Relations.	252
345 - Generative Artificial Intelligence Use.	257
 Chapter 4 - Patrol Operations.	 261
400 - Patrol.	262
401 - Bias-Based Policing.	264
402 - Crime and Disaster Scene Integrity.	267
403 - Ride-Alongs.	269
404 - Hazardous Material Response.	272
405 - Hostage and Barricade Incidents.	275
406 - Response to Bomb Calls.	280
407 - Crisis Intervention Incidents.	285
408 - Emergency Detentions.	291
409 - Citation Releases.	295
410 - Foreign Diplomatic and Consular Representatives.	297
411 - Rapid Response and Deployment.	301
412 - Immigration Violations.	304
413 - Utility Service Emergencies.	307
414 - Aircraft Accidents.	309
415 - Field Training.	313
416 - Air Support.	316
417 - Contacts and Temporary Detentions.	317
418 - Criminal Organizations.	321
419 - Shift Supervisors.	325

Alpine Police Department

Alpine Police Department Policy Manual

420 - Mobile Audio/Video.	326
421 - Mobile Data Terminal Use.	332
422 - Public Recording of Law Enforcement Activity.	335
423 - Bicycle Patrol.	338
424 - Automated License Plate Readers (ALPRs).	342
425 - Homeless Persons.	345
426 - Medical Marihuana.	348
427 - Medical Aid and Response.	350
428 - First Amendment Assemblies.	355
429 - Civil Disputes.	361
430 - Suspicious Activity Reporting.	364
431 - Service of Court Documents.	366
432 - Body-Worn Cameras.	370
Chapter 5 - Traffic Operations.	379
500 - Traffic.	380
501 - Traffic Collisions.	383
502 - Traffic Collision Review Board.	387
503 - Vehicle Towing.	389
504 - Impaired Driving.	393
505 - Traffic and Parking Citations.	398
506 - Disabled Vehicles.	400
Chapter 6 - Investigation Operations.	401
600 - Investigation and Prosecution.	402
601 - Sexual Assault Investigations.	406
602 - Asset Forfeiture.	412
603 - Informants.	418
604 - Eyewitness Identification.	424
605 - Brady Information.	428
606 - Unmanned Aerial System.	431
607 - Warrant Service.	434
608 - Operations Planning and Deconfliction.	438
609 - Forensic Genetic Genealogy.	443
Chapter 7 - Equipment.	447
700 - Department-Owned and Personal Property.	448
701 - Personal Communication Devices.	450
702 - Vehicle Maintenance.	454
703 - Vehicle Use.	457
704 - Personal Protective Equipment.	463
Chapter 8 - Support Services.	467
800 - Dispatch.	468
801 - Property and Evidence Section.	473
802 - Records Division.	482
803 - Records Maintenance and Release.	485

Alpine Police Department
Alpine Police Department Policy Manual

804 - Protected Information.	491
805 - Animal Control.	494
806 - Jeanne Clery Campus Security Act.	497
Chapter 9 - Custody.	502
900 - Temporary Custody of Adults.	503
901 - Temporary Custody of Juveniles.	514
902 - Custodial Searches.	524
903 - Transporting Detainees.	530
Chapter 10 - Personnel.	534
1000 - Recruitment and Selection.	535
1001 - Performance Evaluations.	542
1002 - Special Assignments and Promotions.	546
1003 - Grievances.	548
1004 - Anti-Retaliation.	550
1005 - Reporting of Arrests, Convictions and Court Orders.	553
1006 - Drug- and Alcohol-Free Workplace.	555
1007 - Sick Leave.	558
1008 - Communicable Diseases.	560
1009 - Smoking and Tobacco Use.	565
1010 - Personnel Complaints.	566
1011 - Seat Belts.	576
1012 - Body Armor.	578
1013 - Personnel Records.	580
1014 - Request for Change of Assignment.	584
1015 - Commendations and Awards.	585
1016 - Fitness for Duty.	587
1017 - Lactation Breaks.	592
1018 - Payroll Records.	594
1019 - Overtime Compensation.	595
1020 - Outside Employment and Outside Overtime.	597
1021 - Occupational Disease, Work-Related Injury and Death Reporting.	602
1022 - Personal Appearance Standards.	604
1023 - Uniforms and Civilian Attire.	608
1024 - Explorers.	614
1025 - Conflict of Interest.	617
1026 - Badges, Patches and Identification.	619
1027 - Temporary Modified-Duty Assignments.	622
1028 - Performance History Audits.	626
1029 - Speech, Expression and Social Networking.	629
1030 - Illness and Injury Prevention.	633
1031 - Line-of-Duty Deaths.	638
1032 - Wellness Program.	649
Attachments.	655
.	656

Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Alpine Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Alpine Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters Louisiana, New Mexico or Oklahoma in fresh pursuit of a felony subject (La. Code Crim. P. art. 231 (Louisiana); 22 O.S. § 221 (Oklahoma); NMSA § 31-2-1 (New Mexico)).
- (c) When an officer enters Arkansas in fresh pursuit of a felony subject or a person who has committed, or is reasonably suspected of having committed, an offense of driving or operating a vehicle while intoxicated, impaired or under the influence (A.C.A. § 16-81-404).

Whenever an officer makes an arrest in another state, the officer shall take appropriate action to see that the person is taken to a magistrate or judge in the county where the arrest was made as soon as practicable (A.C.A. § 16-81-405; La. Code of Crim. P. art. 232; 22 O.S. § 222; NMSA § 31-2-2).

100.4 PEACE OFFICER POWERS

Sworn members of this department shall be considered peace officers pursuant to Tex. Code of Crim. Pro. art. 2A.001 and Tex. Occ. Code § 1701.001 et seq. The authority of any such peace officer extends to any place in the State of Texas and assigns the duty to every peace officer to preserve the peace within the State of Texas and their jurisdiction through all lawful means. A peace officer shall perform the duties as required under the Tex. Code of Crim. Pro. art. 2A.051.

Special or limited peace officer powers or authority to arrest may be granted to others as specified in Tex. Code of Crim. Pro. art. 2A.002 et seq.

100.4.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF ALPINE POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Alpine Police Department includes:

Alpine Police Department
Alpine Police Department Policy Manual

Law Enforcement Authority

- (a) In compliance with an arrest warrant.
- (b) Without a warrant for any offense committed in an officer's presence or within his/her view (Tex. Code of Crim. Pro. art. 14.01).
- (c) Without a warrant when ordered by a magistrate to make an arrest for a felony or breach-of-the-peace offense observed by the magistrate (Tex. Code of Crim. Pro. art. 14.02).
- (d) Without a warrant when the officer (Tex. Code of Crim. Pro. art. 14.03):
 - 1. Finds a person in a suspicious place and under circumstances that reasonably show that the person has committed a felony, a breach of the peace, an offense under Tex. Penal Code § 49.02 (public intoxication), or an offense under Tex. Penal Code Chapter 42 (disorderly conduct and related offenses), or is threatening to commit or about to commit some offense.
 - 2. Has probable cause to believe that a person has committed an assault resulting in bodily injury to another and that further injury may occur if an arrest is not made.
 - 3. Has probable cause to believe that a person has committed an offense under Tex. Penal Code § 25.07 (violation of certain court orders or conditions of bond in a family violence, sexual assault or abuse, indecent assault, stalking or trafficking case), regardless of whether the offense occurs within the presence of the officer.
 - 4. Has probable cause to believe that a person has committed an offense involving family violence.
 - 5. Has probable cause to believe that a person has prevented or interfered with another individual's ability to place an emergency call, even if the offense is committed outside the presence of the officer.
 - 6. Is told by a person something that would be admissible against the person and establishes probable cause to believe that the person has committed a felony.
- (e) Without a warrant when the officer is provided information, by a credible person, that a felony has been committed and that the offender is about to escape (Tex. Code of Crim. Pro. art. 14.04).
- (f) Without a warrant when the officer has reasonable grounds to believe that a person is in possession of stolen property (Tex. Code of Crim. Pro. art. 18.16).
- (g) Without a warrant when the officer observes a person committing a traffic offense under Subtitle C, Texas Transportation Code (Rules of the Road offenses) (Tex. Transp. Code § 543.001).

100.4.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE ALPINE POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the Alpine Police Department includes:

- (a) Without a warrant for any offense committed within the presence or view of the officer except traffic offenses. Officers may make a warrantless arrest for a traffic offense

Alpine Police Department

Alpine Police Department Policy Manual

Law Enforcement Authority

under Subtitle C, Title 7, Texas Transportation Code if the offense is committed in the same county or counties where the Alpine Police Department is located (Tex. Code of Crim. Pro. art. 14.03).

- (b) When in fresh pursuit of a person who committed an offense within the officer's jurisdiction.

An officer making an arrest under this subsection shall, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made (Tex. Code of Crim. Pro. art. 14.03).

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Texas Constitutions.

Chief Executive Officer

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Texas are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Alpine Police Department, who is required to exercise the powers and duties of the office as prescribed by state law.

101.2 POLICY

It is the policy of the Alpine Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

101.3 CHIEF OF POLICE REQUIREMENTS

Any chief executive officer of this department shall, as a condition of continued employment, complete the course of training prescribed by the Texas Commission on Law Enforcement (TCOLE) and be licensed by TCOLE within the time frame prescribed by Tex. Educ. Code § 96.641 (Tex. Occ. Code § 1701.358).

101.4 CHIEF OF POLICE REQUIREMENTS

Any chief executive officer of this department shall, as a condition of continued employment, complete the course of training prescribed by the Texas Commission on Law Enforcement (TCOLE) and be licensed by TCOLE within the time frame prescribed by Tex. Educ. Code § 96.641 (Tex. Occ. Code § 1701.358). In addition, at the time of appointment, the chief executive officer must have a minimum of 5 years' experience as a law enforcement officer and be eligible for an intermediate TCOLE certificate or its equivalent as determined by TCOLE (Tex. Local Gov't Code § 143.013).

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Alpine Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions (Tex. Const. art. XVI, § 1).

The form of the oath should be as follows:

"I, (state name), do solemnly swear or affirm that I will faithfully execute the duties of (state position) of the State of Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of Texas, so help me God."

"I, (state name), do solemnly swear or affirm that I have not directly or indirectly paid, offered, promised to pay, contributed or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God."

If a member is opposed, the words "so help me God" may be omitted.

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Tex. Const. art. XVI, § 1).

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Alpine Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Alpine Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or department members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training or discipline. The Alpine Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Generally, for the purposes of criminal charges (Penal Code), an adult is someone 17 and older. Otherwise, someone is not considered an adult until 18 years old.

City - The City of Alpine.

Alpine Police Department

Alpine Police Department Policy Manual

Policy Manual

Non-sworn - Employees and volunteers who are not sworn peace officers.

Department/APD - The Alpine Police Department.

DADS - The Texas Department of Aging and Disability Services.

DFPS - The Texas Department of Family and Protective Services.

DPS - The Texas Department of Public Safety.

Employee - Any person employed by the Department.

Manual - The Alpine Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Alpine Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers

Officer - Those employees, regardless of rank, who are sworn peace officer employees of the Alpine Police Department.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

Alpine Police Department

Alpine Police Department Policy Manual

Policy Manual

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

TCIC - Texas Crime Information Center.

TCOLE - The Texas Commission on Law Enforcement.

TDEM - Texas Division of Emergency Management.

THP - Texas Highway Patrol.

TLETS - Texas Law Enforcement Telecommunications System.

TXDOT - The Texas Department of Transportation.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each supervisor will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisors, who will consider the recommendations and forward them to the command staff as appropriate.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

200.2 POLICY

The Alpine Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 ORGANIZATIONAL STRUCTURE

The Chief of Police is responsible for administering and managing the Alpine Police Department. All functions of the Department are organized within the Operations Division.

200.3.1 OPERATIONS DIVISION

Department operations are commanded by the Chief of Police, whose primary responsibility is to provide general management, direction and control. The Operations Division consists of uniformed patrol; special operations; traffic enforcement; dispatch operations; police aides/assistants; investigative functions; property control; records maintenance and release; internal investigations; crime analysis; forensic services; technical, and administrative services.

General Orders

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General Orders.

201.2 POLICY

General Orders will be used to modify policies of the Alpine Police Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department. Applicable memorandums of understanding and other alternatives should be considered before a General Order is issued.

201.3 PROTOCOL

General Orders will be incorporated into the Policy Manual, as required, upon approval. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Chief of Police or the authorized designee should ensure that all General Orders are disseminated appropriately. General Orders should be numbered consecutively and incorporate the year of issue. All members will be notified when a General Order is rescinded or has been formally adopted into the Policy Manual.

201.4 RESPONSIBILITIES

201.4.1 CHIEF OF POLICE

Only the Chief of Police or the authorized designee may approve and issue General Orders. The Chief of Police, with input from a designee when appropriate, shall periodically review General Orders to determine whether they should be formally incorporated into the Policy Manual.

201.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the General Orders. Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

Emergency Management Plan

202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Alpine Police Department and responsibilities of its members pertaining to large-scale emergencies and the Texas Division of Emergency Management (TDEM).

202.2 POLICY

The Alpine Police Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The City Emergency Management Plan complies with the Texas Division of Emergency Management Plan. This plan provides guidance for City emergency operations within and outside its borders as may be required (Tex. Gov't Code § 418.001 et seq.).

202.3 ACTIVATING THE EMERGENCY MANAGEMENT PLAN

The Emergency Management Plan can be activated in a number of ways. For the Alpine Police Department, the Chief of Police or the highest ranking on-duty supervisor may activate the Emergency Management Plan in response to a major emergency.

Upon activation of the plan, the Chief of Police or the authorized designee should contact the Texas Division of Emergency Management to assist with mutual aid response from local, state and federal law enforcement agencies.

202.3.1 RECALL OF PERSONNEL

If the Emergency Management Plan is activated, all employees of the Alpine Police Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the highest ranking on-duty supervisor.

Failure to promptly respond to an order to report for duty may result in discipline.

202.4 LOCATION OF THE EMERGENCY MANAGEMENT PLAN

Copies of the Emergency Management Plan are available in the Chief of Police's office and Dispatch. All supervisors should familiarize themselves with the Emergency Management Plan and the roles members will play when the plan is implemented. The Chief of Police should ensure that department members are familiar with the roles they will play when the plan is implemented.

202.5 EMERGENCY MANAGEMENT PLAN REVIEW

The Chief of Police or the authorized designee shall review the Emergency Management Plan annually and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The Chief of Police or the authorized designee should appropriately address any needed revisions (Tex. Gov't Code § 418.106; Tex. Gov't Code § 418.1152).

Alpine Police Department

Alpine Police Department Policy Manual

Emergency Management Plan

202.6 TRAINING

The Department should provide annual training on the Emergency Management Plan for all personnel. Supervisors should familiarize themselves with the Emergency Management Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command discussion.

The Chief of Police shall ensure that appropriate personnel have completed the Texas Division of Emergency Management approved training (Tex. Gov't Code § 418.005).

Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local agencies, and the Texas Commission on Law Enforcement (TCOLE) training requirements. It is a priority of this department to provide continuing education and training for officer safety and the professional growth and development of its members.

203.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with TCOLE rules and regulations concerning law enforcement training.

203.4 TRAINING COORDINATOR

The Chief of Police shall designate a Training Coordinator who is responsible for developing, reviewing, updating and maintaining the department training plan so that required training is completed. The Training Coordinator should review the training plan annually.

203.5 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

203.5.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all-inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

- (a) Federally mandated training:
 - 1. National Incident Management System (NIMS) training.
- (b) State-mandated training:

Alpine Police Department

Alpine Police Department Policy Manual

Training

1. Members of this department shall successfully complete TCOLE approved basic law enforcement training and successfully pass the licensing examination before being issued a peace officer's license (37 Tex. Admin. Code § 217.1).
 - (a) The basic law enforcement training requirement may be waived if the member is eligible for licensure by meeting the training and licensure standards within the parameters set by TCOLE.
2. Members of this department shall complete the required hours of TCOLE approved continuing education training applicable for their position with the department (Tex. Occ. Code § 1701.351; Tex. Occ. Code § 1701.352; 37 Tex. Admin Code § 218.3).
3. Members serving as school resource officers shall attend training specific to that position (Tex. Occ. Code § 1701.263; Tex. Educ. Code § 37.0812).

203.5.2 PROFICIENCY CERTIFICATE

The Alpine Police Department will provide all members with training necessary to obtain applicable proficiency certificates (Tex. Occ. Code § 1701.402; 37 Tex. Admin. Code § 221.1).

203.5.3 TEXAS COMMISSION ON LAW ENFORCEMENT APPROVED TRAINING

The Training Coordinator shall coordinate efforts and associated training advisory board requirements when the Chief of Police has directed the Training Coordinator to seek approval as a training provider from the Texas Commission on Law Enforcement (TCOLE) (37 Tex. Admin. Code § 215.1 et seq.; Tex. Occ. Code § 1701.252).

The Training Coordinator will meet the training coordinator duties specified in 37 Tex. Admin. Code § 215.9.

203.6 TRAINING COMMITTEE

The Training Coordinator may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee should be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Coordinator may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by the Department to determine possible training needs.

The Training Committee should convene on a regular basis, as determined by the Training Coordinator, to review the identified incidents. The committee shall determine by consensus

Alpine Police Department

Alpine Police Department Policy Manual

Training

whether a training need exists and then submit written recommendations of its findings to the Training Coordinator. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Coordinator will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and the available resources. Training recommendations as determined by the Training Coordinator shall be submitted to the command staff for review.

203.7 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.
 - 4. Physical limitations preventing the member's participation.
 - 5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
 - 1. Document his/her absence in a memorandum to his/her supervisor.
 - 2. Make arrangements through his/her supervisor or the Training Coordinator to attend the required training on an alternate date.

203.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the Alpine Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Coordinator.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training Coordinator. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed

Alpine Police Department

Alpine Police Department Policy Manual

Training

during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

203.9 TRAINING RECORDS

The Training Coordinator is responsible for the creation, filing and storage of all training records in compliance with TCOLE standards using the Texas Commission on Law Enforcement Data Distribution System (TCLEDDS) for sworn member records (37 Tex. Admin. Code § 218.5).

Training records shall be retained in accordance with the established records retention schedule.

Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department.

204.2 POLICY

Alpine Police Department members shall use email in a professional manner in accordance with this policy and current law (e.g., Texas Public Information Act).

204.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

204.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration or practices of the Department.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in his/her chain of command.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name or password. Any member who believes his/her password has become known to another person shall change their password immediately.

204.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Texas Public Information Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Administrative Communications

205.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Department communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Department.

205.2 POLICY

The Alpine Police Department will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

205.3 MEMORANDUMS

Memorandums may be issued periodically by the Chief of Police or the authorized designee to announce and document all promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status.

205.4 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Chief of Police. Official correspondence and use of letterhead requires approval of the Chief of Police or the authorized designee. Department letterhead may not be used for personal purposes.

Official internal correspondence shall be on the appropriate department electronic or non-electronic memorandum forms.

Electronic correspondence shall contain the sender's department-approved signature and electronic communications disclaimer language.

205.5 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or the authorized designee.

205.6 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee (see the General Orders Policy).

Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Department and members.

206.2 POLICY

The Alpine Police Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

206.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum staffing levels should be established by the Chief of Police. The supervision staffing levels should support proper supervision, span of control, compliance with any collective bargaining agreements or memorandum of understanding and activity levels to meet the needs of members and the goals of the Department.

206.3.1 TEMPORARY SUPERVISORS

In order to accommodate training and other unforeseen circumstances, a qualified lower-ranking member may be used as a temporary supervisor in place of a regularly assigned supervisor (Tex. Local Gov't Code § 143.038).

Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Alpine Police Department identification cards to qualified former or retired law enforcement officers under the Law Enforcement Officers' Safety Act (LEOSA) and/or Texas law (18 USC § 926C; Tex. Gov't Code § 411.199; Tex. Occ. Code § 1701.357).

207.2 POLICY

It is the policy of the Alpine Police Department to provide identification cards to qualified former or retired officers to facilitate the lawful carrying of concealed weapons by those individuals.

207.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearms qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

207.3.1 LEOSA CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Alpine Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active-duty standards for qualification to carry a firearm.

207.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

Alpine Police Department
Alpine Police Department Policy Manual

Retiree Concealed Firearms

agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (c) Not prohibited by federal law from receiving a firearm.
 - (d) Not in a location prohibited by Texas law or by a private person or entity on his/her property if such prohibition is permitted by Texas law.

207.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Chief of Police or when unavailable the appropriate department member of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

207.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

207.4.2 RESPONSIBILITIES UNDER TEXAS LAW

A retiree with a Texas identification card shall:

- (a) Surrender his/her identification to this department on or before its expiration date (Tex. Gov't Code § 614.124; Tex. Gov't Code § 614.1241).
- (b) Notify the Department if the identification card is lost or stolen and submit an affidavit stating the card was lost or stolen if he/she is requesting a replacement (Tex. Gov't Code § 614.127).

Alpine Police Department
Alpine Police Department Policy Manual

Retiree Concealed Firearms

- (c) If carrying a handgun under authority of a LTC, present the LTC and a driver's license or state identification whenever a law enforcement officer demands identification (Tex. Gov't Code § 411.205).

207.5 TEXAS STATE IDENTIFICATION CARD

The Chief of Police or the Chief of Police's designee is responsible for issuing identification cards to qualified retirees as follows:

- (a) To qualifying honorably retired officers under Tex. Gov't Code § 614.121 who (Tex. Gov't Code § 614.124):
 - 1. Did not retire in lieu of any disciplinary action.
 - 2. Are eligible to retire in this state or are ineligible to retire only as a result of an injury received in the course of employment.
 - 3. Are entitled to receive a pension or annuity for service or are not entitled to receive a pension or annuity only because those were not offered.
 - 4. Possess a weapons proficiency certification under Tex. Occ. Code § 1701.357.
- (b) To qualifying retired law enforcement officers under 18 USC § 926C who (Tex. Gov't Code § 614.1241):
 - 1. Were last employed by the Alpine Police Department or retired after 20 years of service with the Alpine Police Department and are currently receiving retirement or pension benefits as a result of that service.
 - 2. Possess a weapons proficiency certificate under Tex. Occ. Code § 1701.357.

207.5.1 TEXAS STATE IDENTIFICATION FORMAT

The identification card issued to qualifying retirees shall contain the following (Tex. Gov't Code § 614.124; Tex. Gov't Code § 614.1241; Tex. Gov't Code § 614.125):

- (a) The full name of the retired officer
- (b) A photograph of the officer
- (c) The name of the Alpine Police Department upon the card
- (d) If applicable, the signature of the person authorizing the issuance of the card on behalf of the Alpine Police Department
- (e) A brief description of the officer, including height, weight and eye color
- (f) The thumbprint of the officer
- (g) The date the officer last served as a law enforcement officer for the Alpine Police Department
- (h) The date of issuance
- (i) A phone number operational 24 hours a day, seven days a week that a person may call to verify the validity of the identification card
- (j) The words "State of Texas" and the state seal

Alpine Police Department

Alpine Police Department Policy Manual

Retiree Concealed Firearms

- (k) A statement as follows: "This identification card certifies that (insert the name of the officer) is an honorably retired peace officer of the Alpine Police Department." If the identification card is issued under the authority of Tex. Gov't Code § 614.1241, the statement shall read: "This identification card certifies that (insert the name of the officer) is a qualified retired law enforcement officer of the Alpine Police Department."
- (l) An expiration date not later than one year after the date of issuance

207.5.2 LICENSE TO CARRY A HANDGUN

The Chief of Police shall issue a sworn statement to any retiree officer from this department who requests such a statement for the purpose of applying to the Texas Department of Public Safety for a LTC. The sworn statement must include (Tex. Gov't Code § 411.199):

- (a) The name and rank of the officer.
- (b) The status of the officer.
- (c) Whether the officer was accused of misconduct at the time of his/her retirement.
- (d) A description of the physical and mental condition of the applicant.
- (e) The type of weapons the officer had demonstrated proficiency with during the last year of employment or service.
- (f) If the officer is retired, whether the officer would be eligible for reemployment with the agency and, if not, the reasons the officer is not eligible.
- (g) A recommendation regarding the issuance of a handgun license.
- (h) Whether the applicant holds a current certificate of proficiency under Tex. Occ. Code § 1701.357.

207.5.3 AUTHORIZATION

Qualified former officers with a Texas handgun license issued by the Texas Department of Public Safety or otherwise authorized under state law may carry any handgun within this state. The card does not itself authorize a retiree to carry a concealed firearm outside this state. The former officer must also meet state and LEOSA requirements.

207.6 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

207.7 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification.

The Rangemaster will maintain a record of the qualifications and weapons used (Tex. Occ. Code § 1701.357).

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

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 interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Alpine Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Alpine Police Department

Alpine Police Department Policy Manual

Use of Force

300.2.1 DUTY TO INTERVENE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (Tex. Code of Crim. Pro. art. 2B.0251).

300.2.2 ADDITIONAL STATE REQUIREMENTS FOR INTERVENING AND REPORTING

Force may be clearly beyond that which is objectively reasonable under the circumstances if it falls into one of the categories of Tex. Code of Crim. Pro. art. 2B.0251 (e.g., when an officer has a reasonable belief that another law enforcement officer is violating state or federal law).

Under these circumstances, the report shall be in writing and delivered to the witnessing officer's supervisor as soon as practicable.

300.2.3 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

Alpine Police Department

Alpine Police Department Policy Manual

Use of Force

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.2 USE OF FORCE TO EFFECT AN ARREST

Officers may use reasonable force to effect an arrest, search, prevent escape or overcome resistance. If it is not reasonably apparent to the person to be arrested, or it is not reasonably impracticable to do so, officers should make clear their intent to arrest or search, and identify themselves as peace officers, before using force (Tex. Penal Code § 9.51).

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.

Alpine Police Department

Alpine Police Department Policy Manual

Use of Force

- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.5 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following (Tex. Code of Crim. Pro. art. 2B.0252):

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether the individual was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

Alpine Police Department

Alpine Police Department Policy Manual

Use of Force

300.3.6 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold (Tex. Code of Crim. Pro. art. 2B.0252).

300.3.7 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Alpine Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving an imminent threat or an imminent risk (Tex. Penal Code § 9.51):

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, an officer shall not use deadly force against a person whose actions are a threat solely to themselves or property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

Alpine Police Department

Alpine Police Department Policy Manual

Use of Force

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Alpine Police Department

Alpine Police Department Policy Manual

Use of Force

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

Alpine Police Department

Alpine Police Department Policy Manual

Use of Force

1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 CHIEF OF POLICE RESPONSIBILITY

The Chief of Police or designee shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers shall receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intervene.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).

All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

300.9 USE OF FORCE ANALYSIS

At least annually, the Chief of Police or designee should prepare an analysis report on use of force incidents. The report should not contain the names of officers, suspects or case numbers, and should include:

Alpine Police Department

Alpine Police Department Policy Manual

Use of Force

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Alpine Police Department to review the use of force by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the use of force.

301.2 POLICY

The Alpine Police Department will objectively evaluate the use of force by its members to ensure that their authority is used appropriately and consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place a member in an administrative assignment.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another person.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the member was on- or off-duty, excluding training or recreational use.

The Chief of Police or authorized designee may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Chief of Police or designee will convene the Use of Force Review Board as necessary. It will be the responsibility of the involved member's supervisor to notify the Chief of Police of any incidents requiring board review. The involved member's supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Chief of Police should staff the Use of Force Review Board with four individuals from the following:

- Nonadministrative supervisor
- A peer officer/department member
- A law enforcement officer from an outside law enforcement agency, as appropriate
- Department instructor or subject matter expert for the type of weapon, device or technique used

Alpine Police Department

Alpine Police Department Policy Manual

Use of Force Review Boards

The Chief of Police or authorized designee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved member to appear. The involved member will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the use of force.

Any questioning of the involved member conducted by the board will be in accordance with Alpine Police Department disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement or memorandum of understanding and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The member's actions were within department policy and procedure.
- (b) The member's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate.

The Chief of Police shall make a final determination as to whether the member's actions were within policy and procedure, and determine whether any additional training for the involved officer, additional actions, investigations or reviews are appropriate. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Alpine Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Alpine Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

Alpine Police Department

Alpine Police Department Policy Manual

Handcuffing and Restraints

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others (Tex. Local Gov't. Code § 361.082).

302.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

302.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Alpine Police Department

Alpine Police Department Policy Manual

Handcuffing and Restraints

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

Alpine Police Department

Alpine Police Department Policy Manual

Handcuffing and Restraints

- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

302.9 TRAINING

Subject to available resources, the training manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.

Alpine Police Department

Alpine Police Department Policy Manual

Handcuffing and Restraints

- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Alpine Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only those members who have successfully completed department-approved training on this policy and the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a person who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

303.4 RESPONSIBILITIES

303.4.1 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or designee may authorize the use of a control device by selected department members who may not currently be issued or carrying the control device or those in specialized assignments who have successfully completed the required training.

303.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster

Alpine Police Department

Alpine Police Department Policy Manual

Control Devices

for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to him/herself or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects, based on the circumstances. Only the Chief of Police or designee may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire and emergency medical services personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation, if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, OC spray and pepper projectiles may be considered for use to bring under control an individual or group of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of department members or the public.

303.7.1 OC SPRAY

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system

Alpine Police Department

Alpine Police Department Policy Manual

Control Devices

incidents where an individual has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward an individual, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training or a product demonstration, is exempt from the reporting requirement.

303.7.3 TREATMENT FOR OC EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of individuals engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at officers, other department members and/or other people.

Alpine Police Department

Alpine Police Department Policy Manual

Control Devices

- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect shotguns and projectiles at the beginning of each shift to ensure that the shotguns are in proper working order and the projectiles are of the approved type and appear to be free from defects.

When they are not deployed, shotguns will be unloaded and properly and securely stored in police department vehicles. When deploying a kinetic energy projectile shotgun, officers shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a

Control Devices

safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.10 TRAINING FOR CONTROL DEVICES

The training manager shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the member's training file.
- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

303.11 REPORTING USE OF CONTROL DEVICES

Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

304.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and may carry the CED.

The Rangemaster should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon.

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.
- (c) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

304.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

Alpine Police Department
Alpine Police Department Policy Manual

Conducted Energy Device

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

304.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

304.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.

Alpine Police Department

Alpine Police Department Policy Manual

Conducted Energy Device

- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should

Alpine Police Department

Alpine Police Department Policy Manual

Conducted Energy Device

be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty.

Officers shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

304.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The training manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The training manager should also conduct audits of CED

Alpine Police Department

Alpine Police Department Policy Manual

Conducted Energy Device

device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

Conducted Energy Device

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

304.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the training manager. All training and proficiency for CEDs will be documented in the officer's training files.

The Chief of Police, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The training manager is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The training manager should include the following training:

- (a) A review of this policy
- (b) A review of the Use of Force Policy
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin
- (e) Scenario-based training, including virtual reality training when available
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options
- (g) De-escalation techniques

Alpine Police Department
Alpine Police Department Policy Manual

Conducted Energy Device

- (h) Restraint techniques that do not impair respiration following the application of the CED
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety
- (j) Proper tactics and techniques related to multiple applications of CEDs

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

The policy of the Alpine Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Alpine Police Department would control the investigation if the suspect's crime occurred in Alpine.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

Alpine Police Department

Alpine Police Department Policy Manual

Officer-Involved Shootings and Deaths

305.4.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved APD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved APD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any APD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident

Alpine Police Department

Alpine Police Department Policy Manual

Officer-Involved Shootings and Deaths

scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Chief of Police and Dispatch. If feasible, sensitive information should be communicated over secure networks.
 - (d) Take command of and secure the incident scene with additional APD members until properly relieved by another supervisor or other assigned personnel or investigator.
 - (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - (a) Each involved APD officer should be given an administrative order not to discuss the incident with other involved officers or APD members pending further direction from a supervisor.
 - (b) When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 SHIFT SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Lead Investigator.

All outside inquiries about the incident shall be directed to the Shift Supervisor.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Lieutenant Lead Investigator
- Officer Involved Shooting rollout team
- Outside agency investigators (if appropriate)
- Professional Standards Bureau supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Justice of The Peace (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

Alpine Police Department
Alpine Police Department Policy Manual

Officer-Involved Shootings and Deaths

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved APD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-APD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with employee groups/agency representatives will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved APD officer. A licensed psychotherapist may also be provided to any other affected APD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and an emergency response team member or a peer support member are addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved APD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) APD supervisors and Professional Standards Bureau personnel should not participate directly in any voluntary interview of APD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

Alpine Police Department

Alpine Police Department Policy Manual

Officer-Involved Shootings and Deaths

- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, he/she shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED APD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved APD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved APD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved APD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.

Alpine Police Department
Alpine Police Department Policy Manual

Officer-Involved Shootings and Deaths

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigation Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigation Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Lead Investigator.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved APD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Standards Bureau and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from

Alpine Police Department

Alpine Police Department Policy Manual

Officer-Involved Shootings and Deaths

the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity rights* and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - 5. The Professional Standards Bureau shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings to whether there was compliance with the Use of Force Policy.
 - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

Alpine Police Department

Alpine Police Department Policy Manual

Officer-Involved Shootings and Deaths

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Alpine Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to the criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and the department representative responsible for each phase of the investigation. Releases will be available to the Shift Supervisor, Lieutenant Lead Investigator and Public Information Officer in the event of inquiries from the media.

No involved APD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Lead Investigator.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.12 REPORTING

If the death of an individual occurs in the Alpine Police Department jurisdiction and qualifies to be reported to the state as an in-custody death, or when an officer discharges a firearm causing injury or death to another person, the Patrol Services Lead Investigator will ensure that the City

Alpine Police Department

Alpine Police Department Policy Manual

Officer-Involved Shootings and Deaths

Secretary is provided with enough information to meet the reporting requirements of Tex. Code of Crim. Pro. art. 49.18 and Tex. Code of Crim. Pro. art. 2A.206, as applicable.

Firearms

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.2 POLICY

The Alpine Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Lead Investigator. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.3.1 HANDGUNS

The department does not issue handguns. Officers supply their own handguns which must be approved by the department Rangemaster.

306.3.2 SHOTGUNS

The authorized department-issued shotgun is the Mossberg 500 or Remington 870 12 gauge. The following additional shotguns are approved for on-duty use:

Officers may supply their own shotguns which must be approved by the department Rangemaster.

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Tavor or AR-15 5.56. The following additional patrol rifles are approved for on-duty use:

Alpine Police Department

Alpine Police Department Policy Manual

Firearms

Officers may supply their own rifle which must be approved by the department Rangemaster.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive approval from the department Rangemaster or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

306.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.

Alpine Police Department

Alpine Police Department Policy Manual

Firearms

- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

Alpine Police Department

Alpine Police Department Policy Manual

Firearms

- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Alpine Police Department identification cards under circumstances requiring possession of such identification.

306.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense if not currently available through the department.

306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

306.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed

Alpine Police Department

Alpine Police Department Policy Manual

Firearms

in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and

Alpine Police Department

Alpine Police Department Policy Manual

Firearms

loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Tex. Penal Code § 46.13).

306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training annually with their duty firearms. In addition to annual training, all members will qualify at least annually with their duty firearms (Tex. Occ. Code § 1701.355). Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course that meets the requirements of 37 Tex. Admin. Code § 218.9.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

In the event that the above requirements present a hardship, the Department may request in writing that the Texas Commission on Law Enforcement (TCOLE) waive an officer's annual demonstration of weapons proficiency requirement (Tex. Occ. Code § 1701.355(b); 37 Tex. Admin. Code § 218.9).

Each firearms instructor shall meet the proficiency requirements in 37 Tex. Admin. Code § 221.19.

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to the Rangemaster prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

Alpine Police Department

Alpine Police Department Policy Manual

Firearms

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for:
 - 1. Unauthorized range make-up.
 - 2. Failure to meet minimum standards or qualify after remedial training.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Lead Investigator or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Alpine Police Department

Alpine Police Department Policy Manual

Firearms

306.7.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots shall not be used.

306.8 RANGEMASTER DUTIES

The Chief of Police will designate a firearms proficiency officer, known as the Rangemaster, who will be responsible for maintaining department records of firearms proficiency for each officer (37 Tex. Admin. Code § 218.9).

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Coordinator after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation (37 Tex. Admin. Code § 218.9).

The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry (37 Tex. Admin. Code § 218.9).

The Rangemaster shall complete and submit to the Training Coordinator documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Coordinator.

306.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

Alpine Police Department

Alpine Police Department Policy Manual

Firearms

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Alpine Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Alpine Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Alpine Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Alpine Police Department identification card whenever carrying such firearm.
- (b) The officer may not be the subject of any current disciplinary action.

Alpine Police Department

Alpine Police Department Policy Manual

Firearms

- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

307.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

307.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law unless exempt under Tex. Transp. Code § 546.004 (Tex. Transp. Code § 546.003).

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Pursuits

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (Tex. Transp. Code § 546.001; Tex. Transp. Code § 546.005):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and communications operator/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.

Alpine Police Department
Alpine Police Department Policy Manual

Vehicle Pursuits

- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as air support assistance.
- (l) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards posed to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Pursuits

- (h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

307.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

307.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing officer should notify the communications operator, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Pursuits

- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

307.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the communications operator of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Pursuits

1. Request assistance from available air support.
 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 3. Request other officers to observe exits available to the suspect.
- (d) Notify the Texas Department of Public Safety or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

307.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

307.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing the rules of the road.

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Pursuits

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the officer in charge, will be responsible for:

- (a) Immediately notifying involved officers and the communications operator of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the field supervisor is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Alpine Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

307.6.1 SUPERVISOR RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the field supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The field supervisor has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The field supervisor shall review all pertinent reports for content and forward them to the Chief of Police.

307.7 DISPATCH

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications operator.

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Pursuits

If the pursuit leaves the jurisdiction of this department or such is imminent, involved officers should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

307.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the communications operator is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Chief of Police as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

307.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.9 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Alpine Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Pursuits

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Alpine Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, the field supervisor or Chief of Police should review a request for assistance from another agency. The field supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit. The field supervisor should consult with the Chief of Police when considering relevant factors.

Assistance to a pursuing agency by officers of this department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.10 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Pursuits

307.10.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a field supervisor or the Chief of Police before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

307.10.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.10.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
 - 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
 - 3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
 - 4. The suspect vehicle is stopped or traveling at a low speed.
 - 5. Only law enforcement vehicles should be used in this tactic.
- (b) The PIT is limited to use by properly trained officers with the approval of a supervisor or the Chief of Police and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Pursuits

control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
- (d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:
1. Should reasonably only affect the pursued vehicle.
 2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
 3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
 4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

307.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Pursuits

and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- (a) The primary pursuing officer shall complete appropriate crime/arrest reports.
- (b) The primary pursuing officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
 - 1. Date and time of the pursuit.
 - 2. Initial reason and circumstances surrounding the pursuit.
 - 3. Length of pursuit in distance and time, including the starting and termination points.
 - 4. Involved vehicles and officers.
 - 5. Alleged offenses.
 - 6. Whether a suspect was apprehended, as well as the means and methods used.
 - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
 - 7. Arrestee information, if applicable.
 - 8. Any injuries and/or medical treatment.
 - 9. Any property or equipment damage.
 - 10. Name of supervisor at the scene or who handled the incident.
 - 11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (d) After receiving copies of reports, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.
- (e) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Pursuits

307.13 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

307.14 POLICY REVIEW

Officers of this department shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.

Foot Pursuits

308.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

308.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

308.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

Alpine Police Department
Alpine Police Department Policy Manual

Foot Pursuits

- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

308.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or 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 suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspects should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the communications operator or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

Alpine Police Department
Alpine Police Department Policy Manual

Foot Pursuits

- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

308.5 RESPONSIBILITIES IN FOOT PURSUITS

308.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the communications operator of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

Alpine Police Department

Alpine Police Department Policy Manual

Foot Pursuits

308.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

308.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

308.5.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the communications operator is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Chief of Police as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

308.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.

Alpine Police Department

Alpine Police Department Policy Manual

Foot Pursuits

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
 - (g) Arrestee information, if applicable.
 - (h) Any injuries and/or medical treatment.
 - (i) Any property or equipment damage.
 - (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Officer Response to Calls

309.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

309.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

309.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

309.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (Tex. Transp. Code § 546.003; Tex. Transp. Code § 546.004).

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to:

- (a) When in pursuit or apprehending a violator or suspected violator.
- (b) When responding to a reported emergency involving possible personal injury, death or significant property damage.
- (c) When immediate assistance is requested by an officer or other law enforcement agency.

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the communications operator.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

309.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation

Alpine Police Department

Alpine Police Department Policy Manual

Officer Response to Calls

- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the communications operator.

309.5 SAFETY CONSIDERATIONS

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (Tex. Transp. Code § 546.001; Tex. Transp. Code § 546.005):

- Disregard regulations governing parking or standing.
- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.

309.5.1 NUMBER OF OFFICERS ASSIGNED

The number of officers assigned to respond to an emergency call or request for assistance should be limited to that which is reasonably necessary.

An emergency response involving more than one police vehicle should be coordinated by Dispatch to avoid any unanticipated intersecting of response routes.

309.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the field supervisor or the communications operator of the equipment failure so that another officer may be assigned to the emergency response.

Alpine Police Department

Alpine Police Department Policy Manual

Officer Response to Calls

309.7 OFFICER RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the communications operator. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the communications operator of his/her determination. Any subsequent change in the appropriate response level should be communicated to the communications operator by the officer in charge of the scene unless a supervisor assumes this responsibility.

309.8 DISPATCH

When information reasonably indicates that the public is threatened with serious injury or death, or an officer requests emergency assistance and immediate law enforcement response is needed, the communications operator shall assign an emergency response and ensure acknowledgement and response of handling and assisting officers. In all other circumstances, the communications operator shall obtain authorization from the field supervisor prior to assigning an emergency response.

309.8.1 RESPONSIBILITIES

Upon notification or assignment of an emergency response, the communications operator is responsible for:

- (a) Confirming the location from which the officer is responding or requesting assistance.
- (b) Attempting to assign the closest available assisting officers to the location of the emergency call.
- (c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.
- (d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).
- (e) Notifying the field supervisor as soon as practicable.
- (f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the field supervisor.

309.9 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the field supervisor shall verify that:

Alpine Police Department

Alpine Police Department Policy Manual

Officer Response to Calls

- (a) The proper response has been initiated.
- (b) No more than those officers reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the field supervisor should consider:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic and road conditions.
- The location of the responding officers and the location of the incident.

Canines

310.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

310.2 POLICY

It is the policy of the Alpine Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

310.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Services Division to function primarily in assist or cover assignments. However, they may be assigned by the Chief of Police or designee to other functions, such as routine calls for service, based on the current operational needs.

310.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

310.5 REQUESTS FOR CANINE TEAMS

Members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Services Division shall be reviewed by the Chief of Police or designee.

Alpine Police Department

Alpine Police Department Policy Manual

Canines

310.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Chief of Police or designee and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

310.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

310.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Chief of Police. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should

Alpine Police Department

Alpine Police Department Policy Manual

Canines

be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

310.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

310.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

Alpine Police Department

Alpine Police Department Policy Manual

Canines

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

310.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, the Chief of Police should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, the Chief of Police shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from quarantine, impoundment, and reporting requirements (Tex. Health & Safety Code § 822.046; Tex. Health & Safety Code § 826.048).

310.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

Alpine Police Department

Alpine Police Department Policy Manual

Canines

- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

310.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

310.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

310.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

310.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

Alpine Police Department

Alpine Police Department Policy Manual

Canines

- (c) Living within 30 minutes travel time from the Alpine City limits.
- (d) Agreeing to be assigned to the position for a minimum of three years.

310.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Alpine Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Chief of Police.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Chief of Police.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

310.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

Alpine Police Department

Alpine Police Department Policy Manual

Canines

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

310.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement or memorandum of understanding (29 USC § 207).

310.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator and Chief of Police as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

310.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Chief of Police.

310.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Alpine Police Department canine training provider.

Alpine Police Department

Alpine Police Department Policy Manual

Canines

- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

310.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

310.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

310.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Alpine Police Department may work with outside trainers with the applicable licenses or permits.

310.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(g); Tex. Health & Safety Code § 481.062).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Alpine Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

310.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.

Alpine Police Department

Alpine Police Department Policy Manual

Canines

- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

310.12.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; Tex. Local Gov't Code § 235.001 et seq.).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Family Violence

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce family violence through vigorous enforcement and to address family violence as a serious crime against society. The policy specifically addresses the commitment of the Alpine Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of family violence.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to family violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Family violence - An act by one of the following individuals against the same that is intended to result in physical harm, bodily injury, assault or sexual assault, or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault or sexual assault, but does not include defensive measures to protect oneself (Tex. Fam. Code § 71.003; Tex. Fam. Code § 71.004; Tex. Fam. Code § 71.005; Tex. Fam. Code § 71.006):

- (a) Persons related by blood or marriage
- (b) Former spouses
- (c) Individuals who have a child in common without regard to marriage
- (d) Foster children and foster parents without regard to whether the individuals reside together
- (e) Persons who reside together in the same dwelling without regard to their relation to one another, including persons who have previously lived together

The term "family violence" also includes dating violence as defined by Tex. Fam. Code § 71.0021 and certain types of abuse, as defined by Tex. Fam. Code § 261.001, by one of the above-mentioned individuals against a child of same (Tex. Fam. Code § 71.004).

311.2 POLICY

The Alpine Police Department's response to incidents of family violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that family violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.3 OFFICER SAFETY

The investigation of family violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede

Alpine Police Department

Alpine Police Department Policy Manual

Family Violence

the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

311.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating family violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing family violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Division in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.

Alpine Police Department
Alpine Police Department Policy Manual

Family Violence

4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the violence occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

311.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).
- (b) Document the resolution in a report.

311.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

- (a) Victims shall be provided with the department family violence information handout developed by the Health and Human Services Commission, even if the incident may not rise to the level of a crime (Tex. Code of Crim. Pro. art. 5.04).
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources assistance through the Family Crisis Center of The Big Bend and provide notice to adult victims (Blue Card) (Tex. Code of Crim. Pro. art. 5.04).

Alpine Police Department

Alpine Police Department Policy Manual

Family Violence

- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time (Tex. Code of Crim. Pro. art. 5.045).
 - 1. If the person presents a writ issued by a justice court for entry into the person's residence to retrieve personal property, officers shall accompany and assist the person in making entry into the residence and retrieving items specified in the writ (Tex. Prop. Code § 24A.002; Tex. Prop. Code § 24A.0021; Tex. Prop. Code § 24A.003) (see the Civil Disputes Policy).
- (d) If the victim has sustained injury or complains of pain, officers should seek medical assistance for the victim as soon as practicable.
- (e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order.

311.6 DISPATCH ASSISTANCE

All calls of family violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Communications Operators are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that communications operators check whether any of the involved persons are subject to the terms of a court order.

311.7 FOREIGN COURT ORDERS

Various types of orders may be issued in family violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

311.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, knowledge of its terms and efforts to respond to the order.

Alpine Police Department
Alpine Police Department Policy Manual

Family Violence

- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

311.9 STANDARDS FOR ARRESTS

Officers investigating a family violence report should consider the following:

- (a) An arrest is required when an officer has probable cause to believe that a person has violated a court order specified in Tex. Penal Code § 25.07, and the offense has occurred in the presence of the officer (Tex. Penal Code § 25.07).
- (b) An arrest should be made whenever an officer has probable cause to believe that a person has committed any of the following even if the act is committed outside the presence of the officer (Tex. Code of Crim. Pro. art. 14.03):
 - 1. An offense involving family violence
 - 2. Interference with a person's ability to make an emergency telephone call
 - 3. A violation of a court order specified in Tex. Penal Code § 25.07
- (c) The arresting officer should notify a magistrate when an arrest has been made and the offense involved serious bodily injury to the victim or included the use or exhibition of a deadly weapon, so that an emergency protective order may be issued (Tex. Code of Crim. Pro. art. 17.292).
- (d) The arresting officer should evaluate whether a post-bond hold is reasonable and observe the following additional requirements (Tex. Code of Crim. Pro. art. 17.291):
 - 1. A post-bond hold requires approval from the Shift Supervisor.
 - 2. A post-bond hold shall not exceed four hours, unless:
 - (a) The Shift Supervisor determines that the hold should exceed four hours, the Shift Supervisor should then notify a magistrate and receive written approval.

Any decision not to arrest a person, when there is probable cause to do so, must be approved by a supervisor.

311.9.1 NOTIFICATION UPON RELEASE OF ARRESTED PERSON

Before releasing a person arrested or held without a warrant, the releasing member shall make a reasonable attempt to give personal notice to the victim, or the victim's designee, of the offender's imminent release (Tex. Code of Crim. Pro. art. 17.29).

Alpine Police Department
Alpine Police Department Policy Manual

Family Violence

An attempt to contact is considered reasonable if the member attempts contact at the victim's or designee's last known telephone number or address as shown on the records of the Alpine Police Department.

311.10 REPORTS AND RECORDS

- (a) When an officer investigates an assault, aggravated assault, or terroristic threat, the officer shall complete a report that includes, at a minimum (Tex. Code of Crim. Pro. art. 2A.202; Tex. Code of Crim. Pro. art. 5.05):
 - 1. The names of the suspect and complainant.
 - 2. The date, time, and location of the incident.
 - 3. Any visible or reported injuries.
 - 4. A description of the incident and a statement of its disposition.
 - 5. Whether the suspect is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status.
 - 6. The reasons for filing an Emergency Protective Order on a victim's behalf, if one was filed.
- (b) Upon request of the victim of a family violence incident, the following information that is not exempt from disclosure under the Texas Public Information Act shall be released (Tex. Code of Crim. Pro. art. 5.05):
 - 1. The name of the suspect and complainant
 - 2. The date, time, and location of the incident
- (c) An officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence shall make an oral or electronic report to the Department of Family and Protective Services within 24 hours if the location of the incident or call, or the known address of a person involved in the incident or call, matches the address of a current licensed foster home or a verified agency foster home, as listed in the Texas Crime Information Center (TCIC) system (Tex. Code of Crim. Pro. art. 5.05).
- (d) If a suspect is identified as being a member of the military, the officer shall ensure a copy of the report is provided to the staff judge advocate at Joint Force Headquarters (Tex. Code of Crim. Pro. art. 5.05).
- (e) The City Secretary will maintain records on the number of family violence-related calls reported to the Department and forward such records to the state as required (Tex. Code of Crim. Pro. art. 5.05).
- (f) To ensure that officers responding to a call are aware of the existence and terms of court orders, the City Secretary shall establish a procedure to provide adequate information or access to the name of persons protected by the orders and those to whom orders are directed (Tex. Code of Crim. Pro. art. 5.05; Tex. Code of Crim. Pro. art. 17.292; Tex. Fam. Code § 86.001; Tex. Fam. Code § 86.005).

Alpine Police Department

Alpine Police Department Policy Manual

Family Violence

- (g) Upon receipt of an original or modified court order, or on receipt of information pertaining to the date of confinement or imprisonment or date of release of a person subject to the protective order, the City Secretary shall immediately, but no later than the next business day following receipt, enter the information into the statewide law enforcement information system (Tex. Code of Crim. Pro. art. 17.292; Tex. Fam. Code § 86.0011).

Search and Seizure

312.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Alpine Police Department personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the Alpine Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to:

- Valid consent.
- Incident to a lawful arrest.
- Legitimate community caretaking interests.
- Vehicle searches under certain circumstances.
- Exigent circumstances.

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Alpine Police Department

Alpine Police Department Policy Manual

Search and Seizure

312.4 SEARCH PROTOCOL

Although conditions will vary, and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

312.5 DOCUMENTATION

Officers are responsible for documenting any search and ensuring that any required reports are sufficient including, at minimum, documentation of:

- Reason for the search.
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys).
- What, if any, injuries or damage occurred.
- All steps taken to secure property.
- The results of the search including a description of any property or contraband seized.
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer.

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Child Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Alpine Police Department members are required to notify the Department of Family and Protective Services (DFPS) of suspected child abuse.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

313.2 POLICY

The Alpine Police Department will investigate all reported incidents of alleged criminal child abuse and ensure that DFPS is notified as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Alpine Police Department shall notify DFPS when they have reasonable cause to believe that a child has been or may be abused or neglected, or an allegation has been made of abuse or neglect involving a person responsible for a child's care, custody, or welfare (Tex. Fam. Code § 261.101; Tex. Fam. Code § 261.103; Tex. Fam. Code § 261.105).

Members of the Alpine Police Department shall also notify DFPS when a child who was taken or retained without the permission of the child's custodian for a period of 48 hours or more is located and it reasonably appears that the child was the victim of abuse or neglect. The child may be placed into protective custody if necessary pursuant to Chapter 262 of the Texas Family Code (Tex. Code of Crim. Pro. art. 63.00905).

In addition, a member shall notify DFPS when the member has reasonable cause to believe that a person was the victim of abuse or neglect as a child, and the member determines in good faith that disclosure of the information is necessary to protect the health or safety of another child (Tex. Fam. Code § 261.101).

For purposes of notification, abuse and neglect includes but is not limited to acts or omissions related to impairment to the child's growth, development, or psychological functioning; physical injury that results in substantial harm to the child; sexual conduct involving the child; child trafficking or prostitution; use of controlled substances by the child or the use of controlled substances by a person that results in physical, mental, or emotional injury to a child; and any other act or omission as provided by Tex. Fam. Code § 261.001.

Alpine Police Department

Alpine Police Department Policy Manual

Child Abuse

313.3.1 NOTIFICATION PROCEDURE

Notification shall occur immediately by phone or by using the online reporting website provided by DFPS and contain the following, if known (Tex. Fam. Code § 261.104; Tex. Fam. Code § 261.105):

- (a) The name and address of the child and any person responsible for the care, custody, or welfare of the child, if known.
- (b) The facts that caused the member to believe the child has been abused or neglected and the source of the information.
- (c) The member's name, rank, badge number, and the Alpine Police Department's name, address, and telephone number.
- (d) Any other pertinent information concerning the alleged abuse or neglect.

313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

313.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom the child made the statements.
- (d) If a child was taken into protective custody, the reasons, the name, and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

Alpine Police Department
Alpine Police Department Policy Manual

Child Abuse

- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

An officer who receives a report of abuse or neglect orally shall make an audio recording of the report and notify the person making the report that the person is being recorded and that making a false report is a felony offense (Tex. Fam. Code § 261.104).

The investigation of an allegation that a child has been or may be the victim of criminal conduct that poses an immediate risk of death or serious harm from either physical or sexual abuse shall be conducted jointly by the investigating officer and DFPS (Tex. Fam. Code § 261.301).

The investigatory steps, as set forth in the existing memorandum of understanding (MOU) with a child advocacy center, should be followed when the terms apply to an allegation of child abuse or neglect (Tex. Fam. Code § 264.405).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

313.5.1 REPORTS BY PHYSICIANS

When a physician or physician's agent notifies an officer that a child has claimed he/she has been physically or sexually abused, or the physician has reason to believe such abuse has occurred, the officer shall (Tex. Fam. Code § 33.008):

- (a) Respond and write a report within 24 hours of being notified of the alleged abuse.
 - 1. The report is required even if the officer has knowledge that a report about the abuse may have previously been made.
- (b) If warranted, refer the case to the prosecuting attorney.

313.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DFPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified

Alpine Police Department

Alpine Police Department Policy Manual

Child Abuse

parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DFPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations:

- (a) When a court order has been issued authorizing removal.
- (b) If there is no time to obtain a court order before taking possession of a child and there is an immediate need to protect the health and safety of that child, an officer may take possession of a child without a court order. Emergency custody may also be taken under the following conditions (Tex. Fam. Code § 262.104):
 - 1. On personal knowledge of facts that lead an officer to believe that the child has been the victim of sexual abuse or trafficking, or that the parent or person who has possession of the child has permitted the child to remain on premises used for the manufacture of methamphetamine.
 - 2. On information furnished by another that has been corroborated by personal knowledge of the facts all of which, taken together, lead an officer to believe that the child has been the victim of sexual abuse or trafficking, or that the parent or person who has possession of the child is currently using a controlled substance or has permitted the child to remain on premises used for the manufacture of methamphetamine.
- (c) Without a court order on the voluntary delivery of the child by the parent, managing conservator, possessory conservator, guardian, caretaker or custodian who is presently entitled to possession of the child (Tex. Fam. Code § 262.004).
- (d) When, during a criminal investigation relating to a child's custody, an officer discovers that the child is a missing child and believes that a person may flee with or conceal the child (Tex. Fam. Code § 262.007).

313.6.1 RELEASE OF CERTAIN CHILDREN TAKEN WITHOUT A COURT ORDER

Officers who take a child into protective custody without a court order pursuant to Tex. Fam. Code § 262.104 may release the child to an approved governmental entity, including DFPS, or to a person authorized by law to take possession of the child (Tex. Code of Crim. Pro. art. 2A.058).

Prior to releasing a child taken into protective custody to a non-governmental entity, officers shall (Tex. Code of Crim. Pro. art. 2A.058):

- (a) Verify that the person to whom the child is to be released is at least 18 years old.
- (b) Verify through NCIC that the child is not a missing child.
- (c) Search NCIC databases for relevant information about the person to whom the child is being released, such as whether they are the subject of a protective order or a registered sex offender who is not permitted to take possession of the child.

Alpine Police Department

Alpine Police Department Policy Manual

Child Abuse

- (d) Contact the DFPS Abuse Hotline to determine whether the person is in the DFPS registry as someone who abused or neglected a child.

Officers shall document the placement of the child in an appropriate report. The report should include the name and address of the person to whom the child is released and identifying information about the child.

313.6.2 SAFE HAVEN LAW

Members presented with an infant by a parent seeking to voluntarily surrender the child should immediately notify DFPS. Members should also notify appropriate emergency medical services personnel if it reasonably appears that the infant requires medical attention.

Any report to this department from DFPS of a surrendered child shall be investigated to determine whether the child is reported as missing (Tex. Fam. Code § 262.305).

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred. Interviews should be coordinated with Texas DFPS and a forensic interview should be scheduled with the Children's Advocacy Center of The Big Bend.

313.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency

Alpine Police Department

Alpine Police Department Policy Manual

Child Abuse

having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

313.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including DFPS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigation Division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

313.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigation Division supervisor so an interagency response can begin.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Texas requires or permits the following:

313.10.1 CHILD SAFETY CHECK ALERT LIST

The Texas Department of Public Safety maintains a Child Safety Check Alert List as part of the Texas Crime Information Center (TCIC) to help locate a family for purposes of investigating a

Alpine Police Department

Alpine Police Department Policy Manual

Child Abuse

report of child abuse or neglect, or providing protective services to families (Tex. Fam. Code § 261.3022).

An officer who encounters either a person or a child on the alert list shall (Tex. Code of Crim. Pro. art. 2A.056; Tex. Fam. Code § 261.3023):

- (a) Immediately contact DFPS using the dedicated law enforcement telephone number and request information regarding the case involving the child or other person.
- (b) Request information from the person and the child regarding the child's well-being and current residence.

The officer should investigate whether it is appropriate to take possession of the child without a court order and in accordance with the laws specified in Tex. Fam. Code § 262.104.

If the officer does not take possession of the child, the officer shall obtain the child's current address and any other relevant information to be forwarded to DFPS (Tex. Code of Crim. Pro. art. 2A.056).

The officer should inform a supervisor as soon as practicable when a child on the TCIC Child Safety Check Alert List is located. The circumstances shall be documented in an appropriate report. The officer shall ensure that TCIC is updated to reflect that the child has been located, to whom the child was released, as applicable, and the case number related to the incident (Tex. Code of Crim. Pro. art. 2A.056; Tex. Fam. Code § 261.3024).

313.10.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Tex. Fam. Code § 261.201).

313.10.3 MEMORANDUM OF UNDERSTANDING FOR CHILDREN'S ADVOCACY CENTER

The Investigation Division Supervisor should ensure that a current copy of the MOU with a children's advocacy center regarding child abuse or neglect investigations is available to all department members (Tex. Fam. Code § 264.405).

313.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Alpine Police Department

Alpine Police Department Policy Manual

Child Abuse

- (g) Recognizing abuse that requires mandatory notification to another agency.

The Training Division Manager should ensure that members receive training on the Child Safety Check Alert List (Tex. Occ. Code § 1701.402).

Adult Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Alpine Police Department members as required by law.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

314.2 POLICY

The Alpine Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

314.3 MANDATORY NOTIFICATION

Members of the Alpine Police Department shall notify Adult Protective Services (APS) when there is cause to believe that an elderly person or person with a disability has been abused. In addition, members shall notify the Texas Department of Health or Texas Health and Human Services Commission, as appropriate, if allegations relate to the abuse of an elderly person or person with a disability in a care facility or under the care of a facility, regardless of whether a crime report is taken (Tex. Hum. Res. Code § 48.051; 25 Tex. Admin. Code § 1.205).

For purposes of such notification (Tex. Hum. Res. Code § 48.002):

- (a) "Abuse" includes the negligent or willful infliction of injury to, unreasonable confinement of, cruel punishment of, or the sexual abuse of an elderly person or a person with a disability, or the exploitation or neglect of such a person as provided in Tex. Hum. Res. Code § 48.002.
- (b) "Elderly person" means someone who is age 65 or older.
- (c) "Person with a disability" means someone age 18 or older who has a mental, physical, intellectual, or developmental disability that substantially impairs the person's ability to provide adequately for the person's own care or protection.

314.3.1 NOTIFICATION PROCEDURE

Notification should occur immediately and may be made orally or in writing. The report shall include (Tex. Hum. Res. Code § 48.051):

- (a) The basis of the member's knowledge of the alleged abuse.
- (b) The name, age and address of the adult victim.
- (c) The name and address of the person responsible for the adult victim's care.

Alpine Police Department
Alpine Police Department Policy Manual

Adult Abuse

- (d) The nature and extent of the adult victim's condition and injuries.

314.3.2 ADDITIONAL NOTIFICATION

In addition, a member shall notify APS within 48 hours when the member has reasonable cause to believe that a person was the victim of abuse or neglect as a child, and the disclosure of that information is necessary to protect the health or safety of an elderly person or person with a disability (Tex. Fam. Code § 261.101).

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

314.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

Alpine Police Department

Alpine Police Department Policy Manual

Adult Abuse

- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Any information that indicates a victim or critical witness may suffer from a health condition that may warrant an expedited investigation/prosecution or the preservation of testimony under Tex. Code of Crim. Pro. art. 39.025.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

314.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

Alpine Police Department

Alpine Police Department Policy Manual

Adult Abuse

314.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) The adult cannot adequately provide for his/her own care or protection and exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

314.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. The supervisor should consider other government agencies or services that may obtain a court order for such an examination.

314.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

314.9.1 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or designee should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies a supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.

Alpine Police Department

Alpine Police Department Policy Manual

Adult Abuse

- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Texas requires or permits the following:

314.10.1 RECORDS DIVISION RESPONSIBILITIES

The Records Division is responsible for:

- (a) Providing a copy of the adult abuse report to the APS as required by law (Tex. Hum. Res. Code § 48.154).
- (b) Retaining the original adult abuse report with the initial case file.

314.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Tex. Hum. Res. Code § 48.101).

314.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Discriminatory Harassment

315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

315.2 POLICY

The Alpine Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

Alpine Police Department

Alpine Police Department Policy Manual

Discriminatory Harassment

315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

315.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

315.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Texas Workforce Commission, Civil Rights Division guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with city or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Personnel Director, or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is

Alpine Police Department

Alpine Police Department Policy Manual

Discriminatory Harassment

encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

315.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Personnel Director, or the City Manager for further information, direction, or clarification.

315.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

315.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

Alpine Police Department

Alpine Police Department Policy Manual

Discriminatory Harassment

any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

315.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor, manager, or Chief of Police.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Personnel Director, or the City Manager.

315.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

315.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the City Manager, or the Personnel Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

Alpine Police Department

Alpine Police Department Policy Manual

Discriminatory Harassment

315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

315.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk missing - Includes persons who are (Tex. Code of Crim. Pro. art. 63.051):

- (a) Missing as a result of an abduction by a stranger.
- (b) Missing under suspicious or unknown circumstances, such as when the person:
 - 1. Is 13 years of age or younger
 - 2. Regardless of age, is believed or determined to be experiencing one or more of the following circumstances:
 - (a) Out of the zone of safety for the person's chronological age and development stage
 - (b) Mentally or behaviorally disabled
 - (c) Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
 - (d) Absent from home for more than 24 hours before being reported to law enforcement as missing
 - (e) In a life-threatening situation
 - (f) In the company of others who could endanger the person's welfare
 - (g) Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 - (h) Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk
- (c) Missing more than 30 days, or less than 30 days at the discretion of the Department, if there is reason to believe that the person is in danger or deceased.
- (d) Reported missing on four or more occasions in a 24-month period (Tex. Code of Crim. Pro. art. 63.0091).
- (e) In foster care or in the conservatorship of the Department of Family and Protective Services (DFPS) and reported missing on two or more occasions in a 24-month period (Tex. Code of Crim. Pro. art. 63.0091).
- (f) At a high risk of human trafficking, sexual assault, exploitation, abuse, or neglectful supervision (Tex. Code of Crim. Pro. art. 63.0091).

Alpine Police Department

Alpine Police Department Policy Manual

Missing Persons

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes a person 18 years of age or older whose disappearance is possibly not voluntary (Tex. Code of Crim. Pro. art. 63.001).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the Texas Crime Information Center (TCIC), and the Texas Department of Public Safety's (DPS) Missing Children and Missing Persons Information Clearinghouse.

316.2 POLICY

The Alpine Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Division supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

316.4 ACCEPTANCE OF REPORTS

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

316.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.

Alpine Police Department
Alpine Police Department Policy Manual

Missing Persons

- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be considered high-risk missing.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either high-risk missing or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast "Be on the Look-Out (BOLO) bulletin", if the person is under 16 years of age or there is evidence that the missing person is considered high-risk missing. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be a high-risk missing.
- (e) Ensure that entries are made into the appropriate missing person networks:
 - 1. Immediately, when the missing person is a high-risk missing person (Tex Code of Crim. Pro. art. 63.00905).
 - 2. In cases involving attempted child abductions, immediately but not later than eight hours after receiving the report as provided in Tex. Code of Crim. Pro. art. 63.0041.
 - 3. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308; Tex. Code of Crim. Pro. art. 63.009).
- (f) If a missing child has been reported missing four or more times in the previous 24 months, is in foster care or the conservatorship of DFPS and has been reported missing two or more times in the previous 24 months, or is at high risk of human trafficking, sexual assault, exploitation, abuse, or neglect (Tex. Code of Crim. Pro. art. 63.0091):
 - 1. Indicate in the NCIC entry that the child is at a high risk of harm and include information relevant to the increased risk.
 - 2. Notify all law enforcement agencies within 100 miles (including out-of-state agencies) of the circumstances and high-risk designation of the missing child immediately, but no later than two hours after receiving the report.
- (g) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- (h) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available.
 - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (i) Complete a dental and medical record release form (Tex. Code of Crim. Pro. art. 63.006; Tex. Code of Crim. Pro. art. 63.007).

Alpine Police Department
Alpine Police Department Policy Manual

Missing Persons

- (j) When circumstances permit and if appropriate, attempt to determine the missing person's location through the missing person's telecommunications carrier.
- (k) As soon as practicable, but no later than 48 hours after receiving the report, electronically forward a copy of the report and any other useful information to each municipal or county law enforcement agency within 200 miles (Tex. Code of Crim. Pro. art. 63.009; Tex. Code of Crim. Pro. art. 63.00905).
- (l) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (m) If a member receives a report that a child was taken or retained without the permission of the child's custodian for a period of 48 hours or more, the member shall immediately make a reasonable effort to locate the child and determine the child's well-being (Tex. Code of Crim. Pro. art. 63.001; Tex. Code of Crim. Pro. art. 63.00905).

316.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Division.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing person networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.6.2 RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the Records Division receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

Alpine Police Department
Alpine Police Department Policy Manual

Missing Persons

- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigation Division.
- (e) Processing all written requests that the Department received and searching the DPS Missing Children and Missing Persons Information Clearinghouse for information regarding a child whose whereabouts are unknown. Results of the inquiry shall be reported to the requestor within 14 days (Tex. Code of Crim. Pro. art. 63.011; Tex. Code of Crim. Pro. art. 63.012).
- (f) Coordinating with the NCIC Terminal Contractor for Texas to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.7 INVESTIGATION DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified immediately if the missing person is a juvenile under the age of 11 (Tex. Code of Crim. Pro. art. 63.020).
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.
 - 3. The investigator shall notify the DPS Missing Children and Missing Persons Information Clearinghouse that school notification has been made.
- (b) Shall ensure that the bureau of vital statistics is notified if the missing person is a child under the age of 11 who was born in Texas (Tex. Code of Crim. Pro. art. 63.020).
- (c) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available (Tex. Code of Crim. Pro. art. 63.009; Tex. Code of Crim. Pro. art. 63.00905).
- (d) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (e) Shall verify and update the DPS Missing Children and Missing Persons Information Clearinghouse, the TCIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

Alpine Police Department

Alpine Police Department Policy Manual

Missing Persons

- (g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (h) Should make appropriate inquiry with the Justice of The Peace.
- (i) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
 - 1. If the missing person is considered high risk, the investigator shall inform the reporting person, within 30 days of the report being filed, that a biological sample or a personal article can be submitted for analysis if not previously obtained during the investigation (Tex. Code of Crim. Pro. art. 63.057).
 - (a) Upon verification that the person is still a high-risk missing person, the investigator shall submit the biological sample, as soon as practicable, to the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database (Tex. Code of Crim. Pro. art. 63.060).
- (j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the DPS Missing Children and Missing Persons Information Clearinghouse and enter the photograph into applicable missing person networks (34 USC § 41308).
- (k) Shall forward any medical or dental records received to the DPS Missing Children and Missing Persons Information Clearinghouse (Tex. Code of Crim. Pro. art. 63.006; Tex. Code of Crim. Pro. art. 63.007).
- (l) In the case of a high-risk missing person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The City Secretary shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Immediate notification is made to NCIC, TCIC and the DPS Missing Children and Missing Persons Information Clearinghouse (Tex. Code of Crim. Pro. art. 63.009).
- (b) The missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is considered high-risk missing, the fact that the person has been found should be reported within 24 hours to the DPS Missing Children and Missing Persons Information Clearinghouse.

Alpine Police Department

Alpine Police Department Policy Manual

Missing Persons

- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File, the NamUs database, and the DPS Missing Children and Missing Persons Information Clearinghouse (Tex. Code of Crim. Pro. art. 63.009).
- (c) Use available resources, such as those related to missing persons, to identify the person.

316.8.2 SCHOOL REQUESTS

If a child enrolled in school fails to provide valid documentation, the school will contact law enforcement. On receipt of notification, the City Secretary shall immediately check the DPS Missing Children and Missing Persons Information Clearinghouse to determine if the child has been reported missing. If reported missing, the City Secretary shall immediately notify appropriate law enforcement agencies that the missing child has been located (Tex. Code of Crim. Pro. art. 63.019).

316.9 CASE CLOSURE

The Investigation Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Alpine or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.10 TRAINING

Subject to available resources, the Training Coordinator should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

Alpine Police Department

Alpine Police Department Policy Manual

Missing Persons

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio/Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile, catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., internet use, cell phone use).
- (n) Media relations.

Public Alerts

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

317.3 RESPONSIBILITIES

317.3.1 MEMBER RESPONSIBILITIES

Members of the Alpine Police Department should notify their supervisor or Chief of Police as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for:

- (a) Updating alerts.
- (b) Canceling alerts.
- (c) Ensuring all appropriate reports are completed.
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Chief of Police.

317.4 AMBER ALERTS™

AMBER Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding abducted children (37 Tex. Admin. Code § 9.21).

317.4.1 CRITERIA

A statewide AMBER Alert can only be activated by the state network if all of the following criteria are met (Tex. Gov't Code § 411.355; Tex. Gov't Code § 411.356):

- (a) There is reason to believe that a child 17 years of age or younger has been abducted. For purposes of this section, abduction includes a child who is younger than 14 years of age; who departed willingly with someone more than three years older than the child; who departed without a parent or legal guardian's permission; and the person

Alpine Police Department

Alpine Police Department Policy Manual

Public Alerts

with whom the child departed is not an immediate relative of the child, as defined by Subchapter B, Chapter 573, Tex. Gov't. Code.

- (b) It is believed that the abducted child is in immediate danger of serious bodily injury or death or of becoming the victim of a sexual assault.
- (c) A preliminary investigation has taken place that verifies the abduction and eliminates alternative explanations for the child's disappearance.
- (d) There is sufficient information available to disseminate to the public that could assist in locating the child, the person suspected of abducting the child or a vehicle that may have been used in the abduction.

A local area alert activation may be requested if the criteria for a statewide alert has not been verified, but the Department knows a child is missing and the Chief of Police believes that activation is warranted (Tex. Gov't Code § 411.3555).

317.4.2 PROCEDURE

The following is the procedure for initiating an AMBER Alert:

- (a) Submit the completed AMBER Alert Request Form to the State Operations Center (SOC). The supervisor may only submit the form after it has been verified that all statutory criteria for activation are clearly established by the specific facts of the case (37 Tex. Admin. Code § 9.22).
- (b) Email photographs of the missing child and suspect, if available, to the SOC.
- (c) Confirm that the form and any sent emails were received by the SOC.
- (d) Ensure that appropriate entries are made in the Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC) databases.
- (e) Inform the SOC of any updates, including when the child or suspect is located.
- (f) Consider contacting the regional AMBER Alert program, if available.

The activating official should be notified of all relevant updates that may require modification or termination of the AMBER Alert.

317.5 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state, or federal law enforcement officer (37 Tex. Admin. Code § 9.81).

317.5.1 CRITERIA

The following criteria are utilized to determine if a Blue Alert should be issued (Tex. Gov't Code § 411.446; 37 Tex. Admin. Code § 9.82):

- (a) A law enforcement officer has been killed or seriously injured by an offender.
- (b) The offender poses a serious risk or threat to the public or other law enforcement personnel.

Alpine Police Department

Alpine Police Department Policy Manual

Public Alerts

- (c) A detailed description of the offender's vehicle, vehicle tag, or partial tag is available for broadcast to the public.

317.5.2 PROCEDURE

The following is the procedure for initiating a Blue Alert (Tex. Gov't Code § 411.446; Tex. Gov't Code § 411.449; 37 Tex. Admin. Code § 9.82):

- (a) Submit the completed Blue Alert Request Form to the SOC.
- (b) Email photographs of the suspect and the suspect's vehicle, if available, to the SOC.
- (c) Confirm that the form and any sent emails were received by the SOC.
- (d) Ensure that appropriate entries are made in the TCIC and NCIC databases.
- (e) Inform the SOC of any updates, including when the vehicle or suspect is located.
- (f) Consider contacting the regional Blue Alert program, if available.
- (g) Inform the SOC if there is reason to believe the suspect poses a threat to other law enforcement officers and to the public.

The activating official should be notified of all relevant updates that may require modification or termination of the Blue Alert.

317.6 SILVER ALERTS

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who is a senior citizen and has an impaired mental condition, including an individual who has been diagnosed with Alzheimer's disease (37 Tex. Admin. Code § 9.31).

317.6.1 CRITERIA

The following criteria are utilized to determine if a Silver Alert should be issued (Tex. Gov't Code § 411.386; 37 Tex. Admin. Code § 9.32):

- (a) The person reported missing is 65 years of age or older or has Alzheimer's disease.
- (b) The person's location is unknown.
- (c) The person has an impaired mental condition, including Alzheimer's disease, and the family or legal guardian provides documentation of the condition.
- (d) It is determined that the person's disappearance poses a credible threat to his/her health and safety.
- (e) The Silver Alert request is made within 72 hours of the person's disappearance.
- (f) There is sufficient information available to disseminate to the public that could assist in locating the person.

317.6.2 PROCEDURE

The following is the procedure for initiating a Silver Alert:

Alpine Police Department

Alpine Police Department Policy Manual

Public Alerts

- (a) Submit the completed Silver Alert Request Form to the SOC. The supervisor may only submit the form after it has been verified that all statutory criteria for activation are clearly established by the specific facts of the case (37 Tex. Admin. Code § 9.32).
- (b) Include documentation of the person's age and condition of the person with the request for activation (37 Tex. Admin. Code § 9.32; Tex. Gov't Code § 411.386).
- (c) Email photographs of the missing senior citizen, if available, to the SOC.
- (d) Confirm that the form and any sent emails were received by the SOC.
- (e) Ensure that appropriate entries are made in the TCIC and NCIC databases.
- (f) Inform the SOC of any updates, including when the missing senior citizen is located.
- (g) Consider contacting the regional Silver Alert program, if available.

The activating official should be notified of all relevant updates that may require modification or termination of the Silver Alert.

317.7 ENDANGERED MISSING PERSONS ALERTS

Endangered Missing Persons Alerts are used to provide a statewide system for the rapid dissemination of information regarding those with intellectual disabilities.

317.7.1 CRITERIA

The following criteria are utilized to determine if an Endangered Missing Persons Alert should be issued (Tex. Gov't Code § 411.355; Tex. Gov't Code § 411.356):

- (a) There is reason to believe that a person with an intellectual disability is missing and the person's location is unknown. For purposes of this section, a person is considered to have an intellectual disability if he/she has been evaluated by a physician or psychologist licensed in this state, as required by Tex. Health and Safety Code § 593.005, and the medical professional has determined that the person suffers from an intellectual disability.
- (b) The activating official shall obtain a written diagnosis documenting the missing person's intellectual disability from the treating licensed physician or psychologist.
- (c) The Endangered Missing Persons Alert request is made within 72 hours of the person's disappearance.
- (d) It is believed that the person's disappearance poses a credible threat to his/her health and safety.
- (e) There is sufficient information available to disseminate to the public that could assist in locating the person.

317.7.2 PROCEDURE

The following is the procedure for initiating an Endangered Missing Persons Alert (37 Tex. Admin. Code § 9.42):

- (a) Submit the Endangered Missing Persons Alert Request Form to the SOC, including documentation of a diagnosed intellectual disability for the missing person.

Alpine Police Department

Alpine Police Department Policy Manual

Public Alerts

- (b) E-mail photographs of the missing person, if available, to the SOC.
- (c) Confirm that the form and any sent emails were received by the SOC.
- (d) Ensure that appropriate entries are made in the TCIC and NCIC databases.
- (e) Inform the SOC of any updates, including when the missing person is located.

The activating official should be notified of all relevant updates that may require modification or termination of the Missing Persons Alert.

317.8 COORDINATED LAW ENFORCEMENT ADULT RESCUE (CLEAR) ALERTS

Coordinated Law Enforcement Adult Rescue (CLEAR) Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing adult who is younger than age 65 (Tex. Gov't Code § 411.462).

317.8.1 CRITERIA

The following criteria are utilized to determine if a CLEAR Alert should be issued (Tex. Gov't Code § 411.466):

- (a) The person has been reported missing to the Department and a member has verified:
 - 1. The person is between 18 and 64 years of age.
 - 2. The person's location is unknown.
 - 3. The person has been missing for less than 72 hours.
- (b) There is reason to believe that the person is in imminent danger of bodily injury or death or that the person's disappearance is not voluntary.
- (c) There is sufficient information available to disseminate to the public that could assist in locating the person or a vehicle suspected of being related to the disappearance of the person.

317.8.2 PROCEDURE

The following is the procedure for initiating a CLEAR Alert:

- (a) Submit the completed CLEAR Alert Request Form to the SOC.
- (b) Email photographs of the missing person, if available, to the SOC.
- (c) Confirm that the form and any sent emails were received by the SOC.
- (d) Ensure that appropriate entries are made in the TCIC and NCIC databases.
- (e) Inform the SOC of any updates, including when the missing person is located.

The activating official should be notified of all relevant updates that may require modification or termination of the CLEAR Alert.

317.9 CAMO ALERTS

Camo Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing military member who has elected to participate in the system and who suffers from a mental illness or a traumatic brain injury.

Alpine Police Department

Alpine Police Department Policy Manual

Public Alerts

317.9.1 CRITERIA

The following criteria are utilized to determine if a Camo Alert should be issued (Tex. Gov't Code § 411.4506):

- (a) The person has been reported missing to the Department and a member has verified:
 - 1. The person is a current or former military member and is a participant in the Camo Alert System.
 - 2. The person's location is unknown.
 - 3. The person suffers from a mental illness, including post-traumatic stress disorder (PTSD), or a traumatic brain injury. When practicable, the member receiving the report should request documentation regarding the person's illness or injury.
- (b) There is reason to believe that the person's disappearance poses a credible threat to the person's health and safety, or to the health and safety of another.

317.9.2 PROCEDURE

The following is the procedure for initiating a Camo Alert:

- (a) Submit the completed Camo Alert Request Form to the SOC.
- (b) Email photographs of the missing person, if available, to the SOC.
- (c) Confirm that the form and any sent emails were received by the SOC.
- (d) Ensure that appropriate entries are made in the TCIC and NCIC databases.
- (e) Inform the SOC of any updates, including when the missing person is located.

The activating official should be notified of all relevant updates that may require modification or termination of the Camo Alert.

317.10 ACTIVE SHOOTER ALERTS

Active Shooter Alerts are used to provide a statewide system for the rapid dissemination of information regarding the report of an active shooter (Tex. Gov't. Code § 411.371).

317.10.1 CRITERIA

The following criteria are utilized to determine if an Active Shooter Alert should be issued (Tex. Gov't. Code § 411.375; Tex. Gov't. Code § 411.376):

- (a) An active shooter is in the department's jurisdiction.
- (b) The alert would assist individuals near the active shooter's location.
- (c) The active shooter situation has been verified through a preliminary investigation.
- (d) The Department is able to provide the active shooter's last known location and any identifiable information available.

317.10.2 PROCEDURE

The following is the procedure for initiating an Active Shooter Alert:

Alpine Police Department

Alpine Police Department Policy Manual

Public Alerts

- (a) Submit the completed request to the SOC. The supervisor may only submit the form after it has been verified that all statutory criteria for activation are clearly established.
- (b) Email photographs of the active shooter to the SOC, if available.
- (c) Confirm that the form and any sent emails were received by the SOC.
- (d) Ensure that appropriate entries are made in the TCIC and NCIC databases.
- (e) Inform the SOC of any updates, including when the active shooter is located.

The activating official should be notified of all relevant updates that may require modification or termination of the Active Shooter Alert.

Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

318.2 POLICY

The Alpine Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Alpine Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Alpine Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison shall:

- (a) Be responsible for consulting with the victim assistance coordinator in the office of the attorney representing the state to determine the most effective manner in which the crime victim liaison can perform his/her duties (Tex. Code of Crim. Pro. art. 56A.204).
- (b) Ensure department members afford victims and witnesses the rights described in Tex. Code of Crim. Pro. art. 56A.051.
- (c) Facilitate the return of property to victims (Tex. Code of Crim. Pro. art. 56A.051).
- (d) Upon receipt of a victim's pseudonym form, ensure the following: (Tex. Code of Crim. Pro. art. 58.103; Tex. Code of Crim. Pro. art. 58.153; Tex. Code of Crim. Pro. art. 58.203; Tex. Code of Crim. Pro. art. 58.253):
 1. The victim's name is removed and substituted with the pseudonym on all reports, files, and records in the department's possession.
 2. The attorney for the state is notified of the victim's election to use a pseudonym.
 3. The victim receives a copy of the completed pseudonym form showing that the form was returned to this department.
 4. Maintenance of the pseudonym form in a manner that protects the confidentiality of the information on the form.

318.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Alpine Police Department

Alpine Police Department Policy Manual

Victim and Witness Assistance

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

318.4.1 INITIAL CONTACT WITH SEXUAL ASSAULT VICTIMS

Upon initial contact with a sexual assault victim, or as soon thereafter as reasonably possible, officers investigating or responding to a call involving an alleged sexual assault shall provide the victim with the information and written handouts required by Tex. Code Crim. Pro. art. 56A.052.

318.5 VICTIM INFORMATION

The Chief of Police shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including family violence and sexual assault victims (Tex. Code of Crim. Pro. art. 56A.401).
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Tex. Code of Crim. Pro. art. 56A.401).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained (Tex. Fam. Code § 82.002; Tex. Code of Crim. Pro. art. 7B.001).
- (e) Information regarding available compensation for qualifying victims of crime (Tex. Code of Crim. Pro. art. 56B.001 et seq.).
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number, and any applicable case or incident number.
- (j) A place for the contact information of the department Crime Victim Liaison and the victim assistance coordinator for the appropriate prosecutor's office (Tex. Code of Crim. Pro. art. 56A.401).
- (k) The Health and Human Services Commission's written notice for victims of family violence, stalking, harassment, or terroristic threat required by Tex. Code of Crim. Pro. art. 2.1398 and Tex. Code Crim. Pro. art. 5.04.

Alpine Police Department

Alpine Police Department Policy Manual

Victim and Witness Assistance

- (l) Information that a victim of family violence, sexual assault, stalking, or human trafficking may be eligible to use a pseudonym to designate the victim in all public files and records concerning the offense (Tex. Code of Crim. Pro. art. 58.102; Tex. Code of Crim. Pro. art. 58.152; Tex. Code of Crim. Pro. art. 58.202; Tex. Code of Crim. Pro. art. 58.252).
- (m) Information that a victim of family violence, sexual assault or abuse, stalking, child abduction, or trafficking in persons may be eligible to participate in the Texas Address Confidentiality Program (ACP) administered by the Office of the Attorney General (Tex. Code of Crim. Pro. art. 58.052).
- (n) Reassurance that any property seized as evidence by the Department will be promptly returned when it is no longer needed for evidentiary purposes (Tex. Code of Crim. Pro. art. 56A.051).
- (o) An explanation of the rights available to a victim of sexual assault, abuse, indecent assault, stalking, or trafficking or to the victim's guardian or relative as applicable (Tex. Code of Crim. Pro. art. 56A.052).
- (p) The following statement, "You may call the Alpine Police Department for the status of the case and information about victims' rights" (Tex. Code of Crim. Pro. art. 56A.401).
- (q) The Notice to Adult Victims of Sexual Assault developed after consultation with a local sexual assault program or response team (Tex. Code Crim. Pro. art. 56A.052).

318.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, age, gender identity or expression, or disability of the victim. This includes status as a peace officer or judge (Tex. Code of Crim. Pro. art. 42.014).

319.2 POLICY

The Alpine Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.
- (b) Providing victim assistance and community follow-up or identifying available resources to do so.
- (c) Educating community and civic groups about hate crime laws.

319.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

Alpine Police Department

Alpine Police Department Policy Manual

Hate Crimes

- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.
- (f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked "Hate Crime."
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (Temporary Protective Order) through the courts or City Attorney.

319.4.1 INVESTIGATOR RESPONSIBILITIES

The assigned investigator, or responsible officer in the absence of an assigned investigator, will be responsible for:

- (a) Coordinating further investigation with the District Attorney's Office and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

319.4.2 HATE CRIME REPORTING

This department shall report hate crimes in the form and manner and at regular intervals as prescribed by rules adopted by the Texas Department of Public Safety (DPS). This shall be conducted by the City Secretary. (Tex. Gov't. Code § 411.046).

The Department may request hate crime-related information or statistics from the Texas DPS to carry out investigations or other lawful business (Tex. Gov't. Code § 411.046).

319.5 TRAINING

All members of this department should receive training on hate crime recognition and investigation.

Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Alpine Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

Alpine Police Department

Alpine Police Department Policy Manual

Standards of Conduct

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Texas constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

320.5.2 ETHICS

Alpine Police Department

Alpine Police Department Policy Manual

Standards of Conduct

- (a) Using or disclosing one's status as a member of the Alpine Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

Alpine Police Department
Alpine Police Department Policy Manual

Standards of Conduct

320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

Alpine Police Department

Alpine Police Department Policy Manual

Standards of Conduct

320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, memorandum of understanding or contract, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, memorandum of understanding or contract, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

Alpine Police Department

Alpine Police Department Policy Manual

Standards of Conduct

enforcement agency or that may result in criminal prosecution or discipline under this policy.

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement, memorandum of understanding or contract, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

Alpine Police Department
Alpine Police Department Policy Manual

Standards of Conduct

- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources including computers, electronic devices, hardware, software and systems.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Alpine Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

321.2 POLICY

It is the policy of the Alpine Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all key strokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

Alpine Police Department

Alpine Police Department Policy Manual

Information Technology Use

321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to a supervisor.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

321.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

321.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain

Alpine Police Department

Alpine Police Department Policy Manual

Information Technology Use

exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the Internet shall be limited to messages, mail and data files.

321.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

321.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

321.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Department Use of Social Media

322.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

322.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

322.2 POLICY

The Alpine Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all people.

322.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

322.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

Alpine Police Department

Alpine Police Department Policy Manual

Department Use of Social Media

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

322.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

322.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Alpine Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

322.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

Alpine Police Department

Alpine Police Department Policy Manual

Department Use of Social Media

322.6 MONITORING CONTENT

The Chief of Police or designee will review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

322.7 RETENTION OF RECORDS

The Chief of Police should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

322.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Report Preparation

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Department who complete investigations and reports as a part of their duties.

323.2 POLICY

It is the policy of the Alpine Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

323.3 EXPEDITIOUS REPORTING

Incomplete reports, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

323.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved; all pertinent information seen, heard or assimilated by any other sense; and any actions taken. Members shall not suppress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

323.5 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

323.5.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests.

Alpine Police Department

Alpine Police Department Policy Manual

Report Preparation

- (b) All felony crimes.
- (c) Non-felony criminal incidents involving threats or stalking behavior.
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy.
 - 2. Family Violence Policy.
 - 3. Child Abuse Policy.
 - 4. Adult Abuse Policy.
 - 5. Hate Crimes Policy.
 - 6. Suspicious Activity Reporting Policy.
- (e) All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., a dispatch log).

323.5.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes:

- (a) Any found property or found evidence.
- (b) All protective custody and welfare detentions.
- (c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).
- (d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (e) Suspicious incidents that may place the public or others at risk.
- (f) Any use of force by members of this department against any person (see the Use of Force Policy).
- (g) Any firearm discharge (see the Firearms Policy).
- (h) Any time a member points a firearm at any person.
- (i) Any traffic accidents above the minimum reporting level (see the Traffic Accidents Policy).
- (j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

323.5.3 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.

Alpine Police Department
Alpine Police Department Policy Manual

Report Preparation

- (b) There is an attempted suicide.
- (c) The injury is major or serious, and potentially fatal.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

323.5.4 DEATHS

Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

- (a) Unattended deaths (no physician or qualified hospice care during the period preceding death)
- (b) Sudden, accidental or suspicious deaths
- (c) Suicides
- (d) Homicide or suspected homicide
- (e) Found dead bodies or body parts

323.5.5 CITY PERSONNEL OR PROPERTY

Incidents involving City personnel or property shall require a report when:

- (a) An injury occurs as the result of an act of a City employee or on City property.
- (b) There is damage to City property or equipment.

323.6 ALTERNATIVE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials threatening to public safety, when there is no suspect information or serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.

Alpine Police Department

Alpine Police Department Policy Manual

Report Preparation

- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle accidents with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to any alternative means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., the Federal Communications Commission (FCC) website for identity theft; the Internet Crime Complaint Center (IC3) website for computer crimes).

323.7 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete a correction form stating the reasons for rejection.

The original report and the correction form should be returned to the reporting member for correction as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

323.7.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report.

Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

Media Relations

324.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

324.2 POLICY

It is the policy of the Alpine Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

324.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, supervisors, Shift Supervisors or the designated Public Information Officer (PIO) may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

324.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

324.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

Alpine Police Department

Alpine Police Department Policy Manual

Media Relations

- (c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

324.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.
 - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.
- (d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

324.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

324.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Chief of Police. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

Alpine Police Department

Alpine Police Department Policy Manual

Media Relations

324.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

324.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Chief of Police or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., Texas Public Information Act).

324.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

324.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Chief of Police.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

Subpoenas and Court Appearances

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Alpine Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

325.2 POLICY

Alpine Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

325.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

Criminal subpoenas may be served upon members in accordance with Tex. Code of Crim. Pro. art. 24.04 by personally delivering or reading the subpoena to the member; electronically transmitting the subpoena, with a receipt requested, to the last known email address of the member; or by certified mail with a return receipt requested.

Civil subpoenas may be served upon a member by personally delivering a copy of the subpoena to the member along with any fees required by law (Tex. RCP Rule 176.5; Tex. Civ. Prac. & Rem. Code § 22.001).

325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Alpine Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Alpine Police Department.

Alpine Police Department

Alpine Police Department Policy Manual

Subpoenas and Court Appearances

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

325.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement or memorandum of understanding.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

325.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

325.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

325.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

325.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

325.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

Alpine Police Department
Alpine Police Department Policy Manual

Subpoenas and Court Appearances

325.6.2 EVIDENCE

When a member is directed by a subpoena to appear in court with evidence, that member should:

- (a) Notify the Property and Evidence Section promptly after receiving the subpoena that the specified evidence is needed for court, and verify that the evidence is readily available.
- (b) Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.
- (c) Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.
- (d) Notify the prosecuting attorney on a timely basis in the event that evidence has been lost, stolen or misplaced, or if previously undisclosed information about the evidence has become available.
- (e) Comply with provisions of the Property and Evidence Section Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

325.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement or memorandum of understanding.

Part-Time Officers

326.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Alpine Police Department part-time officers to supplement and assist regular full-time police officers in their duties. These officers provide professional and special functions and part-time services that can augment regular staffing levels.

326.1.1 DEFINITIONS

Definitions related to this policy include:

Part-time officer- A person who has been elected, employed, or appointed as peace officer, as defined by Tex. Code of Crim. Pro. art. 2A.001, and who is assigned to work less than 32 hours per week, is compensated at least at the federal minimum wage, and is entitled to all employee benefits offered to a peace officer of this state (Tex. Gov't Code § 614.121).

326.2 POLICY

The Alpine Police Department shall ensure that part-time officers are properly appointed, trained and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

326.3 RECRUITMENT AND SELECTION

The Alpine Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as regular full-time police officers before appointment.

326.3.1 APPOINTMENT

Applicants who are selected for appointment as part-time officers shall, on the recommendation of the Chief of Police, be sworn in and take the Oath of Office in accordance with the Oath of Office Policy and as required for the position.

Part-time officers are considered at-will employees and may be dismissed at the discretion of the Chief of Police, with or without cause. Part-time officers shall have no property interest in continued appointment. However, if a part-time officer is removed for alleged misconduct, the part-time officer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

326.4 IDENTIFICATION AND UNIFORMS

Part-time officers will be issued Alpine Police Department uniforms, badges and identification cards. The uniforms and badges shall be the same as those worn by regular full-time police officers. The identification cards will be the standard Alpine Police Department identification cards, with the exception that "Part-time" will be indicated on the cards (see the Badges, Patches and Identification Policy).

Alpine Police Department

Alpine Police Department Policy Manual

Part-Time Officers

326.5 AUTHORITY

Part-time officers shall perform law enforcement officer duties within the scope of their approved training. Part-time officers:

- (a) Perform law enforcement functions and have the authority to arrest on behalf of this department (see the Law Enforcement Authority Policy).
- (b) Shall not exercise law enforcement officer duties when off-duty.

326.6 COMPENSATION

Compensation for part-time officers is provided as follows:

- (a) Part-time officers shall work as per agreement with the City of Alpine or the Chief of Police.
- (b) Part-time officers are issued uniforms and all designated attire and safety equipment, as applicable to their positions. All property issued to part-time officers shall be returned to this department upon termination or resignation.

326.7 PERSONNEL WORKING AS PART-TIME

Qualified regular department personnel, when authorized, may also serve as part-time officers. However, this department shall not utilize the services of part-time officers in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a part-time officer for reduced pay or no pay). Therefore, the part-time officer coordinator should consult with the Human Resources Department prior to allowing regular department personnel to serve in a part-time officer capacity (29 CFR 553.30).

326.8 COMPLIANCE

Part-time officers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each part-time officer upon appointment. The officers shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to a regular full-time police officer, it shall also apply to a part-time officer, unless by its nature it is inapplicable.

Part-time officers are required by this department to meet department-approved training requirements.

All part-time officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the part-time officer coordinator.

326.9 FIREARMS

Part-time officers shall successfully complete department-authorized training in the use of firearms. Their appointments must be approved by the City prior to being issued firearms by this department or otherwise acting as part-time officers on behalf of the Alpine Police Department.

Alpine Police Department

Alpine Police Department Policy Manual

Part-Time Officers

Part-time officers will be issued duty firearms as specified in the Firearms Policy. Any part-time officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

Part-time officers are required to maintain proficiency with firearms used during their assignments. Part-time officers shall comply with all training and qualification requirements set forth in the Firearms Policy.

326.10 PART-TIME OFFICER COORDINATOR

The Chief of Police shall delegate certain responsibilities to a part-time officer coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Services Lead Investigator or the authorized designee.

The part-time officer coordinator may appoint a senior part-time member or other designee to assist in the coordination of part-time officers and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Assigning part-time officers.
- (b) Conducting part-time officer meetings.
- (c) Establishing and maintaining a part-time officer callout roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring the field training progress of part-time officers.
- (f) Monitoring individual part-time officer performance.
- (g) Monitoring overall part-time officer activities.
- (h) Maintaining a liaison with other agency part-time officer coordinators.

326.11 FIELD TRAINING

All part-time officers shall complete the same department-specified field training as regular full-time police officers, as described in the Field Training Policy.

326.12 SUPERVISION

Part-time officers may perform the same duties as regular full-time officers of this department provided they are under the direct or indirect supervision of a supervisor or officer in charge. Part-time officers should not supervise a regular full-time officer.

326.12.1 EVALUATIONS

While in training, part-time officers should be continuously evaluated using standardized daily and weekly observation reports. The part-time officer will be considered a trainee until he/she has satisfactorily completed training. Part-time officers who have completed their field training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that part-time officer.

Alpine Police Department

Alpine Police Department Policy Manual

Part-Time Officers

326.12.2 INVESTIGATIONS AND COMPLAINTS

If a part-time officer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Reserve Officers

327.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Alpine Police Department reserve officers to supplement and assist regular full-time police officers in their duties. These officers provide volunteer professional and special functions that augment regular staffing levels.

327.1.1 DEFINITIONS

Definitions related to this policy include:

Reserve officer - A person who has been appointed by the Chief of Police to serve as a reserve officer.

327.2 POLICY

The Alpine Police Department shall ensure that reserve officers are properly appointed, trained and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

327.3 RECRUITMENT AND SELECTION

The Alpine Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

327.3.1 APPOINTMENT

Applicants who are selected for appointment as reserve officers shall, on the recommendation of the Chief of Police, be sworn in and take the Oath of Office in accordance with the Oath of Office Policy and as required for the position.

Reserve officers are considered at-will employees and may be dismissed at the discretion of the Chief of Police, with or without cause. Reserve officers shall have no property interest in continued appointment. However, if a reserve officer is removed for alleged misconduct, the reserve officer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

327.4 IDENTIFICATION AND UNIFORMS

Reserve officers will be issued Alpine Police Department uniforms, badges and identification cards. The uniforms and badges shall be the same as those worn by regular full-time police officers. The identification cards will be the standard Alpine Police Department identification cards, with the exception that "Reserve" will be indicated on the cards (see the Badges, Patches and Identification Policy).

Alpine Police Department

Alpine Police Department Policy Manual

Reserve Officers

327.5 AUTHORITY

Reserve officers shall perform peace officer duties within the scope of their approved training. Reserve officers:

- (a) Perform law enforcement functions and have the authority to arrest on behalf of this department.
- (b) Shall not exercise law enforcement officer duties when off-duty.
- (c) Holding permanent peace officer licenses issued under Chapter 1701, Texas Occupations Code are considered peace officers pursuant to Tex. Code of Crim. Pro. art. 2A.001.

327.6 COMPENSATION

Compensation for reserve officers is provided as follows:

- (a) Reserve officers shall work as directed by the Chief of Police or the authorized designee.
- (b) Reserve officers are issued two sets of uniforms and all designated attire and safety equipment, as applicable to their positions. All property issued to reserve officers shall be returned to this department upon termination or resignation.
- (c) The Department may provide hospital and medical assistance to a member of the reserve force who sustains injury in the course of performing official duties. Additionally, a reserve officer is eligible for death benefits as provided by Chapter 615, Texas Government Code (Tex. Local Gov't Code § 142.003).

327.7 PERSONNEL WORKING AS RESERVE OFFICERS

Qualified regular department personnel, when authorized, may also serve as reserve officers. However, this department shall not utilize the services of reserve officers in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the reserve coordinator should consult with the Human Resources Department prior to allowing regular department personnel to serve in a reserve officer capacity (29 CFR 553.30).

327.8 COMPLIANCE

Reserve officers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment. The reserve officer shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to a regular full-time police officer, it shall also apply to a reserve officer, unless by its nature it is inapplicable.

Reserve officers are required by this department to meet department-approved training requirements.

All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the reserve coordinator.

Alpine Police Department

Alpine Police Department Policy Manual

Reserve Officers

327.9 FIREARMS

Reserve officers shall successfully complete department-authorized training in the use of firearms. Their appointments must be approved by the City prior to being issued firearms by this department or otherwise acting as reserve officers on behalf of the Alpine Police Department.

Reserve officers will be issued duty firearms as specified in the Firearms Policy. Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

Reserve officers are required to maintain proficiency with firearms used during their assignments. Reserve officers shall comply with all training and qualification requirements set forth in the Firearms Policy.

327.9.1 ADDITIONAL CONSIDERATIONS

A reserve officer shall not carry a concealed department firearm while in an off-duty capacity, other than to and from work. A personally owned firearm may be carried off-duty only if the officer possesses a valid license to carry issued by the Texas Department of Public Safety or is otherwise authorized under state law or the Law Enforcement Officers' Safety Act (18 USC § 926B).

An instance may arise where a reserve officer is assigned to a plainclothes detail for their assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment, but only with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to department standards. The weapon shall comply with all the requirements set forth in the Firearms Policy.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall demonstrate their proficiency with the weapon.

327.10 RESERVE COORDINATOR

The Chief of Police shall delegate certain responsibilities to a reserve coordinator. The reserve coordinator shall be appointed by and directly responsible to the Patrol Services Lead Investigator or the authorized designee.

The reserve coordinator may appoint a senior reserve officer or other designee to assist in the coordination of reserve officers and their activities.

The responsibilities of the coordinator or the authorized designee include but are not limited to:

- (a) Assigning reserve officers.
- (b) Conducting reserve officer meetings.
- (c) Establishing and maintaining a reserve officer callout roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring the field training progress of reserve officers.

Alpine Police Department
Alpine Police Department Policy Manual

Reserve Officers

- (f) Monitoring individual reserve officer performance.
- (g) Monitoring overall reserve officer activities.
- (h) Maintaining a liaison with other agency reserve coordinators.

327.11 FIELD TRAINING

All reserve officers shall complete the same department-specified field training as regular full-time police officers as described in the Field Training Policy.

327.12 SUPERVISION

Reserve officers may perform the same duties as regular full-time officers of this department provided they are under the direct or indirect supervision of a supervisor or officer in charge. Reserve officers shall never supervise a regular full-time officer.

327.12.1 EVALUATIONS

While in training, reserve officers should be continuously evaluated using standardized daily and weekly observation reports. The reserve officer will be considered a trainee until he/she has satisfactorily completed training. Reserve officers who have completed their field training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve officer.

327.12.2 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Outside Agency Assistance

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

328.2 POLICY

It is the policy of the Alpine Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

328.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to a supervisor for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, a supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

328.3.1 AGREEMENTS

The Chief of Police and supervisors should remain familiar with the existence of any interlocal contracts or agreements entered into between the Alpine Police Department and surrounding agencies when considering requests for assistance (Tex. Local Gov't Code § 362.002; Tex. Gov't Code § 418.109; Tex. Gov't Code § 791.027).

328.3.2 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Alpine Police Department shall notify his/her supervisor and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

Outside Agency Assistance

328.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

328.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Chief of Police.

328.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Chief of Police or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the equipment and supplies.
 - 2. The members trained in the use of the equipment and supplies.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The training manager should maintain documentation that the appropriate members have received the required training.

Registered Offender Information

329.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Alpine Police Department will address issues associated with certain offenders who are residing in the jurisdiction, and how the Department will disseminate information and respond to public inquiries for information about registered sex and terrorist offenders.

329.2 POLICY

It is the policy of the Alpine Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

329.3 REGISTRATION

The Chief of Police or designee shall establish a process to reasonably accommodate registration of offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Department of Public Safety (DPS) in accordance with Chapter 62 and Chapter 65 of the Texas Code of Criminal Procedure.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

329.3.1 CONTENTS OF REGISTRATION

Members of the Alpine Police Department who are responsible for registering offenders shall obtain and report the information required by DPS on the applicable form (Tex. Code of Crim. Pro. art. 62.051; Tex. Code of Crim. Pro. art. 65.051). Registration forms provided to an offender should comply with Tex. Code of Crim. Pro. art. 62.058 and Tex. Code of Crim. Pro. 65.056.

329.3.2 PROOF OF IDENTITY

An offender is required to provide proof of the offender's identity and residence before a member of the Alpine Police Department may verify the individual's registration form (Tex. Code of Crim. Pro. art. 62.051; Tex. Code of Crim. Pro. art. 65.051).

329.4 MONITORING OF REGISTERED OFFENDERS

The Chief of Police or designee should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

Alpine Police Department
Alpine Police Department Policy Manual

Registered Offender Information

- (b) Review of information on the DPS Sex Offender Registration Program website.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to DPS.

The Chief of Police or designee should also establish a procedure to routinely disseminate information regarding registered offenders to Alpine Police Department members, including timely updates regarding new or relocated registrants.

329.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex offender registrants should be directed to the DPS Sex Offender Registration Program website or the Alpine Police Department's website.

The City Secretary shall release local registered sex offender information to residents in accordance with Tex. Code of Crim. Pro. art. 62.005 and in compliance with a Public Information Act request.

Information contained in the terrorist offender registration database is confidential and not subject to disclosure under the Texas Public Information Act (Tex. Code of Crim. Pro. 65.005). Members of the public requesting information on terrorist offender registrants should be directed to contact DPS.

329.5.1 RELEASE NOTIFICATIONS FOR SEX OFFENDER INFORMATION

Sex Offender registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

329.5.2 MANDATORY DISSEMINATION FOR SEX OFFENDER INFORMATION

The Investigation Division Supervisor shall make the following notifications regarding sex offender registrants:

Alpine Police Department

Alpine Police Department Policy Manual

Registered Offender Information

- (a) Within eight days of receiving notice from a court, penal institution or parole/community supervision department that a person will be required to register as a sex offender with the Alpine Police Department, notice shall be sent to each superintendent of a public school district and each administrator of a private primary or secondary school in the Alpine Police Department's jurisdiction if one of the following conditions apply (Tex. Code of Crim. Pro. art. 62.054).
 - 1. The offense requiring registration of the individual involved a child enrolled in a public or private secondary school or a child less than 17 years of age.
 - 2. The registrant is a student in a public or private secondary school.
 - 3. The basis of the registration is a conviction, including deferred adjudication, for an offense under Tex. Penal Code § 43.25 (Sexual Performance by a Child), Tex. Penal Code § 43.26 (Possession or Promotion of Child Pornography), or an offense of another jurisdiction that contains substantially similar elements.
- (b) For a non-resident individual who is required to register as a sex offender in another state and who is employed or is a student in this state (Tex. Code of Crim. Pro. art. 62.152; Tex. Code of Crim. Pro. art. 62.153):
 - 1. Notice to each school within the district where the person will work or attend school.
 - 2. Notice to the administrative office of the school the individual is attending of any information obtained pursuant to Tex. Code of Crim. Pro. art. 62.005.

The notice sent to the school officials shall not contain the registrant's Social Security number, driver's license number, telephone number or any information that could identify the victim of the offense.

329.5.3 ADDITIONAL DISSEMINATION OF SEX OFFENDER INFORMATION

If the Alpine Police Department registers an individual who has been assigned a sex offender registration numeric risk level of three, the Chief of Police may authorize notice to the public in any manner determined to be appropriate (Tex. Code of Crim. Pro. art. 62.056). This may include any information that is available to the public under Chapter 62 of the Texas Code of Criminal Procedure through use of any of the following methods:

- (a) Publishing notice in a newspaper, periodical or circular in the area where the registrant intends to reside.
- (b) Holding a neighborhood meeting.
- (c) Posting notices in the area where the registrant intends to reside.
- (d) Distributing printed notices to area residents.
- (e) Establishing a specialized local website.

Major Incident Notification

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Alpine Police Department in determining when, how and to whom notification of major incidents should be made.

330.2 POLICY

The Alpine Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

330.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, and the City. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths or deaths related to law enforcement activity
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- High-risk missing persons
- In-custody deaths
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- Traffic accidents with fatalities or severe injuries
- Death of a prominent Alpine official
- Significant injury or death to a member of the Department, whether on- or off-duty
- Arrest of a member of the Department or prominent Alpine official
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- Any other incident that has attracted or is likely to attract significant media attention

330.4 SUPERVISOR RESPONSIBILITIES

A supervisor is responsible for making the appropriate notifications. A supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in Dispatch.

Alpine Police Department

Alpine Police Department Policy Manual

Major Incident Notification

330.4.1 CHIEF OF POLICE NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section above, the Chief of Police shall be notified.

330.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the immediate supervisor of the appropriate detail shall be notified, who will then contact the appropriate investigator.

330.4.3 TRAFFIC INVESTIGATION NOTIFICATION

In the event of a major injury or traffic fatality, an appropriate investigator shall be notified by the supervisor. The supervisor will notify the Chief of Police.

330.4.4 PUBLIC INFORMATION OFFICER

After the Chief of Police has been notified, the Public Information Officer shall be called if it appears the media may have a significant interest in the incident.

Death Investigation

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

331.2 POLICY

It is the policy of the Alpine Police Department to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, conducted and properly documented.

331.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

The Chief of Police shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify investigators. The supervisor will make notification to the Chief of Police in accordance with the Major Incident Notification Policy.

331.3.1 REPORTING

All incidents involving a death shall be documented on the appropriate form.

331.3.2 JUSTICE OF THE PEACE REQUEST

Officers are not authorized to pronounce death unless they are also Justice of The Peaces, Deputy Justice of The Peaces or appointed Justice of The Peace investigators. The Justice of The Peace shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. The Justice of The Peace may also be called anytime officers reasonably believe the Justice of The Peace should investigate the death. State law requires that the Justice of The Peace be notified when a person dies (Tex. Code of Crim. Pro. art. 49.04; Tex. Code of Crim. Pro. art. 49.05; Tex. Code of Crim. Pro. art. 49.18; Tex. Code of Crim. Pro. art. 49.25):

- (a) While in jail.
- (b) From unnatural or unknown causes.
- (c) Who is unidentified, as defined by Tex. Code of Crim. Pro. art. 49.01.
- (d) Under circumstances that reasonably indicate that the death may have been caused by unlawful means.
- (e) By suicide or when it reasonably appears that the death may have been caused by suicide.

Alpine Police Department
Alpine Police Department Policy Manual

Death Investigation

- (f) Without having been attended by a physician.
- (g) Having been attended by a physician but when the physician is unable to certify the cause of death.
- (h) Who is a child younger than 6 years of age.

Except in emergency circumstances, the body shall not be moved from the position or place of death without permission from the Justice of The Peace (Tex. Code of Crim. Pro. art. 49.05).

331.3.3 SEARCHING DEAD BODIES

- (a) The Justice of The Peace, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.
- (b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Justice of The Peace or his/her assistant shall be promptly notified.
- (c) The Justice of The Peace, with the permission of the Department, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.
- (d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Justice of The Peace or his/her assistant, the investigating officer should first obtain verbal consent from the Justice of The Peace or his/her assistant when practicable.
- (e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Justice of The Peace or his/her assistant. The name and address of this person shall be included in the narrative of the death report.
- (f) Whenever personal effects are removed from the body of the deceased by the Justice of The Peace or his/her assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

331.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Chief of Police shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Chief of Police, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

Alpine Police Department

Alpine Police Department Policy Manual

Death Investigation

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Justice of The Peace to conduct physical examinations and tests, and to provide a report.

331.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

331.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Justice of The Peace a unique identifying number for the body. The number shall be included in any report.

331.4.1 UNIDENTIFIED BODIES DATA ENTRY

No later than 10 working days after the date a death is reported to the Department, all available identifying features of the unidentified body, including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body shall be entered into the Texas Department of Public Safety's Missing Children and Missing Persons Clearinghouse and the National Crime Information Center file (Tex. Code of Crim. Pro. art. 63.009).

331.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Justice of The Peace's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

331.6 RIGHT OF A PARENT OF DECEASED PERSON TO VIEW PERSON'S BODY

Members investigating a person's death shall permit a parent to view the person before the Justice of The Peace assumes control over the body, when practicable. If the Justice of The Peace has already assumed control over the body before the parent has requested to see the person's body, the investigating member should facilitate obtaining the Justice of The Peace's consent for the parent to view the body (Tex. Code of Crim. Pro. art. 49.52).

If the person's death is subject to an inquest pursuant to Tex. Code of Crim. Pro. art. 49.04 or Tex. Code of Crim. Pro. art. 49.25, the viewing of the person's body is subject to the following conditions (Tex. Code of Crim. Pro. art. 49.52):

Alpine Police Department
Alpine Police Department Policy Manual

Death Investigation

- (a) The viewing shall be supervised by an officer or, with the officer's consent, a physician, nurse, Justice of The Peace, or a person acting on behalf of the Justice of The Peace.
- (b) The parent may not have contact with the body without the prior consent of the Justice of The Peace or a person acting on behalf of the Justice of The Peace.
- (c) No medical device shall be removed from the body and the body shall not be altered in any way for the purpose of conducting the viewing without the prior consent of the Justice of The Peace or a person acting on behalf of the Justice of The Peace.

Identity Theft

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of identity theft.

332.2 POLICY

It is the policy of the Alpine Police Department to effectively investigate cases of identity theft.

332.3 ACCEPTANCE OF REPORTS

A report should be taken any time a person living within the jurisdiction of the Alpine Police Department reports that he/she has been a victim of identity theft. This includes:

- (a) Taking a report even if the location of the crime is outside the jurisdiction of this department or has not been determined.
- (b) Providing the victim with department information, as set forth in the Victim and Witness Assistance Policy. Encourage the individual to review the material, and assist with any questions.

A report should also be taken if a person living outside the department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Alpine to facilitate the crime).

332.3.1 CONTENT OF REPORT

Officers investigating an incident of identity theft shall include in their report (Tex. Code of Crim. Pro. art. 2A.201):

- (a) The name of the victim.
- (b) The name of the suspects, if known.
- (c) The type of identifying or financial information obtained, possessed, transferred, or used.
- (d) The results of any investigation.

Upon request, a copy of the report shall be provided to the victim (Tex. Code of Crim. Pro. art. 2A.201).

332.3.2 SPECIFIC VICTIM INFORMATION

Officers should make a notation in the report narrative if the victim is an elderly individual, as defined by Tex. Penal Code § 22.04, since the penalty for offenses committed against an elderly individual is enhanced (Tex. Penal Code § 32.51).

332.4 FOLLOW-UP INVESTIGATION

A member investigating a case of identity theft should ensure that each case is referred to the appropriate agency if it is determined that this department should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is

Alpine Police Department

Alpine Police Department Policy Manual

Identity Theft

being transferred to the agency of jurisdiction for investigation. The investigating member should also ensure that appropriate entries are made into related databases that have been authorized for department use.

Private Person's Arrest

333.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

333.2 POLICY

It is the policy of the Alpine Police Department to accept a private person's arrest only when legal and appropriate.

333.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another under the following circumstances:

- (a) When an offense is committed in his/her presence or within his/her view and if the offense is one classed as a felony or as an offense against the public peace (Tex. Code of Crim. Pro. art. 14.01).
- (b) When the person has reasonable grounds to believe property is stolen (Tex. Code of Crim. Pro. art. 18.16).
 - 1. The person must bring the person suspected of committing the theft and the property before a magistrate or to a police officer for the purpose of examination.
- (c) When the person reasonably believes that another has stolen or is attempting to steal property (Tex. Civ. Prac. & Rem. Code § 124.001).
 - 1. The person may detain that person in a reasonable manner and for a reasonable time to investigate ownership of the property.

333.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether such an arrest is lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

- (a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.
- (b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.
- (c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest.

333.5 PRIVATE PERSON'S ARREST FORM

The arresting person should be asked to complete and sign a private person's arrest form. If the person fails or refuses to do so, the arrested individual should be released, unless the officer has

Alpine Police Department

Alpine Police Department Policy Manual

Private Person's Arrest

a lawful reason, independent of the private person's arrest, to take the individual into custody and determines an arrest is appropriate.

Limited English Proficiency Services

334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

334.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still exhibit LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Alpine Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

334.2 POLICY

It is the policy of the Alpine Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

334.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP coordinator. The coordinator shall be appointed by, and directly responsible to, the Chief of Police or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Alpine Police Department's LEP services to LEP individuals.

Alpine Police Department

Alpine Police Department Policy Manual

Limited English Proficiency Services

- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to supervisors and Dispatch. The list should include information regarding:
 - 1. Languages spoken.
 - 2. Contact information.
 - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by this department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of this department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

334.4 FOUR-FACTOR ANALYSIS

Because there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of this department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

Alpine Police Department
Alpine Police Department Policy Manual

Limited English Proficiency Services

- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

334.5 TYPES OF LEP ASSISTANCE AVAILABLE

Alpine Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

334.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

334.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

334.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments who have been identified by the Department as having the requisite skills and competence may be requested.

334.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language,

Alpine Police Department

Alpine Police Department Policy Manual

Limited English Proficiency Services

must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

334.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

334.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and

Alpine Police Department

Alpine Police Department Policy Manual

Limited English Proficiency Services

the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

334.10 CONTACT AND REPORTING

Although all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

334.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Alpine Police Department will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

334.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

Although 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

Alpine Police Department

Alpine Police Department Policy Manual

Limited English Proficiency Services

334.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

334.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

334.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

Alpine Police Department

Alpine Police Department Policy Manual

Limited English Proficiency Services

To ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

334.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

334.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during a complaint investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

334.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

334.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The training manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The training manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

Alpine Police Department

Alpine Police Department Policy Manual

Limited English Proficiency Services

334.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The training manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

335.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

335.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment – A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person with a disability uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should hold a current certification issued by the Board for Evaluation of Interpreters or another current certificate approved by the Department of Assistance and Rehabilitative Services (Tex. Hum. Res. Code § 82.001).

335.2 POLICY

It is the policy of the Alpine Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees, have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

335.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107). The coordinator shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Working with the City ADA coordinator regarding the Alpine Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports or new procedures or recommending modifications to this policy.

Alpine Police Department

Alpine Police Department Policy Manual

Communications with Persons with Disabilities

- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each supervisors and Dispatch. The list should include information regarding:
 - 1. Contact information.
 - 2. Availability.
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas indicating that auxiliary aids are available free of charge to individuals with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

335.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure persons with disabilities have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate his/her understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

335.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Alpine Police Department

Alpine Police Department Policy Manual

Communications with Persons with Disabilities

Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, is hard of hearing or has impaired speech must be handcuffed while in the custody of the Alpine Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

335.6 TYPES OF ASSISTANCE AVAILABLE

Alpine Police Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall it require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of services.

A person with a disability may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

Alpine Police Department

Alpine Police Department Policy Manual

Communications with Persons with Disabilities

335.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

335.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee) if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who has a disability shall be required to provide his/her own interpreter (28 CFR 35.160).

335.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, are hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

Alpine Police Department

Alpine Police Department Policy Manual

Communications with Persons with Disabilities

335.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

335.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

335.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

335.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and court orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

Alpine Police Department

Alpine Police Department Policy Manual

Communications with Persons with Disabilities

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

335.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

335.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, are hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

Alpine Police Department

Alpine Police Department Policy Manual

Communications with Persons with Disabilities

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

335.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, are hard of hearing, have impaired speech or vision, are blind or have other disabilities. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

335.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this department.

335.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

335.18 TRAINING

To ensure that all members who may have contact with persons with disabilities are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.

Alpine Police Department

Alpine Police Department Policy Manual

Communications with Persons with Disabilities

- (c) Working with in-person and telephone interpreters and related equipment.

The Training Coordinator shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all training provided and will retain a copy in each member's training file in accordance with the established records retention schedule.

335.18.1 TEXAS COMMISSION ON LAW ENFORCEMENT TRAINING

The Training Coordinator shall ensure that the Texas Commission on Law Enforcement (TCOLE) training related to deaf or hard of hearing drivers is provided to officers (Tex. Occ. Code § 1701.253).

335.18.2 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, are hard of hearing or have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls and using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, are hard of hearing or have impaired speech. Refresher training should occur every six months.

Biological Samples

336.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation, nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

336.2 POLICY

The Alpine Police Department will assist in the expeditious collection of required biological samples from arrestees and/or offenders in accordance with the laws of this state and with as little reliance on force as practicable.

336.3 ARRESTEES AND/OR OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following arrestees or offenders must submit a biological sample (Tex. Gov't Code § 411.1471; Tex. Gov't Code § 411.148):

- (a) Persons arrested for a felony offense (Tex. Gov't Code § 411.1471):
 - 1. Persons arrested for felony offenses committed prior to September 1, 2023 are only required to submit a biological sample if the offense was one listed in Tex. Gov't Code § 411.1471(a)(1) as it existed on August 31, 2023.
- (b) Persons who have been convicted of:
 - 1. Any offense punishable as a Class A misdemeanor under Title 5, Penal Code (Offenses Against the Person), except for a Class A misdemeanor of deadly conduct.
 - 2. Indecent exposure.
 - 3. Enticing a child.
 - 4. Sale, distribution, or display of harmful material to a minor.
- (c) Individuals who are required to submit a sample pursuant to a court order.

336.4 PROCEDURE

When an arrestee or an offender is required to provide a biological sample, a trained member shall attempt to obtain the sample in accordance with this policy (37 Tex. Admin. Code § 28.125).

336.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the arrestee or offender is required to provide a sample pursuant to Tex. Gov't Code § 411.1471.

Alpine Police Department
Alpine Police Department Policy Manual

Biological Samples

- (b) Verify that a biological sample has not been previously collected from the arrestee or offender by querying the individual's computerized criminal history record. If a determination cannot be made from the individual's criminal history record, verification should be sought by contacting the Texas Department of Public Safety (DPS) Combined DNA Index System (CODIS) lab. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use the designated collection kit provided by DPS to perform the collection and take steps to avoid cross contamination (37 Tex. Admin. Code § 28.125).

336.5 USE OF FORCE TO OBTAIN SAMPLES

If an arrestee and/or offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel, and only with the approval of a supervisor.

Methods to consider when seeking voluntary compliance include contacting:

- (a) The individual's parole or probation officer, when applicable.
- (b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the individual's next court appearance.
- (d) The individual's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

336.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

336.6 LEGAL MANDATES AND RELEVANT LAWS

Texas law provides for the following:

Alpine Police Department

Alpine Police Department Policy Manual

Biological Samples

336.6.1 SUBMISSION OF SAMPLE

The Property and Evidence Section supervisor shall ensure that the kit is sent to a DPS crime lab capable of examining biological evidence for DNA typing, or other approved laboratory. The sample must be submitted no later than the end of the third business day after its collection (37 Tex. Admin. Code § 28.126).

336.6.2 RECORDS AND RETENTION

The Department shall maintain a record of the collection of a biological sample taken from an eligible individual (Tex. Gov't Code § 411.146).

Upon receipt of a notice of acquittal of an eligible individual or dismissal of the case against an eligible individual, the Records Division shall ensure that the record of collection is destroyed as soon as practicable (Tex. Gov't Code § 411.1471).

336.6.3 CONFIDENTIALITY OF RECORDS

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a biological sample collected or a profile obtained for DNA database purposes (Tex. Gov't Code § 411.153).

Chaplains

337.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Alpine Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

337.2 POLICY

The Alpine Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

337.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, free from addiction to alcohol or other drugs, and free from excessive debt.
- (b) Managing his/her household, family and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) Possession of a valid driver's license.

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

337.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Alpine Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

337.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and non-discriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

337.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.

Alpine Police Department

Alpine Police Department Policy Manual

Chaplains

- (c) Interview with the Chief of Police and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

337.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform. Chaplain uniforms shall not reflect any religious affiliation.

Chaplains will be issued Alpine Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Alpine Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

337.6 CHAPLAIN COORDINATOR

The chaplain coordinator responsibilities are assumed by the Chief of Police or designated to a department member. The coordinator shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Chaplains shall report to the chaplain coordinator.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.

Alpine Police Department

Alpine Police Department Policy Manual

Chaplains

- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining a liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

337.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community as needed. Assignments of chaplains will usually be to augment Patrol Services, but chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service, or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Alpine Police Department.

337.7.1 COMPLIANCE

Chaplains are volunteer members of this department and, except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

337.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with Alpine Police Department personnel a minimum of eight hours per month.
- (c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.
- (d) Chaplains shall be permitted to ride with officers during any shift and observe Alpine Police Department operations, provided a supervisor has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Department.
- (f) In responding to incidents, a chaplain shall never function as an officer.
- (g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

Alpine Police Department

Alpine Police Department Policy Manual

Chaplains

- (h) Chaplains shall serve only within the jurisdiction of the Alpine Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent unauthorized access to the data.

337.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members who are dealing with the public during significant incidents (e.g., accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse).
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

337.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in defusing a conflict or incident, when requested.
- (b) Responding to any significant incident (e.g., natural and accidental deaths, suicides and attempted suicides, family disturbances) in which the supervisor believes the chaplain could assist in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Training others to enhance the effectiveness of the Department.

337.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.

Alpine Police Department

Alpine Police Department Policy Manual

Chaplains

- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing a liaison with various civic, business and religious organizations.
- (d) Assisting the community when they request representatives or leaders of various denominations.
- (e) Assisting the community in any other function, as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

337.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

337.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Alpine Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Alpine Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

337.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the training manager, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse

Alpine Police Department

Alpine Police Department Policy Manual

Chaplains

- Suicide
- Officer injury or death
- Sensitivity and diversity

Public Safety Video Surveillance System

338.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

338.2 POLICY

The Alpine Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

338.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

338.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.

Alpine Police Department

Alpine Police Department Policy Manual

Public Safety Video Surveillance System

- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the and Dispatch. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. A supervisor or trained Dispatch personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention of anything documented by public safety surveillance equipment is prohibited.

338.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

338.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems, video enhancement or other analytical technology, requires additional safeguards.

338.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members follow department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

338.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have

Alpine Police Department

Alpine Police Department Policy Manual

Public Safety Video Surveillance System

been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

338.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

338.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

338.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

338.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Alpine Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Alpine Police Department

Alpine Police Department Policy Manual

Public Safety Video Surveillance System

Requests for recorded images from other law enforcement agencies shall be referred to the Chief of Police for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

338.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

338.8 TRAINING

All department members authorized to operate or access public safety video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Child and Dependent Adult Safety

339.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

339.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Alpine Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

339.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

339.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Alpine Police Department

Alpine Police Department Policy Manual

Child and Dependent Adult Safety

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Department of Family and Protective Services (DFPS) or the Department of Aging and Disability Services, if appropriate.
- (e) Notify the field supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

339.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

Alpine Police Department
Alpine Police Department Policy Manual

Child and Dependent Adult Safety

339.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether the person reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

339.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis response telephone number, the appropriate referral information may be provided.

339.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Alpine Police Department

Alpine Police Department Policy Manual

Child and Dependent Adult Safety

339.5 TRAINING

The training manager is responsible for ensuring that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animals

340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

340.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

340.2 POLICY

It is the policy of the Alpine Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

340.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

Alpine Police Department

Alpine Police Department Policy Manual

Service Animals

- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

340.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Alpine Police Department affords to all members of the public (28 CFR 35.136).

340.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

340.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

340.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

Alpine Police Department

Alpine Police Department Policy Manual

Service Animals

340.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Volunteers

341.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Alpine Police Department volunteers to supplement and assist department personnel in their duties. Trained volunteers are members who can augment department personnel and help complete various tasks.

341.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support, and youth involved in a law enforcement Explorer Post, among others.

341.2 POLICY

The Alpine Police Department shall ensure that volunteers are properly appointed, trained and supervised to carry out specified tasks and duties in order to create an efficient department and improve services to the community.

341.3 ELIGIBILITY

Requirements for participation as a volunteer for the Department may include, but are not limited to:

- (a) Residency in the City of Alpine.
- (b) Being at least 18 years of age for all positions other than Explorer.
- (c) Being at least 14 years of age for Explorer.
- (d) Possession of a valid driver's license if the position requires vehicle operation.
- (e) Possession of liability insurance for any personally owned equipment, vehicles or animals utilized during volunteer work.
- (f) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
- (g) No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.
- (h) No mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.
- (i) Ability to meet physical requirements reasonably appropriate to the assignment.
- (j) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

Alpine Police Department

Alpine Police Department Policy Manual

Volunteers

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

341.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Alpine Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

341.4.1 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested department members to the volunteer coordinator through the requester's immediate supervisor. A complete description of the volunteer's duties and a requested time frame should be included in the request. All department members should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The volunteer coordinator may withhold assignment of any volunteer until such time as the requester is prepared to make effective use of volunteer resources.

341.4.2 SELECTION

Volunteer candidates shall successfully complete the following process prior to appointment as a volunteer:

- (a) Submit the appropriate written application.
- (b) Interview with the volunteer coordinator.
- (c) Successfully complete an appropriate-level background investigation.

341.4.3 APPOINTMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment by the Chief of Police or the authorized designee. Notice may only be given by an authorized representative of the Department, who will normally be the volunteer coordinator.

No volunteer should begin any assignment until he/she has been officially accepted for that position and has completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the Department.

All volunteers shall receive a copy of the volunteer orientation materials and shall be required to sign a volunteer agreement. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

Volunteers serve at the discretion of the Chief of Police.

Alpine Police Department

Alpine Police Department Policy Manual

Volunteers

341.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each volunteer. Identification symbols worn by volunteers shall be different and distinct from those worn by officers or other members of this department through the inclusion of "Volunteer" on the uniform.

Volunteers will be issued Alpine Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Alpine Police Department identification cards, except that "Volunteer" will be indicated on the cards.

341.6 PERSONNEL WORKING AS VOLUNTEERS

Qualified regular department personnel, when authorized, may also serve as volunteers. However, this department shall not utilize the services of volunteers in such a way that it would violate employment laws, collective bargaining agreements or memorandums of understanding (e.g., a detention officer participating as a volunteer for reduced or no pay). Therefore, the volunteer coordinator should consult with the Human Resources Department prior to allowing regular department personnel to serve in a volunteer capacity (29 CFR 553.30).

341.7 VOLUNTEER COORDINATOR

The volunteer coordinator responsibilities are assumed by the Chief of Police or designated to a department member.

The function of the coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist efforts to jointly provide more productive volunteer services. Volunteers shall report to the volunteer coordinator.

The volunteer coordinator may appoint a senior volunteer or other designee to assist in the coordination of volunteers and their activities.

The responsibilities of the coordinator include, but are not limited to:

- (a) Recruiting, selecting and training qualified volunteers.
- (b) Conducting volunteer meetings.
- (c) Establishing and maintaining a volunteer callout roster.
- (d) Maintaining records for each volunteer.
- (e) Tracking and evaluating the contribution of volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining a liaison with other community programs that use volunteers and assisting in community-wide efforts to recognize and promote volunteering.

Alpine Police Department

Alpine Police Department Policy Manual

Volunteers

- (j) Maintaining volunteer orientation and training materials and outlining expectations, policies and responsibilities for all volunteers.

An evaluation of the overall use of volunteers will be conducted on an annual basis by the coordinator.

341.8 DUTIES AND RESPONSIBILITIES

Volunteers assist department personnel as needed. Assignments of volunteers will usually be to augment Division, but volunteers may be assigned to other areas within the Department as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

All volunteers will be assigned to duties by the volunteer coordinator or the authorized designee.

341.8.1 COMPLIANCE

Volunteers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to regular department personnel, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required by this department to meet department-approved training requirements as applicable to their assignments.

341.8.2 VOLUNTEER MEETINGS

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the volunteer coordinator.

341.9 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assigned duties. A volunteer's training should correspond to his/her assignment as determined by the volunteer coordinator.

Volunteers will be provided with an orientation program to acquaint them with the policies of the Department and law enforcement procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission infer that they are, officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all applicable orders and directives, either oral or written, issued by the Department.

Alpine Police Department

Alpine Police Department Policy Manual

Volunteers

341.9.1 VOLUNTEER TRAINING MATERIALS

Each new volunteer will be issued volunteer training materials. The materials outline the subject matter and skills necessary to properly function as a volunteer with the Alpine Police Department. The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

341.10 SUPERVISION

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assigned duties. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to members on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will utilize these valuable resources.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee of the Alpine Police Department.

341.10.1 EVALUATIONS

While in training, volunteers should be continuously evaluated using standardized daily and weekly observation reports. A volunteer will be considered a trainee until he/she has satisfactorily completed training. Volunteers who have completed their training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that volunteer.

341.10.2 FITNESS FOR DUTY

No volunteer shall report for work or be at work when his/her judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their duties. This includes, but is not limited to:

- (a) Driver's license.
- (b) Medical condition.
- (c) Arrests.
- (d) Criminal investigations.
- (e) All law enforcement contacts.

Alpine Police Department

Alpine Police Department Policy Manual

Volunteers

341.11 INFORMATION ACCESS

With appropriate security clearance, a volunteer may have access to or be in the vicinity of criminal histories, investigative files or information portals. Unless otherwise directed by a supervisor, the duties of the position or department policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized members shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential information will be required to have his/her fingerprints submitted to the Department of Public Safety to obtain clearance. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information verbally, in writing or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

341.11.1 RADIO AND MOBILE DATA TERMINAL USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using police radios or Mobile Data Terminals and shall comply with all related provisions. The volunteer coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

341.12 EQUIPMENT

Any property or equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

341.12.1 VEHICLE USE

Any volunteer who operates any vehicle while acting in the capacity of a volunteer shall receive training in safe driving and defensive driving. The specific training and course of study shall be determined by the volunteer coordinator.

Volunteers assigned to duties that require the use of a vehicle must first complete:

- (a) A driving safety briefing and department-approved driver safety course.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

Alpine Police Department

Alpine Police Department Policy Manual

Volunteers

When operating department vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked law enforcement vehicle unless there is a prominently placed sign indicating that the vehicle is out of service.

Volunteers are not authorized to operate department vehicles while using the vehicle's emergency equipment (e.g., emergency lights siren).

341.13 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Volunteers are considered at-will and may be removed from service at the discretion of the Chief of Police, with or without cause. Volunteers shall have no property interest in their continued appointments. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

341.13.1 EXIT INTERVIEWS

The volunteer coordinator should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

Native American Graves Protection and Repatriation

342.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

342.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

342.2 POLICY

It is the policy of the Alpine Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

Alpine Police Department

Alpine Police Department Policy Manual

Native American Graves Protection and Repatriation

objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

342.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Appropriate Texas land management agency, the Texas Historical Commission and the Justice of The Peace, when appropriate (Tex. Code of Crim. Pro. art. 49.05; Tex. Code of Crim. Pro. art. 49.25; 13 Tex. Admin. Code § 26.2).
- Tribal land - Responsible Indian tribal official

342.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

Off-Duty Law Enforcement Actions

343.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Alpine Police Department with respect to taking law enforcement action while off-duty.

343.2 POLICY

It is the policy of the Alpine Police Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss, may take reasonable action to minimize or eliminate the threat.

343.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed peace officers to arrive instead of immediately intervening and, while waiting, gather as much accurate intelligence as possible. However, if an officer decides to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

- (a) The potential to be misidentified by other peace officers.
- (b) The potential to be misidentified by members of the public, who may be armed or who may take action.
- (c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.
- (d) Limited off-duty firearms capabilities and ammunition.
- (e) The inability to communicate with responding peace officers.
- (f) The lack of equipment, such as body armor, handcuffs or control devices.
- (g) Unfamiliarity with the surroundings, including escape routes.
- (h) The potential for increased risk to bystanders by confronting a suspect or taking action.

343.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Alpine Police Department until acknowledged. Official identification should also be displayed when possible.

Alpine Police Department

Alpine Police Department Policy Manual

Off-Duty Law Enforcement Actions

343.4 CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she is working in an undercover capacity.

343.4.1 NON-SWORN RESPONSIBILITIES

Non-sworn members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

343.4.2 INCIDENTS OF PERSONAL INTEREST

Department members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

343.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify a supervisor regarding any law enforcement action taken while off-duty. The supervisor may respond to the location. The supervisor may request assistance from the Chief of Police, if deemed appropriate.

The supervisor shall determine whether a crime report or an administrative report should be completed by the involved officer.

Community Relations

344.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Policy.
- Suspicious Activity Reporting Policy.

344.2 POLICY

It is the policy of the Alpine Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

344.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

344.4 COMMUNITY RELATIONS COORDINATOR

The community relations coordinator responsibilities are assumed by the Chief of Police or designated to a department member. The community relations coordinator is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.

Alpine Police Department

Alpine Police Department Policy Manual

Community Relations

- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Patrol Services supervisor to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending City council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing, as applicable, the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

344.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

Alpine Police Department

Alpine Police Department Policy Manual

Community Relations

344.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

344.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

344.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Alongs Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make

Alpine Police Department

Alpine Police Department Policy Manual

Community Relations

a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

344.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

344.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The training manager should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

344.10.1 LEGAL CONSIDERATIONS

The community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

Community Relations

344.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officer, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

344.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Generative Artificial Intelligence Use

345.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for department use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of department information technology resources are found in the Information Technology Use Policy.

345.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

345.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance department procedures, and improve the overall effectiveness of the Alpine Police Department.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

345.3 RESPONSIBILITIES

345.3.1 CHIEF OF POLICE

The Chief of Police or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any department functions.

Alpine Police Department

Alpine Police Department Policy Manual

Generative Artificial Intelligence Use

345.3.2 AI COORDINATOR

The Chief of Police or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Administration Lead Investigator or the authorized designee.

The responsibilities of the AI coordinator include but are not limited to:

- (a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Chief of Police or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:
 - 1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Department consistently over time.
 - 2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the department's use of the system.
 - 3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
 - 4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
 - 5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
 - 6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
 - 7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.
- (b) Ensuring appropriate contractual safeguards are in place to manage third-party use of department data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Department and third-party vendor.
- (c) Coordinating with others within the Department and City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.
- (d) Maintaining a list or inventory of department-approved GenAI systems and, when appropriate for department transparency, making the list or inventory available to the public.
- (e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

Alpine Police Department

Alpine Police Department Policy Manual

Generative Artificial Intelligence Use

- (f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.
- (g) Developing and updating training for the authorized users of each department-approved GenAI system.
- (h) Ensuring access to department GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.
- (i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the Department to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the department's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.
- (j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.
- (k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.
- (l) Reviewing this policy and department practices and proposing updates as needed to the Chief of Police.
- (m) Developing procedures in coordination with the *Brady* information coordinator and the City Secretary for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the Texas Public Information Act.

345.4 USE OF GENERATIVE AI

The use of department GenAI systems by department members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

- (a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.
- (b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).
- (c) Include a statement in the final document or work product that GenAI was used to aid in its production.

Alpine Police Department

Alpine Police Department Policy Manual

Generative Artificial Intelligence Use

345.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

345.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Chief of Police or the authorized designee for the intended use.

345.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

- (a) A review of this policy
- (b) The need for human oversight of GenAI outputs
- (c) The interpretation, review, and verification of GenAI output
- (d) Checking GenAI output for bias or protected information
- (e) Ethical use of GenAI technology
- (f) Data security and privacy concerns

Chapter 4 - Patrol Operations

Patrol

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The Alpine Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Alpine. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of both criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Directing and controlling traffic.
- (h) Carrying out crime prevention activities, such as residential inspections, business inspections and community presentations.
- (i) Carrying out community-oriented policing and problem-solving activities, including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information and to attend briefings of other divisions or specialized units.

Alpine Police Department

Alpine Police Department Policy Manual

Patrol

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.5 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, public displays, parades, sporting events and civic, social and business events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Alpine Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Tex. Code of Crim. Pro. art. 2B.0051). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes toward certain groups).

401.2 POLICY

The Alpine Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively, and without discrimination toward any individual or group (Tex. Code of Crim. Pro. art. 2B.0053).

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

Alpine Police Department

Alpine Police Department Policy Manual

Bias-Based Policing

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

The Patrol Services Lead Investigator should ensure that the Department has appropriate systems in place to collect information required by state racial profiling laws.

Each time an officer makes a traffic stop, the officer shall gather the required information using the system in place for racial profiling reporting (Tex. Code of Crim. Pro. art. 26B.0054).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.
 - 1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Data Terminal (MDT) data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy (Tex. Code of Crim. Pro. art. 2B.0151).
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 STATE REPORTING

The Chief of Police shall submit a report to the Texas Commission on Law Enforcement (TCOLE) and to each governing body served by the Department by March 1 of each year in accordance with Tex. Code of Crim. Pro. art. 2B.0055.

The report may not include identifying information about the officer who made the traffic stop or about any individual who was stopped or arrested (Tex. Code of Crim. Pro. art. 2B.0055).

Alpine Police Department

Alpine Police Department Policy Manual

Bias-Based Policing

401.7 ADMINISTRATION

The Patrol Services Lead Investigator should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public, or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service (Tex. Code of Crim. Pro. art. 2B.0053).

Supervisors should review the annual report and the report submitted to TCOLE and discuss the results with those they are assigned to supervise.

401.8 COMPLIMENTS AND COMPLAINTS

The Patrol Services Lead Investigator is responsible for educating the public on the department's compliment and complaint process (see the Personnel Complaints Policy). This education may be achieved by information provided through the department website. This information shall include the telephone number, mailing address, and email address to make a compliment or complaint regarding a ticket, citation, or warning issued by an officer.

In the event that an investigation is initiated against an officer for a violation of this policy, the Patrol Services Lead Investigator should ensure that a copy of any related recording is provided as soon as practicable to the officer upon written request (Tex. Code of Crim. Pro. art. 2B.0053).

401.9 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the Alpine Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the officer is properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

402.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.

Alpine Police Department

Alpine Police Department Policy Manual

Crime and Disaster Scene Integrity

Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

402.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

402.6 ENFORCING HEALTH ORDERS

When the Department of Health or a health authority has ordered a group of five or more individuals who have been exposed to or infected with a communicable disease to implement control measures to prevent the spread of the disease, officers have authority to secure the members of the group and to prevent the members from leaving the group or others from joining the group (Tex. Health & Safety Code § 81.083). In addition, when an area quarantine has been imposed by the Department of Health or a health authority, officers have authority to secure the area and to prevent individuals from entering or leaving the quarantine area (Tex. Health & Safety Code § 81.085).

Ride-Alongs

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Alpine Police Department. This policy provides the requirements, approval process, hours of operation and member responsibilities for ride-alongs.

403.2 POLICY

Ride-along opportunities will be provided to the members of the public, City employees and members of this department to observe and experience, first-hand, various functions of the Alpine Police Department. The term "ride-along" includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department, such as Dispatch.

403.3 ELIGIBILITY

A ride-along is available to Alpine residents and business owners, students currently attending class in Alpine and those employed within the City of Alpine. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the city.
- Denial by any supervisor.

403.4 AVAILABILITY

A ride-along or job observation is available most days of the week, from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police or Shift Supervisor.

403.5 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the Chief of Police or the authorized designee. The applicant will complete and sign a ride-along or job observation waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver's license number, birthdate, address and telephone number.

The Chief of Police or authorized designee will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate supervisor as soon as possible for scheduling considerations.

Alpine Police Department

Alpine Police Department Policy Manual

Ride-Alongs

If the request is denied, a representative of this department will advise the applicant of the denial.

403.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Explorers
- Volunteers
- Chaplains
- Reserves
- Alpine Police Department applicants
- Any others with approval of the Chief of Police
- Students enrolled in any department-approved dispatcher training course

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

Ride-along requirements for department Explorers are covered in the Explorers Policy.

403.6.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the Chief of Police.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel or City employee shall not:

- (a) Be considered on-duty.
- (b) Represent him/herself as a member of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

403.6.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check via the Texas Law Enforcement Telecommunication System (TLETS). The criminal history check may include a local records check and a check of records in the NCIC and TCIC systems prior to approval of the ride-along.

403.6.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, t-shirts, tank tops, shorts and ripped or torn

Alpine Police Department

Alpine Police Department Policy Manual

Ride-Alongs

pants are not permitted. Hats and ball caps will not be worn without the express consent of the supervisor. The supervisor may refuse a ride-along to anyone who is not dressed appropriately.

403.7 MEMBER RESPONSIBILITIES

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police department equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
 - 1. If the ride-along is in progress, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the communications operator that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lit public place. The communications operator will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the supervisor.

Hazardous Material Response

404.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

404.2 POLICY

It is the policy of the Alpine Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

404.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

The Texas Department of Public Safety (DPS) will be responsible for on-site coordination of transportation emergencies for all unincorporated areas and may assume the on-site coordination role within cities when requested to do so by local government (37 Tex. Admin. Code § 4.2).

404.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Dispatch, appropriate supervisors, the appropriate fire department and hazardous response units.
 1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

Alpine Police Department
Alpine Police Department Policy Manual

Hazardous Material Response

- (c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.
- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
 - 1. Placards or use of an emergency response guidebook.
 - 2. Driver's statements or shipping documents from the person transporting the material.
 - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
 - (a) The type of material.
 - (b) How to secure and contain the material.
 - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.
- (j) Activate automated community notification systems, if applicable.
- (k) Notify the Texas DPS, as necessary (37 Tex. Admin. Code § 4.2).

404.5 REPORTING EXPOSURE

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Chief of Police as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

Alpine Police Department

Alpine Police Department Policy Manual

Hazardous Material Response

404.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, PPE is available from supervisors. PPE not maintained by this department may be available through the appropriate fire department or emergency response team.

Hostage and Barricade Incidents

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against his/her will under threat or actual use of force.

405.2 POLICY

It is the policy of the Alpine Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

405.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands, and the available resources.

405.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to disconnect or control telephone lines in order to prevent an armed and barricaded suspect or person holding a hostage from communicating

Alpine Police Department

Alpine Police Department Policy Manual

Hostage and Barricade Incidents

with anyone other than designated personnel when the supervisor has probable cause to believe that the suspect is committing a crime (Tex. Utilities Code § 186.021).

405.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

405.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt to obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

Alpine Police Department

Alpine Police Department Policy Manual

Hostage and Barricade Incidents

- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

405.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

Alpine Police Department

Alpine Police Department Policy Manual

Hostage and Barricade Incidents

- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

405.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting the appropriate assisting agency to respond if appropriate and apprising the Chief of Police of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized assignment members, additional department members, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the department PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

405.6 INCIDENT COMMANDER RESPONSIBILITIES

It will be the Chief's decision, with input from the Incident Commander, whether to request assistance from another agency during a hostage or barricade situation. Once the Chief of Police authorizes assistance from another agency, the assisting agency's Commander or the authorized

Alpine Police Department

Alpine Police Department Policy Manual

Hostage and Barricade Incidents

designee will be responsible for the tactical response and negotiations. The Incident Commander shall continue to supervise the command post operation, outer perimeter security, evacuation, and media access, and will support the assisting agency. The Incident Commander and the assisting agency's Commander or the authorized designees shall maintain direct communications at all times.

405.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Alpine Police Department in their initial response to incidents involving explosives or explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

406.2 POLICY

It is the policy of the Alpine Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

406.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the supervisor is immediately advised and informed of the details. This will enable the supervisor to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

406.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

406.4.1 ALPINE POLICE DEPARTMENT FACILITY

If the bomb threat is against the Alpine Police Department facility, the supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

406.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Alpine Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the supervisor deems appropriate.

Alpine Police Department

Alpine Police Department Policy Manual

Response to Bomb Calls

406.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

406.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Alpine, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

406.5.1 ASSISTANCE

A supervisor should be notified when police assistance is requested. The supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the supervisor determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

Alpine Police Department
Alpine Police Department Policy Manual

Response to Bomb Calls

- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

406.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes:
 - 1. Two-way radios.
 - 2. Cell phones.
 - 3. Other personal communication devices.
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the supervisor including:
 - 1. The time of discovery.

Alpine Police Department

Alpine Police Department Policy Manual

Response to Bomb Calls

2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

406.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or any additional damage from fires or unstable structures.

406.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

406.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Fire marshal
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Chief of Police

Alpine Police Department

Alpine Police Department Policy Manual

Response to Bomb Calls

- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

406.8 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

406.8.1 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. A supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be embedded in nearby structures or hanging in trees and bushes.

Crisis Intervention Incidents

407.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

407.2 POLICY

The Alpine Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

407.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Alpine Police Department

Alpine Police Department Policy Manual

Crisis Intervention Incidents

Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

407.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate supervisor to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

407.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

Alpine Police Department

Alpine Police Department Policy Manual

Crisis Intervention Incidents

407.5.1 TRANSFER TO TREATMENT CENTER

An officer should transfer a person to an available treatment center, in lieu of making an arrest, when it is reasonable and it appears that a mental health crisis or substance abuse issue led the person to commit the offense. Transfer to a treatment center is not an option when the offense was any of the following (Tex. Code of Crim. Pro. art. 16.23):

- (a) A felony
- (b) A misdemeanor involving violence
- (c) Any of the following:
 - 1. Driving while intoxicated (Tex. Penal Code § 49.04)
 - 2. Driving while intoxicated with a child passenger (Tex. Penal Code § 49.045)
 - 3. Flying while intoxicated (Tex. Penal Code § 49.05)
 - 4. Boating while intoxicated (Tex. Penal Code § 49.06)
 - 5. Boating while intoxicated with a child passenger (Tex. Penal Code § 49.061)
 - 6. Assembling or operating an amusement park ride while intoxicated (Tex. Penal Code § 49.065)

407.5.2 RELEASE OF PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES

In lieu of making an arrest, an officer may release a person who has an intellectual or developmental disability at the person's residence when (Tex. Code of Crim. Pro. art. 14.035):

- (a) The person resides at a group home or an intermediate care facility.
- (b) The officer reasonably believes that confinement of the person is unnecessary to protect the person and the other persons who reside at the residence.
- (c) The officer has made reasonable efforts to consult with staff at the person's residence and with the person regarding the decision not to make an arrest.

407.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.

Alpine Police Department

Alpine Police Department Policy Manual

Crisis Intervention Incidents

- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

407.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the communications operator provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

407.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Absent an imminent threat to the public, consider strategic disengagement. This may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Chief of Police or the authorized designee.

Alpine Police Department

Alpine Police Department Policy Manual

Crisis Intervention Incidents

- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

407.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

407.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

407.11 EVALUATION

The supervisor designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

407.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

The Department shall provide crisis intervention training as required by the Texas Commission on Law Enforcement (TCOLE) (Tex. Occ. Code § 1701.253; Tex. Occ. Code § 1701.352; Tex. Occ. Code § 1701.402; Tex. Educ. Code § 96.641).

Alpine Police Department

Alpine Police Department Policy Manual

Crisis Intervention Incidents

407.12.1 BRAIN INJURIES AND TRAUMA-AFFECTED VETERANS

Training in acquired and traumatic brain injuries and trauma-affected veterans should be provided as developed by TCOLE (Tex. Occ. Code § 1701.264; Tex. Occ. Code § 1701.265).

Emergency Detentions

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under an emergency detention.

408.2 POLICY

It is the policy of the Alpine Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

408.3 AUTHORITY

An officer who has reason to believe that an individual has a mental illness and is at a substantial risk of harming him/herself or others may take the individual into custody, regardless of the age of the person, and transport him/her to an inpatient mental health facility or otherwise appropriate facility capable of providing a 48-hour evaluation. Officers may also request that Emergency Medical Services (EMS) personnel transfer the person to an appropriate facility if the Alpine Police Department has a memorandum of understanding with the EMS provider under Tex. Health & Safety Code § 573.005 (Tex. Health & Safety Code § 573.001; Tex. Health & Safety Code § 573.021).

An officer may also transport a person pursuant to a court order issued under Tex. Health & Safety Code § 574.023.

408.3.1 ADVISEMENT

Officers who take an individual into custody for an emergency detention shall immediately inform the individual in simple terms (Tex. Health & Safety Code § 573.001):

- (a) Of the reason for the detention.
- (b) That a member of the mental health facility will inform the individual of his/her rights within 24 hours after admission (Tex. Health & Safety Code § 573.025).

Officers shall also give these notices to the individual when EMS personnel will be transporting the individual for evaluation (Tex. Health & Safety Code § 573.005).

408.3.2 NOTIFICATIONS

If an officer determines that a person taken into custody for an emergency detention is a person for whom a guardian has been appointed (i.e., ward of the state), the officer shall notify the appropriate probate court with jurisdiction over the person's guardianship of the person's detention or transportation to a facility as soon as practicable but no later than one business day after the detention (Tex. Health & Safety Code § 573.0021).

408.3.3 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

Alpine Police Department
Alpine Police Department Policy Manual

Emergency Detentions

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the person changes his/her mind regarding voluntary evaluation, the officers should proceed with the Peace Officer's Notification of Emergency Detention, if appropriate.

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for an emergency detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources that may be readily available to assist with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergency detentions should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

408.5 TRANSPORTATION

When transporting any individual for an emergency detention, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, supervisor approval is required before transport commences.

408.5.1 TRANSPORTING PURSUANT TO A COURT ORDER

When a member transports a person pursuant to a court order, the member shall ensure that the person is transported in the manner prescribed by Tex. Health & Safety Code § 574.045.

408.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the Notification of Emergency Detention and remain present to provide clarification of the grounds for detention, upon request.

Alpine Police Department

Alpine Police Department Policy Manual

Emergency Detentions

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

408.7 DOCUMENTATION

The officer shall complete a Notification of Emergency Detention, provide it to the facility staff member assigned to the individual or to the EMS personnel transporting the individual and retain a copy for inclusion in the case report (Tex. Health & Safety Code § 573.002).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

408.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on an emergency detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the detention.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency detention.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

408.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an emergency detention, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent) (Tex. Health & Safety Code § 573.001).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

Alpine Police Department

Alpine Police Department Policy Manual

Emergency Detentions

The handling officer shall immediately provide the individual a written receipt for the firearm and written notice of the procedure for the return of the firearm (Tex. Health & Safety Code § 573.001; Tex. Code of Crim. Pro. art. 18.191).

408.10 TRAINING

This department will provide training approved by the Texas Commission on Law Enforcement (TCOLE) on interacting with persons with mental disabilities, emergency detentions and crisis intervention (Tex. Occ. Code § 1701.352).

Citation Releases

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Alpine Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Family Violence Policy.

409.2 POLICY

The Alpine Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

409.3 RELEASE

A suspected offender may be released on issuance of a citation as follows (Tex. Code of Crim. Pro. art. 14.06):

- (a) For class C misdemeanors, other than public intoxication, by issuing a citation that contains a written notice with the following information:
 - 1. The name and address of the person.
 - 2. The offense with which the person is charged.
 - 3. The time and place the person must appear before a magistrate.
 - 4. The admonishment required by Tex. Code of Crim. Pro. art. 14.06 regarding possession of a firearm.
 - 5. Information regarding alternatives to the full payment of any fine and costs that the person would incur if the person was convicted of the offense and could not pay the amount.
- (b) For certain Class A and B misdemeanors, as specified by Tex. Code of Crim. Pro. art. 14.06(d), by issuing a citation that contains a written notice with the following information consistent with procedures established by the appropriate local prosecutor's office:
 - 1. The name and address of the person.
 - 2. The offense with which the person is charged.
 - 3. The time and place the person must appear before a magistrate.

409.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted for public intoxication (Tex. Code of Crim. Pro. art. 14.031; Tex. Code of Crim. Pro. art. 14.06). If the offender is not arrested, he/she must be released as provided by Tex. Code of Crim. Pro. art. 14.031.

Alpine Police Department
Alpine Police Department Policy Manual

Citation Releases

See the Family Violence Policy for release restrictions related to those investigations.

409.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

409.6 STATE MILITARY PERSONNEL

A person en route to or from active state military duty may not be arrested except for treason, a felony or an offense involving a breach of the peace (Tex. Gov't. Code § 437.223). For all other offenses, these persons may be issued a citation as specified within this policy.

Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Alpine Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The Alpine Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol or, in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll-free at 866-217-2089, or at another current telephone number, and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

Alpine Police Department
Alpine Police Department Policy Manual

Foreign Diplomatic and Consular Representatives

410.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving, may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
 - 4. Honorary consular officers

410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

Alpine Police Department

Alpine Police Department Policy Manual

Foreign Diplomatic and Consular Representatives

410.5.1 DOCUMENTATION PROCEDURES

An officer shall document all of the relevant information required by Tex. Transp. Code § 543.011 when a person holding a driver's license issued by the DOS or otherwise claiming privileges or immunities is stopped or issued a citation by the officer for any of the following offenses:

- (a) A traffic violation
- (b) Driving While Intoxicated (DWI)
- (c) Intoxication assault
- (d) Intoxication manslaughter

The Records Division shall forward such information with a copy of the traffic citation, collision report, or written report of the incident, as applicable, to the DOS within five working days (Tex. Transp. Code § 543.011).

410.6 DIPLOMATIC IMMUNITY

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability

Alpine Police Department

Alpine Police Department Policy Manual

Foreign Diplomatic and Consular Representatives

Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

411.2 POLICY

The Alpine Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

411.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

411.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to incidents at other locations.

When deciding on a course of action officers should consider:

Alpine Police Department

Alpine Police Department Policy Manual

Rapid Response and Deployment

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

411.5 PLANNING

The Chief of Police or the authorized designee should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

Rapid Response and Deployment

411.6 TRAINING

The training manager should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Immigration Violations

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Alpine Police Department relating to immigration and interacting with federal immigration officials.

412.2 POLICY

It is the policy of the Alpine Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

412.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Texas constitutions.

412.3.1 INQUIRY INTO IMMIGRATION STATUS

Members should not inquire into the nationality or immigration status of a victim or witness unless doing so is relevant to the investigation or to provide the victim or witness with information about visas for individuals providing assistance to law enforcement (i.e., T visa or U visa) (Tex. Code of Crim. Pro. art. 2A.059).

412.4 DETENTIONS

An officer should not detain any individual for any length of time for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

Alpine Police Department

Alpine Police Department Policy Manual

Immigration Violations

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

412.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

412.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer will not need to notify federal immigration officials when booking arrestees at the City jail. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

412.6 FEDERAL REQUEST FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

412.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Tex. Gov't Code § 752.053):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity
- (d) Permitting federal immigration officials to enter a jail and conduct enforcement activities

412.7.1 IMMIGRATION DETAINERS

No individual should be held more than 48 hours based solely on a federal immigration detainer under 8 CFR 287.7. Notification to the federal authority issuing the detainer should be made prior to the release.

Alpine Police Department

Alpine Police Department Policy Manual

Immigration Violations

412.7.2 COMPLYING WITH IMMIGRATION DETAINERS

The Alpine Police Department will comply with lawful immigration detainer requests related to a person already in custody unless there is reason to believe the person is a citizen of the United States or has lawful immigration status in the United States based on proof such as a Texas driver's license or similar government-issued identification.

An individual who is being held in custody and who is the subject of a federal immigration detainer shall be informed that they are being held pursuant to an immigration detainer request issued by federal immigration officials (Tex. Code of Crim. Pro. art. 2A.060).

412.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Division supervisor assigned to oversee the handling of any related case. The Investigation Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

412.9 TRAINING

The Training Coordinator should ensure officers receive immigration training on this policy. Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

Utility Service Emergencies

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing City utility service emergencies. This policy will address calls for service that are directed to the Police Department.

413.2 POLICY

It is the policy of the Alpine Police Department to appropriately respond to City emergency utility service requests received by this department.

413.3 UTILITY SERVICE EMERGENCY

A current contact list of City personnel to be notified in the event of a utility service emergency should be available in Dispatch.

413.3.1 WATER LINES

The City's responsibility for water lines ends at the water meter; any break or malfunction in the water system from the water meter to a residence or business is the responsibility of the customer.

If a water line break occurs on the City side of the water meter, public works personnel should be notified as soon as practicable.

413.3.2 ELECTRICAL LINES

When a power line poses a hazard, a member of this department should be dispatched to the reported location to protect against personal injury or property damage that might be caused by the power line. The fire department, electric company and/or the public works department should be promptly notified, as appropriate.

413.3.3 RESERVOIRS, PUMPS, WELLS

In the event of flooding or equipment malfunctions involving City reservoirs, pumps or wells, the public works department should be contacted as soon as practicable.

413.3.4 NATURAL GAS LINES

All reports of a possible leak of natural gas or damage to a natural gas line shall promptly be referred to the fire department and the local entity responsible for gas lines. A member of this department should be dispatched to the reported location if it appears that assistance such as traffic control or evacuation is needed.

413.3.5 TRAFFIC SIGNALS

A member of this department should be dispatched upon report of a damaged or malfunctioning traffic signal in order to protect against personal injury or property damage that might occur as the result of the damaged or malfunctioning signal. The member will advise Dispatch of the problem with the traffic signal. The communications operator should make the necessary notification to the appropriate traffic signal maintenance agency as soon as practicable.

Alpine Police Department

Alpine Police Department Policy Manual

Utility Service Emergencies

A decision to place a signal on flash should include a consultation with the appropriate traffic signal maintenance agency, unless exigent circumstances exist.

Aircraft Accidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

414.2 POLICY

It is the policy of the Alpine Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

414.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

414.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

Alpine Police Department

Alpine Police Department Policy Manual

Aircraft Accidents

414.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

414.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Justice of The Peace.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

414.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

Alpine Police Department

Alpine Police Department Policy Manual

Aircraft Accidents

- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.
- Evacuation chutes, ballistic parachute systems and composite materials.

414.8 DOCUMENTATION

All aircraft accidents occurring within the City of Alpine shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of APD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

414.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

414.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

Alpine Police Department

Alpine Police Department Policy Manual

Aircraft Accidents

414.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training

415.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures and operations of the Alpine Police Department. The policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO).

415.2 POLICY

It is the policy of the Alpine Police Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

415.3 FIELD TRAINING

The Department shall establish minimum standards for field training, which should be of sufficient duration to prepare officer trainees for law enforcement duties. The field training is designed to prepare trainees for a patrol assignment and ensure they acquire the skills needed to operate in a safe, productive and professional manner, in accordance with the general law enforcement duties of this department.

To the extent practicable, field training should include procedures for:

- (a) Issuance of training materials to each trainee at the beginning of his/her field training.
- (b) Daily, weekly and monthly evaluation and documentation of the trainee's performance.
- (c) A multiphase structure that includes:
 - 1. A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the training manager and FTO coordinator.
 - 2. Assignment of the trainee to a variety of shifts and geographical areas.
 - 3. Assignment of the trainee to a rotation of FTOs in order to provide for an objective evaluation of the trainee's performance.
- (d) The trainee's confidential evaluation of his/her assigned FTOs and the field training process.
- (e) Retention of all field training documentation in the officer trainee's training file including:
 - 1. All performance evaluations.
 - 2. A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.

415.4 FTO COORDINATOR

The Chief of Police shall delegate certain responsibilities to an FTO coordinator. The coordinator shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

Alpine Police Department

Alpine Police Department Policy Manual

Field Training

The FTO coordinator may appoint a senior FTO or other designee to assist in the coordination of FTOs and their activities.

The responsibilities of the coordinator include, but are not limited to:

- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO and trainee performance evaluations are completed.
- (d) Maintaining, updating and issuing department training materials to each FTO and trainee.
- (e) Developing ongoing training for FTOs.
- (f) Mentoring and supervising individual FTO performance.
- (g) Monitoring the overall performance of field training.
- (h) Keeping the Shift Supervisor informed through monthly evaluation reports about the trainees' progress.
- (i) Maintaining a liaison with FTO coordinators from other law enforcement agencies.
- (j) Maintaining a liaison with police academy staff on recruit officer performance during academy attendance.
- (k) Performing other activities as may be directed by the Chief of Police.

The FTO coordinator will be required to successfully complete a training course approved by this department that is applicable to supervision of field training within one year of appointment to this position.

415.5 FTO SELECTION, TRAINING AND RESPONSIBILITIES

415.5.1 SELECTION PROCESS

The selection of an FTO will be at the discretion of the Chief of Police or the authorized designee. Selection will be based on the officer's:

- (a) Desire to be an FTO.
- (b) Experience, which shall include a minimum of four years of patrol experience, two of which shall be with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Successful completion of an internal oral interview process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Possession of, or ability to obtain, department-approved certification.

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct or poor performance.

Alpine Police Department

Alpine Police Department Policy Manual

Field Training

415.5.2 TRAINING

An officer selected as an FTO shall successfully complete the TCOLE certified course prior to being assigned as an FTO.

All FTOs must complete an FTO update course approved by this department every three years while assigned to the position of FTO.

415.5.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations and objectives of the FTO position. FTOs should refer to their training materials or the FTO coordinator regarding specific questions related to FTO or field training.

415.5.4 RESPONSIBILITIES

The responsibilities of the FTO include, but are not limited to:

- (a) Issuing his/her assigned trainee field training materials.
 - 1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
 - 2. The FTO shall sign off on all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of his/her assigned trainee.
- (b) Completing and reviewing daily performance evaluations with the trainee.
- (c) Completing and submitting a written evaluation on the performance of his/her assigned trainee to the FTO coordinator on a daily basis.
- (d) Completing a detailed weekly performance evaluation of his/her assigned trainee at the end of each week.
- (e) Completing a monthly evaluation report of his/her assigned trainee at the end of each month.
- (f) Providing the shift supervisor with a verbal synopsis of the trainee's activities at the end of each day or during any unusual occurrence needing guidance or clarification.

Air Support

416.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies situations where the use of air support may be requested and the responsibilities for making a request.

416.2 POLICY

It is the policy of the Alpine Police Department to prioritize requests for air support to enhance law enforcement objectives and provide additional safety to officers and the community.

416.3 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made.

416.3.1 CIRCUMSTANCES FOR REQUESTS

Law enforcement air support may be requested under conditions that include, but are not limited to:

- (a) When the safety of officers or the community is in jeopardy and the presence of air support may reduce such hazard.
- (b) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to officers or the community.
- (c) When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.
- (d) Vehicle pursuits.
- (e) Pre-planned events or actions that require air support.
- (f) Due to a request under an existing mutual aid agreement.
- (g) When the a supervisor or equivalent authority determines a reasonable need exists.

416.3.2 ALLIED AGENCY REQUEST

After consideration and approval of the request for air support, a supervisor will call the closest agency having available air support and will apprise that agency of the specific details of the incident prompting the request.

Contacts and Temporary Detentions

417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

The taking of photographs of a juvenile is handled by the Temporary Custody of Juveniles Policy.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

417.2 POLICY

The Alpine Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations and constitutional safeguards.

Alpine Police Department

Alpine Police Department Policy Manual

Contacts and Temporary Detentions

417.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Alpine Police Department to strengthen community involvement, community awareness and problem identification.

417.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

417.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

Alpine Police Department

Alpine Police Department Policy Manual

Contacts and Temporary Detentions

- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

417.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

417.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

417.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

417.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to a supervisor with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the supervisor should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The criminal intelligence system supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Division.

Alpine Police Department

Alpine Police Department Policy Manual

Contacts and Temporary Detentions

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

417.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

417.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

418.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Alpine Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

418.2 POLICY

The Alpine Police Department recognizes that certain criminal activities, including, but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

418.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

418.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Division. Any supporting documentation for an entry shall be retained by the Records Division in accordance

Alpine Police Department

Alpine Police Department Policy Manual

Criminal Organizations

with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Division are appropriately marked as intelligence information. The City Secretary may not purge such documents without the approval of the designated supervisor.

418.3.2 INTELLIGENCE DATABASE ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information into a local or regional criminal intelligence system authorized by Tex. Code of Crim. Pro. art. 67.051. Any criminal intelligence system created or maintained under this section should meet or exceed the standards of 28 CFR 23.20. The designated supervisor shall approve entry of information into the local or regional criminal intelligence system only when the information meets the criteria established by Tex. Code of Crim. Pro. art. 67.054.

418.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

418.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Division or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, FI forms, Dispatch records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution to a source should be retained with the information.

Alpine Police Department

Alpine Police Department Policy Manual

Criminal Organizations

418.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

418.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the training manager to train members to identify information that may be particularly relevant for inclusion.

418.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy (Tex. Code of Crim. Pro. art. 67.101).

418.6.1 RIGHT TO REQUEST EXISTENCE OR REVIEW OF CRIMINAL INFORMATION

When an inquiry is made by a person or the parent or guardian of a juvenile as to whether information about that person or the juvenile is in a temporary information file created by the Department pursuant to Tex. Code of Crim. Pro. art. 67.051, the supervisor responsible for the temporary information file should respond as required by Tex. Code of Crim. Pro. art. 67.201.

Upon receipt of a written request challenging the information contained in the temporary information file from the person or the parent or guardian of a juvenile, the supervisor responsible for the file should conduct a review and make a determination and proper notification in accordance with Tex. Code of Crim. Pro. art. 67.202.

418.7 CRIMINAL STREET GANGS

The Chief of Police should ensure that there are an appropriate number of department members who can:

Alpine Police Department

Alpine Police Department Policy Manual

Criminal Organizations

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above-average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

418.8 TRAINING

The training manager should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Shift Supervisors

419.1 PURPOSE AND SCOPE

This policy provides guidelines for the designation of a shift supervisor and, as needed, an acting shift supervisor for each shift.

419.2 POLICY

Each shift will be directed by a shift supervisor capable of making decisions and managing in a manner consistent with the mission of the Alpine Police Department. To accomplish this, a shift supervisor should be designated for each shift.

419.3 DESIGNATION AS ACTING SHIFT SUPERVISOR

With prior authorization from the Chief of Police, generally when a shift supervisor is unavailable for duty, a qualified lower-ranking member shall be designated as acting shift supervisor in accordance with the terms of the applicable collective bargaining agreements or memorandum of understanding and the Temporary Supervisors subsection of the Supervision Staffing Levels Policy (Tex. Local Gov't Code § 143.038).

419.4 SHIFT SUPERVISOR RESPONSIBILITIES

The shift supervisor shall have overall responsibility and accountability for the operation of this department on an assigned shift. Duties may include, but are not limited to:

- (a) Ensuring sufficient members are on-duty to accomplish the mission of the Alpine Police Department.
- (b) Providing command-level oversight of major crime scenes, tactical situations or disasters.
- (c) Establishing service-level priorities.
- (d) Providing job-related training and guidance to subordinates.
- (e) Acquiring outside resources or providing assistance to other agencies, when applicable.
- (f) Handling service inquiries or complaints from the public.
- (g) Acting as the Public Information Officer when appropriate.
- (h) Managing risk exposure.
- (i) Ensuring the security of all department facilities.
- (j) Ensuring the proper equipment and vehicles are available for member use.
- (k) Representing the Department at community functions.

Mobile Audio/Video

420.1 PURPOSE AND SCOPE

The Alpine Police Department has equipped marked law enforcement vehicles with Mobile Audio/Video (MAV) recording systems to provide records of events and to assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and MAV system - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods and storage and retrieval methods and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio/video signals recorded or digitally stored on a storage device or portable media.

420.2 POLICY

It is the policy of the Alpine Police Department to use mobile audio/video recording technology to more effectively fulfill the mission of the Department and to ensure these systems are used securely and efficiently.

420.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Alpine Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or personal identification number (PIN) and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

Alpine Police Department

Alpine Police Department Policy Manual

Mobile Audio/Video

420.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

420.4.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. Driving while intoxicated (DWI) investigations, including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify Dispatch
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, including:
 - 1. Family violence
 - 2. Disturbance of the peace

Alpine Police Department

Alpine Police Department Policy Manual

Mobile Audio/Video

3. Offenses involving violence or weapons
 - (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
 - (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

Activation of the MAV system is not required when exchanging information with other officers, during breaks or lunch periods, or when not in service or not actively on patrol.

420.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For the purpose of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

420.4.3 SURREPTITIOUS RECORDING

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

420.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 1. The tracking number of the MAV system media.
 2. The date the media was issued.
 3. The name of the department member or the vehicle to which the media was issued.
 4. The date the media was submitted for retention.
 5. The name of the department member submitting the media.
 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new members is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved traffic collisions), a supervisor shall

Alpine Police Department

Alpine Police Department Policy Manual

Mobile Audio/Video

respond to the scene and ensure that the appropriate person properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot, or an event that may threaten public safety, officer safety, or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

420.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images, and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the Department, MAV technician, or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) By officers for use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data, and reviews and uses such data for any purpose relating to their employment
- (h) By court personnel through proper process or with the permission of the Chief of Police or the authorized designee
- (i) By the media through proper process
- (j) To assess possible training value
- (k) For training purposes. If an involved officer objects to showing a recording, their objection will be submitted to the command staff to determine if the training value outweighs the officer's objection
- (l) By a supervisor during periodic reviews for compliance with racial profiling laws (Tex. Code of Crim. Pro. art. 2B.0151)
- (m) As may be directed by the Chief of Police or the authorized designee

Alpine Police Department

Alpine Police Department Policy Manual

Mobile Audio/Video

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Supervisor. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

420.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

420.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in accordance with the established records retention schedule.

420.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

420.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the officer or against the Alpine Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

420.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

Alpine Police Department
Alpine Police Department Policy Manual

Mobile Audio/Video

- (e) Officers using digital transmitters that are synchronized to their individual MAVs shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed or otherwise inserted into any device not approved by the Department MAV technician or forensic media staff.

420.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with the established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the established records retention schedule.

420.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Mobile Data Terminal Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

421.2 POLICY

Alpine Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

421.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

421.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisor.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks or communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

421.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Alpine Police Department

Alpine Police Department Policy Manual

Mobile Data Terminal Use

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by a supervisor or other department-established protocol, all calls for service assigned by a communications operator should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a communications operator.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

421.5.1 STATUS CHANGES

All changes in status (e.g., going into service at the start of shift and out of service at the end of shift arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

421.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a supervisor is notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are handling a different emergency.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall be the responsibility of the communications operator to document all information that will then be transmitted verbally over the police radio.

Alpine Police Department

Alpine Police Department Policy Manual

Mobile Data Terminal Use

421.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Public Recording of Law Enforcement Activity

422.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

422.2 POLICY

The Alpine Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

422.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officer, him/herself or others.

422.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For

Alpine Police Department

Alpine Police Department Policy Manual

Public Recording of Law Enforcement Activity

example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

422.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

422.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Alpine Police Department

Alpine Police Department Policy Manual

Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Section Policy.

Bicycle Patrol

423.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Alpine Police Department to safely and effectively use bicycle patrol for the purpose of enhancing field patrol efforts in the community.

423.2 POLICY

It is the policy of the Alpine Police Department that patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officer mobility and department visibility in the community.

423.3 OPERATIONS

Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas, and the quiet operation of the patrol bicycle can facilitate a tactical approach to crimes in progress. Patrol bicycles may be deployed to any area, at any hour of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the bicycle patrol coordinator or the Chief of Police.

423.4 SELECTION

Interested officers who are off probation shall submit a change of assignment request to their respective supervisor. A copy will be forwarded to the bicycle patrol coordinator. Qualified applicants will then be invited to an oral interview. The oral interview will be conducted by the coordinator and a second person to be selected by the coordinator.

Interested officers shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance
- (b) Special skills or training as it pertains to the assignment
- (c) Good physical condition
- (d) Willingness to perform duties using the bicycle as a mode of transportation

423.4.1 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with Tex. Transp. Code § 551.101 et seq. under normal operation, unless their duties require otherwise.

Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety or tactical considerations. Officers must use caution and care when operating bicycles without lighting equipment or when they are operating in violation of the rules of the road.

Officers are exempt from the rules of the road under the following conditions (Tex. Transp. Code § 546.002):

- (a) In response to an emergency call

Alpine Police Department
Alpine Police Department Policy Manual

Bicycle Patrol

- (b) In the immediate pursuit of an actual or suspected violator of the law
- (c) While directing or diverting traffic or conducting a police escort
- (d) When responding to a fire alarm call

423.5 BICYCLE PATROL COORDINATOR

The Chief of Police shall delegate certain responsibilities to a bicycle patrol coordinator. The coordinator shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The coordinator may appoint a senior bicycle patrol officer or other designee to assist in the coordination of bicycle patrol officers and their activities.

The responsibilities of the coordinator include, but are not limited to:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining an inventory of patrol bicycles and program equipment.
- (c) Inspecting, no less than every three months, bicycles that are not in active service and documenting that they are in serviceable condition.
- (d) Scheduling maintenance and repairs.
- (e) Evaluating the performance of bicycle patrol officers.
- (f) Coordinating activities with the Chief of Police.
- (g) Other activities as required to maintain the efficient operation of bicycle patrol.

423.6 PATROL BICYCLE

Bicycle patrol officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Patrol bicycles shall be primarily black or white in color with a "Police" decal affixed to each side of the crossbar or the bicycle's gear bag. Every patrol bicycle shall be equipped with:

- (a) Front and rear reflectors.
- (b) A siren and horn.
- (c) A steady or flashing blue and red warning light that is visible from the front, sides or rear of the bicycle (Tex. Transp. Code § 547.702).
- (d) A rear rack and/or gear bag sufficient to carry all necessary equipment to handle routine patrol calls, including report writing, vehicle storage and citations.
- (e) A gear bag that shall include a first-aid kit, tire pump, repair tool, tire tube, security lock, high-visibility vest and equipment information and use manuals. These items are to remain with/on the patrol bicycle at all times.

Patrol bicycles shall be properly secured when not in the officer's immediate presence.

Alpine Police Department

Alpine Police Department Policy Manual

Bicycle Patrol

423.6.1 TRANSPORTING THE PATROL BICYCLE

The patrol bicycle should be transported using a vehicle bicycle rack. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a law enforcement vehicle push-bumper is discouraged.

423.6.2 MAINTENANCE

- (a) Bicycle patrol officers shall conduct an inspection of the patrol bicycle and equipment prior to use to ensure proper working order of the equipment.
- (b) Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).
 - 1. Each patrol bicycle will have scheduled maintenance twice yearly to be performed by a repair shop or technician approved by the Department.
- (c) Officers shall not modify the patrol bicycle or remove, modify or add components to the patrol bicycle except with the express approval of the bicycle patrol coordinator, or in the event of an emergency.
- (d) If a needed repair is beyond the ability of the bicycle patrol officer, a repair work order will be completed and forwarded to the coordinator for repair by a technician approved by the Department.
- (e) Patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty.
 - 1. During prolonged periods of nonuse, each bicycle patrol officer assigned a patrol bicycle shall periodically rotate the batteries on the respective chargers to increase battery life.
- (f) At the end of a patrol bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

423.7 UNIFORMS AND EQUIPMENT

Officers shall wear uniforms and safety equipment in accordance with the Uniforms and Civilian Attire Policy.

The uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt, with Alpine Police Department badge and patches, and department-approved bicycle patrol pants or shorts. Optional attire may include, but is not limited to, a jacket in colder weather and turtleneck shirts or sweaters when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on their duty belts as they would on regular patrol assignments. Assignment-specific safety equipment should include, but is not limited to, department-approved helmet, a radio headset and microphone, riding gloves, protective eyewear and approved footwear.

Alpine Police Department

Alpine Police Department Policy Manual

Bicycle Patrol

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

423.8 TRAINING

Officers must complete an initial department-approved bicycle-training course prior to assignment to bicycle patrol. Thereafter, bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include:

- (a) Bicycle patrol strategies.
- (b) Bicycle safety and accident prevention.
- (c) Operational tactics and techniques using bicycles.

Bicycle patrol officers will be required to train and qualify with their duty and secondary firearms while wearing bicycle safety equipment, including the helmet and riding gloves.

Automated License Plate Readers (ALPRs)

424.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

424.2 POLICY

The policy of the Alpine Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

424.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Alpine Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Chief of Police. The Chief of Police will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

424.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access confidential department, state or federal data unless authorized to do so.

Alpine Police Department

Alpine Police Department Policy Manual

Automated License Plate Readers (ALPRs)

- (f) If practicable, the officer should verify an ALPR response through the appropriate official law enforcement database before taking enforcement action that is based solely on an ALPR alert.

424.5 DATA COLLECTION AND RETENTION

The Chief of Police or the authorized designee is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All stored ALPR data should be retained in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded onto portable media and booked into evidence.

424.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Alpine Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

424.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Chief of Police or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Alpine Police Department

Alpine Police Department Policy Manual

Automated License Plate Readers (ALPRs)

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

Homeless Persons

425.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the department member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

425.2 POLICY

It is the policy of the Alpine Police Department to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Alpine Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

425.3 LIAISON TO THE HOMELESS COMMUNITY

The Chief of Police shall delegate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the liaison include but are not limited to:

- (a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community. Remain aware of homeless issues and services through the Department of Housing and Community Affairs (charged with homeless assistance under Tex. Gov't Code § 2306.094) and the related Texas Interagency Council for the Homeless (Tex. Gov't Code § 2306.902).
- (c) Maintaining a list of the areas within and near the jurisdiction of this department that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with homelessness, including personal property rights.
- (e) Being present during any clean-up operation conducted by this department that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

Alpine Police Department

Alpine Police Department Policy Manual

Homeless Persons

425.4 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance, or to check on the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a "nonviolent misdemeanor" and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of an arrest and criminal charges.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

425.4.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.
- (g) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.

425.4.2 CITATIONS FOR CLASS C MISDEMEANORS

An officer issuing a citation for a Class C misdemeanor should, when reasonable to do so (Tex. Penal Code § 48.05):

- (a) Recommend an alternative place where the person may lawfully camp.
- (b) Take steps to contact the appropriate official of the city to provide the individual regarding human trafficking and other relevant information.

Alpine Police Department

Alpine Police Department Policy Manual

Homeless Persons

425.5 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under an emergency detention when facts and circumstances reasonably indicate such a detention is warranted (see the Emergency Detentions Policy).

425.6 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the community. Officers should use reasonable care when handling, collecting, and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure the person's personal property. Otherwise, it should be collected for safekeeping (Tex. Penal Code § 48.05). If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure it. It will be the supervisor's responsibility to coordinate its removal and safekeeping.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the homeless liaison. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the liaison.

Officers who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community, or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

425.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Medical Marihuana

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marihuana under Texas's medical marihuana laws.

426.1.1 DEFINITIONS

Definitions related to this policy include (Tex. Occ. Code § 169.001; Tex. Health & Safety Code § 487.001):

Dispensing organization - An organization licensed by the Texas Department of Public Safety (DPS) to cultivate, process, and dispense low-tetrahydrocannabinol (THC) cannabis to a patient under a prescription.

Low-THC cannabis - Marihuana and any part of that plant or any compound, manufacture, salt, derivative, mixture, preparation, resin, or oil of that plant that contains not more than one percent by weight of THC.

426.2 POLICY

It is the policy of the Alpine Police Department to prioritize resources to avoid making arrests related to marihuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Texas medical marihuana laws are intended to provide protection from prosecution to those who use or possess marihuana in the form of low-THC cannabis by prescription. However, Texas medical marihuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marihuana. The Alpine Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Texas law and the resources of the Department.

426.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marihuana generally fall into one of two categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a person with a prescription.

426.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production or use of marihuana or drug paraphernalia where no person claims that the marihuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marihuana was possessed or produced for medicinal purposes.

Alpine Police Department

Alpine Police Department Policy Manual

Medical Marihuana

426.3.2 INVESTIGATIONS INVOLVING A PERSON WITH A PRESCRIPTION

A patient for whom low-THC cannabis is prescribed or the patient's legal guardian shall not be arrested for possession of low-THC cannabis obtained under a valid prescription from a dispensing organization (Tex. Health & Safety Code § 481.111).

Reasonable effort should be taken to confirm a person has a prescription for low-THC cannabis if it is not in the person's possession.

426.3.3 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marihuana possession, delivery, production or use:

- (a) Officers may obtain information from the Compassionate-Use Registry for the purpose of verifying whether a patient has a prescription for low-THC cannabis and whether it has been filled (37 Tex. Admin. Code § 12.41).
- (b) Before proceeding with enforcement related to a licensed dispensing organization, officers should consider conferring with appropriate legal counsel (Tex. Health & Safety Code § 487.101).

426.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marihuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

426.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marihuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marihuana is not destroyed. The Property and Evidence Section supervisor is not responsible for caring for live marihuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should as soon as practicable return to the person from whom it was seized any useable marihuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor should not destroy marihuana that was alleged to be for medical purposes except upon receipt of a court order.

The Property and Evidence Section supervisor may release marihuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Chief of Police or designee.

Medical Aid and Response

427.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

427.2 POLICY

It is the policy of the Alpine Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

427.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so (Tex. Code of Crim. Pro. art. 2B.0301).

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate (Tex. Code of Crim. Pro. art. 2B.0301).

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Alpine Police Department

Alpine Police Department Policy Manual

Medical Aid and Response

427.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

427.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergency detention in accordance with the Emergency Detentions Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

427.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Alpine Police Department

Alpine Police Department Policy Manual

Medical Aid and Response

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

427.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

427.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Services Lead Investigator should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members shall follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.

Alpine Police Department

Alpine Police Department Policy Manual

Medical Aid and Response

- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during the landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

427.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

427.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Coordinator who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS (Tex. Health & Safety Code § 779.004).

427.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

427.9.3 AED TRAINING AND MAINTENANCE

The Training Coordinator should ensure appropriate training is provided to members authorized to use an AED.

The Training Coordinator is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's guidelines, a monthly inspection is conducted, and records of all maintenance and testing are retained in accordance with the established records retention schedule (Tex. Health & Safety Code § 779.003).

427.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the physician who prescribed the overdose medication for use by the member (Tex. Health & Safety Code § 483.106).

427.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Coordinator.

Alpine Police Department

Alpine Police Department Policy Manual

Medical Aid and Response

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

427.10.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

427.10.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Coordinator should ensure training is provided to members authorized to administer opioid overdose medication.

427.11 ADMINISTRATION OF EPINEPHRINE

Members who have received training approved by TCOLE may administer epinephrine in accordance with the standing order issued by the physician, or other individual with prescriptive authority, who prescribed the medication for use by the member (Tex. Occ. Code § 1701.702; Tex. Occ. Code § 1701.703).

427.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Coordinator.

Any member who administers epinephrine should contact Dispatch as soon as possible and request response by EMS.

427.11.2 EPINEPHRINE REPORTING

Any member administering epinephrine should detail its use in an appropriate report.

The Training Coordinator will ensure that the City Secretary is provided enough information to meet applicable state reporting requirements including the required reporting to the physician or person who prescribed the epinephrine as required by Tex. Occ. Code § 1701.705.

427.11.3 EPINEPHRINE TRAINING

The Training Coordinator should ensure that training is provided to members authorized to administer epinephrine.

427.12 FIRST AID TRAINING

Subject to available resources, the Training Coordinator should ensure officers receive periodic first aid training appropriate for their position.

First Amendment Assemblies

428.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

428.2 POLICY

The Alpine Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

428.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting, loitering and funeral service disruptions. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and to prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

Alpine Police Department

Alpine Police Department Policy Manual

First Amendment Assemblies

428.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION

Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions, assistance in evaluating department performance, serving as training material, recording the use of dispersal orders and facilitating a response to allegations of improper law enforcement conduct.

Photographs, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

428.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to:

- Location.
- Number of participants.
- Apparent purpose of the event.
- Leadership (whether it is apparent and/or whether it is effective).
- Any initial indicators of unlawful or disruptive activity.
- Indicators that lawful use of public facilities, streets or walkways will be impacted.
- Ability and/or need to continue monitoring the incident.

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

428.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

428.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.

Alpine Police Department

Alpine Police Department Policy Manual

First Amendment Assemblies

- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

428.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) An established liaison with demonstration leaders and external agencies.
- (h) An established liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

Alpine Police Department

Alpine Police Department Policy Manual

First Amendment Assemblies

- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

428.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

428.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

428.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Alpine Police Department

Alpine Police Department Policy Manual

First Amendment Assemblies

Force or control devices, including oleoresin capicum (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

428.8 ARRESTS

The Alpine Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

428.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

428.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

Alpine Police Department

Alpine Police Department Policy Manual

First Amendment Assemblies

428.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include:

- (a) Operational plan.
- (b) Any incident logs.
- (c) Any assignment logs.
- (d) Vehicle, fuel, equipment and supply records.
- (e) Incident, arrest, use of force, injury and property damage reports.
- (f) Photographs, audio/video recordings, Dispatch records/tapes.
- (g) Media accounts (print and broadcast media).

428.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used, to include:

- (a) Date, time and description of the event.
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs).
- (c) Problems identified.
- (d) Significant events.
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

428.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Civil Disputes

429.1 PURPOSE AND SCOPE

This policy provides members of the Alpine Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Family Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Texas law.

429.2 POLICY

The Alpine Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

429.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While the following is not intended to be an exhaustive list, members should give consideration to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice; however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

Alpine Police Department

Alpine Police Department Policy Manual

Civil Disputes

429.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

429.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

429.4.2 JUSTICE COURT WRITS

Officers shall accompany and assist a person who has been issued a writ by a justice court pursuant to Tex. Prop. Code § 24A.002 (Tex. Prop. Code § 24A.003). The officer must provide the occupant, if present at the time of entry, with a copy of the writ.

Prior to the removal of property from the location, officers must create an inventory list of the items taken from the residence and then return the items to the person for removal. A copy of the inventory list shall be provided to the person removing property and to the current occupant, or left in a conspicuous place if the occupant is not present. Officers shall ensure that the Records Division receives the original inventory list so that it may be filed with the court that issued the writ (Tex. Prop. Code § 24A.003).

Alpine Police Department

Alpine Police Department Policy Manual

Civil Disputes

429.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

429.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Suspicious Activity Reporting

430.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

430.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

430.2 POLICY

The Alpine Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

430.3 RESPONSIBILITIES

The Chief of Police and the authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Chief of Police and the authorized designees include, but are not limited to:

- (a) Remaining familiar with those databases available to the department that would facilitate the purpose of this policy.

Alpine Police Department

Alpine Police Department Policy Manual

Suspicious Activity Reporting

- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage community members to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

430.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about the involved parties and the circumstances of the incident. If, during any investigation an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

430.5 HANDLING INFORMATION

The Records Division will forward copies of SARs, in a timely manner, to:

- Supervisors.
- The Crime Analysis unit.
- Other authorized designees.

Service of Court Documents

431.1 PURPOSE AND SCOPE

This policy provides guidelines for serving court documents to parties in civil matters (Texas Local Gov't Code § 85.021; Texas Local Gov't Code § 86.024).

This policy does not apply to the service of court orders as provided in the Family Violence Policy.

431.2 POLICY

The Alpine Police Department will deliver court documents such as subpoenas or court orders with efficiency and due care. The Department will give higher priority to the service of court orders in cases when the Department reasonably believes delay may impact a person's safety.

431.3 RESPONSIBILITIES

Requests that the Alpine Police Department serve court documents should be forwarded to the City Secretary.

431.3.1 CITY SECRETARY RESPONSIBILITIES

The City Secretary is responsible for developing procedures to ensure:

- (a) Court documents received for service are logged, dated and time stamped.
- (b) A service application request form is received from the person requesting service that includes:
 - 1. The date service is due.
 - 2. Whether substitute service is authorized by the requestor.
 - 3. Risk-related information such as the subject's prior acts of violence, and the presence of aggressive dogs, narcotics or other hazardous substances.
- (c) Inquiries are made in law enforcement records management systems to determine if there are additional entries that would impact officer safety when serving the papers. Proper notations should be entered on or attached to the service application request form.
- (d) A fee schedule is maintained and applicable fees are collected. No fees shall be required when fees have been waived by a court or are prohibited by statute.
- (e) A schedule is maintained with the number of copies of each type document the Alpine Police Department requires when a person requests service by the Department.
- (f) Data entry regarding the service is made in a timely fashion. This includes data entry regarding the status of the service (e.g., served, attempted, returned), if appropriate.
- (g) Court documents and accompanying service application request forms are forwarded to the Chief of Police or the authorized designee for service.
- (h) The court and person requesting service are promptly notified that service has been made or that attempts at service were unsuccessful. Returns of service or documents

Alpine Police Department

Alpine Police Department Policy Manual

Service of Court Documents

related to failure of service for out-of-county courts may be returned by mail to the person from whom they were received.

- (i) The Department maintains a record that contains a list of all court documents received for service, including:
 - 1. The date and time received.
 - 2. The date service is due.
 - 3. The type of court document (e.g., civil subpoena, civil summons).
 - 4. The source of the documents.
 - 5. The names of the parties to the action.
 - 6. The name and address of the person to be served unless confidential under law.
 - 7. The date and time of service.
 - 8. The number of attempts to serve.
 - 9. Mileage for service.
 - 10. The officer assigned to serve the document and date of assignment.
- (j) The Alpine Police Department periodically confers with applicable courts regarding the service of documents by the Alpine Police Department and any relevant court procedural changes or possible areas of concern or improvement that need to be addressed, as appropriate.

431.3.2 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee is responsible for developing and maintaining a detailed process-service and tracking manual. This manual should include, at a minimum:

- Service types
- Procedures for each type
- Requirements and exceptions
- Special circumstances
- Documentation and reporting
- Records creation and entry
- Training for each employee involved in service and records creation and management

The Chief of Police or the authorized designee is responsible for tracking requests for service received and officers assigned to such requests to ensure service efforts are diligently made.

Upon receipt of the service application request form and court documents for service, the Chief of Police or the authorized designee should assign service to an officer. Court documents reasonably known to be related to a person's immediate safety should be served as soon as practicable. Any reasonably known information related to a heightened risk in the service should be addressed and communicated to the department member assigned to serve the documents.

Alpine Police Department

Alpine Police Department Policy Manual

Service of Court Documents

The Chief of Police or the authorized designee Lead Investigator will send the completed documentation of service back to the City Secretary to ensure timely notification to the court.

The Chief of Police or the authorized designee Lead Investigator will also ensure that sufficient documentation related to the service and attempted service of court documents has occurred.

431.3.3 OFFICER RESPONSIBILITIES

Officers assigned to serve court documents shall do so diligently and with due regard for privacy and property rights.

If service of a court order is not immediately possible, officers are expected to make reasonable inquiries and investigative actions to complete the service. This may include using the following resources to locate persons:

- (a) National Motor Vehicle Title Information System
- (b) Public records databases and other commercial Web-based sources used to find people (skip tracing tools)
- (c) Relevant court records and contact information for parties

Officers are required to complete and submit to the Chief of Police or the authorized designee a return of service for each document served or attempted to be served.

Officers are expected to complete and submit a report any time there is reasonable suspicion to believe a person is attempting to evade service or is being assisted by another person to avoid service.

Officers shall not give legal advice or express opinions as to the merit of civil issues.

Officers shall document all court documents served or attempted to be served. The documentation should include the address where service was attempted, the date and time of attempted service, any reasons or circumstances why service was unsuccessful, the date and time of service, the name of the person served and description of the service, and the mileage used for each service or service attempt.

431.4 OFFICER SAFETY

Members should always review risk-related information in the service application request form prior to service. Members may contact the requestor with any questions related to information on the form that indicate an unusual risk to safety. Members should notify a supervisor if they identify any safety concerns that have not been addressed.

Members may consider requesting assistance from another officer and/or avoiding confrontation at a residence or business by contacting the party and requesting to meet at a location that may pose a lower risk.

Alpine Police Department

Alpine Police Department Policy Manual

Service of Court Documents

431.5 CANCELED SERVICE

Any member of the Alpine Police Department who becomes aware of the cancellation of court document service request should promptly inform the Chief of Police or the authorized designee. The Chief of Police or the authorized designee should promptly notify the assigned officer.

431.6 PERSONAL SERVICE

All service of court orders and documents should be made by delivering a copy of the document directly to the person to whom the document is directed, unless the document directs otherwise (TX Rules of Civil Procedure, Rule 106).

Substitute service should only be made when diligent attempts at personal service have failed and substitute service is authorized by the party requesting service.

431.7 SUBSTITUTE SERVICE

Substitute service, if approved by the requestor and authorized by law, may be made by leaving a copy of the document, along with a copy of any relevant petition, with anyone over 16 years of age at the location specified in a supporting sworn statement. Other methods may be authorized for service supported by sworn statement (TX Rules of Civil Procedure, Rule 106).

Body-Worn Cameras

432.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media (Tex. Code of Crim. Pro. art. 2B.0106).

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

432.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

432.2 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public.

432.3 RESPONSIBILITIES

432.3.1 BWC COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the coordinator include:

Alpine Police Department

Alpine Police Department Policy Manual

Body-Worn Cameras

- (a) Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
- (b) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department and recording the date each BWC is placed into or taken out of service.
- (c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
 - 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (d) Managing BWC media systems so that:
 - 1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.
 - 2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
- (e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
- (f) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.
- (g) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
- (h) Coordinating with the community relations coordinator to (see the Community Relations Policy):
 - 1. Provide the public with notice of the department's use of BWCs (e.g., posting on the department website or social media pages).
 - 2. Gain insight into community expectations regarding BWC use.
- (i) Coordinating with the City Secretary to (see the Records Division and Records Maintenance and Release policies):
 - 1. Determine and apply proper retention periods to BWC media.
 - 2. Develop procedures for the appropriate release of BWC media.
- (j) Coordinating with the Property and Evidence Section to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property and Evidence Section Policy).

432.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

Alpine Police Department

Alpine Police Department Policy Manual

Body-Worn Cameras

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time.

Members should wear their assigned BWC on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement.

432.4 BWC USE

The following guidelines apply to the use of BWCs:

- (a) Only department-issued BWCs should be used without the express consent of the Chief of Police or the authorized designee (Tex. Code of Crim. Pro. art. 2B.0109).
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
- (c) The use of department-issued BWCs shall be strictly limited to department-related activities.
- (d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

432.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other members without their knowledge.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.
- (f) Interactions with undercover officers or confidential informants.

Alpine Police Department
Alpine Police Department Policy Manual

Body-Worn Cameras

- (g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

432.5 ACTIVATION OF BWC

Members should activate their BWC during all calls for service and the performance of law enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded (Tex. Code of Crim. Pro. art. 2B.0106). A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations. Any justification for failing to activate the BWC because it is unsafe, unrealistic, or impracticable must be based on whether a reasonable officer under the same or similar circumstances would have made the same decision (Tex. Code of Crim. Pro. art. 2B.0108).

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

432.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

432.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also mute or deactivate their BWC:

- (a) To protect the privacy of a victim or witness.
- (b) When an individual wishes to provide information anonymously.
- (c) To avoid recording a confidential informant or undercover officer.
- (d) When discussing case tactics or strategy.

Alpine Police Department

Alpine Police Department Policy Manual

Body-Worn Cameras

- (e) During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

432.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and communications operators approved by the Chief of Police or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

- (a) For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.
- (b) To assist with situational awareness or tactical decisions during a significant incident.
- (c) When requested by the member.

432.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document (Tex. Code of Crim. Pro. art. 2B.0108):

- (a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- (b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
- (c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- (d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.
- (e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

Alpine Police Department

Alpine Police Department Policy Manual

Body-Worn Cameras

432.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Department.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

432.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

- (a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
- (b) When a member has sustained a serious injury or a line-of-duty death has occurred.
- (c) When a firearm discharge or use of force incident has occurred.
- (d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

432.7 BWC MEDIA

All BWC media is the sole property of the Department. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee (Tex. Code of Crim. Pro. art. 2B.0110).

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

Alpine Police Department

Alpine Police Department Policy Manual

Body-Worn Cameras

432.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

- (a) BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
- (b) Members may review their own BWC media for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report.
 - 1. A member shall be permitted to review their BWC media, before giving a statement or being interviewed for an internal investigation (Tex. Code of Crim. Pro. art. 2B.0106).
- (c) Investigators may review BWC media pertaining to their assigned cases.
- (d) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
- (e) Supervisors are permitted to access and view BWC media of their subordinates.
 - 1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
 - 2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
 - 3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.
- (f) The Training Coordinator is permitted to access and view BWC media for training purposes.
 - 1. The Training Coordinator should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.
 - 2. The Training Coordinator may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Coordinator should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.

Alpine Police Department

Alpine Police Department Policy Manual

Body-Worn Cameras

- (g) The City Secretary may access BWC media when necessary to conduct department-related duties.
- (h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

432.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of (Tex. Code of Crim. Pro. art. 2B.0112):

- (a) A private residence.
- (b) A facility that offers health care, mental health or substance abuse treatment, or social services.
- (c) A school building.
- (d) Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy and Subchapter C, Chapter 2B, Tex. Code of Crim. Pro (Tex. Code of Crim. Pro. art. 2B.0101 et seq.). The City Secretary should review BWC media before public release.

432.8 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained in accordance with state records retention laws but in no event for a period less than 90 days (Tex. Code of Crim. Pro. art. 2B.0106).

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

432.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property and Evidence Section Policy).

432.9 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter (Tex. Code of Crim. Pro. art. 2B.0107). Training should include:

- (a) Proper use of the BWC device and accessories.

Alpine Police Department

Alpine Police Department Policy Manual

Body-Worn Cameras

- (b) When BWC activation is required, permitted, and prohibited.
- (c) How to respond to an individual's request to stop recording.
- (d) Proper use of the BWC media systems, including uploading and tagging procedures.
- (e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures (Tex. Code of Crim. Pro. art. 2B.0107).

Chapter 5 - Traffic Operations

Traffic

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

500.2 POLICY

It is the policy of the Alpine Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic collisions, citizen complaints, traffic volume, traffic conditions, and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems, or locations; and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for department members. State and local data on traffic collisions are a valuable resource. Factors for analysis include but are not limited to:

- Location.
- Time.
- Day.
- Violation factors.
- Requests from the public.
- Construction zones.
- School zones.
- Special events.

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic collisions, and also will consider the hours and locations where traffic collisions tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic collisions frequently occur.

Alpine Police Department

Alpine Police Department Policy Manual

Traffic

500.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas. The number of arrests or citations issued by any member shall not be used as the sole criterion for evaluating member overall performance (Tex. Transp. Code § 720.002).

500.4.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

500.4.2 CITATIONS

Citations should be issued when a member believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with:

- (a) An explanation of the violation or charge.
- (b) The court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

An officer shall issue a citation and give the person an opportunity to sign the citation for the offense of speeding, using a wireless communication device under Tex. Transp. Code § 545.4251 or a violation of the open container law. If the person refuses to sign the citation, an arrest may be made in accordance with this policy (Tex. Transp. Code § 543.004).

500.4.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These cases usually deal with but are not limited to:

- (a) Vehicular manslaughter.
- (b) Felony and misdemeanor driving under the influence (DUI or DWI) of alcohol or drugs.
- (c) Felony or misdemeanor hit-and-run.
- (d) Refusal to sign a notice to appear.
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

While state law permits officers to make an arrest for most class C traffic offenses, prior to doing so, officers should obtain supervisor approval.

500.5 SUSPENDED OR REVOKED LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

Alpine Police Department

Alpine Police Department Policy Manual

Traffic

500.6 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic or by maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic or will be maneuvering or operating vehicles, machinery, and equipment.

Examples of when high-visibility vests should be worn include traffic control duties, traffic collisions investigations, lane closures, and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

500.6.2 CARE AND STORAGE

High-visibility vests shall be maintained in the trunk of each patrol and investigation vehicle, in the side box of each police motorcycle and in the gear bag of each patrol bicycle. Each vest should be stored inside a resealable plastic bag to protect and maintain the vest in a serviceable condition. Before going into service, each member shall ensure that a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The training manager should be promptly notified whenever the supply of vests needs replenishing.

Traffic Collisions

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic collisions.

501.2 POLICY

It is the policy of the Alpine Police Department to respond to traffic collisions and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of collisions by attempting to identify the cause of the collision and through enforcing applicable laws. Unless restricted by law, traffic collision reports will be made available to the public upon request.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
 - 1. A life-threatening injury.
 - 2. A fatality.
 - 3. A City vehicle involved.
 - 4. A City official or employee involved.
 - 5. Involvement of an on- or off-duty member of this department.
- (b) Is within another jurisdiction and there is:
 - 1. A City of Alpine vehicle involved.
 - 2. A City of Alpine official involved.
 - 3. Involvement of an on-duty member of this department.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.

Alpine Police Department

Alpine Police Department Policy Manual

Traffic Collisions

- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).
- (f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic collision involves a life-threatening injury or fatality, the responding officer shall notify a supervisor. The supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The supervisor will ensure notification is made to the Chief of Police and City Manager in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Justice of The Peace, department chaplain, or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic collision should not be released until notification is made to the victim's immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

A collision report shall be taken when:

- (a) A fatality, any injury (including complaint of pain), driving while intoxicated, or hit-and-run is involved.
- (b) An on-duty member of the City of Alpine is involved.
- (c) The collision results in any damage to any City-owned or leased vehicle.
- (d) The collision involves any other public agency driver or vehicle.
- (e) There is damage to public property.
- (f) There is damage to any vehicle to the extent that towing is required.
- (g) Prosecution or follow-up investigation is contemplated.
- (h) Directed by a supervisor.

501.5.1 PRIVATE PROPERTY

Reports may be taken for collisions occurring on private property when the collision results in injury to or death of any person or total apparent property damage of \$1,000 or more. This does not apply to privately owned residential parking areas or a privately owned parking lot where a fee is charged for parking or storing a vehicle (Tex. Transp. Code § 550.041).

501.5.2 TRAFFIC COLLISIONS DAMAGING FENCES

An officer who responds to, or investigates, an incident involving a fence that the officer reasonably believes is intended to enclose livestock or other animals is required to immediately notify a

Alpine Police Department

Alpine Police Department Policy Manual

Traffic Collisions

landowner who has registered to receive notifications pursuant to Tex. Local Gov't Code § 370.004.

501.5.3 CITY VEHICLE INVOLVED

A traffic collision report shall be taken when a City vehicle is involved in a traffic accident that results in property damage or injury.

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the Chief of Police or the authorized designee. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

501.5.4 INJURED ANIMALS

Department members should refer to the Animal Control Policy when a traffic collision involves the disposition of an injured animal.

501.6 INVESTIGATION

When a traffic collision meets minimum reporting requirements, the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Chief of Police or the authorized designee should request that the Texas Department of Public Safety or other outside law enforcement agency investigate and complete a traffic accident investigation when a life-threatening injury or fatal traffic accident occurs within the jurisdiction of the Alpine Police Department and involves:

- (a) An on- or off-duty member of the Department.
 - 1. The involved member shall complete the department traffic accident form. If the member is unable to complete the form, the supervisor shall complete it.
- (b) An on- or off-duty official or employee of the City of Alpine.

Alpine Police Department

Alpine Police Department Policy Manual

Traffic Collisions

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic accident. The accident investigation and report shall be completed by the agency having jurisdiction.

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the collision, authorized members may issue a citation as appropriate (Tex. Transp. Code § 550.041).

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter, or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

Department members shall utilize forms provided by the Texas Department of Transportation (TXDOT) for the reporting of traffic collisions. All such reports shall be forwarded to the Patrol Division for approval and filing (Tex. Transp. Code § 550.063).

501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member (Tex. Transp. Code § 550.068).

501.8.2 CHIEF OF POLICE RESPONSIBILITIES

The responsibilities of the Chief of Police or the authorized designee include but are not limited to:

- (a) Ensuring the monthly and quarterly reports on traffic collision information and statistics are forwarded to the Chief of Police or other persons as required.
- (b) All collision reports taken by members of this department involving injury, death or more than \$1,000 in property damage must be submitted to TXDOT no later than the 10th day after the collision (Tex. Transp. Code § 550.062).

Traffic Collision Review Board

502.1 PURPOSE AND SCOPE

This policy establishes a process for the Alpine Police Department to review motor vehicle collisions involving members driving department vehicles, or other vehicles when the member is operating in an official capacity.

This review process shall be in addition to any other review or investigation that may be conducted by any outside agency having jurisdiction over the collision investigation.

502.2 POLICY

It is the policy of the Alpine Police Department to objectively evaluate motor vehicle collisions involving members working in an official capacity to ensure that the operation of the vehicle was consistent with department training and policy.

502.3 ADMINISTRATIVE ASSIGNMENT

Generally, whenever a member's actions in an official capacity, or while using department equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police or the authorized designee may exercise discretion and alter the duration or choose not to place a member in an administrative assignment.

502.4 TRAFFIC COLLISION REVIEW BOARD

The Traffic Collision Review Board will be convened on a regular basis as determined by the Chief of Police to review motor vehicle collisions involving property damage and at a reasonable time following a motor vehicle collision that results in injury or death.

It will be the responsibility of the supervisor of the involved member to notify the Chief of Police of any incidents requiring board review. The Chief of Police or the involved member's supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

502.4.1 COMPOSITION OF THE BOARD

The Chief of Police should staff the Traffic Collision Review Board with at least three individuals including, but not limited to:

- A member of command staff from the involved member's chain of command (a single member from command staff may sit in review when the board is reviewing multiple property damage collisions).
- A non-administrative supervisor.
- A department driving instructor or driver training supervisor.
- A law enforcement supervisor from an outside law enforcement agency, if appropriate.

The senior ranking command staff member will serve as chairperson.

Alpine Police Department

Alpine Police Department Policy Manual

Traffic Collision Review Board

502.4.2 RESPONSIBILITIES OF THE BOARD

The Traffic Collision Review Board is empowered to conduct an administrative review and inquiry into the circumstances of the motor vehicle collisions.

The Chief of Police will determine whether the board should delay its review until after completion of any collision investigation, review by any prosecutorial body, the filing of charges or the decision not to file charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information, and request the involved member to appear. If the involved member is requested to attend, the involved member will be notified of the meeting of the board and may choose to have a representative present.

Absent an express waiver from the involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members.

Any questioning of the involved member conducted by the board will be in accordance with Alpine Police Department disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement or memorandum of understanding, and any applicable state or federal law.

The board shall make one of the following recommended findings:

- The member's actions were within department policy and procedure.
- The member's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. If the vote is tied, the Chief of Police will make a determination as to fault.

The board may also recommend additional investigations or reviews, such as training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The board does not have the authority to recommend discipline.

502.5 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review the recommendation of the board, make a final determination as to whether the member's actions were within policy and procedure, and determine whether any additional actions, investigations or reviews are appropriate. If the Chief of Police concludes the member is at fault, a disciplinary process will be initiated in accordance with the provisions in the Personnel Complaints Policy.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed in Professional Standards Bureau files.

Vehicle Towing

503.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

503.2 POLICY

The Alpine Police Department will tow vehicles when appropriate and in accordance with the law.

503.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Dispatch to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (Tex. Transp. Code § 545.305).

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

503.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Towing

503.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

503.6 RECORDS

Records Division members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

503.6.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the Records Division as soon as practicable after the vehicle is towed.

503.6.2 NOTICE OF TOW

The vehicle storage facility holding a vehicle that has been impounded by this department is required to provide the registered owner or operator of the vehicle with formal notice of his/her right to a court hearing on whether probable cause existed for the removal of the vehicle (Tex. Occ. Code § 2303.151, Tex. Occ. Code § 2308.454).

If an owner or operator of an impounded vehicle contacts the Department to dispute an impound and it is determined that he/she has not received formal notice from the vehicle storage facility, the Records Division Manager should refer the owner or operator to the vehicle storage facility so that he/she may obtain a copy of such notice.

To ensure that the owner or operator of an impounded vehicle has a basic understanding of the remedies available, the Records Division Manager may advise the owner or operator of their right to submit a written request for a hearing to the justice court in accordance with Tex. Occ. Code § 2308.456.

If the impounded vehicle was abandoned as defined by Tex. Transp. Code § 683.002, the Records Division Manager should attempt to determine the names and addresses of any individuals having an interest in the vehicle as soon as practicable. The Records Division Manager shall send notice to all such individuals by certified mail within 10 days of the impound (Tex. Transp. Code § 683.012).

503.7 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed.

503.8 VEHICLE INVENTORY

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Towing

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Section Policy. A copy of the property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

Alpine Police Department
Alpine Police Department Policy Manual

Vehicle Towing

503.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving while intoxicated (DWI).

504.2 POLICY

The Alpine Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Texas's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce DWI laws to the exclusion of their other duties unless specifically assigned to DWI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DWI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Texas or another jurisdiction.

504.4 FIELD TESTS

The Patrol Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DWI laws.

504.5 CHEMICAL TESTS

A person implies consent under Texas law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Tex. Transp. Code § 724.011):

- (a) The person is arrested by an officer having reasonable grounds to believe the person is DWI.

Alpine Police Department

Alpine Police Department Policy Manual

Impaired Driving

- (b) The person is under 21 years of age and is arrested by an officer for operating a motor vehicle in a public place while having any detectable amount of alcohol in the person's system.

If a person withdraws this implied consent, or is unable to withdraw consent (*e.g.*, the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 STATUTORY NOTIFICATIONS

Before requesting that a person submit to the taking of a breath or blood sample, whether or not consent has been given, the officer shall inform the person orally and in writing of the required information contained in Tex. Transp. Code § 724.015.

504.5.2 BREATH SAMPLES

The Patrol Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Sergeant.

504.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Tex. Transp. Code § 724.017). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

Alpine Police Department
Alpine Police Department Policy Manual

Impaired Driving

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

504.5.5 ADDITIONAL TESTING

A person who submits to a chemical test at the request of an officer may, on request and within a reasonable time (not to exceed two hours after arrest), have a qualified medical professional of the person's own choosing take an additional specimen of the person's blood for analysis. While the person must be provided with a reasonable opportunity to contact a professional to respond and administer an additional sample, officers are not required to transport the person for testing (Tex. Transp. Code § 724.019).

504.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Tex. Transp. Code § 724.011).
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of license suspension or denial upon the person (Tex. Transp. Code § 724.032).

504.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses to submit to a chemical test when any of the following conditions exist (Tex. Transp. Code § 724.012):

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from a collision investigation or medical treatment of the person.

504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

Alpine Police Department
Alpine Police Department Policy Manual

Impaired Driving

- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to providing such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test, the officer shall request that the person sign a statement of refusal (Tex. Transp. Code § 724.031). In addition, the officer shall make a written report of the refusal (Tex. Transp. Code § 724.032).

The officer shall forward a copy of the refusal report and notice of suspension or denial to the Department of Public Safety (DPS) on the prescribed forms within five business days (Tex. Transp. Code § 724.032).

504.7.2 REPORTING

The Patrol Sergeant shall ensure that this department complies with all state reporting requirements pursuant to (Tex. Gov't. Code § 411.049).

504.8 RECORDS DIVISION RESPONSIBILITIES

The City Secretary will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

Alpine Police Department

Alpine Police Department Policy Manual

Impaired Driving

504.8.1 VIDEO RECORDINGS OF ARRESTS FOR INTOXICATION

Upon request of a person stopped or arrested for DWI, the City Secretary shall supply a copy of any video recordings related to the stop or arrest as required by Tex. Code of Crim. Pro. art. 2B.0154.

504.9 ADMINISTRATIVE HEARINGS

The City Secretary will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DPS.

Any officer who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DPS file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

Traffic and Parking Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing traffic and parking citations.

505.2 POLICY

It is the policy of the Alpine Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic citation, parking citation, or written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

505.3 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the department member believes it is appropriate. The Records Division should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule.

505.4 TRAFFIC CITATIONS

505.4.1 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to Kologik Support. The Chief of Police or the authorized designee shall prepare a letter of correction to the court having jurisdiction and notify the citation recipient in writing.

505.4.2 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to a supervisor for approval. The citation and copies shall then be forwarded to the Municipal Court.

505.4.3 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. Only the court has that authority. Any request from a recipient to dismiss a citation shall be referred to a supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may request the Chief of Police or the authorized designee to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Prior to a court hearing, a member may submit a request for dismissal of a traffic citation to his/her supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may forward the request to the Chief

Alpine Police Department

Alpine Police Department Policy Manual

Traffic and Parking Citations

of Police or the authorized designee to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Chief of Police or the authorized designee for review.

505.4.4 DISPOSITION

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Municipal Court.

505.4.5 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a citation.

505.4.6 DATA COLLECTION

For data collection requirements related to racial profiling laws, see the Bias-Based Policing policy.

Disabled Vehicles

506.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for department members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the Alpine Police Department.

506.2 POLICY

It is the policy of the Alpine Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

506.3 RESPONSIBILITIES

When an on-duty member of this department sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, the communications operator should be advised of the location of the disabled vehicle and the need for assistance. The communications operator should then assign another department member to respond as soon as practicable.

506.4 ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department members will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

506.4.1 MECHANICAL REPAIRS

Department members shall not make mechanical repairs to a disabled vehicle. The use of push bumpers, with consent of the owner, to relocate vehicles to a position of safety is not considered a mechanical repair.

506.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.4.3 RELOCATION OF MOTORISTS

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the motorist or transport him/her to a safe area to await pickup.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

600.2 POLICY

It is the policy of the Alpine Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine whether additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Supervisor.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

Alpine Police Department

Alpine Police Department Policy Manual

Investigation and Prosecution

any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any felony offense listed in Tex. Code of Crim. Pro. art. 2B.0202 shall be recorded (audio or video with audio as available) in its entirety when conducted at the Alpine Police Department, jail, or any other law enforcement facility unless (Tex. Code of Crim. Pro. art. 2B.0202):

- (a) The suspect refuses to respond or cooperate while being recorded.
 - 1. A refusal by a suspect to provide a recorded statement should be recorded when possible.
 - 2. The refusal should be documented in the associated report.
- (b) There is an equipment malfunction.
- (c) Exigent circumstances exist.
- (d) The person was not suspected of one of the listed offenses when the interrogation began.

Any custodial interrogation of any other violent felony offense should also be recorded in its entirety. Regardless of where the interrogation occurs, reasonable efforts should be made to secure functional recording equipment to accomplish such recordings. If the person expresses the desire to provide a voluntary oral statement during the course of the interrogation, officers should ensure that the requirements of Tex. Code of Crim. Pro. art 38.22 are satisfied to facilitate the admissibility of the statement.

Consideration should also be given to recording any investigative interview when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered until a final conviction is obtained, all direct appeals are exhausted, or prosecution is barred by law (Tex. Code of Crim. Pro. art 38.22). Written authorization from the prosecuting attorney and the Investigation Division supervisor should be obtained and placed in the related case file. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete, and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

Alpine Police Department
Alpine Police Department Policy Manual

Investigation and Prosecution

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, there is no reasonable belief that the person who committed the crime can be identified and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Family Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment,

Alpine Police Department

Alpine Police Department Policy Manual

Investigation and Prosecution

the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Lead Investigator or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Title 5, Chapter 21 (Sexual Offenses) and Chapter 22 (Assaultive Offenses) of the Texas Penal Code and in Tex. Penal Code § 25.02 (Prohibited Sexual Conduct).

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Alpine Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates, and support for the victim.
- (f) Participate in or coordinate with SART or other multidisciplinary investigative teams as applicable.
- (g) Ensure relevant information is included in the FBI's Violent Criminal Apprehension Program (ViCAP) as required by Tex. Gov't Code § 420.036.

Alpine Police Department

Alpine Police Department Policy Manual

Sexual Assault Investigations

601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART or the multidisciplinary response team should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Officers conducting an investigative interview with an adult victim shall offer the victim an opportunity to have a trained sexual assault program advocate present, or if not available, a crime victim liaison or other properly trained officer from the Department or victim's assistance counselor, provided such support would not unreasonably delay the interview process (Tex. Code of Crim. Pro. art. 56A.3515).

601.5.1 POLYGRAPH EXAMINATIONS

Members of the Alpine Police Department may not request or require a victim of a sexual assault to submit to a polygraph examination, nor take a polygraph examination of a victim of certain crimes specified by law (34 USC § 10451; Tex. Code of Crim. Pro. art. 15.051).

601.5.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense may keep the identity of the victim confidential by providing the victim with a pseudonym form as provided to this department by the Sexual Assault Prevention and Crisis Services program of the Texas Office of the Attorney General. The victim may choose a pseudonym to be used instead of his/her name (Tex. Code of Crim. Pro. art. 58.102).

Once the pseudonym form has been completed by the victim and returned to this department, the Department may not be required to disclose the victim's name, address, and telephone number. The Department shall also (Tex. Code of Crim. Pro. art. 58.103):

- (a) Remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the Department's possession.

Alpine Police Department
Alpine Police Department Policy Manual

Sexual Assault Investigations

- (b) Notify the attorney for the state of the pseudonym and that the victim has elected to be designated by the pseudonym.
- (c) Maintain the form in a manner that protects the confidentiality of the information.

601.5.3 VICTIM'S RIGHTS

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

Subject to the requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.6.1 REQUESTS FOR FORENSIC MEDICAL EXAMINATIONS

Officers shall refer victims for a forensic medical examination when a sexual assault is reported within 120 hours of the offense or when the victim is a minor, regardless of the amount of time that has passed between the offense and report of the offense. If a sexual assault is not reported within 120 hours of the offense and the victim is not a minor, officers should still refer the victim for a forensic medical examination when it would further the investigation (Tex. Code of Crim. Pro. art. 56A.303).

601.6.2 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following (Tex. Gov't Code § 420.041; Tex. Gov't Code § 420.042):

- (a) Use an evidence collection kit provided by the Attorney General (Tex. Gov't Code § 420.031)
- (b) Upon notice from a health care facility or other entity that performs a medical examination, take possession of the evidence collected within the time frame specified in Tex. Gov't Code § 420.035
- (c) Enter required information into the ViCAP database (Tex. Gov't Code § 420.036)

Alpine Police Department

Alpine Police Department Policy Manual

Sexual Assault Investigations

- (d) Submit the evidence to an accredited crime laboratory for analysis within 30 days from the date the evidence was received
 - 1. If evidence is not timely submitted, the Chief of Police or the authorized designee shall submit a written explanation within 30 days of discovering the delay.
- (e) Provide any additional information requested by the crime laboratory within five business days of the request when a match between the biological evidence and a profile contained in a DNA database has been identified by the laboratory (Tex. Gov't Code § 420.0431)
- (f) Acknowledge the receipt of notice of a case-to-case match identified between the biological evidence and a profile contained in a DNA database within five business days of receipt (Tex. Gov't Code § 420.0431)
- (g) Within 30 business days after receiving notice from the crime laboratory that a verified match has identified a suspect, make reasonable attempts to collect a biological sample from the suspect and submit it to the laboratory for DNA analysis (Tex. Gov't Code § 420.0431)

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Section Policy.

601.6.3 DNA TEST RESULTS

No later than five business days after receiving notice that a profile contained in a DNA database has been identified as a match to the biological evidence, the member investigating a sexual assault case shall notify the victim of the match, or, if disclosing the match would interfere with the case, the estimated date in which the match will be disclosed (Tex. Gov't Code § 420.0432). If requested, upon receipt of any other results from the DNA analysis, investigating member shall, as soon as reasonably practicable, notify the victim of the results, or, if disclosing the results would interfere with the case, the estimated date in which the results will be disclosed (Tex. Code of Crim. Pro. art. 56A.052).

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in by the Victim and Witness Assistance policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.6.4 PROHIBITED USE OF FORENSIC MEDICAL EVIDENCE

The Alpine Police Department will not use forensic medical evidence collected from a sexual assault victim to investigate a misdemeanor offense, or any offense that falls under the Texas Controlled Substances Act alleged to have been committed by the victim (Tex. Code of Crim. Pro. art. 38.435).

Alpine Police Department
Alpine Police Department Policy Manual

Sexual Assault Investigations

601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the assigned supervisor.

Classification of a sexual assault case as unfounded requires the assigned supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The assigned supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART or multidisciplinary response team and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The assigned supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.10 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. SART or multidisciplinary response team.

Alpine Police Department

Alpine Police Department Policy Manual

Sexual Assault Investigations

3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as ViCAP.
6. Techniques for communicating with victims to minimize trauma.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Alpine Police Department seizes property for forfeiture or when the Alpine Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the assigned forfeiture attorney.

Property subject to forfeiture - Also referred to as contraband, is property of any nature, including real, personal, tangible, or intangible property that is either used or intended to be used in the commission/facilitation of certain offenses, or that has been acquired directly or indirectly through the commission of certain offenses as specified in Tex. Code of Crim. Pro. art. 59.01(2) and Tex. Civ. Prac. & Rem. Code § 140B.102. Contraband may also include proceeds gained from the commission of offenses as specified in Tex. Code of Crim. Pro. art. 59.01(2). However, contraband as defined by Tex. Code of Crim. Pro. art. 59.01(2)(B)(v) related to the Texas Litter Abatement Act only applies to a municipality with a population of 250,000 or more (Tex. Code of Crim. Pro. art. 59.02).

Property subject to forfeiture may also include items associated with a conviction related to gambling, an offense involving a criminal instrument (specially designed, made, or adapted for use in the commission of an offense), possession of an obscene device or material, child pornography, or for an offense involving a scanning device or a re-encoder (Tex. Code of Crim. Pro. art. 18.18).

Seizure - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The Alpine Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights.

Alpine Police Department

Alpine Police Department Policy Manual

Asset Forfeiture

It is the policy of the Alpine Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following property may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer (Tex. Code of Crim. Pro. art. 59.03; Tex. Civ. Prac. & Rem. Code § 140B.105):

- (a) Property subject to forfeiture seized under the authority of a search warrant or other court order.
- (b) Property subject to forfeiture may be seized without warrant under any of the following circumstances:
 - 1. The owner, operator, or agent in charge of the property knowingly consents to the seizure.
 - 2. The owner, operator, or agent in charge of the property knowingly consented to a search that led to the discovery of the property subject to forfeiture and the seizing officer has a reasonable belief that a substantial connection exists between the property and the criminal activity.
 - 3. The seizure was incident to a lawful arrest, lawful search, or lawful search incident to arrest and the seizing officer has a reasonable belief that a substantial connection exists between the property and the criminal activity.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture attorney's current minimum forfeiture thresholds
- (b) Property when it is reasonably known to the officer that a third party may be an "innocent owner" as defined by Texas law (Tex. Code of Crim. Pro. art. 59.02).

If there is a question as to whether a third party might be an innocent owner, the officer should seek guidance from the forfeiture reviewer or the assigned attorney.

Alpine Police Department

Alpine Police Department Policy Manual

Asset Forfeiture

602.3.3 CONTRABAND LOCATED OUT OF STATE

If property subject to seizure is located out of state, the officer making such discovery shall provide the forfeiture attorney with a sworn statement that identifies the contraband and reasons it is subject to seizure so that a notice of intended forfeiture may be filed in the appropriate state court (Tex. Code of Crim. Pro. art. 59.022).

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere; the whereabouts of the property is unknown; it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.4.1 DOCUMENTATION AND FOLLOW UP

An officer who seizes property subject to forfeiture shall (Tex. Code of Crim. Pro. art. 59.03):

- (a) Provide the forfeiture attorney with a sworn statement containing a list of the property seized, an acknowledgement that the officer has seized the property and an explanation of the officer's reasons for the seizure.
- (b) Document an assertion of an interest in, or right to, the property by the person in possession of the property at the time of seizure.

No member may request, require or in any manner induce any person, including a person who asserts an interest in, or right to, the property, to execute a document purporting to waive the person's interest in, or rights to, property seized under this chapter (Tex. Code of Crim. Pro. art. 59.03).

Alpine Police Department

Alpine Police Department Policy Manual

Asset Forfeiture

Within 72 hours after the seizure, the officer shall place the property under seal, remove the property to a place ordered by the court or have the property taken into custody by another agency having jurisdiction.

602.4.2 DOCUMENTATION IN SUITS FOR PROCEEDS

An officer who identifies proceeds gained from the commission of an offense specified in Tex. Code of Crim. Pro. art 59.01(2) shall provide the forfeiture attorney for the state with an affidavit identifying the amount of the proceeds and the officer's basis for probable cause to believe the proceeds are contraband subject to forfeiture (Tex. Code of Crim. Pro. art. 59.023).

602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine whether the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.
- (e) Forfeitable property is retained until such time as its use as evidence is no longer required.

602.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly the Tex. Code of Crim. Pro. art. 59.01 et seq., Tex. Code of Crim. Pro. art. 18.18, Tex. Civ. Prac. & Rem. Code § 140B.101 et seq., and the forfeiture policies of the forfeiture attorney's office.
- (b) Serving as the liaison between the Department and the forfeiture attorney and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

Alpine Police Department

Alpine Police Department Policy Manual

Asset Forfeiture

- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
 - 4. Property is promptly released to those entitled to its return.
 - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 - 6. Any cash received is deposited with the fiscal agent.
 - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 - 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 - 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information

Alpine Police Department

Alpine Police Department Policy Manual

Asset Forfeiture

for other law enforcement personnel and attorneys who may assist in these matters is available.

- (j) Ensuring that the process of selling or adding forfeited property to department inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.
- (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Alpine Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.
- (l) Reviewing cases for potential "substitute property" that may be forfeitable through the forfeiture attorney when more direct proceeds or property may have been converted into other assets (Tex. Code of Crim. Pro. art. 59.021).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures (Tex. Code of Crim. Pro. art. 59.06).

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Tex. Code of Crim. Pro. art. 59.06).

602.7 DISPOSITION OF FORFEITED PROPERTY

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

602.7.1 PROHIBITIONS

Proceeds or property received under Tex. Code of Crim. Pro. art. 59.01 et seq. will not be used to (Tex. Code of Crim. Pro. art. 59.06):

- (a) Contribute to a political campaign.
- (b) Make a donation to any entity, except as provided by Tex. Code of Crim. Pro. art. 59.06(d-2).
- (c) Pay expenses related to the training or education of any member of the judiciary.
- (d) Pay any travel expenses related to attendance at training or education seminars if the expenses violate generally applicable restrictions established by the commissioner's court or the governing body of the municipality, as applicable.
- (e) Purchase alcoholic beverages.
- (f) Make any expenditure not approved by the proper authority.
- (g) Increase a salary, expense or allowance for an employee of the law enforcement agency, a forfeiture attorney who is budgeted by the commissioner's court or the governing body of the municipality, unless the commissioner's court or the governing body first approves the increase.

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction or request of, or by agreement with, the Alpine Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Alpine Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Alpine Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

Alpine Police Department

Alpine Police Department Policy Manual

Informants

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Alpine Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the assigned supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the assigned supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and,

Alpine Police Department

Alpine Police Department Policy Manual

Informants

if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the department. The assigned supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, assigned supervisor or their authorized designees.

The Chief of Police or the authorized designee should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the assigned supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

Alpine Police Department

Alpine Police Department Policy Manual

Informants

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The assigned supervisor will discuss the above factors with the Chief of Police or authorized designee and recommend the type and level of payment, subject to approval by the Chief of Police.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

Alpine Police Department

Alpine Police Department Policy Manual

Informants

- (a) Payments of \$500 and under may be paid in cash from a designated buy/expense fund.
 - 1. The assigned supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 - 1. The check shall list the case numbers related to and supporting the payment.
 - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 - 4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
 - 1. The cash transfer form shall include:
 - (a) Date.
 - (b) Payment amount.
 - (c) Alpine Police Department case number.
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 - 2. The cash transfer form shall be signed by the informant.
 - 3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

603.6.3 AUDIT OF PAYMENTS

The assigned supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

Alpine Police Department

Alpine Police Department Policy Manual

Informants

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Eyewitness identification process - Any field identification or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The Alpine Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers (Tex. Code of Crim. Pro. art. 38.20).

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigation Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications (Tex. Code of Crim. Pro. art. 38.20).

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all individuals present during the identification procedure.

Alpine Police Department
Alpine Police Department Policy Manual

Eyewitness Identification

- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic lineup an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.6 PHOTOGRAPHIC LINEUP

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out (Tex. Code. of Crim. Pro. art. 38.20). In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

Alpine Police Department
Alpine Police Department Policy Manual

Eyewitness Identification

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

604.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow-up, if necessary.

Alpine Police Department

Alpine Police Department Policy Manual

Eyewitness Identification

604.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.9 TRAINING

The Training Coordinator shall ensure that an eyewitness identification education and training program established by the Texas Commission on Law Enforcement (TCOLE) is provided to officers (Tex. Code of Crim. Pro. art. 2A.062).

Brady Information

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information - Information known or possessed by the Alpine Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Alpine Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Alpine Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

Alpine Police Department

Alpine Police Department Policy Manual

Brady Information

605.4 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information. This person shall be directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
 - 1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

605.5 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member whose file is related to the motion shall be notified of the potential presence of *Brady* information.
- (b) The prosecuting attorney or City Attorney should be requested to file a motion in order to initiate an in-camera review by the court.
 - 1. If no motion is filed, the Custodian of Records should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

605.6 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility or dishonesty or has been engaged in an act of moral turpitude or criminal conduct,

Alpine Police Department

Alpine Police Department Policy Manual

Brady Information

the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.7 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

605.8 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Image - Any capturing of sound waves, thermal, infrared, ultraviolet, visible light, or other electromagnetic waves, odor, or other conditions existing on or about real property in this state or an individual located on that property (Tex. Gov't Code § 423.001).

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

606.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities (Tex. Gov't Code § 423.007):

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.

Alpine Police Department

Alpine Police Department Policy Manual

Unmanned Aerial System

- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

Alpine Police Department

Alpine Police Department Policy Manual

Unmanned Aerial System

UAS shall only be used pursuant to a valid search or arrest warrant or if the image is captured (Tex. Gov't Code § 423.002):

- (a) In immediate pursuit of a person law enforcement officers have reasonable suspicion or probable cause to suspect has committed a felony.
- (b) For the purpose of documenting a crime scene where a felony has been committed.
- (c) For the purpose of investigating the scene of:
 - 1. A human fatality.
 - 2. A motor vehicle collision causing death or serious bodily injury to a person.
 - 3. Any motor vehicle collision on a state highway or federal interstate or highway.
- (d) In connection with the search for a missing person.
- (e) For the purpose of conducting a high-risk tactical operation that poses a threat to human life.
- (f) Of private property that is generally open to the public where the property owner consents to law enforcement public safety responsibilities.
- (g) To survey an area to determine if a state of emergency should be declared or to preserve public safety and protect property during a state of emergency.
- (h) For the purpose of fire suppression or rescuing a person whose life is in imminent danger.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

606.8 REPORTING

The Chief of Police or the authorized designee shall ensure that the information for reports filed with the state is collected, submitted, and retained as required by Tex. Gov't Code § 423.008.

Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the Alpine Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 OPERATIONS DIRECTOR

The Operations Director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The Operations Director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

Alpine Police Department

Alpine Police Department Policy Manual

Warrant Service

607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience, and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Information Policy).

607.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

Alpine Police Department

Alpine Police Department Policy Manual

Warrant Service

- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including

Alpine Police Department

Alpine Police Department Policy Manual

Warrant Service

the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Alpine Police Department are utilized appropriately. Any concerns regarding the requested use of Alpine Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Supervisor should assume this role.

If officers intend to serve a warrant outside Alpine Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Alpine Police Department when assisting outside agencies or serving a warrant outside Alpine Police Department jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.12 TRAINING

The Training Coordinator should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

607.13 NO-KNOCK ENTRIES

No-knock entries are only authorized if a warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

607.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY

It is the policy of the Alpine Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the Operations Director.

The Operations Director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The Operations Director will review risk assessment forms with involved supervisors to determine whether an incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present at the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

Alpine Police Department

Alpine Police Department Policy Manual

Operations Planning and Deconfliction

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the Operations Director.

The supervisor and Operations Director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.4.3 HIGH-RISK OPERATIONS

If the Operations Director, after consultation with the involved supervisor, determines that the operation is high risk, the Operations Director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - (a) Outside agency SWAT Team
 - (b) Additional personnel
 - (c) Outside agency assistance
 - (d) Special equipment
 - (e) Medical personnel
 - (f) Persons trained in negotiation
 - (g) Additional surveillance

Alpine Police Department

Alpine Police Department Policy Manual

Operations Planning and Deconfliction

- (h) Canines
- (i) Property and Evidence Section or analytical personnel to assist with cataloguing seizures
- (j) Forensic specialists
- (k) Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN

The Operations Director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 - 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 - 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

Alpine Police Department

Alpine Police Department Policy Manual

Operations Planning and Deconfliction

- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

Alpine Police Department

Alpine Police Department Policy Manual

Operations Planning and Deconfliction

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The Operations Director shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the Operations Director for officers who are conducting surveillance or working undercover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the Operations Director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operations plan prior to officers arriving at the location.
 - 2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operations plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.9 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

608.10 TRAINING

The training manager should ensure officers who participate in operations subject to this policy receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Forensic Genetic Genealogy

609.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

609.2 POLICY

The Alpine Police Department's use of FGG will be in coordination with prosecutors, the Justice of The Peace, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to maintain the

Alpine Police Department

Alpine Police Department Policy Manual

Forensic Genetic Genealogy

integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

609.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

- (a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:
 - 1. The perpetrator of an unsolved violent felony.
 - 2. The unidentified human remains of a suspected homicide victim.
- (b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).
- (c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

609.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Justice of The Peace.

609.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated (Tex. Bus. and Comm. Code § 503A.007). The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

Forensic Genetic Genealogy

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Department.

609.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

- (a) Eliminate an individual as a potential suspect in the case.
- (b) Link an individual to the case as a potential suspect.
- (c) Identify human remains.

609.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

609.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Alpine Police Department

Alpine Police Department Policy Manual

Forensic Genetic Genealogy

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

- (a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.
- (b) If applicable, consult with the Justice of The Peace for an amendment to a certificate of death.

609.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for department records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Department.

609.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the evidence technician and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Section Policy for guidelines regarding biological evidence, including DNA samples.

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another person or entity or department-owned property is damaged or lost.

700.2 POLICY

The Alpine Police Department will ensure that members are issued appropriate property and equipment necessary for the member's job function. The department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in the member's duties.

700.3 DEPARTMENT-ISSUED PROPERTY

The Chief of Police or the authorized designee should document all property and equipment issued to members by the Department in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

700.3.1 MEMBER RESPONSIBILITIES

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, department-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department-issued property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without prior approval.
- (e) Members should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

700.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police or the authorized designee. The member should submit a request that includes a description of the property, and the reason and length of time it will be used. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

Alpine Police Department

Alpine Police Department Policy Manual

Department-Owned and Personal Property

The Department will not replace or repair items (e.g., jewelry, expensive watches) that are not reasonably required as part of work.

700.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

A member requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the member's immediate supervisor. The supervisor may require a separate written report.

Upon review by Chief of Police or the authorized designee and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police or the authorized designee, who will then forward the claim to the City department responsible for issuing payments.

700.5 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the Chief of Police or the authorized designee. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage or unserviceable condition of property should be handled in accordance with the Standards of Conduct and Personnel Complaints policies.

700.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

Members who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person or entity while performing any law enforcement function shall promptly report the damage through his/her chain of command.

700.6.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Alpine or of another person while performing their duties within the jurisdiction of this department. The department member present or the member responsible for the property is responsible to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets, and similar wireless two-way communications and/or portable internet access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

701.2 POLICY

The Alpine Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-

Alpine Police Department

Alpine Police Department Policy Manual

Personal Communication Devices

duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by department procedures.
 - 1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 - 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 - 3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Alpine Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Alpine Police Department

Alpine Police Department Policy Manual

Personal Communication Devices

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, memorandum of understanding, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate recordkeeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Chief of Police or the authorized designee.
- (f) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.
- (g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

Alpine Police Department
Alpine Police Department Policy Manual

Personal Communication Devices

- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

701.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature (Tex. Transp. Code § 545.4251).

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

702.2 POLICY

The Alpine Police Department will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

702.3 GENERAL DUTIES

Members are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained and properly refueled and present a clean appearance.

702.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

Documents describing the correction of the safety issue shall be promptly filed with the vehicle history.

702.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.4.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles.

702.5.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 20 emergency road flares
- 2 sticks yellow crayon or chalk

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Maintenance

- 1 roll crime scene barricade tape
- 1 first-aid kit and CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 bloodborne pathogen kit, including protective gloves and a National Institute for Occupational Safety and Health (NIOSH) particulate respirator mask
- 1 sharps container
- 1 hazardous waste disposal bag
- 1 high-visibility vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 camera
- Spare tire, jack and lug wrench
- Rain gear
- Set of tire chains (seasonal)

702.5.2 UNMARKED VEHICLES

Members driving unmarked department vehicles shall ensure that the following equipment, at a minimum, is in the vehicle:

- 20 emergency road flares
- 1 roll crime scene barricade tape
- 1 first-aid kit and CPR mask
- 1 blanket
- 1 bloodborne pathogen kit, including protective gloves and NIOSH particulate respirator mask
- 1 sharps container
- 1 hazardous waste disposal bag
- 1 high-visibility vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 camera
- Spare tire, jack and lug wrench

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Maintenance

- Rain gear
- Set of tire chains (seasonal)

702.6 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, patrol vehicles shall not be placed into service with less than one-quarter tank of fuel. Patrol vehicles should not be retired at the end of shift with less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

702.7 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Department.

Patrol officers shall obtain clearance from the communications operator before going to the car wash. Only one patrol vehicle should be at the car wash at a time unless otherwise approved by a supervisor.

Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Alpine to provide assigned take-home vehicles.

703.2 POLICY

The Alpine Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the shift supervisor. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.2 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.3 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Use

lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.4 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify the Dispatch. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Chief of Police or the authorized designee approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy.

703.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Use

703.3.9 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.11 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Alpine is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Alpine may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Use

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or the authorized designee gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or the authorized designee and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or the authorized designee.
 - 4. When the vehicle is being used by the Chief of Police, or the authorized designee or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Use

- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department, when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

703.4.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Alpine Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed and appropriately attired and shall carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.4 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

Alpine Police Department

Alpine Police Department Policy Manual

Vehicle Use

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various members and their use is restricted to the respective assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained for that purpose. Any use of unmarked vehicles by those who are not assigned shall also be recorded with the shift supervisor on the shift assignment roster.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accidents Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered and documented in memorandum format, which shall be forwarded to the Chief of Police or the authorized designee. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD USAGE

Law enforcement vehicles are exempt from incurring toll road charges (Tex. Transp. Code § 228.054; Tex. Transp. Code § 366.178; Tex. Transp. Code § 370.177). The Chief of Police or the authorized designee should contact the proper toll road authority to confirm whether additional information, such as license plate numbers, is required by the toll road authority to facilitate the use of this exemption.

703.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever a member is in public view or has contact with the public, his/her attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Personal Protective Equipment

704.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

704.2 POLICY

The Alpine Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

704.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

704.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection should meet or exceed industry standards for use at firing ranges (29 CFR 1910.95).

704.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

Alpine Police Department

Alpine Police Department Policy Manual

Personal Protective Equipment

The Rangemaster should ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133).

704.6 RESPIRATORY PROTECTION

The Chief of Police or the authorized designee is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan should include procedures for (29 CFR 1910.134):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

704.6.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander should reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

Alpine Police Department

Alpine Police Department Policy Manual

Personal Protective Equipment

704.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

704.6.3 RESPIRATOR FIT TESTING

No member should be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134).

After initial testing, fit testing for respiratory PPE should be repeated (29 CFR 1910.134):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

704.6.4 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

Alpine Police Department

Alpine Police Department Policy Manual

Personal Protective Equipment

704.7 RECORDS

The training manager is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records should be maintained in accordance with the department records retention schedule and 29 CFR 1910.1020.

704.8 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132).

Members issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

Chapter 8 - Support Services

Dispatch

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the Alpine Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between Dispatch and department members in the field.

800.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the supervisors and department members with a specific business-related purpose.

800.4 RESPONSIBILITIES

800.4.1 COMMUNICATIONS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the Communications Supervisor include but are not limited to:

- (a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
- (b) Scheduling and maintaining communications operator time records.
- (c) Supervising, training and evaluating communications operators.
- (d) Ensuring the radio and telephone recording system is operational.
 - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Dispatch information for release.
- (f) Maintaining Dispatch database systems.
- (g) Maintaining and updating Dispatch procedures manual.
 - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

Alpine Police Department

Alpine Police Department Policy Manual

Dispatch

2. Ensuring communications operator compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

800.4.2 COMMUNICATIONS OPERATORS

Communications Operators report to the Communications Supervisor. The responsibilities of the communications operator include but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 1. Emergency 9-1-1 lines.
 2. Business telephone lines.
 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (e.g., Texas Law Enforcement Telecommunication System (TLETS), Texas Crime Information Center (TCIC), NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the field supervisor or Chief of Police or authorized designee if no field supervisor is on-duty of emergency activity, including but not limited to:
 1. Vehicle pursuits.
 2. Foot pursuits.
 3. Assignment of emergency response.

800.5 CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

Alpine Police Department

Alpine Police Department Policy Manual

Dispatch

When a call for services is received, the communications operator will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the communications operator determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the communications operator determines that the caller is a limited English proficiency (LEP) individual, the communications operator should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the communications operator should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the communications operator is unable to identify the caller's language, the communications operator will contact the contracted telephonic interpretation service and establish a three-party call connecting the communications operator, the LEP individual and the interpreter.

Communications Operators should be courteous, patient and respectful when dealing with the public.

800.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the communications operator has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. A supervisor shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

800.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the communications operator to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the communications operator returning to the telephone line or when there will be a delay in the response for service.

Alpine Police Department

Alpine Police Department Policy Manual

Dispatch

800.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by communications operators to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the communications operator with their radio identification call signs and current location.
- (b) Communications Operators acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the communications operator advised of their status and location.
- (d) Member and communications operator acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

800.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Alpine Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

800.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Communications Operators shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the communications operator. The use of the call sign allows for a brief pause so that the communications operator can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

800.7 DOCUMENTATION

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Communications Operators shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.

Alpine Police Department

Alpine Police Department Policy Manual

Dispatch

- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

800.8 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

800.9 TRAINING AND CERTIFICATION

All personnel hired as telecommunicators shall be trained as necessary in the operation of the communications equipment and in department operations. All telecommunicators are required to be licensed by the Texas Commission on Law Enforcement (TCOLE) within one year of their appointment (Tex. Occ. Code § 1701.301). In addition, all telecommunicators are required to complete the Basic Telecommunicator and Crisis Communications courses within one year of assignment, and any other mandatory training required by TCOLE (Tex. Occ. Code § 1701.405; Tex. Occ. Code § 1701.352).

An officer working as a telecommunicator does not need a telecommunicator license (Tex. Occ. Code § 1701.405).

Property and Evidence Section

801.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

801.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Property and Evidence Section, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence and items taken for safekeeping under authority of law.

801.2 POLICY

It is the policy of the Alpine Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

801.3 PROPERTY AND EVIDENCE SECTION SECURITY

The Property and Evidence Section shall maintain secure storage and control of all property in the custody of this department. A evidence technician shall be appointed by and will be directly responsible to the Chief of Police or the authorized designee. The evidence technician is responsible for the security of the Property and Evidence Section.

801.3.1 REFUSAL OF PROPERTY

The evidence technician has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence technician refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required for acceptance into the Property and Evidence Section.

801.3.2 KEY CONTROL

Property and Evidence Section keys should be maintained by the evidence technician or designee. An additional set of keys should be kept in a sealed and initialed envelope in an after-hours key

Alpine Police Department

Alpine Police Department Policy Manual

Property and Evidence Section

box. Property and Evidence Section keys shall not be loaned to anyone and shall be maintained in a secure manner. If a Property and Evidence Section key is lost, all access points shall be re-keyed and new keys issued as necessary. After-hours access to the Property and Evidence Section via the additional set of keys must be documented in a memorandum and submitted to the Chief of Police or the authorized designee as soon as practicable.

801.3.3 ACCESS

Only authorized members assigned to the Property and Evidence Section shall have access to property storage areas. Any individual who needs to enter a property storage area (e.g., maintenance or repair contractors) must be approved by the Chief of Police or the authorized designee and accompanied by the evidence technician. Each individual must sign the Property and Evidence Section access log and indicate:

- (a) The date and time of entry and exit.
- (b) The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying department member.

801.4 PROPERTY HANDLING

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the evidence technician and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

Whenever property is taken from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken.

801.4.1 PROCESSING AND PACKAGING

All property must be processed by the responsible member prior to the member going off-duty, unless otherwise approved by a supervisor. Members shall process and package property as follows:

- (a) A property form shall be completed describing each item. List all known information, including:
 - 1. The serial number.
 - 2. The owner's name.
 - 3. The finder's name.
 - 4. Other identifying information or markings.
- (b) Each item shall be marked with the member's initials and the date processed using a method that will not damage, deface, degrade or devalue the item. Items too small or too delicate to mark should be individually packaged and labeled and the package marked with the member's initials and date.

Alpine Police Department

Alpine Police Department Policy Manual

Property and Evidence Section

- (c) Property shall be packaged in a container suitable for its size.
- (d) A property tag shall be completed and attached to the property or container in which the property is stored.
- (e) The case number shall be indicated on the property tag and the container.
- (f) The property form (evidence intake form), shall be submitted with the case report.
- (g) The evidence intake form shall be submitted with the property directly to the evidence technician or placed in a temporary property locker. Items too large to fit in a temporary property locker may be placed in a designated storage area that can be secured from unauthorized entry, and the evidence intake form placed in a temporary property locker.

801.4.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the bicycle storage area.

Biological and related items - Evidence that may contain biological samples shall be indicated as such on the property form.

Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.

Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

Cash - Cash shall be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary.

Explosives and fireworks - Explosives will not be retained in the police facility. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area designated for storage of flammable materials.

The evidence technician is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

Firearms and other weapons - Firearms shall be unloaded and packaged separately from ammunition. Knife boxes should be used to package knives.

Alpine Police Department

Alpine Police Department Policy Manual

Property and Evidence Section

Government property - License plates that have not been reported stolen or are of no evidentiary value should be placed in the designated container for return to the Department of Motor Vehicles. No formal property processing is required.

City property that is of no evidentiary value should be released directly to the appropriate City department. No formal property processing is required.

If no responsible City personnel can be located, the property should be held for safekeeping.

Sharps - Syringe tubes should be used to package syringes and needles.

801.4.3 CONTROLLED SUBSTANCES

- (a) Controlled substances shall not be packaged with other property, but shall be processed separately using a separate property form.
- (b) The member processing controlled substances shall retain such property in his/her possession until it is weighed, packaged, tagged and placed in the designated controlled substances locker, accompanied by the evidence intake form and lab copy of the property form.
- (c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the result of the test shall be included in the crime report.
 - 1. The member shall package controlled substances as follows:
 - (a) Maintain the property in the container in which it was seized and place it in a property envelope of appropriate size.
 - (b) Seal and initial the property envelope and cover the initials with cellophane tape.
 - (c) Weigh the property envelope to obtain the Gross Package Weight (GPW).
 - (d) Write the GPW and then initial and date both the outside of the package and the property form.
- (d) When the quantity of controlled substances exceeds the available safe storage capacity as determined by the evidence technician, the quantity shall be photographed and weighed.
 - 1. A representative sample of sufficient quantity to allow scientific analysis of the controlled substances should be taken as allowed by state law and placed in a separate package or container.
 - 2. Excess quantities should be stored or disposed of as required by law or directed by court order.
- (e) Marijuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The evidence technician shall monitor stored marijuana for growth of mold.

Alpine Police Department

Alpine Police Department Policy Manual

Property and Evidence Section

801.5 RECORDING OF PROPERTY

The evidence technician receiving custody of property shall ensure a evidence intake form for each item or group of items is created. The evidence intake form will be the permanent record of the property in the Property and Evidence Section. The evidence technician will record on the evidence intake form his/her signature, GPW if the package contains controlled substances, the date and time the property was received and where the property will be stored.

A unique property number shall be obtained for each item or group of items from the property log. This number shall be recorded on the evidence intake form and property tag. The property log shall document the following:

- (a) Property number
- (b) Case number
- (c) Property tag number
- (d) Item description
- (e) Item storage location
- (f) Receipt, release and disposal dates

Any change in the location of property held by the Alpine Police Department shall be noted in the property log.

801.6 PROPERTY CONTROL

The evidence technician temporarily relinquishing custody of property to another person shall record on the evidence intake form his/her signature, the date and time the property was released, the name and signature of the person accepting custody of the property and the reason for release.

Any member receiving property shall be responsible for such property until it is returned to the Property and Evidence Section or released to another authorized person or entity.

The return of the property to the Property and Evidence Section should be recorded on the evidence intake form, indicating the date, the time, the name and the signature of the person who returned the property and the name and signature of the person to whom the property was returned.

801.6.1 EVIDENCE

Every time evidence is released or received, an appropriate entry on the evidence intake form shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from the assigned supervisor or investigator.

The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted on the evidence intake form, stating the date, time and to whom it was released. Requests for items of evidence needed for court proceedings shall be submitted to the evidence technician at least one day prior to the court date.

Alpine Police Department

Alpine Police Department Policy Manual

Property and Evidence Section

Requests for laboratory analysis shall be completed on the appropriate lab form and submitted to the evidence technician. This request may be submitted any time after the property has been processed.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The evidence technician releasing items of evidence for laboratory analysis must complete the required information on the evidence intake form. The transporting member will acknowledge receipt of the evidence by indicating the date and time on the evidence intake form. The lab form will be transported with the evidence to the examining laboratory. Upon delivering the item, the member will record the delivery time on the lab form and the evidence intake form, and obtain the signature of the person accepting responsibility for the evidence. The original copy of the lab form will remain with the evidence and a copy of the form will be returned to the Records Division for filing with the case.

801.6.3 CONTROLLED SUBSTANCES

The Chief of Police or the authorized designee will be responsible for the storage, control and destruction of all controlled substances coming into the custody of this department. The GPW will be verified every time controlled substances are checked in or out of the Property and Evidence Section and any discrepancies noted on the outside of the package. Any change in weight should be immediately reported to the Chief of Police.

801.6.4 UNCLAIMED MONEY

Found money or property that is in the possession of the Department and that remains unclaimed is subject to various provisions of the Texas Property Code and the Texas Code of Criminal Procedure (Tex. Code of Crim. Pro. art. 18.17; Tex. Prop. Code § 72.101; Tex. Prop. Code § 74.001 et seq.; Tex. Prop. Code § 76.001 et seq.). The Property and Evidence Section Supervisor should consult applicable law before disposing of or utilizing money or property under this section.

801.7 RELEASE OF PROPERTY

The Chief of Police or the authorized designee shall authorize the release of all property coming into the care and custody of the Department.

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the authorizing supervisor or investigator, and must conform to the items listed on the evidence intake form or must specify the specific items to be released. Release of all property shall be documented on the evidence intake form.

Firearms or ammunition should only be released upon presentation of valid identification and authorized documents showing that the individual may legally possess the item. Weapons seized in connection with an offense shall only be released in compliance with Tex. Code of Crim. Pro. art. 18.19.

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping.

Alpine Police Department

Alpine Police Department Policy Manual

Property and Evidence Section

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, Property and Evidence Section members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented on the evidence intake form.

A evidence technician shall release such property when the owner presents proper identification and an authorized property release form has been received. The signature of the person receiving the property shall be recorded on the evidence intake form.

If any item listed on a evidence intake form has not been released, the evidence intake form will remain with the Property and Evidence Section. When all property listed on the form has been released, the form shall be forwarded to the Records Division for filing with the case, and the release of all items shall be documented in the property log.

801.7.1 DISCREPANCIES

The supervisor shall be notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The supervisor will interview the person claiming the shortage. The supervisor shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.

801.7.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this department should be contacted.

801.7.3 RETURN OF FIREARMS RELATED TO EMERGENCY DETENTIONS

The Property and Evidence Section supervisor shall be responsible for ensuring that a written notice regarding the return of a firearm is mailed and a timely disposition request is made through the appropriate court (Tex. Code of Crim. Pro. art 18.191).

801.8 DESTRUCTION OR DISPOSAL OF PROPERTY

An authorized investigator or supervisor shall approve the destruction or disposal of all property held by this department.

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from a supervisor. The disposition of all property shall be entered on the evidence intake form and property log.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices declared by law to be illegal to possess

Alpine Police Department

Alpine Police Department Policy Manual

Property and Evidence Section

- Controlled substances declared by law to be illegal to possess without a legal prescription

Alpine PD Supplemental Manual: 800.1 DISPOSITION OF ABANDONED AND UNCLAIMED PROPERTY

801.8.1 BIOLOGICAL EVIDENCE

The evidence technician shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Chief of Police or the authorized designee

Biological evidence shall be retained for a minimum period established by Tex. Code of Crim. Pro. art. 38.43, or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed within the time frame required under Tex. Code of Crim. Pro. art. 38.43, unless a written objection is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Chief of Police or the authorized designee.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Chief of Police or the authorized designee should be consulted and the sexual assault victim should be notified.

801.8.2 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the evidence technician shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The evidence technician should consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

Alpine Police Department

Alpine Police Department Policy Manual

Property and Evidence Section

801.8.3 MEDICAL MARIJUANA

The investigating member should advise the evidence technician and the prosecutor if the party from whom the marijuana was seized holds a valid medical permit to possess marijuana or claims that the possession of the marijuana is for medical purposes.

The evidence technician shall store marijuana, drug paraphernalia or other related property that is seized from a person engaged in or assisting with the use of medical marijuana in a manner that is consistent with the provisions of the Medical Marijuana Policy.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

801.8.4 RETENTION OF EVIDENCE FROM INTOXICATION OFFENSES

Toxicological evidence collected as evidence in an intoxication offense investigation (including driving while intoxicated (DWI)) under Chapter 49 of the Texas Penal Code shall be retained for the applicable retention period.

The Chief of Police or the authorized designee shall ensure that written notice of the retention period is provided as soon as practicable to the person from whom the evidence was collected or to the person's parent or guardian when applicable.

This evidence may not be destroyed until notice has been provided, the retention period has expired, and the prosecutor's office has provided written approval when applicable (Tex. Code of Crim. Pro. art. 38.50).

801.9 INSPECTION OF THE PROPERTY AND EVIDENCE SECTION

The Chief of Police or the authorized designee shall ensure that periodic, unannounced inspections of the Property and Evidence Section operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Chief of Police or the authorized designee also shall ensure that an audit is conducted annually, or as directed by the Chief of Police. Inspections and audits shall be conducted by a member of this department who is not routinely or directly connected with the Property and Evidence Section operations.

Whenever there is a change of assignment for any member with authorized access to the Property and Evidence Section, an inventory of all property shall be conducted by a person who is not associated with the Property and Evidence Section or its function. This is to ensure that all property is accounted for and the records are correct.

Records Division

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Alpine Police Department Records Division. The policy addresses department file access and internal requests for case reports.

802.2 POLICY

It is the policy of the Alpine Police Department to maintain department records securely, professionally and efficiently.

802.3 RESPONSIBILITIES

802.3.1 CITY SECRETARY

The Chief of Police shall appoint and delegate certain responsibilities to a City Secretary. The City Secretary shall be directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the City Secretary include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Division.
- (b) Scheduling and maintaining Records Division time records.
- (c) Supervising, training and evaluating Records Division staff.
- (d) Maintaining and updating a Records Division procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 1. Homicides.
 2. Cases involving department members or public officials.
 3. Any case where restricted access is prudent.

802.3.2 RECORDS DIVISION

The responsibilities of the Records Division include but are not limited to:

- (a) Maintaining a records management system for case reports.
 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 1. Modification of case reports shall only be made when authorized by a supervisor.

Alpine Police Department
Alpine Police Department Policy Manual

Records Division

- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection, U.S. Department of Justice's National Law Enforcement Accountability Database), as applicable, for the following types of occurrences:
 - 1. Officer suicides
 - 2. Officer misconduct
 - 3. Uses of force
 - 4. Officer deaths or assaults
 - 5. Crime incidents
 - 6. Deaths in custody
- (h) Maintaining compliance with state requirements for reporting:
 - 1. Sexual Assault Offenses (Tex. Gov't Code § 411.042; 37 Tex. Admin. Code § 27.121)
 - 2. Officer-Involved Injuries or Deaths (Tex. Code of Crim. Pro. art. 2A.206; Tex. Code of Crim. Pro. art. 2A.207) (see the Occupational Disease, Work-Related Injury and Death Reporting Policy and the Officer-Involved Shootings and Deaths Policy)
 - 3. Human Trafficking, if applicable (Tex. Code of Crim. Pro. art. 2A.205)
 - 4. Controlled Substance Overdoses (Tex. Local Gov't Code § 370.007)

802.3.3 RECORDS DIVISION PROCEDURE MANUAL

The City Secretary should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

802.4 FILE ACCESS AND SECURITY

The security of files in the Records Division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental,

Alpine Police Department

Alpine Police Department Policy Manual

Records Division

follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Division, accessible only by authorized members of the Records Division. Access to case reports or files when Records Division staff is not available may be obtained through the Shift Supervisor.

The Records Division will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

802.4.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Division. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the City Secretary. All original case reports removed from the Records Division shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Division.

All original case reports to be removed from the Records Division shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Division. The photocopied report shall be shredded upon return of the original report to the file.

802.5 CONFIDENTIALITY

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Division procedure manual.

Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

803.2 POLICY

The Alpine Police Department is committed to providing public access to records in a manner that is consistent with the Texas Public Information Act (Tex. Gov't Code § 552.001 et seq.).

803.3 CUSTODIAN OF RECORDS

The responsibilities of the Custodian of Records include, but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule, including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Tex. Gov't Code § 552.230).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law.
 - 1. The fee schedule shall follow the rules adopted by the Attorney General (Tex. Gov't Code § 552.262).
- (g) Ensuring a sign is prominently displayed at the Department, in a form prescribed by the Attorney General, which provides to the public a description of the basic rights of a person who requests public information, the responsibilities of the Department and the procedures, to include the cost of inspecting or obtaining copies of public information (Tex. Gov't Code § 552.205).
- (h) Protecting public information from deterioration, alteration, mutilation, loss or unlawful removal. This includes ensuring that public records are repaired, renovated or rebound as necessary to maintain the records properly (Tex. Gov't Code § 552.203).
- (i) Establishing policies to ensure the expeditious and accurate processing of requests that may require programming or manipulation of data (Tex. Gov't Code § 552.231).
- (j) Maintaining familiarity with the Attorney General's handbook on the Texas Public Information Act.

Alpine Police Department
Alpine Police Department Policy Manual

Records Maintenance and Release

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

803.4.1 REQUESTS FOR RECORDS

The processing of requests for records is subject to the following:

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) The payment of any authorized fees required for the copying or mailing of the records requested as authorized by the Texas Public Information Act (Tex. Gov't Code § 552.261 et seq.).
- (d) Public information should be made available for inspection, duplication, or both, within 10 business days.
 - 1. If a request cannot be honored within 10 business days, or if the record is unavailable because it is actively in use or in storage, the Custodian of Records shall prepare a written response to be sent to the requestor. The response should include the date and a reasonable time when the information will be available (Tex. Gov't Code § 552.221).
- (e) The Custodian of Records may not make inquiry of a requestor except to establish proper identity or under one of the following conditions (Tex. Gov't Code § 552.222):
 - 1. If the request is unclear, the person may be asked to clarify the request.
 - 2. If the request is for a large amount of information, the Custodian of Records may discuss with the requestor how to narrow the scope of the request.
 - 3. If the request is for information related to motor vehicle records, the person may be asked to provide additional identifying information that establishes that the person is eligible to receive the information under the Texas Motor Vehicle Records Disclosure Act (Tex. Transp. Code § 730.001 et seq.).
 - 4. A request for clarification or discussion must include a statement that warns the requestor of the consequences of the failure to timely respond to the request for clarification, discussion, or additional information.
- (f) Examination of the information made available by the Custodian of Records pursuant to a request must occur no later than 10 business days after the date the Custodian

Alpine Police Department

Alpine Police Department Policy Manual

Records Maintenance and Release

of Records makes the record available unless a request for extension has been made and approved in accordance with Tex. Gov't Code § 552.225.

- (g) If a request will require programming or data manipulation that makes compliance with the request unfeasible, likely to cause a substantial interference with the department's ongoing operations, or at a cost that covers the programming or manipulation, the Custodian of Records shall send written notification to the requestor of such fact within 20 days or as otherwise provided in Tex. Gov't Code § 552.231.
 - 1. If the requestor does not respond to the department's written notification within 30 days, the Department does not have any further obligation to provide the requested information.

803.4.2 DENIALS

If the Custodian of Records determines that information should be withheld because it is within one of the exceptions under Subchapter C of the Texas Government Code (Tex. Gov't Code § 552.101 through Tex. Gov't Code § 552.154), he/she must ask the Attorney General for a decision about whether the information is excepted under that subchapter unless there has been a previous determination by the Attorney General that the information may be withheld. The request for a decision by the Attorney General must be in accordance with the Texas Public Information Act (Tex. Gov't Code § 552.301 et seq.).

Records are presumed to be subject to public disclosure if the Custodian of Records fails to request an opinion by the Attorney General as required by law (Tex. Gov't Code § 552.302).

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include but are not limited to:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; Tex. Gov't Code § 552.130; Tex. Transp. Code § 550.065; Tex. Transp. Code § 730.004).
- (b) Victim information that may be protected by statutes, including:
 - 1. Specific information that relates to a person's application for or award of victim compensation benefits or contained in a victim impact statement (Tex. Gov't Code § 552.132; Tex. Gov't Code § 552.1325).
 - 2. Victims of crimes who have requested that their identifying information be kept confidential by filing a pseudonym form (Tex. Code of Crim. Pro. art. 58.103; Tex. Code of Crim. Pro. art. 58.153; Tex. Code of Crim. Pro. art. 58.203; Tex. Code of Crim. Pro. art. 58.253).
 - 3. Information that identifies a victim of certain sex offenses (e.g., trafficking, prostitution, sexual assault) or a victim who was younger than 18 years of age

Alpine Police Department
Alpine Police Department Policy Manual

Records Maintenance and Release

when the offense was committed, unless the information is disclosed to the victim, a qualified parent or guardian, law enforcement, or by court order (Tex. Gov't Code § 552.1315).

- (c) Juvenile-related information that may be protected by statutes (Tex. Fam. Code § 58.008; Tex. Code of Crim. Pro. art. 45A.462).
- (d) Ongoing investigation material that may be protected by statutes. This does not include basic information about an arrested person, an arrest, or a crime (Tex. Gov't Code § 552.108).
- (e) Certain types of reports involving but not limited to child abuse and neglect and adult abuse (Tex. Fam. Code § 261.201; Tex. Hum. Res. Code § 48.101).
- (f) Sensitive crime scene images or video recordings of deceased persons (Tex. Gov't Code § 552.1085).
- (g) Information contained in a personnel file, the disclosure of which would constitute a clear unwarranted invasion of personal privacy or would subject the employee to a substantial threat of physical harm (Tex. Gov't Code § 552.102; Tex. Gov't Code § 552.152).
 - 1. The home address, telephone number, emergency contact information, and Social Security number of a peace officer of this department or other information that reveals whether the peace officer has family members is exempted from disclosure (Tex. Gov't Code § 552.117; Tex. Gov't. Code § 552.1175).
 - 2. Photographs that depict a peace officer of this department are exempted from disclosure if the release would endanger the life or physical safety of the officer unless the officer is under indictment or charged with an offense, a party in a civil service hearing, or the photograph is introduced as evidence in a judicial proceeding (Tex. Gov't Code § 552.119).
- (h) Information relating to civil or criminal litigation to which any member of the Department is or may be a party as a consequence of the member's employment with the Department (Tex. Gov't Code § 552.103).
- (i) Requests made by a person imprisoned or incarcerated in a correctional facility unless made by the person's attorney (Tex. Gov't Code § 552.028).
- (j) Recordings from a body-worn recording device of an officer-involved use of deadly force or recordings related to an administrative or criminal investigation of an officer while criminal and administrative matters are still ongoing (Tex. Code of Crim. Pro. Art. 2B.0111).
- (k) Recordings from a body-worn recording device of an officer when the recording was made in a private space or when the recording involves the investigation of a misdemeanor punishable by fine only and does not result in arrest (Tex. Code of Crim. Pro. Art. 2B.0112).
 - 1. Recordings may be released with the written authorization of the person who is the subject of the recording or that person's authorized representative.

Alpine Police Department

Alpine Police Department Policy Manual

Records Maintenance and Release

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

803.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

803.8 SECURITY BREACHES

Members who become aware that any Alpine Police Department system containing personal information may have been breached should notify the City Secretary as soon as practicable.

The City Secretary shall ensure the required notice is given to any individual whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. If the breach involves more than 10,000 individuals, notice of the timing, distribution, and content of the notices shall also be given to each consumer reporting agency (Tex. Local Gov't Code § 205.010; Tex. Bus. & Comm. Code § 521.053).

Notice shall be given without unreasonable delay, but no later than 60 days after a determination is made that a breach occurred, and be consistent with the legitimate needs of the Alpine Police Department and with any measures necessary to determine the scope of the breach or to restore the reasonable integrity of the agency data system. Notice may be delayed if notification will impede a criminal investigation (Tex. Local Gov't Code § 205.010; Tex. Bus. & Comm. Code § 521.053).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (Tex. Local Gov't Code § 205.010; Tex. Bus. & Comm. Code § 521.002):

- (a) Social Security number
- (b) Driver's license number or Texas identification card number
- (c) Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account

Alpine Police Department

Alpine Police Department Policy Manual

Records Maintenance and Release

- (d) Information that identifies an individual and relates to the physical or mental health or condition of the individual, to the provision of health care to the individual, or to the payment for the provision of health care to the individual

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the City Secretary should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

If the breach involves 250 or more residents of the state, notice shall be sent to the attorney general as soon as practicable and no later than 30 days after a determination is made that a breach occurred. Notice to the attorney general must be submitted electronically and include a detailed description of the breach or information acquired as a result of the breach, the number of residents affected by the breach, the number of affected residents who have been sent a disclosure, the measures taken or that are intended to be taken regarding the breach, and whether the Alpine Police Department or another law enforcement agency is investigating the breach (Tex. Local Gov't Code § 205.010; Tex. Bus. & Comm. Code § 521.053).

803.9 SEALED RECORDS OR EXPUNGEMENT

Expungement orders and orders to seal records received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge or seal such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once the record is expunged or sealed, members shall respond to any inquiry as though the record did not exist.

803.10 TRAINING

All members authorized to manage, release or facilitate public access to department records shall complete a training program approved or provided by the Attorney General that includes, but is not limited to, the department requirements and obligations under the Texas Public Information Act (Tex. Gov't Code § 552.012).

Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Alpine Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Alpine Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members of the Alpine Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicles (DMV) records, Department of Public Safety (DPS) records and the Texas Law Enforcement Telecommunications System (TLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.

Alpine Police Department

Alpine Police Department Policy Manual

Protected Information

- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Alpine Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution (Tex. Gov't Code § 411.085).

804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the City Secretary for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

Alpine Police Department

Alpine Police Department Policy Manual

Protected Information

- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

804.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Animal Control

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

805.2 POLICY

It is the policy of the Alpine Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

805.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.
- (d) The responsibilities of rabies control as outlined in Chapter 826 of the Texas Health and Safety Code.

805.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

Alpine Police Department
Alpine Police Department Policy Manual

Animal Control

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

805.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to animal cruelty offenses under Chapter 42, Texas Penal Code.

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty (Tex. Health and Safety Code § 821.022).

805.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

805.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

805.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

805.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

805.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Alpine Police Department

Alpine Police Department Policy Manual

Animal Control

Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

Members should not climb onto or under any privately-owned structure for the purpose of removing a deceased animal.

805.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

805.11.1 INJURED WILDLIFE

Members who encounter injured wildlife should contact the Texas Parks and Wildlife Department to obtain information for the nearest wildlife rehabilitator.

805.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

805.13 TRAINING

This department's animal control officers (ACOs) shall successfully complete the required basic and continuing education animal control courses as approved by the Texas Department of State Health Services.

The basic animal control course shall be completed prior to the ACO's first anniversary. All ACOs shall complete 30 hours of continuing education courses during each three-year period thereafter (Tex. Health and Safety Code § 829.002).

Jeanne Clery Campus Security Act

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

806.2 POLICY

The Alpine Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Alpine Police Department facility. Reports will be accepted anonymously, by phone, via email or on the institution's website.

It is the policy of the Alpine Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Alpine Police Department and the administration of the institution.

Supervisors who are assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

806.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Alpine Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
 - 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
 - 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
 - 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
 - 4. Notify the Alpine Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
 - 5. Notify the Alpine Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus

Alpine Police Department
Alpine Police Department Policy Manual

Jeanne Clery Campus Security Act

community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, family violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including, but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

806.4 RECORDS COLLECTION AND RETENTION

The City Secretary is responsible for maintaining Alpine Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i)); 34 CFR 668.46(c):
 - 1. Murder
 - 2. Sex offenses, forcible or non-forcible
 - 3. Robbery
 - 4. Aggravated assault
 - 5. Burglary
 - 6. Motor vehicle theft
 - 7. Manslaughter
 - 8. Arson
 - 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession

Alpine Police Department
Alpine Police Department Policy Manual

Jeanne Clery Campus Security Act

10. Dating violence, family violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
 - (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of family violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
 - 1. On campus.
 - 2. In or on a non-campus building or property.
 - 3. On public property.
 - 4. In dormitories or other on-campus, residential or student facilities.
 - (d) Statistics will be included by the calendar year in which the crime was reported to the Alpine Police Department (34 CFR 668.46(c)(3)).
 - (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location in which the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
 - (f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
 - (g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

806.4.1 CRIME LOG

The City Secretary is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Alpine Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.

Alpine Police Department
Alpine Police Department Policy Manual

Jeanne Clery Campus Security Act

- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 - 1. Disclosure of the information is prohibited by law.
 - 2. Disclosure would jeopardize the confidentiality of the victim.
 - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

806.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Lead Investigator to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
 - 1. Crime statistics and the policies for preparing the crime statistics.
 - 2. Crime and emergency reporting procedures, including the responses to such reports.
 - 3. Policies concerning security of and access to campus facilities.
 - 4. Crime, dating violence, family violence, sexual assault and stalking awareness and prevention programs, including:
 - (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
 - 5. Enforcement policies related to alcohol and illegal drugs.
 - 6. Locations where the campus community can obtain information about registered sex offenders.
 - 7. Emergency response and evacuation procedures.
 - 8. Missing student notification procedures.

Alpine Police Department
Alpine Police Department Policy Manual

Jeanne Clery Campus Security Act

9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Alpine Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The period an adult is in custody at the Alpine Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Alpine Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Alpine Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Emergency Detentions Policy).

Alpine Police Department

Alpine Police Department Policy Manual

Temporary Custody of Adults

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
 - (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
 - (g) Any individual who has exhibited extremely violent or continuously violent behavior.
 - (h) Any individual who has claimed, is known to be afflicted with or displays symptoms of any communicable disease that poses an unreasonable exposure risk (37 Tex. Admin. Code § 265.12).
 - (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (37 Tex. Admin. Code § 275.1).

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.

Alpine Police Department
Alpine Police Department Policy Manual

Temporary Custody of Adults

- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by a supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Chief of Police or the authorized designee of any conditions that may warrant immediate medical attention or other appropriate action. The Chief of Police or the authorized designee shall determine whether the individual will be placed in a cell, immediately released or transported to jail or another facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (37 Tex. Admin. Code § 271.1):

- (a) Advise the Chief of Police or the authorized designee of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide an individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 - 4. Ensure males and females are separated by sight and sound when in cells.

Alpine Police Department

Alpine Police Department Policy Manual

Temporary Custody of Adults

5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Chief of Police or the authorized designee will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

Alpine Police Department

Alpine Police Department Policy Manual

Temporary Custody of Adults

900.4.3 NOTIFICATION TO PROBATE COURT

Officers should make a reasonable attempt to determine whether an individual who is detained or arrested is a person for whom a guardian has been appointed (i.e., a ward of the state) and notify the probate court with jurisdiction over the individual's guardianship of the arrest as soon as practicable but no later than one business day after the person is detained or arrested (Tex. Code of Crim. Pro. art 14.055; Tex. Code of Crim. Pro. art. 15.171).

900.4.4 IDENTIFICATION

Each person in custody should be fingerprinted and photographed. Copies of the fingerprints should be forwarded to the proper state and federal authorities (37 Tex. Admin. Code § 265.6).

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Alpine Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks.
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Alpine Police Department.

The Chief of Police or the authorized designee should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Chief of Police or the authorized designee should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

Alpine Police Department
Alpine Police Department Policy Manual

Temporary Custody of Adults

2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual (37 Tex. Admin. Code § 277.8).
1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Alpine Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Chief of Police or the authorized designee shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

Alpine Police Department

Alpine Police Department Policy Manual

Temporary Custody of Adults

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make at least two completed telephone calls no later than four hours after arrival (37 Tex. Admin. Code § 291.1).

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at their own expense.
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever they desire and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use their judgment in determining the duration of the calls.
 - 2. The individual shall be allowed reasonable access to a written or electronic contact list that is in their possession upon booking (37 Tex. Admin. Code § 265.7).
- (c) Calls between an individual in temporary custody and their attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded.
 - 1. Individuals in custody should be advised that they may contact any attorney upon reasonable request (37 Tex. Admin. Code § 265.8).

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed (37 Tex. Admin. Code § 269.3). They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

Alpine Police Department
Alpine Police Department Policy Manual

Temporary Custody of Adults

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Alpine Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy (37 Tex. Admin. Code § 273.6).

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse. Circulation to the extremities should be checked at least every 15 minutes (37 Tex. Admin. Code § 273.6).

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return (37 Tex. Admin. Code § 267.5). If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Chief of Police or the authorized designee shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Chief of Police or the authorized designee shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

Alpine Police Department
Alpine Police Department Policy Manual

Temporary Custody of Adults

- (a) The individual shall be searched (see the Custodial Searches Policy) and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes.
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.
 - 3. The safety check should involve questioning the individual as to his/her well-being.
 - 4. Individuals who are sleeping or apparently sleeping should be awakened.
 - 5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Chief of Police or the authorized designee will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Alpine Police Department. The procedures should include:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Chief of Police or the authorized designee.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Justice of The Peace.
- (g) Evidence preservation.
- (h) Notifications are made as set forth in the Death Investigation policy.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release (37 Tex. Admin. Code § 267.4).
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

Alpine Police Department
Alpine Police Department Policy Manual

Temporary Custody of Adults

- (c) It has been confirmed that the correct individual is being released or transported (37 Tex. Admin. Code § 267.1).
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Alpine Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.11 ASSIGNED ADMINISTRATOR

The Chief of Police or the authorized designee will ensure any reasonably necessary supplemental procedures are in place to address the following issues (37 Tex. Admin. Code § 263.40):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance (37 Tex. Admin. Code § 279.1; 37 Tex. Admin. Code § 279.3)
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance
- (j) Facility inspections for security, control and fire prevention (37 Tex. Admin. Code § 297.1; 37 Tex. Admin. Code § 263.42)

Alpine Police Department

Alpine Police Department Policy Manual

Temporary Custody of Adults

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures. Members should also be licensed by the Texas Commission on Law Enforcement (TCOLE) (37 Tex. Admin. Code § 275.2).

Temporary Custody of Juveniles

901.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Alpine Police Department (34 USC § 11133).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 10 to 16 years of age who is alleged to have committed an offense that would subject an adult to arrest, or a 17-year-old in custody for such an offense committed before 17 years of age (a non-status offense) (Tex. Fam. Code § 51.02).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Safety checks - Direct visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

Alpine Police Department
Alpine Police Department Policy Manual

Temporary Custody of Juveniles

- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender (Tex. Fam. Code § 51.02). Examples may include running away and underage possession of tobacco. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This term also includes any juvenile in custody for an offense that would not subject an adult to arrest but qualifies as delinquent conduct or conduct indicating a need for supervision (CINS) under Tex. Fam. Code § 52.01.

901.2 POLICY

The Alpine Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Alpine Police Department. These include:

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Emergency Detentions Policy).
 - 1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.
- (d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (e) Extremely violent or continuously violent behavior.
- (f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the

Alpine Police Department

Alpine Police Department Policy Manual

Temporary Custody of Juveniles

situation. These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

901.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Alpine Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Department without authorization of the arresting officer's supervisor or the Shift Supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy (Tex. Code of Crim. Pro. art. 45A.453).

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Department (34 USC § 11133).

Officers may issue a warning notice to a juvenile for offenses according to Department disposition guidelines (Tex. Fam. Code § 52.01). If a juvenile offender or status offender will not be released from custody, the officer shall transport the juvenile to the designated juvenile processing office for disposition according to the Department disposition guidelines.

901.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Alpine Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

Officers who take a juvenile into temporary custody for violation of compulsory school attendance may return the juvenile to his/her school (Tex. Fam. Code § 52.01).

901.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Alpine Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances (Tex. Code of Crim. Pro. art. 45A.453).

Alpine Police Department

Alpine Police Department Policy Manual

Temporary Custody of Juveniles

Generally, a juvenile offender may be taken into custody under the authority of a juvenile court order for a criminal offense or when the juvenile has committed an offense that would subject an adult to arrest (Tex. Fam. Code § 52.01).

Once a juvenile offender has been taken into custody, the officer may transport the juvenile to a juvenile processing office so that a determination can be made to do one of the following, as appropriate under the circumstances, without unnecessary delay (Tex. Fam. Code § 52.02):

- (a) Release the juvenile to a parent, guardian, custodian, or other responsible adult on that person's promise to bring the juvenile to court on request.
 - 1. In cases of Class C misdemeanors occurring on school property or any vehicle owned by the school, a citation may not be issued but officers may proceed, according to Tex. Educ. Code § 37.145 or Tex. Code of Crim. Pro. art. 45A.454, as applicable.
- (b) Transport the juvenile to one of the following:
 - 1. An office, official, or facility designated by the county juvenile board
 - 2. A secure detention facility as provided by Tex. Fam. Code § 51.12(j)
 - 3. A medical facility if the juvenile is believed to suffer from a serious physical condition or illness that requires prompt treatment
 - 4. The juvenile's school, if in session, if a designated authority at the location will assume responsibility for the juvenile for the remainder of the school day
- (c) Release the juvenile without court referral under county juvenile board guidelines (Tex. Fam. Code § 52.03).

Officers taking a juvenile into custody for an alleged offense shall ensure the case is referred to the juvenile court unless another disposition is authorized under county juvenile board guidelines, and the custody was properly documented (Tex. Fam. Code § 52.03).

901.4.4 JUVENILE OFFENDERS DRIVING UNDER THE INFLUENCE

Officers who take a juvenile into custody on reasonable grounds that the juvenile has been operating a motor vehicle in a public place while having any detectable amount of alcohol in the juvenile's system may (Tex. Fam. Code § 52.02):

- (a) Take the juvenile to a place to obtain a specimen of his/her breath or blood under the implied consent law of this state.
- (b) Have breath alcohol testing and video recording of the juvenile done in an adult processing office (Tex. Fam. Code § 52.02). If the breath testing equipment is located in the Temporary Holding Facility, adult offenders should be locked down while the juvenile is being processed. The juvenile may only remain in the Temporary Holding Facility for as long as it takes to satisfy the mandatory 15-minute observation period and to administer the test.

901.4.5 JUVENILE PROCESSING OFFICE

A juvenile processing office is restricted to facilitating (Tex. Fam. Code § 52.025):

Alpine Police Department
Alpine Police Department Policy Manual

Temporary Custody of Juveniles

- (a) Return of the juvenile to the custody of a parent, guardian, custodian, or other responsible adult upon that person's promise to bring the juvenile to court as requested.
- (b) Completion of essential forms and records required by the juvenile court or the Texas Family Code.
- (c) Photographing and fingerprinting, when authorized by law.
- (d) Issuance of warnings as required or permitted by law.
- (e) Receipt of a statement by the juvenile in accordance with Tex. Fam. Code § 51.095.

While in a juvenile processing office, the juvenile is entitled to be accompanied by a parent, has the right to communicate privately with their parent, and should be kept separated depending on the status of the juvenile (i.e., non-offender, status offender, juvenile offender) (Tex. Fam. Code § 52.025; Tex. Fam. Code § 61.103).

901.4.6 NOTIFICATION TO PROBATE COURT

Officers should make a reasonable attempt to determine whether a juvenile who has been taken into custody pursuant to Tex. Fam. Code § 52.01(a)(2) or (3) is a juvenile for whom a guardian has been appointed (i.e., ward of the state) and notify the probate court with jurisdiction over the juvenile's guardianship as soon as practicable but no later than one business day after taking the juvenile into custody (Tex. Fam. Code § 52.011).

901.5 ADVISEMENTS

Officers who take a juvenile into custody shall promptly advise the juvenile's parent, guardian or custodian, as well as the office or official designated by the county juvenile board, of the reason for taking the juvenile into custody (Tex. Fam. Code § 52.02).

901.6 JUVENILE CUSTODY LOGS

Any time a juvenile is in temporary custody at the Alpine Police Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Department.
- (c) Shift Supervisor notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.

Alpine Police Department
Alpine Police Department Policy Manual

Temporary Custody of Juveniles

- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Supervisor shall initial the log to approve the temporary custody, including any secure custody, and shall initial the log when the juvenile is released.

901.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Alpine Police Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

901.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Alpine Police Department shall ensure:

- (a) The Shift Supervisor is notified if it is anticipated that a juvenile may need to remain at the Department more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Department more than six hours.
- (b) Safety checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (i) There is privacy during family, guardian and/or attorney visits.

Alpine Police Department
Alpine Police Department Policy Manual

Temporary Custody of Juveniles

- (j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles have the right to the same number of telephone calls as adults in temporary custody (see the Temporary Custody of Adults Policy).
- (o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

901.9 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

901.10 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Alpine Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

901.10.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.11 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

901.12 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody. Shift Supervisor approval is required before placing a juvenile offender in secure custody.

Alpine Police Department

Alpine Police Department Policy Manual

Temporary Custody of Juveniles

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

901.12.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when he/she is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

- (a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.
- (c) The juvenile shall have constant auditory access to department members.
- (d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.
- (e) Unscheduled safety checks by department members shall occur no less than every 15 minutes.
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to his/her well-being.
 - 3. Juveniles who are sleeping or apparently sleeping should be awakened.
 - 4. Requests or concerns of the juvenile should be logged.
- (f) Males and females shall not be placed in the same locked room.
- (g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

Alpine Police Department
Alpine Police Department Policy Manual

Temporary Custody of Juveniles

901.13 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Services Lead Investigator will ensure procedures are in place to address any suicide attempt, death or serious injury of any juvenile held at the Alpine Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Shift Supervisor, Chief of Police and Lieutenant Lead Investigator
- (c) Notification of the parent, guardian or person standing in loco parentis of the juvenile
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the Justice of The Peace
- (g) Notification of the juvenile court
- (h) Evidence preservation
- (i) Notification to the Attorney General by written report of the cause of death no later than 30 days after a juvenile in custody has died (Tex. Code of Crim. Pro. art. 49.18).

901.14 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

Officers may obtain a written, oral or recorded statement from a juvenile in custody if the applicable procedural safeguards are followed (Tex. Fam. Code § 51.095).

901.15 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Juveniles in temporary custody may be fingerprinted or photographed as follows (Tex. Fam. Code § 58.002; Tex. Fam. Code § 58.0021; Tex. Fam. Code § 58.0022):

- (a) For a felony offense or a Class B misdemeanor or above
- (b) When an officer has probable cause to believe both that the juvenile has engaged in delinquent conduct and:
 - 1. That fingerprints discovered during the investigation of that conduct will match those of the juvenile
 - 2. That a photograph of the juvenile will be of material assistance in the investigation of that conduct
- (c) When the juvenile is a runaway, when it is necessary to identify the juvenile

Photographs and fingerprints obtained pursuant to Tex. Fam. Code § 58.0021 must be obtained at a juvenile processing office or at any other location that affords reasonable privacy to the juvenile and must be destroyed if they do not lead to a positive comparison or identification.

Alpine Police Department
Alpine Police Department Policy Manual

Temporary Custody of Juveniles

901.16 REQUIRED SCHOOL NOTIFICATION

An officer who arrests any person for any felony or any misdemeanor listed in Tex. Code of Crim. Pro. art. 15.27, or who refers a juvenile to the agency designated by the juvenile board, shall attempt to determine the person's school enrollment status and advise the appropriate school official of the arrest or referral within 24 hours or before the next school day, whichever is earliest.

Within seven days of the officer's initial notice to the school, the Records Division shall mail the required notice, including details of the arrest or referral as required by Tex. Code of Crim. Pro. art. 15.27, to the designated school official.

901.17 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Alpine Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody upon entry to the Alpine Police Department facilities (37 Tex. Admin. Code 265.2). Except in exigent circumstances, the search

Alpine Police Department

Alpine Police Department Policy Manual

Custodial Searches

should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Section Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Alpine Police Department identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.5 STRIP SEARCHES

No individual in temporary custody at any Alpine Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention, or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

Alpine Police Department

Alpine Police Department Policy Manual

Custodial Searches

- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Alpine Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Chief of Police or the authorized designee shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Chief of Police or the authorized designee.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex and role of any person present during the search.

Alpine Police Department
Alpine Police Department Policy Manual

Custodial Searches

7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) A copy of the written authorization shall be retained and should be made available upon request to the individual or the individual's authorized representative.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Chief of Police or the authorized designee authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Chief of Police or the authorized designee authorization does not need to be in writing.

A search warrant is required if a strip search will include inspection of a person's vaginal or anal cavity in any manner (Tex. Code of Crim. Pro. art. 18.24).

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Chief of Police or the authorized designee and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician may conduct a physical body cavity search.

Alpine Police Department

Alpine Police Department Policy Manual

Custodial Searches

- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Chief of Police or the authorized designee's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and should be provided to the individual who was searched or other authorized representative upon request.

902.7 TRAINING

The training manager shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

902.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.

Alpine Police Department

Alpine Police Department Policy Manual

Custodial Searches

1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

Transporting Detainees

903.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Alpine Police Department.

Additional guidance can be found in the Medical Aid and Response Policy.

903.2 POLICY

It is the policy of the Alpine Police Department to make reasonable efforts to protect the safety of persons in custody while they are being transported.

903.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee is responsible for reviewing the safety and restraint systems for all vehicles used to transport persons in custody. The review shall ensure the restraint systems comply with the law and shall determine whether they reasonably meet the needs of the Department. Safety systems should allow for transporting members to be in constant and reasonably clear audio contact with each person being transported.

The Chief of Police or the authorized designee should establish related procedures for safely transporting persons who have their legs restrained in some manner other than leg shackles.

903.4 PROCEDURES

Members transporting a person in custody should ensure:

- (a) All persons are properly restrained by a seat belt or other approved safety restraint system.
- (b) All persons in custody remain in a seated or otherwise safely restrained position in the rear of the vehicle.
- (c) Any person behaving in a manner so violent or uncooperative that he/she cannot or will not sit upright is:
 1. Reviewed for a medical condition by an emergency medical services provider and if a medical condition exists, transported by ambulance for a medical examination.
 - (a) If no medical condition exists or an ambulance is unavailable or unwilling to transport the prisoner, alternative transportation should be arranged (e.g., special transport van).
- (d) A verbal welfare check is made with a person in custody every 10 minutes.
 1. If a person being transported is not responsive or indicates a medical condition, the transporting member should advise dispatch and render aid as soon as practicable (see the Medical Aid and Response Policy).
 2. Special conditions (e.g., suicidal persons, persons wearing a spit hood) may require closer observations or visual monitoring as indicated in other parts of this

Alpine Police Department
Alpine Police Department Policy Manual

Transporting Detainees

policy and in the Handcuffing and Restraints and Temporary Custody of Adults policies.

- (e) All areas of the vehicle accessible to a person in custody are searched before and after each transport.
- (f) A person in custody is searched immediately after his/her arrest, before transport in any department vehicle, after transportation and any time another person assumes custody.
 - 1. Whenever practicable, the search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.
- (g) Transport is accomplished in a direct and timely manner.
- (h) The same consideration is shown to a person in custody as would be reasonably shown to any other passenger (e.g., avoiding loud or objectionable music, excessive heat or cooling).
- (i) The manner in which a person is being transported is not used as a form of punishment or retaliation.
- (j) Persons suspected of having a communicable disease are transported in compliance with the exposure control plan.
- (k) Persons in custody are transported individually when practical, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances:
 - 1. Juveniles are not to be transported with adults.
 - 2. Females are not to be transported with males. When possible, transgender or intersex persons should be transported with persons of the gender they identify with.
 - 3. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, are not to be transported together.
- (l) Dispatch is advised of the following:
 - 1. The time when a transport begins and the vehicle's mileage.
 - 2. The time, vehicle's mileage and reason for any stops.
 - 3. The time of arrival at the destination and the vehicle's mileage.
- (m) Reasonable efforts are made to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (n) Direct visual observation and audio communication is provided during transport of:
 - 1. Individuals in auxiliary restraints (see the Handcuffing and Restraints Policy).
 - 2. Individuals in leg restraints.
 - 3. Individuals wearing a spit hood.

Alpine Police Department
Alpine Police Department Policy Manual

Transporting Detainees

4. Individuals who are a suspected suicide risk.

903.4.1 TRANSPORTING PERSONS WITH DISABILITIES

When transporting a person with a disability, a transporting member should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting member should ensure that any special equipment, (e.g., canes, wheelchairs or prosthetics) is transported in such a manner to not threaten the safety or security of the person or member and that such equipment is transported to the person's destination.

Members transporting a person with a disability should use their judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety and dignity of all persons.

903.5 PROHIBITIONS

When transporting a person in custody members should not:

- (a) Leave the vehicle unattended with the person in the vehicle.
- (b) Stop to conduct any personal activities.
- (c) Respond to calls or engage in other enforcement activities except in exigent circumstances.
- (d) Engage in a pursuit unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the person in transport.
 - 1. A vehicle containing more than a single person in custody should not be involved in any pursuit.
- (e) Transport persons in a vehicle that is not equipped to safely transport prisoners except in an emergency. A properly equipped vehicle should be requested.
- (f) Drive in a manner intentionally designed to punish or make the person uncomfortable.

903.6 ESCAPES

In the event that a person in custody escapes while being transported, the member transporting the person should immediately advise dispatch and other units of the escape, provide a description of the escapee, notify the supervisor and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The supervisor should notify the Chief of Police upon learning of an escape. The supervisor should review the report submitted by the transporting member, investigate the circumstances surrounding the escape and submit a report to the Chief of Police as soon as practicable.

903.7 NOTIFICATIONS

Members should notify a supervisor and any receiving facility of information regarding any circumstances the member reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

Alpine Police Department

Alpine Police Department Policy Manual

Transporting Detainees

903.8 DOCUMENTATION

Members should document, in the appropriate report, when a person is injured during transportation. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other prisoners). Any visible injuries should be photographed and included with the report.

903.9 TRAINING

The training manager should ensure that members receive training on detainee transportation policies and procedures, restraint systems and restraint devices.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Alpine Police Department and that are promulgated and maintained by the Human Resources Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Alpine Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Chief of Police or authorized designee should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

- (a) Establishment of a written recruitment plan.
 - 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.
- (g) Consideration of shared or collaborative regional testing processes.

Alpine Police Department

Alpine Police Department Policy Manual

Recruitment and Selection

The Chief of Police or authorized designee shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available, including the National Decertification Index
- (l) Any relevant information in the National Law Enforcement Accountability Database

Alpine Police Department

Alpine Police Department Policy Manual

Recruitment and Selection

1000.4.1 ELIGIBILITY LIST

Before filling a beginning position for officer with the Department, the Chief of Police or authorized designee should request the eligibility list from the department civil service commission (Tex. Local Gov't Code § 143.026).

1000.4.2 VETERAN PREFERENCE

Any candidate who has an honorable discharge from the United States Armed Forces and passed the entrance examination will receive an additional five points added to the score (Tex. Local Gov't Code § 143.025; Tex. Local Gov't Code § 143.1041).

1000.4.3 SELECTION PROCESS FOR OFFICERS AND COMMUNICATIONS OPERATORS

Before a potential candidate may be considered for an officer or communications operator position, the candidate shall (Tex. Occ. Code § 1701.4522):

- (a) Provide written consent for the Department to review information contained in the candidate's background investigation.
- (b) Submit a Personal History Statement (PHS).
- (c) Undergo a drug screen and medical examination by a qualified physician designated by the Department who is familiar with the job duties required for the applicable position.
 - 1. If the candidate passes the medical examination and drug screening, an L-2 form signed by the physician shall be included in the candidate's personnel file.
 - 2. If the candidate fails the medical examination or drug screening, the Department shall report the failure to Texas Commission on Law Enforcement (TCOLE) on the designated form.
- (d) Undergo a psychological examination by a qualified psychologist or psychiatrist designated by the Department who is familiar with the job duties required for the applicable position pursuant to Tex. Occ. Code § 1701.306.
 - 1. A copy of the candidate's PHS and background investigation report shall be provided to the psychologist or psychiatrist for review prior to the exam.
 - 2. The psychological examination must be conducted according to professional standards and include at least two scored instruments measuring personality traits and psychopathology followed by an interview.
 - 3. If the candidate passes the psychological examination, an L-3 form signed by the psychologist or psychiatrist shall be included in the candidate's personnel file.
 - 4. If the candidate fails the psychological examination, the Department shall report the failure to TCOLE on the designated form.
- (e) Complete a fingerprint check that searches local, state, and federal records and fingerprint files to disclose any criminal record. The fingerprint check return shall be included in the candidate's personnel file.
- (f) Complete a firearms qualification or, if the candidate is a current Texas peace officer, submit an official record of an annual firearms qualification within the past 12 months.

Alpine Police Department

Alpine Police Department Policy Manual

Recruitment and Selection

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify their personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Alpine Police Department.

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Chief of Police or the authorized designee should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Chief of Police or the authorized designee should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Chief of Police or the authorized designee should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 BACKGROUND INVESTIGATION RECORDS

Background investigations for officers and communications operators shall, at a minimum, include a review of (Tex. Occ. Code § 1701.451):

Alpine Police Department

Alpine Police Department Policy Manual

Recruitment and Selection

1. Personnel files, as described by Tex. Occ. Code § 1701.4535, and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer.
2. Employment termination reports and misconduct investigation reports maintained by TCOLE.
3. Service records maintained by TCOLE.
4. Proof that the person meets the minimum qualifications for enrollment in a training program under Tex. Occ. Code § 1701.251(a).
5. A military veteran's U.S. Department of Defense Form DD-214 or other military discharge record.
6. Criminal history record information.
7. Information on pending warrants as available through the Texas Crime Information Center and National Crime Information Center.
8. Evidence of financial responsibility as required by Tex. Transp. Code § 601.051.
9. A driving record from the Department of Public Safety.
10. Proof of United States citizenship or, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge, proof of legal permanent residence, and proof that the person has applied for United States citizenship.
11. Information on the person's background from at least three personal references and at least two professional references.
12. Information on the person's law enforcement background as available through the National Decertification Index (NDI) maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) and obtaining and reviewing records with entry agencies if a matching record exists (Tex. Occ. Code § 1701.169; Tex. Occ. Code § 1701.303).
13. A file or record obtained by TCOLE for out-of-state license holders under Tex. Occ. Code § 1701.3035, if applicable.

1000.5.6 CONDUCTING BACKGROUND INVESTIGATIONS

The Chief of Police or the authorized designee should complete the appropriate background and appointment forms required by TCOLE. Such forms should document that all background investigation steps required by Tex. Occ. Code § 1701.451 were completed prior to appointment and how those steps were completed, consistent with the following (37 Tex. Admin. Code § 217.7):

- (a) Files and records should be reviewed electronically (e.g., through the secure electronic file sharing system provided by TCOLE) or in person if agreed to by the previous law enforcement agency. File review shall not be done by phone.
- (b) The background investigator shall provide the other agency with a copy of the candidate's signed release of information before obtaining and reviewing files and records.

Alpine Police Department

Alpine Police Department Policy Manual

Recruitment and Selection

- (c) If #les from out-of-state and federal agencies cannot be reviewed in person, other reasonable e#orts should be made to review the #les electronically. If the #les cannot be reviewed, the investigator should document the reason why and the e#orts that were made in the background investigation report.
- (d) If an agency does not respond to a #le sharing request for records within 10 business days after a release of information was provided, and the background investigator has made direct contact with the person from whom they are requesting #les (e.g., by phone or email), the investigator should contact their TCOLE Field Service Agent for assistance.
- (e) An investigator must contact each agency to determine if records still exist regardless of records retention schedules. Some agencies retain records long past those schedules and all available records must be reviewed.
- (f) If an agency submits a letter to the file sharing system documenting a lack of records and the reason why, the letter should be added to the background investigation report.
- (g) If a previous agency no longer exists or is currently unmanned, the investigator should con#rm and document the same in the background investigation report. The investigator should contact the governing body over a former or unsta#ed agency to determine what records remain and how they can be accessed.

Upon hiring, a complete and accurate L-1 or L1-T shall be submitted to TCOLE. A copy of the L-1 or L1-T should be notarized and maintained in the member's personnel #le.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

Alpine Police Department

Alpine Police Department Policy Manual

Recruitment and Selection

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS AND COMMUNICATIONS OPERATORS

Candidates shall meet the minimum standards established by Texas law, including:

- (a) The minimum standards for initial licensure by the TCOLE (37 Tex. Admin. Code § 217.1).
- (b) Must not have violated any TCOLE rule or provision that would disqualify their appointment (Tex. Occ. Code § 1701.301 et seq.).
- (c) Pass a pre-employment background investigation that meets or exceeds the TCOLE-developed questionnaire/history statement (37 Tex. Admin. Code § 217.7).

1000.8 PROBATIONARY PERIODS

The Chief of Police or the authorized designee should coordinate with the Alpine Human Resources Department to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

1000.8.1 PROBATIONARY PERIODS FOR PEACE OFFICERS

Officers hired by the Alpine Police Department for a beginning position must serve a probationary period of one year, beginning on the officer's date of employment, unless otherwise extended by the civil service commission (Tex. Local Gov't Code § 143.027).

1000.8.2 PROVISIONAL HIRING PERIOD FOR CERTAIN OFFICERS AND COMMUNICATIONS OPERATORS

Officers and communications operators hired while the subject of a misconduct investigation by a previous employing agency should initially be hired on a provisional basis of 90 days. During that provisional period, this department should obtain and review the completed misconduct investigation report from the previous employing agency or TCOLE and may choose to terminate the provisional employment based on those findings. This provisional period is unrelated to the probationary periods addressed above.

Performance Evaluations

1001.1 PURPOSE AND SCOPE

This policy provides guidelines for the Alpine Police Department performance evaluation system.

1001.2 POLICY

The Alpine Police Department shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 TYPES OF EVALUATIONS

The Department shall use the following types of evaluations:

Regular - An evaluation completed at regular intervals by the employee's immediate supervisor. Employees who have been promoted should be evaluated as established by the Human Resources Department or, minimally, on the anniversary of the date of the last promotion.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and Chief of Police or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

1001.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

Excellent - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Good - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

Average - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

Needs improvement - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

Alpine Police Department

Alpine Police Department Policy Manual

Performance Evaluations

Unsatisfactory - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

1001.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review his/her performance and the status of the PIP at least monthly.

1001.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

1001.5 EVALUATION FREQUENCY

Supervisors shall ensure that all employees they supervise are evaluated at least once every year on the anniversary of the employee's date of appointment or hire.

Those employees who are required to successfully complete a probationary period should be evaluated monthly.

Alpine Police Department

Alpine Police Department Policy Manual

Performance Evaluations

1001.6 EVALUATION INTERVIEW

When the supervisor has completed his/her evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

1001.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the supervisor shall provide access to and require the employee to read the City harassment and discrimination policies and the Alpine Police Department Discriminatory Harassment Policy. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

- (a) The employee understands the harassment and discrimination policies.
- (b) The employee has had all questions regarding the policies sufficiently addressed.
- (c) The employee knows how to report alleged harassment and discrimination policy violations.
- (d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the discrimination or harassment policies.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

1001.7 APPEAL

An employee who disagrees with his/her evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the Chief of Police or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

1001.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the Chief of Police or the authorized designee. The Chief of Police or the authorized designee shall review the evaluation for fairness, impartiality, uniformity and consistency, and shall consider any written response or appeal made by the employee.

Alpine Police Department

Alpine Police Department Policy Manual

Performance Evaluations

The Chief of Police or the authorized designee should evaluate the supervisor on the quality of ratings given.

1001.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained by the Department in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee and also forwarded to the Alpine Human Resources Department.

Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Alpine Police Department.

1002.2 POLICY

The Alpine Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Investigator
- (b) Bicycle Patrol officer
- (c) Canine handler
- (d) Field Training Officer
- (e) Community Relations/Training Officer
- (f) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) officer
- (g) Court Officer

1002.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by the Texas Commission on Law Enforcement (TCOLE) or law
- (d) Exceptional skills, experience or abilities related to the special assignment

1002.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.
- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity

Alpine Police Department

Alpine Police Department Policy Manual

Special Assignments and Promotions

2. Stress tolerance
3. Sound judgment and decision-making
4. Personal integrity and ethical conduct
5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

1002.3.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
- (b) Interview - The Chief of Police or the authorized designee will schedule interviews with each candidate.
- (c) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training and at the discretion of the Chief of Police.

1002.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process will be in accordance with the department civil service rules.

Grievances

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Alpine Police Department grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

1003.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- The memorandum of understanding
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy or federal, state, or local law, as set forth in the Personnel Complaints Policy.

1003.2 POLICY

It is the policy of the Alpine Police Department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint or retaliation against any employee who submits or is otherwise involved in a grievance.

1003.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under a collective bargaining agreement or memorandum of understanding, if an employee believes that he/she has a grievance as defined above, that employee shall:

- (a) Attempt to resolve the issue through informal discussion with his/her immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request a meeting with the Chief of Police.

Alpine Police Department
Alpine Police Department Policy Manual

Grievances

- (c) If the employee and the Chief of Police are unable to arrive at a mutual solution, the employee shall proceed as follows:
 - 1. Submit a written statement of the grievance to the Chief of Police and provide a copy to the employee's immediate supervisor.
 - 2. Include the following information in the written statement:
 - (a) The basis for the grievance (i.e., the facts of the case).
 - (b) The allegation of any specific wrongful act and the harm done.
 - (c) The specific policies, rules or regulations at issue.
 - (d) The remedy or goal being sought by the grievance.
- (d) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.
- (e) The Chief of Police and the City Manager should review the grievance and respond to the employee within 14 calendar days.
 - 1. The response will be in writing, and will affirm or deny the allegations.
 - 2. The response shall include any remedies, if appropriate.
 - 3. The decision of the City Manager is considered final.

1003.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Chief of Police or the authorized designee for inclusion into a secure file for all written grievances. Copies of the documents should also be sent to the Human Resources Department.

1003.5 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change or an immediate training need, the employee should promptly notify the Chief of Police in the memorandum.

1003.6 GRIEVANCE AUDITS

The Chief or designee should perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure or training may be appropriate to avoid future grievances. The Chief or designee should record these findings in a confidential memorandum to the Chief of Police without including any identifying information about any individual grievance.

Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance or collective bargaining agreement or memorandum of understanding.

1004.2 POLICY

The Alpine Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Alpine Police Department

Alpine Police Department Policy Manual

Anti-Retaliation

1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, the Chief of Police or the City Personnel Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

Alpine Police Department

Alpine Police Department Policy Manual

Anti-Retaliation

1004.6 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

The Chief of Police shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING

Texas law protects employees who make a good-faith report of a violation of law by the Department or another employee to the appropriate law enforcement authority (Tex. Gov't Code § 554.002). Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Chief of Police for investigation pursuant to the Personnel Complaints Policy.

1004.8 RECORDS RETENTION AND RELEASE

The City Secretary shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING

This policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Arrests, Convictions and Court Orders

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Alpine Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

1005.2 POLICY

The Alpine Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1005.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Texas law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Tex. Penal Code § 46.04).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.4 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Chief of Police) in writing of any past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Texas Commission on Law Enforcement (TCOLE) license.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/

Alpine Police Department

Alpine Police Department Policy Manual

Reporting of Arrests, Convictions and Court Orders

or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1005.4.1 DEPARTMENT NOTIFICATION REQUIREMENTS

The Chief of Police or designee must notify TCOLE within 30 days in the following circumstances (37 Tex. Admin. Code § 211.28; 37 Tex. Admin. Code § 211.29):

- (a) When a person who holds a license issued by TCOLE is arrested for or charged with a reportable offense by this department.
- (b) When any person who is under appointment with this department is arrested for, charged with or convicted of a reportable offense.

1005.4.2 MEMBER NOTIFICATION REQUIREMENTS

Members licensed by TCOLE who are arrested for, charged with or indicted for a reportable offense must report it to TCOLE within 30 days (37 Tex. Admin. Code § 211.27).

Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of the Alpine Police Department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

Alpine Police Department

Alpine Police Department Policy Manual

Drug- and Alcohol-Free Workplace

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1006.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of his/her duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of his/her duties and becomes involved in an incident that results in bodily injury, death or substantial damage to property.

1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.

Alpine Police Department
Alpine Police Department Policy Manual

Drug- and Alcohol-Free Workplace

- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) or for a line-of-duty related illness or injury (Tex. Local Gov't Code § 177A.001 et seq.).

1007.2 POLICY

It is the policy of the Alpine Police Department to provide eligible employees with a sick-leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick-leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

Alpine Police Department

Alpine Police Department Policy Manual

Sick Leave

to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, the mouth, a mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Alpine Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Alpine Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 - 1. Minimum standards for bloodborne pathogens as established by the Department of State Health Services (DSHS). These include (Tex. Health & Safety Code § 81.303 et seq.; 25 Tex. Admin. Code § 96.201 et seq.):

Alpine Police Department

Alpine Police Department Policy Manual

Communicable Diseases

- (a) Minimum standards contained in the model exposure control plan developed by the DSHS (Tex. Health & Safety Code § 81.304; 25 Tex. Admin. Code § 96.202).
 - (b) Needleless systems and sharps injury protection (Tex. Health & Safety Code § 81.305; 25 Tex. Admin. Code § 96.301; 25 Tex. Admin. Code § 96.302).
 - (c) Sharps injury log (Tex. Health & Safety Code § 81.306; 25 Tex. Admin. Code § 96.401).
- 2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
- 3. Reporting diseases to the local health authority as mandated by Tex. Health & Safety Code § 81.042.

The ECO should periodically review and update the exposure control plan and review implementation of the plan at least annually (25 Tex. Admin Code § 96.203).

1008.3.1 EXPOSURE CONTROL OFFICER TO SERVE AS INFECTION CONTROL OFFICER

The ECO shall serve as the department's Infection Control Officer unless another member is selected for the role by the Chief of Police. The Chief of Police shall also designate a member to serve as the alternate Infection Control Officer. The Infection Control Officer shall (Tex. Health & Safety Code § 81.012):

- (a) Receive notification of a potential exposure to a reportable disease from a health care facility.
- (b) Notify the appropriate health care providers of a potential exposure to a reportable disease.
- (c) Act as a liaison between members who may have been exposed and the hospital that treated the person who is the source of the potential exposure.
- (d) Investigate and evaluate an exposure incident using current evidence-based information on the possible risks of communicable diseases presented by the exposure incident.
- (e) Monitor all follow-up treatment provided to an exposed member, in accordance with applicable federal, state and local law.

The primary and alternate infection control officers must meet the qualifications and training established by the commissioner of state health services (Tex. Health & Safety Code § 81.012).

The ECO shall notify the local health authorities or local health care facilities of the members serving as primary and alternate infection control officers.

1008.4 EXPOSURE PREVENTION AND MITIGATION

Alpine Police Department

Alpine Police Department Policy Manual

Communicable Diseases

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials should be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost. Members should be offered, at no cost, other appropriate immunization for any diseases to which the member may be exposed (Tex. Gov't Code § 607.004).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

Alpine Police Department

Alpine Police Department Policy Manual

Communicable Diseases

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

- (a) Name of the member exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease, Work-Related Injury and Death Reporting, and Illness and Injury Prevention policies).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

Alpine Police Department

Alpine Police Department Policy Manual

Communicable Diseases

1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Requesting a health authority to order testing and seeking a subsequent court order when necessary (Tex. Health & Safety Code § 81.050; Tex. Health & Safety Code § 81.151; 25 Tex. Admin. Code § 97.12).
- (c) Receipt of a notice from a hospital indicating testing is warranted (Tex. Health & Safety Code § 81.048; Tex. Gov't Code § 607.102; 25 Tex. Admin. Code § 97.11).
- (d) Court order after an exposure from an arrestee (Tex. Code of Crim. Pro. art 18.22).
- (e) Receipt of medical or epidemiological information released to the department's Infection Control Officer by a health care facility (Tex. Health & Safety Code § 81.046).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Alpine Police Department facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The Alpine Police Department recognizes that tobacco use is a health risk and can be offensive to others. All forms of tobacco use also present an unprofessional image for the Department and its members. Therefore, all forms of tobacco use are prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy.

1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members are prohibited any time members are in public view representing the Alpine Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Alpine Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Alpine Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law and municipal and county rules and the requirements of any collective bargaining agreements or memorandum of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Bureau, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Bureau, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Alpine Police Department

Alpine Police Department Policy Manual

Personnel Complaints

1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1010.4.3 ACCEPTANCE OF COMPLAINTS AGAINST PEACE OFFICER

Complaints against an officer must be in writing and signed by the person making the complaint (Tex. Gov't Code § 614.022). Nothing in this section is intended to preclude a supervisor from serving as the complainant to satisfy the requirements of Tex. Gov't Code § 614.022 if the original complainant does not want to appear in person and/or reduce the complaint to writing.

1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

Alpine Police Department

Alpine Police Department Policy Manual

Personnel Complaints

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1010.5.1 COPY OF COMPLAINT TO PEACE OFFICER

If the complaint is against an officer, the receiving supervisor shall ensure that a copy of the signed complaint form is given to the officer within a reasonable time after it is filed (Tex. Gov't Code § 614.023).

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Shift Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Lead Investigator or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.

Alpine Police Department
Alpine Police Department Policy Manual

Personnel Complaints

- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources Department and the Shift Supervisor for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Bureau, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Alpine Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

Alpine Police Department

Alpine Police Department Policy Manual

Personnel Complaints

- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Alpine Police Department

Alpine Police Department Policy Manual

Personnel Complaints

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.5 COMPLETION OF INVESTIGATIONS

In order to meet the 180-day limit under Tex. Local Gov't Code § 143.052, every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct should proceed with due diligence in an effort to complete the investigation within 150 days from the date of discovery by an individual authorized to initiate an investigation.

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Alpine Police Department

Alpine Police Department Policy Manual

Personnel Complaints

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Alpine Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.9.1 REPORT OF CRIMINAL INVESTIGATION TO TCOLE

The Chief of Police or the authorized designee shall report to TCOLE an investigation into alleged criminal misconduct for which criminal charges are filed against the member within 30 days after the investigation is completed (Tex. Occ. Code § 1701.4522).

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

Alpine Police Department

Alpine Police Department Policy Manual

Personnel Complaints

1010.10.1 LEAD INVESTIGATOR RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Lead Investigator of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Lead Investigator may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Lead Investigator may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Lead Investigator shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Lead Investigator for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1010.10.3 SUSPENSIONS AND DEMOTIONS

Upon decision to suspend or demote an officer, the Chief of Police must file a written statement with the civil service commission that includes the reasons for the suspension or demotion. If the

Alpine Police Department

Alpine Police Department Policy Manual

Personnel Complaints

disciplinary action is a suspension, the statement must be forwarded to the commission within 120 hours of the suspension. A copy of the written statement must be provided to the officer and include information regarding the officer's appeal rights, each specific rule violated, and each alleged act committed by the officer in violation of the commission rules (Tex. Local Gov't Code § 143.052; Tex. Local Gov't Code § 143.054).

1010.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1010.10.5 REPORT OF ADMINISTRATIVE INVESTIGATION TO TCOLE

The Chief of Police or the authorized designee shall prepare and submit a report of the administrative investigation, including the disposition and any informational findings, to TCOLE using the approved template within a timely manner, but not later than the 30th day after the date of the member's separation from the agency, if applicable. The Chief of Police or the authorized designee shall notify TCOLE if a matter is under appeal and the disposition of the appeal within 30 days of receipt of the decision (Tex. Occ. Code § 1701.4522).

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

Alpine Police Department

Alpine Police Department Policy Manual

Personnel Complaints

1010.13 POST-DISCIPLINE APPEAL RIGHTS

An officer who has been suspended may appeal the suspension to the commission in accordance with Tex. Local Gov't Code § 143.053 or to a third party hearing examiner in accordance with Tex. Local Gov't Code § 143.057.

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Chief of Police.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Seat Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 (Tex. Transp. Code § 545.412).

1011.2 POLICY

It is the policy of the Alpine Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (Tex. Transp. Code § 545.413).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1011.4 TRANSPORTING CHILDREN

All children younger than 8 years of age shall be transported using a child restraint system unless the child is taller than 4 feet 9 inches (Tex. Transp. Code § 545.412).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1011.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is

Alpine Police Department

Alpine Police Department Policy Manual

Seat Belts

not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1011.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1011.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Alpine Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.3 ISSUANCE

The Chief of Police or the authorized designee shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Alpine Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The Chief of Police may authorize issuance of body armor to uniformed, non-sworn members whose jobs may make wearing of body armor advisable.

1012.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) Members shall only wear department-approved body armor.
- (b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Members shall wear body armor when working in uniform or taking part in department range training.
- (d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (e) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
 - 1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

Alpine Police Department

Alpine Police Department Policy Manual

Body Armor

1012.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

Annual inspections of body armor should be conducted by a person trained to perform the inspection for fit, cleanliness and signs of damage, abuse and wear.

1012.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

- (a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.
 - 1. Unserviceable body armor shall be reported to the supervisor.
- (b) Members are responsible for the proper storage of their body armor.
 - 1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
 - 1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
 - 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

1012.4 RANGEMASTER RESPONSIBILITIES

The responsibilities of the Rangemaster include, but are not limited to:

- (a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.
- (b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.
- (c) Educating officers about the safety benefits of wearing body armor.

Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Texas.

1013.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
 - 1. The Chief of Police or the authorized designee shall notify the affected member of the adverse comment by certified mail, or by department or personal email, or in person. Notice is considered to be received electronically by the member, provided it is sent to the department or personal email address listed in the member's department file and the member confirms receipt. If confirmation of receipt is not provided by the member within seven calendar days of being sent electronically, the Chief of Police or the authorized designee must send the notification by certified mail.
 - 2. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days.
 - 3. Any member response shall be attached to and retained with the original adverse comment.
 - 4. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

Alpine Police Department
Alpine Police Department Policy Manual

Personnel Records

- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- (i) All required Texas Commission on Law Enforcement (TCOLE) documents.

1013.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Training Coordinator for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the member's training file.

1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Bureau in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Bureau supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

Alpine Police Department

Alpine Police Department Policy Manual

Personnel Records

- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy, or according to applicable discovery procedures, state law, or with the member's consent (Tex. Occ. Code § 1701.4535).

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney, or other attorneys or representatives of the City in connection with official business.

1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1013.8.2 RELEASE OF PERSONNEL INFORMATION

Unless required by law, information contained in a member's personnel records shall not be released to any other agency or person requesting information relating to the member without the member's written permission, except (Tex. Occ. Code § 1701.4535):

- (a) A member's commendations and awards, discipline records, and performance evaluations shall be provided to TCOLE not later than the 30th day after the date the member separates from the agency or on request by TCOLE as part of an ongoing investigation relating to the member.

Alpine Police Department
Alpine Police Department Policy Manual

Personnel Records

- (b) Another law enforcement agency hiring a current or former member is entitled to view the contents of the member's personnel file.
- (c) As outlined in the Records Maintenance and Release Policy.

Personnel files other than commendations and awards, discipline records, and performance evaluations should be marked "Designated as Confidential for Statewide Employment Database" under Tex. Occ. Code § 1701.168.

1013.9 MEMBER ACCESS TO THEIR OWN PERSONNEL RECORDS

Any member may request access to their own personnel records during the normal business hours of those responsible for maintaining such files (Tex. Gov't Code § 552.023). Any member seeking the removal of any item from their personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Request for Change of Assignment

1014.1 PURPOSE AND SCOPE

This policy establishes guidelines for department members to request a change of assignment in response to an announced vacancy.

1014.2 POLICY

It is the policy of the Alpine Police Department that all requests for change of assignment be considered in an equitable and nondiscriminatory manner.

1014.3 REQUEST FOR CHANGE OF ASSIGNMENT

Members requesting a change of assignment shall submit a request document through the chain of command to the Chief of Police.

The change of assignment request document provides members with the opportunity to list their qualifications for specific assignments. It should include:

- (a) The member's relevant experience, education and training.
- (b) All assignments in which the member is interested.

The document will remain in effect until the end of the calendar year in which it was submitted. Effective January 1 of each year, members still interested in a change of assignment should complete and submit a new request.

1014.4 RESPONSIBILITIES

1014.4.1 SUPERVISORS

Upon receipt of a change of assignment request document, the supervisor shall make appropriate comments in the space provided on the document and forward it to the Chief of Police.

Commendations and Awards

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Alpine Police Department and individuals from the community.

1015.2 POLICY

It is the policy of the Alpine Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1015.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1015.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1015.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

1015.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act

Alpine Police Department

Alpine Police Department Policy Manual

Commendations and Awards

2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

1015.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the member's supervisor for review. The member's supervisor should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be entered into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Chief of Police or the authorized designee. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1015.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Valor.
- Award of Merit.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

1015.5.1 STAR OF TEXAS AWARD

The Department will submit information as appropriate to the committee charged with issuing the Peace Officers' Star of Texas Award when a member has been killed or seriously injured in the line of duty. Submission of information regarding a citizen who is seriously injured or killed while aiding or attempting to aid an officer will also be considered (Tex. Gov't Code § 3106.007).

Fitness for Duty

1016.1 PURPOSE AND SCOPE

Monitoring members' medical and psychological fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain medically and psychologically fit for duty and able to perform their job functions.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Fitness-for-duty evaluation - A formal, specialized examination to determine if a member is able to safely and/or effectively perform essential job functions. The need for such evaluation should be based on objective evidence that the member may be unable to effectively perform a defined job function and a reasonable basis that the cause may be attributable to a medical and/or psychological condition or impairment (37 Tex. Admin. Code § 211.1).

TCOLE - Texas Commission on Law Enforcement

1016.2 POLICY

The Alpine Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine their ability to perform essential functions.

1016.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of their position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Any member who feels unable to perform their duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform their duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform their duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility, or oppositional behavior.

Alpine Police Department

Alpine Police Department Policy Manual

Fitness for Duty

- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

1016.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the Chief of Police or the authorized designee.

1016.4.2 DUTY STATUS

In conjunction with the Chief of Police or authorized designee, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of their job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that there is just cause to believe the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of their job, the Chief of Police or authorized designee should immediately relieve the member of duty pending further evaluation.

Members relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1016.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty.

1016.5.1 PROCESS FOR NON-SWORN MEMBERS

The Chief of Police, in cooperation with the Human Resources Department, may order the non-sworn member to undergo a fitness-for-duty evaluation whenever a question arises as to whether the member is medically or psychologically fit to continue in their duties. The evaluation shall

Alpine Police Department

Alpine Police Department Policy Manual

Fitness for Duty

be conducted by the member's personal physician, psychiatrist, or psychologist, as required by department policy.

To facilitate the evaluation of any member, the Department will provide all appropriate documents and available information to the person or entity responsible for conducting the examination.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the report should include the existing restrictions or conditions.

A second evaluation may be ordered if the member or Chief of Police questions the practitioner's report. The evaluation will be conducted by a physician, psychiatrist, or psychologist appointed by the Chief of Police. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the member's fitness shall be decided in accordance with applicable laws, provisions of collective bargaining, meet and confer, other agreements, or policies.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Human Resources Department.

1016.5.2 THRESHOLD CONSIDERATIONS

Referring a member for a fitness-for-duty evaluation is indicated whenever there is an objective and reasonable basis for believing that the member, as a result of a medical or psychological condition or impairment (37 Tex. Admin. Code § 211.29):

- (a) May be unable to perform one or more essential job functions.
- (b) Poses a direct threat to themselves or others.

An objective basis is one that is not merely speculative but derives from direct observation or other reliable evidence.

When deciding whether to order a fitness-for-duty evaluation, the Chief of Police should consider the potential usefulness and appropriateness of the evaluation given the specific circumstances and whether other remedies (e.g., education, training) are appropriate.

1016.5.3 PROCESS FOR PEACE OFFICERS

The Chief of Police, in cooperation with the Human Resources Department, may order an officer to undergo a fitness-for-duty evaluation whenever a question arises as to whether the officer is physically or mentally fit to continue in their duties. The evaluation shall be conducted by the

Alpine Police Department

Alpine Police Department Policy Manual

Fitness for Duty

officer's personal physician, psychiatrist, or psychologist, as appropriate and in accordance with applicable laws, provisions of collective bargaining, meet and confer, other agreements, or policies (Tex. Local Gov't Code § 143.081; Tex. Local Gov't Code § 143.1115).

The Chief of Police shall provide written notice of the evaluation to the officer not later than the tenth business day before the deadline to submit to the evaluation. Written notice shall include the reasons for the evaluation.

To facilitate the evaluation of any member, the Department will provide all appropriate documents and available information to the person or entity responsible for conducting the examination.

The examining practitioner will provide the Department with a report indicating whether the officer is fit for duty. If the officer is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

A second evaluation may be ordered by the appropriate authority if the officer, the civil service commission, or the Chief of Police questions the practitioner's report. The evaluation will be conducted by a physician, psychiatrist, or psychologist appointed in accordance with the procedure adopted by the governing body. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the officer's fitness shall be decided in accordance with applicable laws, provisions of collective bargaining, meet and confer, other agreements, or policies.

All reports and evaluations submitted by the examining practitioner shall be part of the officer's confidential medical file.

Any officer ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the officer to discipline, up to and including termination.

Determinations regarding duty status of officers who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Human Resources Department.

1016.5.4 TCOLE NOTIFICATION

The Chief of Police or the authorized designee shall notify the TCOLE upon a final determination that an officer is unable to effectively perform essential job functions unless the officer submits to and successfully completes an applicable treatment program within a reasonable time. This notification shall be in writing and submitted to TCOLE within 30 days of the final determination that the officer is unable to effectively perform essential job functions.

The Chief of Police or the authorized designee shall notify TCOLE if an officer fails to submit to an evaluation within the deadline set by the Department. This notification shall be in writing and submitted to TCOLE within 30 days after the deadline set by the Department has expired.

Alpine Police Department

Alpine Police Department Policy Manual

Fitness for Duty

The Chief of Police or the authorized designee shall notify TCOLE as soon as practicable if an officer reported as having refused an evaluation has completed the required evaluation or the officer's circumstances have been successfully resolved.

1016.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hours) period.
- 30 hours in any two-day (48 hours) period.
- 84 hours in any seven-day (168 hours) period.

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

1016.7 APPEALS

Members disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

Lactation Breaks

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1017.2 POLICY

It is the policy of the Alpine Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to one year after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Tex. Gov't Code § 619.003).

1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Tex. Gov't Code § 619.004). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the communications operator or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Tex. Gov't Code § 619.004).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Alpine Police Department

Alpine Police Department Policy Manual

Lactation Breaks

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1017.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

Payroll Records

1018.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1018.2 POLICY

The Alpine Police Department maintains timely and accurate payroll records.

1018.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1018.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to the appropriate member as established by the City payroll procedures.

1018.5 RECORDS

The Chief of Police or the authorized designee shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of four years (29 CFR 516.5; 40 Tex. Admin. Code § 815.106).

Overtime Compensation

1019.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

1019.2 POLICY

The Alpine Police Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

1019.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Short periods of overtime worked at the end of the normal duty day (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent shift adjustment within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(k)).

Salary exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

1019.4 REQUESTS FOR OVERTIME COMPENSATION

1019.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Not work in excess of 16 hours, including regularly scheduled work time, overtime and extra-duty time, in any consecutive 24-hour period without supervisory approval.
- (c) Record the actual time worked in an overtime status using the department-approved form or method. Informal notations on reports, logs or other forms not approved for overtime recording are not acceptable.
- (d) Submit the request for overtime compensation to their supervisors by the end of shift or no later than the next calendar day.

Alpine Police Department
Alpine Police Department Policy Manual

Overtime Compensation

1019.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
 - 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of department resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
 - 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's supervisor for final approval.
 - 1. After the supervisor has authorized compensation, the request shall be submitted as soon as practicable.

Supervisors may not authorize or approve their own overtime.

1019.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

1019.5.1 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity, case or court trial, and the amount of time for which overtime compensation is requested varies among the officers, the Chief of Police or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

Outside Employment and Outside Overtime

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment or outside overtime.

1020.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by members of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

Outside overtime - Duties or services performed by members of this department for a private organization, entity or individual, that are requested and scheduled directly through the Department. Member compensation, benefits and costs for such outside services are reimbursed to the Department.

1020.2 POLICY

Members of the Alpine Police Department shall obtain written approval from the Chief of Police or the authorized designee prior to engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

1020.3 OUTSIDE EMPLOYMENT

1020.3.1 REQUEST AND APPROVAL

Members must submit the designated outside employment request form to their immediate supervisors. The request form will then be forwarded through the chain of command to the Chief of Police for consideration.

If approved, the member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form at the start of each calendar year.

1020.3.2 DENIAL

Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

Alpine Police Department

Alpine Police Department Policy Manual

Outside Employment and Outside Overtime

1020.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 - 1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.
- (b) When a member's conduct or outside employment conflicts with department policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Department or City.

1020.3.4 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief of Police within 10 days of receiving notice of the denial, revocation or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy.

1020.4 REQUIREMENTS

1020.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Department reserves the right to deny any request for outside employment that involves:

- (a) The use of department time, facilities, equipment or supplies.
- (b) The use of the Alpine Police Department badge, uniform or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.
- (e) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.

Alpine Police Department

Alpine Police Department Policy Manual

Outside Employment and Outside Overtime

- (f) Activities that may conflict with any other policy or rule of the Department.

1020.4.2 SECURITY AND LAW ENFORCEMENT OFFICER OUTSIDE EMPLOYMENT

No member of this department may engage in any outside employment as a law enforcement officer, private security guard, private investigator or other similar private security position.

1020.4.3 DEPARTMENT RESOURCES

Members are prohibited from using any department equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using his/her position with this department to gain access to official records or databases of this department or other agencies.

1020.4.4 REVIEW OF FINANCIAL RECORDS

Prior to approving outside employment, the Department may request that a member provide his/her personal financial records for review if the Chief of Police determines that a conflict of interest may exist. Failure or refusal by the member to provide such records may result in denial of the outside employment.

If, after approving a request for outside employment, the Department obtains information that a financial conflict of interest exists, the Department may request that the member provide his/her personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension of approval of the outside employment pursuant to this policy.

1020.4.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief of Police any material changes in outside employment, including any change in the number of hours, type of duties or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

1020.4.6 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief of Police regarding whether such employment should continue.

In the event that the Chief of Police determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention

Alpine Police Department

Alpine Police Department Policy Manual

Outside Employment and Outside Overtime

regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include, but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's medical professional advisers.
- (b) The outside employment requires performance of the same or similar physical ability as would be required of an on-duty member.
- (c) The member's failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Alpine Police Department, a written request may be submitted to the Chief of Police to approve the outside employment request.

1020.5 OUTSIDE OVERTIME

1020.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such services will be assigned, monitored and compensated through the Department as outside overtime assignments.

- (a) A request for special services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute will not be approved.
- (b) The requester will be required to enter into an agreement that includes indemnification with the Department prior to approval.
- (c) The requester will be required to reimburse the Department for the members' compensation, benefits and costs (e.g., court time) associated with such outside services.
- (d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:
 - 1. The member shall wear the department uniform and carry department identification.
 - 2. The member shall be subject to the rules and regulations of this department.
 - 3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).
 - 4. Outside overtime shall not be subject to the collective bargaining process.
- (e) Outside overtime shall be assigned at the discretion of the Chief of Police or the authorized designee.

Alpine Police Department

Alpine Police Department Policy Manual

Outside Employment and Outside Overtime

1020.5.2 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

1020.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Chief of Police, undercover officers or officers assigned to covert operations shall not be eligible to work outside overtime in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.

Occupational Disease, Work-Related Injury and Death Reporting

1021.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of occupational diseases, work-related injuries and deaths.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - Any injury or disease that causes damage or harm to the physical structure of the body and that arises out of and in the course and scope of employment with the Alpine Police Department. This includes damage or harm occurring as the result of repetitious, physically traumatic activities (Tex. Labor Code § 401.011).

1021.2 POLICY

The Alpine Police Department will address occupational diseases, work-related injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (Tex. Labor Code § 409.005 et seq.).

1021.3 RESPONSIBILITIES

1021.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate.

1021.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational disease should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related City-wide injury- or disease-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1021.3.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

Alpine Police Department
Alpine Police Department Policy Manual

Occupational Disease, Work-Related Injury and Death Reporting

1021.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Lead Investigator through the chain of command and a copy sent to the Administration Lead Investigator.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1021.4.1 FIREARM INJURIES OR DEATHS

If a member is injured or killed by a firearm discharged by another person, the Lead Investigator shall ensure that reporting required by the Attorney General is submitted (Tex. Code of Crim. Pro. art. 2A.207).

1021.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1021.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

1021.6 FIRST RESPONDER LIAISON ACCESS

Members shall have unrestricted access to contact a first responder liaison at any time regarding their workers' compensation claim (Tex. Labor Code § 404.1525; Tex. Labor Code § 404.153).

Personal Appearance Standards

1022.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Alpine Police Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

1022.2 POLICY

Alpine Police Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements, appearance conformity and the social norms of the community served, while considering matters important to members of the Department.

1022.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief of Police has granted an exception.

1022.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief of Police.

1022.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male department members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance.

When working a field assignment, hairstyles for female department members must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance. Longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the head above the bottom edge of the shirt collar.

1022.3.3 MUSTACHES

Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip and shall be short and neatly trimmed.

Alpine Police Department

Alpine Police Department Policy Manual

Personal Appearance Standards

1022.3.4 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1022.3.5 FACIAL HAIR

Facial hair, other than sideburns, mustaches and eyebrows, is prohibited, unless authorized by the Chief of Police or the authorized designee.

1022.3.6 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

1022.4 APPEARANCE

1022.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1022.4.2 TATTOOS

At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1022.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Alpine Police Department in any official capacity, that is a deviation from

Alpine Police Department

Alpine Police Department Policy Manual

Personal Appearance Standards

normal anatomical features and that is not medically required, is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).
- (d) Branding, scarification or burning to create a design or pattern.

1022.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Alpine Police Department in any official capacity. Such ornamentation includes, but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum or other veneers or caps used for decorative purposes.
- (c) Orthodontic appliances that are colored for decorative purposes.

1022.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Alpine Police Department in any official capacity.

1022.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion and other items used for body fragrance shall be kept to a minimum.

1022.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

1022.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief of Police should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves, simple head coverings, certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

Alpine Police Department

Alpine Police Department Policy Manual

Personal Appearance Standards

1022.6 EXEMPTIONS

Members who seek an exemption to this policy protected by law (e.g., culturally protective hairstyles) should generally be accommodated (Tex. Labor Code § 21.1095). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with an exemption is denied an assignment based on a safety or security risk.

Uniforms and Civilian Attire

1023.1 PURPOSE AND SCOPE

This policy provides guidelines for Alpine Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Department.

This policy addresses the wearing and maintenance of department uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Department.

Other related topics are addressed in the Badges, Patches and Identification, Department-Owned and Personal Property, and Personal Appearance Standards policies.

1023.2 POLICY

The Alpine Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement or memorandum of understanding. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

1023.3 UNIFORMS

The Chief of Police or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear department-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Uniforms shall be worn in compliance with any applicable department specifications.
- (d) Members shall wear only the uniforms specified for their ranks and assignments.
- (e) Civilian attire shall not be worn in combination with any distinguishable part of a uniform.
- (f) Uniforms are only to be worn while on-duty, for court, at official department functions or events, while in transit to or from work, or when authorized by the Chief of Police or the authorized designee.

Alpine Police Department

Alpine Police Department Policy Manual

Uniforms and Civilian Attire

1. When the uniform is worn while in transit, a non-uniform outer garment shall be worn over the uniform shirt to avoid bringing attention to the member while he/she is off-duty.
- (g) Members are not to purchase or drink alcoholic beverages while wearing any part of department-issued uniforms, including the uniform pants.
- (h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

1023.3.1 ACCESSORIES

Members shall adhere to the following when wearing department uniforms:

- (a) Mirrored sunglasses will not be worn.
- (b) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy.

1023.3.2 INSIGNIA, PATCHES AND BADGE

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Chief of Police:

- (a) Shoulder patch - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.
- (b) Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- (c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.
 1. When a jacket is worn, the nameplate, or an authorized sewn-on cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.
- (d) Rank insignia - The designated insignia indicating the member's rank must be worn at all times while in uniform.
- (e) Service insignia - The designated insignia indicating the member's length of service (1 Service Stripe for every 4 years of service as a sworn officer or dispatcher) may be worn on long-sleeve shirts and jackets. The insignia shall be machine stitched to the left sleeve of the uniform.
- (f) Assignment insignias - Assignment insignias (e.g., Field Training Officer (FTO)) may be worn as designated by the Chief of Police.
- (g) American flag pin - An American flag pin may be worn, centered above the nameplate.
- (h) Award/commendation insignia - Insignia representing an award or commendation received under the Commendations and Awards Policy, or other recognition authorized by the Chief of Police, may be worn, centered above the nameplate. If more than one award is worn, or an American flag pin is worn, the insignia shall be equally

Alpine Police Department

Alpine Police Department Policy Manual

Uniforms and Civilian Attire

spaced in one or two horizontal rows centered above the nameplate in a manner that provides a balanced appearance.

1023.3.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief of Police. The following mourning periods will be observed:

- (a) Alpine Police Department officer - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1023.4 UNIFORM CLASSES

The Chief of Police or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized.

Uniforms are classified as follows:

- (a) Class A - Full dress uniform to be worn by designated department members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Chief of Police or the authorized designee.
- (b) Class B - Standard issue uniform to be worn daily by designated department members.
- (c) Class C - General utility uniform to be worn by designated Department members.
- (d) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions.

1023.4.1 CLASS A UNIFORM

The Class A uniform consists of the following:

- (a) Dress hat
- (b) Long-sleeve shirt
- (c) Tie tack or tie bar
- (d) Trousers or skirt
- (e) Black belt
 - 1. Belts shall be equipped as needed for the member's assignment.
- (f) Dark blue or black socks

Alpine Police Department
Alpine Police Department Policy Manual

Uniforms and Civilian Attire

- 1. Natural colored hose must be worn with the skirt.
- (g) Black polished dress shoes
 - 1. Boots with pointed toes are not permitted.
- (h) White gloves

1023.4.2 CLASS B UNIFORM

The Class B uniform consists of the following:

- (a) Long- or short-sleeve shirt with the collar open and no tie
 - 1. A crew neck t-shirt must be worn under the uniform shirt.
 - 2. All shirt buttons must remain buttoned except for the top button at the neck.
 - 3. Long sleeves must be buttoned at the cuff.
- (b) Trousers or skirt
- (c) Black belt
 - 1. Belts shall be equipped as needed for the member's assignment.
- (d) Dark blue or black socks
 - 1. Natural colored hose must be worn with the skirt.
- (e) Black polished dress shoes
 - 1. Approved black unpolished shoes may be worn.
 - 2. Boots with pointed toes are not permitted.
 - 3. Decorative stitching or adornment is not permitted.
- (f) Weather-appropriate items
 - 1. Hat
 - 2. Dark blue or black mock turtleneck may be worn under the long-sleeve uniform shirt
 - 3. Jacket
 - 4. Rain gear

1023.4.3 CLASS C UNIFORM

The Chief of Police or the authorized designee will establish the specifications, regulations and conditions for wearing the Class C uniform.

Alpine Police Department

Alpine Police Department Policy Manual

Uniforms and Civilian Attire

1023.4.4 SPECIALIZED ASSIGNMENT UNIFORM

The Chief of Police or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers, bicycle patrol, DEA Task Force officers, and other specific assignments.

1023.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

- (a) Civilian attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Members assigned to administrative, investigative and support positions shall wear business-appropriate clothing that is conservative in style.
- (c) Variations from this policy are allowed at the discretion of the Chief of Police or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.
- (d) No item of civilian attire that would adversely affect the reputation of the Alpine Police Department or the morale of the members may be worn while on-duty.
- (e) The following items shall not be worn while on-duty or when representing the Department in any official capacity:
 - 1. Clothing that reveals cleavage, the back, chest, stomach or buttocks
 - 2. T-shirt alone or exposed undergarments
 - 3. Swimsuits, tank tops, tube tops or halter tops
 - 4. Sweatshirts, sweatpants or similar exercise clothing
 - 5. Spandex-type pants or transparent clothing
 - 6. Denim pants of any color
 - 7. Shorts
 - 8. Open-toed shoes
 - 9. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language

1023.6 OPTIONAL EQUIPMENT

Any items that are allowed by the Alpine Police Department but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the department.

Alpine Police Department

Alpine Police Department Policy Manual

Uniforms and Civilian Attire

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

- (a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
- (b) When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Department-Owned and Personal Property Policy.

1023.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Department members may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Department members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

Explorers

1024.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Alpine Police Department Explorers.

1024.2 POLICY

It is the policy of the Alpine Police Department to offer a program for Explorers to familiarize and prepare qualified individuals for a career in law enforcement. The Department shall ensure that those participating in the program are properly appointed, trained and supervised.

1024.3 RECRUITMENT, SELECTION AND APPOINTMENT

The Alpine Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

Applicants shall be required to meet and pass certain pre-appointment procedures as designated by the Chief of Police.

1024.3.1 REQUIREMENTS

Individuals in the Explorer program shall:

- (a) Have completed the eighth grade and be at least 14 years of age and under 21 years of age.
- (b) Maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken.
 - 1. Explorers enrolled in college shall complete at least six units of college course work per semester (or quarter equivalent).
- (c) Commit at least eight hours of service per month.

1024.3.2 IDENTIFICATION

Explorers shall conform to all of the uniform regulation and appearance standards of this department.

Each Explorer will be provided two uniforms, which will meet the specifications described in the designated uniform and equipment specifications. The identification worn by uniformed Explorers shall be different and distinct from that worn by regular department personnel; it will include the designation "Explorer" on the uniform.

Explorers will be issued their Alpine Police Department identification cards, which must be carried at all times while on-duty. The Alpine Police Department identification card will be the standard identification card, with the exception that "Explorer" will be indicated on the card. Explorers shall be required to return any issued uniform or department property at the termination of service.

Alpine Police Department

Alpine Police Department Policy Manual

Explorers

1024.4 EXPLORER COORDINATOR

The Chief of Police shall delegate certain responsibilities to an Explorer coordinator. The Explorer coordinator shall be appointed by, and directly responsible to, the Chief of Police or the authorized designee.

The responsibilities of the Explorer coordinator or the authorized designee include, but are not limited to:

- (a) Overseeing the Explorer program, including:
 - 1. Conducting Explorer program meetings.
 - 2. Monitoring the overall Explorer program activities.
- (b) Making individual Explorer assignments.
- (c) Maintaining and ensuring performance evaluations are completed.
- (d) Monitoring the Explorer training program.
- (e) Monitoring individual educational and job performance.
- (f) Maintaining a liaison with other agency Explorer program coordinators.

1024.4.1 EXPLORER ADVISERS

The Explorer coordinator may select individual officers to serve as advisers for the Explorer program. These officers will serve as mentors for each Explorer. Explorers will bring special requests, concerns and suggestions to their advisers for guidance or direction before contacting the Explorer coordinator. One adviser may be designated as the coordinator's assistant to lead scheduled meetings and training sessions. Multiple Explorers may be assigned to each adviser. Explorer advisers are not intended to circumvent the established chain of command.

1024.4.2 EXPLORER MEETINGS

All Explorer meetings will be scheduled and conducted by the Explorer coordinator. All Explorers are required to attend. Any absences must be satisfactorily explained to the Explorer coordinator.

1024.4.3 EMERGENCY CALLOUT

The Explorer coordinator shall develop a plan outlining an emergency callout procedure.

1024.5 ORIENTATION AND TRAINING

Newly hired Explorers will receive an orientation of the Department and its facilities before reporting to their first assignments. On-the-job training will be conducted in compliance with designated department Explorer training guidelines. Training sessions will be scheduled as needed to train Explorers for as many assignments as possible. In addition to job-specific training, information will be offered to prepare Explorers to compete successfully in a police officer selection process and academy training. All Explorer training will focus on improving job performance, as well as preparation to become a police officer. These meetings will also offer an opportunity for Explorers to receive continuous feedback regarding their progress in the Explorer program.

Alpine Police Department

Alpine Police Department Policy Manual

Explorers

1024.5.1 EXPLORER TRAINING MATERIALS

Each new Explorer will be issued Explorer training materials. The Explorer training materials are an outline of the subject matter and/or skills necessary to properly function as an Explorer with the Alpine Police Department. The Explorer shall become knowledgeable of the subject matter. He/she shall also become proficient with those skills as set forth in the Explorer training materials.

1024.6 ROTATION OF ASSIGNMENTS

Job assignments should rotate on a regular basis to enhance the career development of each Explorer. Department needs and concerns will take precedence over individual considerations, with the final decision resting with the Explorer coordinator.

In general, more experienced Explorers will be assigned to positions requiring more technical skill or responsibility. They may also serve to train current and newly hired Explorers.

1024.7 RIDE-ALONGS

All Explorers are authorized to participate in department ride-alongs on their own time and as approved by the Explorer program coordinator or Explorer adviser and the Chief of Police. Applicable waivers must be signed in advance of the ride-along. Explorers shall wear their uniforms while on a ride-along.

1024.8 SUPERVISION

All Explorers shall be under the direct supervision of a member of the Department or the authorized designee. Explorers shall never supervise regular department personnel.

1024.9 PERFORMANCE EVALUATIONS

Performance evaluations for all Explorers should be completed monthly during the first year and on a yearly basis thereafter to assess current job performance and their potential as police officers.

Conflict of Interest

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Alpine Police Department.

1025.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

1025.2 POLICY

Members of the Alpine Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and department members.

1025.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members:

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they

Alpine Police Department
Alpine Police Department Policy Manual

Conflict of Interest

are assigned to train until such time as the training has been successfully completed and the person is off probation.

1025.4 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the communications operator to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

1025.5 SUPERVISOR RESPONSIBILITIES

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

Badges, Patches and Identification

1026.1 PURPOSE AND SCOPE

The Alpine Police Department (APD) badge, patch and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

1026.2 POLICY

The Alpine Police Department issues each member appropriate identification, which may include a badge, patch and/or identification card, depending on the member's position within the Department.

1026.3 MEMBER RESPONSIBILITIES

Members of the Alpine Police Department will use the APD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally. The APD badge, patch and identification card shall only be displayed or used by a member when acting in an official or authorized capacity.

Department members shall not:

- (a) Display or use the APD badge, patch or identification card for personal gain or benefit.
- (b) Loan the APD badge, patch or identification card to others or permit these items to be reproduced or duplicated (Tex. Penal Code § 37.12).
- (c) Use images of the APD badge, patch or identification card, or the likeness thereof, or the Alpine Police Department name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, social networking or websites.

1026.4 LOST BADGE, PATCH OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their APD badges, patches or identification cards are lost, damaged or are otherwise removed from their control.

1026.5 BADGES

The Chief of Police shall determine the number and form of badges authorized for use by department members.

Only badges issued by this department are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1026.5.1 RETIREE BADGES

The Chief of Police may establish rules for allowing honorably retired members to keep their badges in some form or possess a retirement badge upon retirement.

Alpine Police Department

Alpine Police Department Policy Manual

Badges, Patches and Identification

1026.5.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the APD badge shall not be used for any purpose without the express authorization of the Chief of Police and shall be subject to the following:

- (a) An authorized employee group may use the likeness of the APD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Alpine Police Department. The following modification shall be included:
 - 1. Any text identifying the Alpine Police Department is replaced with the name of the employee group.
 - 2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

1026.6 PATCHES

The Chief of Police shall determine the form of patches authorized for use by the Department. Any request to modify the authorized patches for specialty divisions (e.g., K-9, SWAT) should be submitted to the Chief of Police in writing.

Only patches issued by this department are authorized to be displayed or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief of Police, may request additional patches, at their own expense.

1026.7 IDENTIFICATION CARDS

All members will be issued an official APD identification card bearing:

- The member's name
- The member's full-face photograph
- The member's identification number
- The member's signature
- The signature of the Chief of Police
- The Department name or the official seal of the Department
- If the member is an officer (Tex. Gov't Code § 614.122; Tex. Gov't Code § 614.123):
 - A brief description of the officer (i.e., height, weight, eye color)
 - His/her thumbprint or a bar code with a unique identification label for the officer
 - His/her date of appointment, the date the identification card was issued and a 24-hour phone number that may be called to verify the validity of the card
 - The words "State of Texas," the Texas state seal and the following language:

Alpine Police Department

Alpine Police Department Policy Manual

Badges, Patches and Identification

"This identification card certifies that (insert name of peace officer) is commissioned by the Department as a (insert "full-time peace officer" or "part-time peace officer" or "reserve law enforcement officer")."

All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

- (a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their Chief of Police.

1026.8 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department and should contain identifying information including, but not limited to, the member's name, division, badge or other identification number and contact information (e.g., telephone number, email address).

Members should provide a business card to any member of the public who requests one.

Temporary Modified-Duty Assignments

1027.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1027.2 POLICY

Subject to operational considerations, the Alpine Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1027.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Texas Commission on Human Rights Act (TCHRA) shall be treated equally, without regard to any preference for a work-related injury (Tex. Labor Code § 21.001 et seq.).

No position in the Alpine Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1027.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Alpine Police Department

Alpine Police Department Policy Manual

Temporary Modified-Duty Assignments

Employees seeking a temporary modified-duty assignment should submit a written request to their Lead Investigators or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Lead Investigator will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Supervisor or Lead Investigator, with notice to the Chief of Police.

1027.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Lead Investigator.

1027.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Lead Investigator that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

Alpine Police Department

Alpine Police Department Policy Manual

Temporary Modified-Duty Assignments

1027.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but are not limited to:

- (a) Periodically apprising the Lead Investigator of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Lead Investigator and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1027.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1027.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k); Tex. Labor Code § 21.106). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Tex. Local Gov't Code § 180.004).

1027.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1027.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

Alpine Police Department
Alpine Police Department Policy Manual

Temporary Modified-Duty Assignments

1027.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

1027.10 RETURN FROM LINE-OF-DUTY ILLNESS OR INJURY LEAVE OF ABSENCE

An officer able to return to light duty while recovering from a temporary disability from a line-of-duty injury or illness should receive a modified-duty assignment while medically necessary, for up to one year (Tex. Local Gov't Code § 177A.004). Following recovery, the officer shall be reinstated at the rank and seniority held prior to taking leave for the temporary disability.

Performance History Audits

1028.1 PURPOSE AND SCOPE

This policy provides guidance for the use of performance history audits. Performance history audits can help identify commendable performance as well as provide early recognition of training needs and other potential issues (e.g., problematic conduct). This policy addresses the responsibilities, performance indicators, and components of the audit; handling of collected data; and conducting appropriate interventions, when necessary.

1028.2 POLICY

The Alpine Police Department collects data to assist supervisors with evaluating the performance of their employees, including identifying problematic conduct and providing for appropriate interventions. While it is understood that the statistical compilation of data may be helpful to supervisors, the Department recognizes that it cannot account for, and must carefully balance such data with, the many variables in law enforcement, such as:

- Ability to detect crime.
- Work ethic.
- Assignment and shift.
- Physical abilities (ability to perform the job-related physical tasks).
- Randomness of events.

1028.3 RESPONSIBILITIES

The Chief of Police or the authorized designee is responsible for collecting performance indicators and other relevant data. The data will be compiled to generate quarterly performance history audit reports that will be provided to the Chief of Police or the authorized designee as appropriate. The will utilize confidential methods to compile and track information regarding performance indicators for each officer during each quarter in order to prepare the report. Though generated quarterly, each report should contain data from a one-year time period.

The Chief of Police or the authorized designee should forward a copy of each performance history audit report to the City Attorney for review and retention as attorney work product and confidential personnel information.

1028.4 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance history audits should include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

Alpine Police Department

Alpine Police Department Policy Manual

Performance History Audits

1028.4.1 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police has determined may be relevant data for the generation and analysis of performance history audits. These indicators may include, but are not limited to, the frequency and/or number of:

- (a) Use of force incidents.
- (b) Involvement and conduct during vehicle pursuits.
- (c) Personnel complaints, including the findings.
- (d) Commendations, compliments and awards from the Department and the public.
- (e) Claims and civil suits related to the employee's actions or alleged actions.
- (f) Canine bite incidents.
- (g) Personnel investigations.
- (h) District Attorney case rejections and the reasons.
- (i) Intentional or unintentional firearm discharges (regardless of injury).
- (j) Vehicle collisions.
- (k) Missed court appearances.
- (l) Documented counseling.

1028.4.2 DATA ANALYSIS

The Chief of Police or the authorized designee will review each performance history audit report and determine whether it should be provided to the officer's immediate supervisor for further consideration.

1028.4.3 EMPLOYEE REVIEW

Upon receipt of a performance history audit report, the supervisor will carefully review the report with the officer to assess any potential trends or other issues that may warrant intervention to improve officer performance and avoid unnecessary uses of force. These interventions could include informal counseling, additional training or a recommendation for other action, including discipline. The officer shall date and sign the report and should be provided with a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Chief of Police or the authorized designee of such recommendation. If the Chief of Police or the authorized designee concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a performance history audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

Alpine Police Department

Alpine Police Department Policy Manual

Performance History Audits

1028.4.4 FOLLOW-UP MONITORING

Depending upon the results of each performance history audit, a determination should be made by the Chief of Police or the authorized designee, after discussion with the officer's immediate supervisor, about the need, type and duration of any follow-up. Performance indicators and data analysis will generally provide the basis upon which such decisions should be made.

1028.5 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to performance history audit reports will be governed under the same process as access to an officer's personnel file, as outlined in the Personnel Records Policy.

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

1028.6 EFFICIENCY REPORTS

Officers shall be provided with the opportunity to review, receive a copy of and comment in writing concerning any efficiency report placed into the officer's personnel file (Tex. Local Gov't Code § 143.082).

1028.7 RETENTION

Performance history audit reports and associated records shall be retained in accordance with the established records retention schedule.

Speech, Expression and Social Networking

1029.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Alpine Police Department.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech and use of all internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1029.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Alpine Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1029.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Alpine Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.

Alpine Police Department
Alpine Police Department Policy Manual

Speech, Expression and Social Networking

- Otherwise disclosing where another officer can be located off-duty.

1029.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the safety, performance and public-trust needs of the Alpine Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (Tex. Penal Code § 39.06).
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Alpine

Alpine Police Department

Alpine Police Department Policy Manual

Speech, Expression and Social Networking

Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1029.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Alpine Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video or public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Alpine Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1029.4.2 POLITICAL ACTIVITY

Employees of the Alpine Police Department may not engage in a political activity relating to a campaign for an elective office while in uniform or on-duty (Tex. Local Gov't Code § 150.002).

While out of uniform and not on active duty, an employee may engage in a political activity relating to a campaign for an elective office, except that the person may not solicit campaign contributions for a candidate other than from members of an employee organization to which that person belongs (Tex. Local Gov't Code § 150.002; Tex. Local Gov't Code § 150.003).

Alpine Police Department

Alpine Police Department Policy Manual

Speech, Expression and Social Networking

1029.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1029.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1029.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.

Illness and Injury Prevention

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Alpine Police Department.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related City wide safety efforts.

1030.2 POLICY

The Alpine Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training and safeguards designed to reduce the potential for accidents, injuries and illness. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1030.3 ILLNESS AND INJURY PREVENTION PLAN

The Chief of Police or the authorized designee is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 - 1. Meet regularly.
 - 2. Prepare a written record of safety and health committee meetings.
 - 3. Review the results of periodic scheduled inspections.
 - 4. Review investigations of accidents and exposures.
 - 5. Make suggestions to command staff for the prevention of future incidents.
 - 6. Review investigations of alleged hazardous conditions.
 - 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 - 8. Assess the effectiveness of efforts made by the Department to meet applicable standards.
- (f) Establishing a process to ensure illnesses and injuries are reported as required by the Texas Department of Insurance, as applicable. This may include reporting injuries that require the absence of a member for more than one work day or when a member

Alpine Police Department

Alpine Police Department Policy Manual

Illness and Injury Prevention

notifies the Department that the member has an occupational disease (Tex. Labor Code § 409.005).

1030.4 CHIEF OF POLICE RESPONSIBILITIES

The responsibilities of the Chief of Police or the authorized designee include, but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular member review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Bloodborne pathogens (Tex. Health & Safety Code § 81.303 et seq.)
 - (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
- (e) Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1030.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

Alpine Police Department
Alpine Police Department Policy Manual

Illness and Injury Prevention

- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Chief of Police.
- (e) Notifying the Chief of Police when:
 - 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational illnesses and injuries occur.
 - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.

1030.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Chief of Police or the authorized designee.

The Chief of Police or the authorized designee will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1030.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

Alpine Police Department

Alpine Police Department Policy Manual

Illness and Injury Prevention

The Chief of Police or the authorized designee shall ensure that the appropriate documentation is completed for each inspection.

1030.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1030.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty, shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Diseases and Work-Related Injury and Death Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1030.9 TRAINING

The Chief of Police or the authorized designee should work with the Training Coordinator/Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

Alpine Police Department

Alpine Police Department Policy Manual

Illness and Injury Prevention

1030.9.1 TRAINING TOPICS

The Training Coordinator/Training Manager shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1030.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Line-of-Duty Deaths

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Alpine Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1031.2 POLICY

It is the policy of the Alpine Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1031.3 INITIAL ACTIONS BY THE CHIEF OF POLICE

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Chief of Police and Dispatch.
 - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Chief of Police or the authorized designee should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Chief of Police or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve

Alpine Police Department

Alpine Police Department Policy Manual

Line-of-Duty Deaths

the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1031.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the a Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

Alpine Police Department

Alpine Police Department Policy Manual

Line-of-Duty Deaths

- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Alpine Police Department members may be apprised that survivor notifications are complete.

1031.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1031.5 NOTIFYING DEPARTMENT MEMBERS

The Chief of Police or the authorized designee is responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. The Chief of Police or the authorized designee should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

The Chief of Police or the authorized designee should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

Alpine Police Department

Alpine Police Department Policy Manual

Line-of-Duty Deaths

1031.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1031.6.1 DEPARTMENT LIAISON

The Department Liaison should be of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

Alpine Police Department

Alpine Police Department Policy Manual

Line-of-Duty Deaths

- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.
- (j) Ensuring that the member's duty weapon and badge are transferred to the designated beneficiary or estate (Tex. Gov't Code § 615.102).

1031.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Department members and friends of the deceased member.
 - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Alpine Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1031.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

Alpine Police Department

Alpine Police Department Policy Manual

Line-of-Duty Deaths

The Survivor Support Liaison should be selected by the Chief of Police or the authorized designee. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 - 1. Items should not be delivered to the survivors until they are ready to receive the items.
 - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

Alpine Police Department

Alpine Police Department Policy Manual

Line-of-Duty Deaths

- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1031.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive wellness support.
- (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.

Alpine Police Department

Alpine Police Department Policy Manual

Line-of-Duty Deaths

- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1031.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler
 - 3. Uniform for burial
 - 4. Flag presentation
 - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1031.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Alpine Police Department members can attend funeral services as possible.

Alpine Police Department

Alpine Police Department Policy Manual

Line-of-Duty Deaths

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1031.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease, Work-Related Injury and Death Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Educational Assistance (PSOEA) Program.
 - 2. Social Security Administration.
 - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. State death benefits (Tex. Const. art. III, § 51-d).
 - 2. Retirement and death benefits available under Title 8 of the Texas Government Code.
 - 3. Survivor Benefits (Tex. Gov't Code § 615.022; Tex. Gov't. Code § 615.023).
 - 4. Health insurance benefits (Tex. Gov't Code § 615.072 et seq.).
 - 5. Educational benefits (Tex. Educ. Code § 54.354).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

Alpine Police Department

Alpine Police Department Policy Manual

Line-of-Duty Deaths

1031.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1031.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

Alpine Police Department

Alpine Police Department Policy Manual

Line-of-Duty Deaths

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1031.8 CHAPLAIN DUTIES

A chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1031.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1031.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1031.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Wellness Program

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An incident involving a peace officer that occurs while the officer is performing official duties and that results in serious bodily injury to the officer or poses a substantial risk of serious bodily injury or death to the officer or of serious harm to the officer's mental health or well-being (Tex. Gov't Code § 772.0074).

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1032.2 POLICY

It is the policy of the Alpine Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1032.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Human Resources Department, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).

Alpine Police Department

Alpine Police Department Policy Manual

Wellness Program

1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
 2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
1. Peer support member selection and retention.
 2. Training and applicable certification requirements.
 3. Deployment.
 4. Managing potential conflicts between peer support members and those seeking service.
 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
1. Defining the types of incidents that may initiate debriefings.
 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
1. Obtaining a written description of the program services.
 2. Providing for the methods to obtain program services.
 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Maintain familiarity with, and incorporate as appropriate, the requirements of the peace officer wellness program established by the Health and Human Services Commission (Tex. Gov't Code § 425.052).

Alpine Police Department
Alpine Police Department Policy Manual

Wellness Program

1032.4 DEPARTMENT PEER SUPPORT

1032.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1032.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 - 1. Stress management.
 - 2. Suicide prevention.
 - 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 - 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1032.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1032.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members and/or emergency response team members, and those directly involved in the incident.

Alpine Police Department

Alpine Police Department Policy Manual

Wellness Program

1032.5.1 CRITICAL INCIDENT STRESS MANAGEMENT SERVICES

An emergency response team member is an individual designated to provide critical incident stress management services or crisis intervention services to officers or communications operators. Critical incident stress management services and crisis response services include consultation, counseling, debriefing, intervention, and referral services designed to assist the officer or communications operator in coping with critical incident stress as well as on-site crisis intervention and risk assessment offered to those affected by crisis or disaster (Tex. Health & Safety Code § 784.001).

Records and communication with emergency response team members are confidential, except as provided by law (e.g., information regarding imminent threats, consent, appropriate referrals) (Tex. Health & Safety Code § 784.003).

A meeting involving critical incident stress management services or crisis response services is closed to the public unless the officer or the officer's legal representative consent to open the meeting to certain individuals or the officer is deceased (Tex. Health & Safety Code § 784.002).

1032.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications.

1032.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of department-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1032.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

Alpine Police Department

Alpine Police Department Policy Manual

Wellness Program

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

1032.9 MENTAL HEALTH LEAVE

Eligible officers shall be entitled to three days of mental health leave following a critical incident event that occurred within the scope of employment (Tex. Gov't Code § 614.015). Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so. The coordinator should develop written guidelines to address any additional circumstances under which mental health leave should be granted.

Mental health leave shall be paid and will not result in a deduction in salary or compensation.

The coordinator shall develop procedures to address:

- (a) Requests for extension of mental health leave and required documentation by a medical professional or counselor.
- (b) Confidentiality of requests with the following exceptions:
 1. Notification to and coordination with the member's supervisor for scheduling and assignment adjustments to accommodate mental health leave.
 2. Information that is required to be reported by law or that indicates the officer presents an immediate danger to self or others.
 3. Coordinating a confidential fitness-for-duty examination under the Fitness for Duty Policy when appropriate.
- (c) Referral for peer support through this policy.

1032.10 TRAINING

The coordinator or the authorized designee should collaborate with the training manager to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.

Alpine Police Department

Alpine Police Department Policy Manual

Wellness Program

- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the training manager or the authorized designee as appropriate for inclusion in training records.

Alpine Police Department Policy Manual

Alpine Police Department Policy Manual

Attachments

Alpine Police Department Policy Manual

Alpine Police Department Policy Manual

INDEX / TOPICS

A

ACKNOWLEDGEMENTS

Department/office-issued property.	448
Departmental directives.	19
Discriminatory harassment.	544
Evidence.	478
Policy manual.	16
Policy revisions.	16

ADMINISTRATIVE COMMUNICATIONS.

ADMINISTRATIVE INVESTIGATIONS

Criminal parallel.	572
Surreptitious recording.	328
Vehicle damage.	462

ADMINISTRATIVE LEAVE

Compensation.	595
Employee convictions.	553
Firearms.	73
Outside employment.	599
Traffic accident reviews.	387

ADULT ABUSE.

Homeless persons.	346
Investigations.	404
Sexual Assault.	406

AIRCRAFT

Accidents.	309
Ambulance.	352
Flying while armed.	78
Pursuits.	86
Support.	316
Temporary flight restrictions.	177

ALCOHOL

Firearms.	76
Intoxicants.	165
Vehicle use.	458

AMBER ALERTS.

AMMUNITION

Body armor.	579
Kinetic energy projectiles.	53
Property packaging.	475

ANIMALS

Euthanize.	77
Injured.	77
Line-of-duty deaths.	648
Service.	217, 238

ANTI-RETALIATION.

APPOINTMENTS

ADA coordinator.	213
ALPR operations coordinator.	342
Bicycle patrol coordinator.	339

Chaplain coordinator.	225
Chief executive officer.	12
Community relations coordinator.	252
Explorer coordinator.	615
Exposure control officer.	560
FTO coordinator.	313
LEP Coordinator.	205
Operations director.	434
Part-time officer/deputy coordinator.	184
Press information officer (PIO).	176
Property Officer.	473
Training committee.	23
Training manager.	22
TSA instructor.	78
Volunteer coordinator.	243

ARRESTS

Child and dependent adult safety.	234
Citations.	295
Consular notifications.	506
Control devices.	50
Department employee or prominent official.	195
Diplomatic immunity.	297
Disabled persons.	219
Employee.	553
Family violence.	114
First amendment assemblies.	359
Handcuffs and restraints.	46, 47
Limited English proficiency (LEP).	210
Log.	178
Mass.	357
Mental Health.	292
Private Person's.	203
Seat belts.	576
Towed Vehicles.	389

ASSET FORFEITURE.

AUDIO/VIDEO RECORDING

Child Abuse.	125
First amendment assemblies.	356
Forced biological samples.	222
Holding cells.	510
Juveniles.	521
Mobile (MAV).	326
Public safety surveillance.	230

AUDITS

ALPR system.	343
Criminal intelligence system.	321
Grievances.	549
Informant files.	420
Informant funds.	422
Information technology.	166
Personnel complaints.	567
Property bureau.	481

Alpine Police Department

Alpine Police Department Policy Manual

Alpine Police Department Policy Manual

Public safety video surveillance.	233
AUTHORITY	
Abuse of.	345
Ethics.	160
Official.	631
Part-time officers/deputies.	183
Policy manual.	14
Use of force.	44
AUTOMATED LICENSE PLATE READERS	
(ALPR).	342
AUTOMATIC VEHICLE LOCATION.	458
AVL.	458

B

BACKGROUNDS	
Ride-alongs.	270
BADGES.	619
BADGES, PATCHES AND IDENTIFICATION	
Administrative leave.	572
Prohibited use.	598
Speech, expression and social networking.	630
Uniforms.	609
While armed.	73
BARRICADE INCIDENTS.	275
BATONS.	51
BIAS-BASED POLICING.	264
BICYCLES.	338
Property storage.	475
BIOLOGICAL SAMPLES.	221
Evidence.	480
Hazards.	310, 637
Property packaging.	475
BODY ARMOR	
Suspects.	71
BODY PIERCING.	605
BOMBS	
Aircraft accidents.	310
Chaplains.	227
Mobile Digital Terminal.	334
Radios.	282
BRADY.	428
BUSINESS CARDS.	621

C

CANINES	
Pursuits.	94
Vehicle pursuits.	87
CASH	
Asset forfeiture.	412
Audit.	422
Custody.	510
Informants.	421, 421
Property packaging.	475

Searches.	525
Unclaimed.	478
Vehicle Inventory.	390
CHANGE OF ASSIGNMENT	
Bicycle patrol.	338
Property bureau.	481
CHAPLAINS.	224
Line-of-duty deaths.	648
Ride-alongs.	270
CHIEF EXECUTIVE OFFICER.	12
CHILD ABUSE.	121
CHILD AND DEPENDENT ADULT SAFETY	234
CHILDREN	
Child abuse.	123
Child safety.	234
Drug endangered.	126
Firearms.	76
Language assistance.	208, 217
Pursuits.	90
Report preparation.	173
Transporting.	576
CITATIONS.	295
Diplomatic immunity.	298
Evaluation criteria.	381
MAV recording.	330
Traffic.	381
CIVIL	
Disputes.	361
Subpoenas.	180
CIVILIAN/NONSWORN	
Investigation and prosecution.	402
CIVILIAN/NON-SWORN	
Attire.	612
Body armor.	578
Crisis intervention incidents.	289
Off-duty actions.	251
Vehicle use.	459
CIVILIAN / NONSWORN.	14
COMMAND STAFF	
Anti-retaliation.	552
Claims review.	449
Line-of-duty deaths.	638
Policy review.	16
Training recommendations.	23
Use of force review.	43
COMMENDATIONS AND AWARDS	
Administrative communications.	27
COMMENDATIONS AND AWARDS	
Performance indicators.	627
COMMUNICABLE DISEASES	
Custody.	503
Illness and injury prevention.	633

Alpine Police Department

Alpine Police Department Policy Manual

Alpine Police Department Policy Manual

Juvenile custody.	515	Bias-based policing.	264
COMMUNICATIONS		Warrant service.	436
Emergency Detentions.	292	CONTROL DEVICES.	50
Limited English proficiency.	209	Custody.	509
Traffic signals.	307	Decontamination.	562
Utility emergencies.	307	COURT APPEARANCES.	179
COMMUNICATIONS CENTER		COURT ORDERS	
Emergency management plan.	20	Adult abuse.	131
Emergency response considerations.	100, 101	Biological samples.	222
Foot pursuits.	97	Child abuse.	123
Vehicle pursuits.	87	Child custody.	234
COMMUNICATIONS FOR PERSONS WITH		Citation releases.	295
DISABILITIES.	213	Civil disputes.	362
COMMUNITY ADVISORY COMMITTEE.	255	Family violence.	112
COMMUNITY RELATIONS.	252	Foreign.	115
COMPENSATORY TIME.	595	Juvenile informants.	418
COMPUTERS		Marijuana destruction.	349, 480
Digital evidence.	404	Members.	553
DTBs.	24	Property.	479
Email.	26	Service of court documents.	366
Protected information.	492	Source testing.	564
CONDUCT		Subpoenas.	179
Anti-retaliation.	550	Video images.	232
Conflict of interest.	617	CRIME ANALYSIS	
Meritorious.	586	Public safety video surveillance.	231
Personnel complaints.	566	CRIME AND DISASTER SCENE	
Prohibited speech, expression and social		INTEGRITY.	267
networking.	630	CRIMINAL INTELLIGENCE SYSTEMS.	321
Retiree concealed firearms.	30	CRIMINAL ORGANIZATIONS.	321
Ride-alongs.	271	CRISIS INTERVENTION INCIDENTS.	285
Standards of conduct.	159, 163	CUSTODIAL INTERROGATIONS	
CONFIDENTIALITY		Communications for persons with	
Adult abuse reports.	133	disabilities.	218
ALPR data.	342	Limited English proficiency.	210
Chaplains.	228	CUSTODIAL SEARCHES.	524
Child abuse reports.	127	CUSTODIAN OF RECORDS	
Communicable disease information.	564	Email.	26
Communications.	472	OIS.	178
Crisis intervention incidents.	289		
Drug and alcohol free workplace.	557	D	
Informants.	418	DAILY TRAINING BULLETINS (DTBS).	24
Media.	178	DEATH	
Performance history audits.	628	Chaplains.	227
Personnel complaints.	568	Custody-Adults.	511
Protected information.	246, 491	Custody-juveniles.	522
Radio broadcasts.	333	Mourning bands.	610
Records.	484	Native American Graves (NAGPRA).	248
Retaliation complaints.	551	Report preparation.	174
Technology use.	168	Traffic related.	384
CONFLICT OF INTEREST		DEATH INVESTIGATIONS.	197
Outside employment.	598	DEBRIEFING	
CONTACTS AND TEMPORARY DETENTIONS		Crisis intervention incidents.	288

Alpine Police Department

Alpine Police Department Policy Manual

Alpine Police Department Policy Manual

Warrant service.	436
DEFINITIONS	
Throughout manual.	14
DEPARTMENT/OFFICE-OWNED PERSONAL PROPERTY.	448
DEPARTMENTAL DIRECTIVES.	19
DEPENDENT ADULTS.	129
Safety.	234
DIPLOMATIC IMMUNITY.	299
DISABLED	
Communicating with the.	213
Emergency Detentions.	294
Motorist.	400
Vehicles.	400
DISCIPLINE.	160
Custody-juveniles.	519
Personnel complaints.	574
Volunteers.	247
DISCLAIMER.	14
Administrative communications.	27, 27
DISCRIMINATION	
Americans with Disabilities (ADA).	213
Limited English proficiency.	205
Personnel complaints.	568
DISCRIMINATORY HARASSMENT.	134
Evaluation form.	544
DRIVING	
Defensive.	246
Impaired.	393
Mobile Data Terminal.	332
Pursuit tactics.	85
Seat belts.	576
Severe use.	454
DRIVING	
Safety.	164

E

ELECTRONIC CIGARETTES.	565
ELECTRONIC MAIL.	26
Personnel complaints.	567
Privacy expectation.	166
Speech, expression and social networking.	629
EMERGENCY ADMISSIONS.	291
EMERGENCY DETENTIONS.	291
EMERGENCY MANAGEMENT PLAN.	20
EMPLOYEE ASSISTANCE PROGRAM.	556
ESCAPES.	532
ETHICS.	160
EVALUATIONS	
Part-time officers/deputies.	184
Reserve officers/deputies.	189
EVIDENCE	

Bombs.	284
Custodial searches.	524
Digital.	404
MAV recordings.	330
NAGPRA.	249
Personnel complaints.	567, 570
Public safety video surveillance.	232
Seizing recordings.	336
EXPLORERS.	614
EXPLOSIONS.	283
EXPOSURE CONTROL	
HAZMAT.	272
Officer.	560
Property packaging.	475
Reviews.	633
EXPUNGEMENT.	490
EYEWITNESS IDENTIFICATION.	424

F

FAMILY VIOLENCE.	112
Member convictions.	553
FIELD TRAINING OFFICERS.	313
Conflict of interest.	617
FIREARMS	
Conduct.	164
Custody.	509
Destruction of animals.	496
Emergency Detentions.	293
Family Violence convictions.	553
Off-duty law enforcement actions.	250
Part-time officers/deputies.	183
Property packaging.	475
Property releases.	478
Pursuits.	90
Reserve officers/deputies.	188
Retiree concealed.	29
Vehicle maintenance.	454
FIREARMS DISCHARGE	
Report preparation.	173
FIRST AMENDMENT ASSEMBLIES.	355
FITNESS FOR DUTY	
Temporary modified-duty assignments.	624
Volunteers.	245
FLYING WHILE ARMED.	78
FOREIGN	
Country convictions.	553
Court orders.	115
Currency.	525
Diplomatic and consular representatives.	297
Nationals.	506
FORMS	
Adult abuse.	133

Alpine Police Department

Alpine Police Department Policy Manual

Alpine Police Department Policy Manual

Adult abuse and narcotics.	133	Vehicle inventory.	390
Cash payment acknowledged.	421	HAZARDS.	635
Cash transfer.	421, 422	HIGH-VISIBILITY VESTS.	382
Child abuse and narcotics.	126	HOMELESS PERSONS.	345
Communications with persons with disabilities.	219	HOSTAGE AND BARRICADE INCIDENTS	
Custody property release.	510	Notifications.	195
Discrimination complaint.	137	Rapid response and deployment.	301
Discriminatory harassment.	544	HOSTAGE SITUATIONS.	277
Eyewitness identification.	424		
Firearms training.	78	I	
Hazard inspections and corrections.	634	IDENTIFICATION CARDS.	620
Lab.	477	IDENTITY THEFT.	201
Memorandum.	27	ILLNESS AND INJURY PREVENTION.	633
Occupational illness or injury documentation.	634	IMPAIRED DRIVING.	393
Outside employment.	597	INFORMANTS.	418
Overtime compensation.	595	INFORMATION TECHNOLOGY USE.	166
Personnel complaints.	567	INSPECTIONS	
Private person's arrest.	203	Body armor.	579
Property.	474	Control devices.	50
Property receipt.	474	Exposure control.	560
Property release.	478	Firearms.	71, 75, 78
Report of injury.	603	Firearms.	75, 78
Request for change of assignment.	584	Holding cells.	510
Ride-along waiver.	269	Illness and injury prevention.	633, 635
Safety and health training.	634	Locked enclosures.	521
Service application request.	366	Personal communication devices.	450
Suspected child abuse.	126	Personal protective equipment.	636
Traffic.	385	Personnel.	608
Unintentional discharge.	51	Property bureau.	481
		Technology use.	168
G		Vehicles.	457, 636
GANGS		INTERNAL AFFAIRS	
Employee affiliation.	161	Personnel records.	581
GRIEVANCES		INVESTIGATION AND PROSECUTION.	402
Outside employment.	598		
Supervisor authority.	14	J	
H		JURISDICTION	
HANDCUFFING AND RESTRAINTS.	45	Aircraft accidents.	310
HANDCUFFING AND RESTRAINTS		Consular notification.	506
Custody.	510	Death notifications.	199
Persons with disabilities.	214	Emergency management.	20
HATE CRIMES.	157	Foreign court orders.	115
HAZARDOUS MATERIAL (HAZMAT)		Identity theft.	201
RESPONSE.	272	Off-duty law enforcement actions.	251
Aircraft accidents.	310	Pursuits.	88
Bomb calls.	283	Traffic Accidents.	383
Handbook.	454	Warrant service.	436
Precautions.	562		
Traffic.	383	K	
Training.	637	KEYS	
		Property bureau.	473
		Searches.	120
		Vehicle.	458

Alpine Police Department

Alpine Police Department Policy Manual

Alpine Police Department Policy Manual

KINETIC ENERGY PROJECTILE. 52

L

LANDLORD TENANT ISSUES. 363

LIMITED ENGLISH PROFICIENCY. 205

Communications. 469

Eyewitness identification. 424

LINE-OF-DUTY DEATHS. 638

M

MAJOR INCIDENT NOTIFICATION. 195

MDT/MDC. 332

Vehicles. 458

MDT/MDC USE. 458

MEDIA. 176

Aircraft accidents. 312

First amendment assemblies. 359

Line-of-duty deaths. 647

Major incidents. 195

Storage and integrity. 330

Storage and retention. 232

Warrant service. 437

MEDICAL

Adult involuntary detention. 132

Aircraft accidents. 309

Barricade situation. 276

Child Involuntary detention. 125

Examinations - Adult abuse. 132

Examinations - Child abuse. 125

Examinations - temporary modified-duty. 624

HAZMAT exposure. 272

Homeless persons. 346

Illness and injury prevention. 633

Jail notification. 46

Marijuana. 348, 481

Opioid overdose. 353

Personnel records. 581

Releases. 352

Screening-custody adults. 508

Screening-custody-juveniles. 515

Treatment for communicable disease

exposure. 563

Treatment for OC spray. 52

Treatment for tear gas. 51

Treatment for work-related injury and

illness. 602

MISSING PERSONS

ALPR. 342

Report preparation. 173

MOBILE AUDIO/VIDEO (MAV). 326

MUTUAL AID

Emergency management plan activation. 20

First amendment assemblies. 358

Interstate peace officer powers. 9

Warrant service. 436

N

NATIVE AMERICAN GRAVES (NAGPRA) 248

NOTIFICATIONS

Aircraft accidents. 310

Biological evidence. 480

Bombs. 283

Complainant - discriminatory harassment. 138

Consular. 506

Custody suicide attempt, death or serious

injury. 511, 522

Death. 199

Department of Family and Protective

Services. 121

Exposure control. 560

Impaired driving. 395

Impaired Driving. 394

Jail. 46

Line-of-duty deaths. 639

Member arrests, convictions and court

orders. 553

Member convictions. 554

NAGPRA. 249

OSHA. 199

Post-OC application. 52

Pregnancy. 624

Prisoner transport issues. 532

Restraints. 46

Sick leave. 558

Traffic death. 384

Vehicle Towing. 390

O

OATH OF OFFICE. 13

OC SPRAY. 51

OFF-DUTY LAW ENFORCEMENT

ACTIONS. 250

OFFICER/DEPUTY RESPONSE TO CALLS. 99

OFFICER-INVOLVED SHOOTING (OIS)

Notifications. 195

OFFICER SAFETY

Asset forfeiture. 412

Bicycle patrol. 338

Body armor. 578

Communications. 470, 471

Contacts and temporary detentions. 317

Crime and disaster scene integrity. 267

Crisis intervention incidents. 286

Custodial searches. 524

Emergency Detentions. 292

Family violence. 112

Alpine Police Department

Alpine Police Department Policy Manual

Alpine Police Department Policy Manual

Foot pursuits.	94
Handcuffing and restraints.	45
Informants.	419
LEOSA.	29
Occupational hazards.	635
Personal appearance standards.	604
Search and seizure.	120
Seat belts.	576
Vehicle pursuits.	81
Vehicle Towing.	392
Warrant service.	434
ORGANIZATIONAL STRUCTURE AND RESPONSIBILITY.	18
OUTSIDE AGENCY ASSISTANCE.	190
OUTSIDE EMPLOYMENT.	597
OVERTIME	
Court.	181
Outside.	600

P

PARKING.	459
PART-TIME OFFICERS/DEPUTIES.	182
PATCHES.	620
PATROL.	262
PAYROLL RECORDS.	594
PEPPER PROJECTILES.	51
PERFORMANCE EVALUATIONS	
Conflict of interest.	617
Explorers.	615, 616
Field training.	315
Sick leave.	559
Volunteers.	243, 245
PERSONAL APPEARANCE STANDARDS.	604
PERSONAL PROTECTIVE EQUIPMENT.	463
PERSONNEL COMPLAINTS	
Brady.	429
Disabled persons.	214
Limited English proficiency.	205, 211
Persons with disabilities.	219
Protected information.	492
Reserve officer/deputy.	189
Volunteers.	247
PERSONNEL COMPLAINTS	
Performance indicator.	627
PERSONNEL ORDERS.	27
PERSONNEL RECORDS.	580
PHOTOGRAPHS	
Aircraft accidents.	311
First amendment assemblies.	356
PLACEMENT AND MONITORING	
Public safety video surveillance.	230
POLICY MANUAL.	14

PREGNANCY	
Custody.	510
CUSTODY.	503
Juveniles.	520
PRIVACY EXPECTATIONS	
Administrative searches.	568
Email.	26
Mobile Data Terminal.	332
Personal communication devices.	450
Speech, expression and social networking.	632
Technology use.	166
Vehicles.	457
PRIVATE PERSON'S ARREST.	203
PROPERTY BUREAU	
Asset forfeiture.	417
Medical marijuana.	349
PROTECTED INFORMATION	
Communications.	472
Records personnel.	484
Ride-alongs.	271
PROTECTIVE CUSTODY	
Children.	123
Dependent Adults.	131
PUBLIC ALERTS.	147
PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY.	335
PUBLIC RECORD REQUEST.	486
PUBLIC SAFETY VIDEO SURVEILLANCE	230
PURSuits	
Foot.	94
Vehicle.	81

R

RANGEMASTER	
Body armor.	579
Control devices.	50
Firearms.	71
RAPID RESPONSE AND DEPLOYMENT.	301
RECORDS BUREAU	
Administrative hearings.	397
Adult abuse.	133
Impaired driving.	396
Protected information.	492
Purging system entries.	321
Service of court documents.	366
Towed vehicles.	390
RECORDS RELEASE	
Adult abuse.	133, 133
ALPR data.	343
Media.	178
OIS.	178, 178
Public safety video surveillance.	232

Alpine Police Department

Alpine Police Department Policy Manual

Alpine Police Department Policy Manual

Subpoenas and discovery requests. . . .	489
RECORDS REQUESTS	
Personnel records.	582
RECORDS RETENTION	
Email.	26
Personal protective equipment.	466
Recruitment and selection.	538
RECRUITMENT AND SELECTION. . . .	535
RELIGION	
Accommodations in custody.	509
Accommodations in temporary custody of juveniles.	520
NAGPRA.	248
Personal appearance standards.	606
REPORTING EXPOSURE	
Hazardous material response.	273
REPORTING OF ARRESTS, CONVICTIONS AND COURT ORDERS.	553
REPOSSESSIONS.	363
REQUEST FOR CHANGE OF ASSIGNMENT	584
RESERVE OFFICERS.	186
RESPIRATORY PROTECTION.	464
RETIREE CONCEALED FIREARMS. . . .	29
REVIEWS	
Anti-retaliation.	552
Chaplain program - annual.	225
Crisis intervention in incidents - annual.	289
Detainee transport systems.	530
Exposure control plan - periodically.	560
Exposures.	633
Eyewitness identification process - annual.	424
Illness and injury prevention.	633
Incident review - training.	22
Information technology.	168
Policy manual.	16
Post pursuit.	87, 87
Public records on social media.	171
Pursuit policy.	93
Registrant compliance - annual.	192
Report preparation.	175
Temporary information files.	323
Traffic accidents.	387
Training plan.	22
Unclaimed money - annual.	478
Use of force review board.	43
Vehicle pursuits - annual.	92
Video surveillance system - annual.	233
Volunteer program - annual.	243
RIDE-ALONGS.	269

S

SAFE HAVEN LAW.	125
-------------------------	-----

SAFETY	
Anti-retaliation.	550
Bomb calls.	280
Canine.	457
Communicable disease.	560
Communications.	468
Conduct.	164
Control devices.	53
Defective vehicles.	454
Emergency assistance.	99
Emergency responses.	100
Firearms.	75
First responder.	267
Hazardous material response.	272
Inspections.	635
Inspections (vehicle).	454
Media relations.	176
Occupational.	633
Personal communication devices.	450
Personal protective equipment.	463
Release of protected information.	492
Shotguns.	71
Speech, expression and social networking.	629
Temporary custody of adults.	507
Temporary custody of juveniles.	521
Temporary flight restrictions.	177
Unlawful or conflicting orders.	159
SAFETY EQUIPMENT	
Bicycle patrol.	340
Body armor.	578
Chaplains.	225
First amendment assemblies.	357
Hazardous material response.	274
High-visibility vests.	382
Patrol vehicles.	454
Seat belts.	576
Unauthorized.	613
Unmarked vehicles.	455
Volunteers.	246
SEARCHES.	119
Administrative.	571
Body cavity.	527
Crime scene.	267
Custodial.	524
Dead bodies.	198
Police vehicle inspections.	457
Strip.	525
SEAT BELTS.	576
SECURITY	
Property bureau.	473
SERVICE OF COURT DOCUMENTS. . . .	366
SMOKING AND TOBACCO USE.	565

Alpine Police Department

Alpine Police Department Policy Manual

Alpine Police Department Policy Manual

SOCIAL MEDIA.	169
Backgrounds.	538
Media relations.	359
Speech, expression and social networking.	629
SPECIAL ASSIGNMENTS AND PROMOTIONS.	546
SPEECH, EXPRESSION AND SOCIAL NETWORKING.	629
STANDARDS OF CONDUCT.	159
SUBPOENAS.	179
Records release and discovery requests.	489
SUPERVISION STAFFING LEVELS.	28
SUSPICIOUS ACTIVITY REPORTING.	364

T

TAKE-HOME VEHICLES.	459
TEAR GAS.	51
TECHNOLOGY USE.	166
TEMPORARY CUSTODY	
Adults.	503
TEMPORARY MODIFIED-DUTY ASSIGNMENTS	
Outside employment.	599
TOLL ROADS.	462
TRAFFIC	
Citations.	381
Signal malfunctions.	307
TRAINING	
Adult abuse.	133
Bicycle patrol.	341
Chaplains.	228
Child abuse.	127
Child and dependent adult safety.	237
Communicable disease.	564
Control devices.	54
Criminal organizations.	324
Crisis intervention incidents.	289
Custodial searches.	528
Custody.	513
Emergency Detentions.	294
Emergency management plan.	21
Fair and objective policing.	266
First amendment assemblies.	360
FTO.	315
Hate or prejudice crimes.	158
Hazardous materials.	637
Limited English proficiency.	211
MAV.	331
Occupational safety.	636
Operations planning and deconfliction.	442
Opioid medication.	353, 354
Personal protective equipment.	466

Personnel records.	581
Persons with disabilities.	219, 220
Prisoner transports.	533
Protected information.	493
Public safety video surveillance.	233
Pursuits.	93
Rapid response and deployment.	303
Reserve officers/deputies.	189
Social media.	171
Speech, expression and social networking.	632
Volunteers.	244
Warrant service.	437
TRAINING, COMMUNITY RELATIONS.	256
TRANSPORTING DETAINEES.	530

U

UNIFORMS

Badges, patches and identification.	619
Bicycle patrol.	340
Chaplains.	225
Courtroom attire.	180
Ride-along attire.	270
Volunteer dress code.	243

UNLAWFUL ASSEMBLY. 358

UNMANNED AERIAL SYSTEMS. 431

USE OF FORCE

Biological samples.	222
Forced blood sample.	395
Review boards.	43

USE OF SOCIAL MEDIA. 169

UTILITY SERVICE EMERGENCIES. 307

V

VEHICLE MAINTENANCE. 454

VEHICLES

Inventory.	390
Pursuits.	81
Towing.	389
Volunteers.	246

VIDEO RECORDINGS

see: AUDIO/VIDEO RECORDING.	230
-------------------------------------	-----

VOLUNTEERS. 241

Defined.	241
------------------	-----

W

WARNINGS

Traffic.	381
------------------	-----

WARRANT SERVICE. 434

WATCH COMMANDERS. 325

WORK-RELATED INJURY AND ILLNESS

REPORTING. 602

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 11A

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Geoffrey R. Calderon, City Secretary

Staff Recommendation: Approve



AGENDA ITEM

Approve the second and final reading of Ordinance 2025-01-01, repealing Article III – Water Conservation Plan and Article IV – Drought Contingency Plan of Chapter 66 – Natural Resources to the Alpine Code of Ordinances; Establishing an updated Water Conservation and Drought Contingency Plan; Establishing criteria for the initiation and termination of drought response stages; Establishing restrictions on certain water uses; Establishing penalties for the violation of and provisions for enforcement of these restrictions; Establishing procedures for granting variances; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance; And providing for the following clauses: Cumulative, Penalty, Savings, Severability, Proper Notice & Meeting, and Effective Date. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

City Council approved the first reading of the ordinance on January 7, 2025.

Summary

The City of Alpine has developed and reviewed two distinct plans for water conservation and drought management, namely the Drought Contingency Plan (Emergency Water Demand Management Plan) and the Draft Water Conservation and Drought Contingency Plan for 2024-2025. These plans outline strategies to ensure sustainable water use and address potential emergencies caused by water shortages.

Key Differences:

Purpose and Scope:

The Emergency Water Demand Management Plan emphasizes immediate response to crises such as equipment failures, natural disasters, or periods of extreme drought. It focuses on specific emergency measures, public notification, and enforcement strategies.

The 2024-2025 Draft Plan incorporates broader water conservation goals, aligning with Texas Commission on Environmental Quality (TCEQ) requirements, and includes proactive measures for reducing per capita water use and system losses over a 10-year horizon.

Water Usage Goals:

The Draft Plan sets measurable conservation targets, aiming for an 11.4% reduction in per capita use by 2034, and a reduction in water loss through infrastructure upgrades such as meter replacements.

The Emergency Plan provides tiered triggers and responses for varying severity levels of water demand and shortage, with immediate enforcement mechanisms.

Public Education and Outreach:

The Draft Plan includes provisions for ongoing education, distribution of conservation materials, and periodic updates to the public.

The Emergency Plan outlines notification processes tailored to the severity of the water crisis, such as media alerts and public service announcements.

Enforcement and Penalties:

The Emergency Plan emphasizes fines and restrictions during critical water shortages.

The Draft Plan focuses on long-term enforcement tied to compliance with conservation practices.

Importance of Maintaining Updated Plans:

Regulatory Compliance:

Both plans are essential to meet TCEQ mandates requiring cities to establish and periodically update drought contingency and water conservation strategies.

Funding Opportunities:

A current and comprehensive water management plan increases eligibility for state and federal funding, particularly for infrastructure improvements and conservation programs.

Public and Stakeholder Confidence:

Demonstrating a commitment to proactive and responsive water management reassures the community and stakeholders about the city’s preparedness for water-related challenges.

Maintaining and aligning these plans ensures the City of Alpine remains compliant, resilient, and sustainable in its water management efforts. Continued collaboration with regional planning groups and regular updates to these plans will support long-term water security for the community.

This is the Second and Final Reading.

SUPPORTING MATERIALS

1. Ordinance 2025-01-01 - Water Conservation and Drought Contingency Plan
-

BUDGET CONSIDERATIONS

Expenditure Required: N/A
Savings Anticipation: N/A
Current Budget FY 2024-2025: N/A
Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

Approved - 1/23/2025
Approved - 1/23/2025
Final Approval - 1/27/2025

ORDINANCE 2025-01-01

AN ORDINANCE OF THE CITY OF ALPINE, TEXAS, REPEALING ARTICLE III – WATER CONSERVATION PLAN AND ARTICLE IV – DROUGHT CONTINGENCY PLAN OF CHAPTER 66 – NATURAL RESOURCES TO THE ALPINE CODE OF ORDINANCES; ESTABLISHING AN UPDATED WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; PROVIDING THE ESTABLISHMENT OF UP TO A \$500 PENALTY PER OCCURRENCE FOR VIOLATIONS OF THE ORDINANCE; AND PROVIDING FOR THE FOLLOWING CLAUSES: CUMULATIVE, PENALTY, SAVINGS, SEVERABILITY, PROPER NOTICE & MEETING, AND EFFECTIVE DATE.

WHEREAS, the City of Alpine, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Sections 11.1271 and 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Alpine, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ALPINE, TEXAS THAT:

SECTION I.

STATEMENT OF ACTION & FINDINGS OF FACT

The City of Alpine, Texas Water Conservation and Drought Contingency Plan attached hereto as Exhibit “A” and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City. The premises attached as Exhibit “A” are found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated as findings of fact.

SECTION II.

INCLUSION IN THE CODE OF ORDINANCES

The provisions of this ordinance set forth as Exhibit “B” shall become and be made a part of the Code of Ordinances of Alpine, Texas. The sections of the Ordinance may be renumbered or re-lettered to

accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word. The codifier of the City is empowered to make amendments to match the style of the existing code.

**SECTION III.
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION IV.
PENALTY CLAUSE**

Any person, corporation, or entity who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.

**SECTION V.
SAVINGS CLAUSE**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

**SECTION VI.
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION VII.
PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. A public hearing was held on February 4, 2025 where interested parties had the opportunity to make public comments on this ordinance prior to approval. Notice of the date and time of the hearing and notice of how to obtain copies of the proposed ordinance was published in the Alpine Avalanche, the official newspaper of the City of Alpine on January 30, 2025.

**SECTION VIII.
EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and the publication of the

caption, as provided by law.

PASSED, APPROVED, AND ADOPTED BY A MAJORITY VOTE OF THE CITY COUNCIL OF THE CITY OF ALPINE, EXAS ON THIS THE 4TH DAY OF FEBRUARY 2025.

INTRODUCTION & FIRST READING
JANUARY 7, 2025

SECOND & FINAL READING
FEBRUARY 4, 2025

APPROVED:

Catherine Eaves, Mayor

ATTEST:

Geoffrey R. Calderon, City Secretary

APPROVED AS TO FORM:

Cynthia Trevino, City Attorney

Exhibit "A"

Water Conservation and Drought Contingency Plan

for the

City of Alpine

January 2025

Prepared by



(325) 695-1070

www.jacobmartin.com

TABLE OF CONTENTS

1.0 Water Conservation Plan

Section 1.1	General	4
Section 1.2	Utility Profile	4
Section 1.3	Water Conservation Goals	4
Section 1.4	Schedule for Implementing Plan to Achieve Targets and Goals	5
Section 1.5	Tracking Targets and Goals	5
Section 1.6	Metering Devices	6
Section 1.7	Universal Metering	6
Section 1.8	Unaccounted—for Water Use	6
Section 1.9	Continuing Public Education & Information	6
Section 1.10	Non-Promotional Water Rate Structure	6
Section 1.11	Enforcement Procedure & Plan Adoption	7
Section 1.12	Coordination with Region B Planning Group	7
Section 1.13	Plan Review and Update	7

2.0 Drought Contingency Plan

Section 2.1	Declaration of Policy, Purpose, and Intent	8
Section 2.2	Public Involvement	8
Section 2.3	Wholesale Water Customer Education	8
Section 2.4	Coordination with Regional Water Planning Group	8
Section 2.5	Authorization	8
Section 2.6	Application	9
Section 2.7	Criteria for Initiation and Termination of Drought Response Stages	9
Section 2.8	Drought Response Stages	9
Section 2.9	Drought Responses	11
Section 2.10	Pro Rata Water Allocation	14
Section 2.11	Enforcement	14
Section 2.12	Variances	14
Section 2.13	Wholesale Contracts	15
Section 2.14	Severability	15

APPENDICES

Appendix A Alpine City Map

Appendix B Alpine CCN Map

Appendix C Municipal Use Public Water Supply Utility Profile

Appendix D Resolution Adopting Water Conservation and Drought Contingency Plan

Appendix E Letter to Regional Water Planning Group

1.0 WATER CONSERVATION PLAN

1.1 General

This Conservation Plan has been developed to meet the requirements of 30 TAC §288.5 for the City of Alpine (the City) which is a retail public water supplier of treated water to residents and commercial and industrial businesses located in the City of Alpine, Brewster County, Texas.

1.2 Utility Profile

The City of Alpine operates a public water system that provides potable water service for a population of approximately 6,000. The TWDB Water Use Survey lists the municipal water use of the City of Alpine for 2023 at 167.42 MG per year or 0.46 MG per day. The City of Alpine's Water and Sewer Certificate of Convenience and Necessity (CCN) number is 11043 and 20417, respectively. Alpine's Public Water Supply Identification Number (PWS ID) is TX0220001. A map of the City is included in Appendix A. Appendix B includes a map of the City's CCN. The municipal use public water supply utility profile for Alpine is included in Appendix C.

The City obtains groundwater from 12 wells. The source water is treated with free chlorine for disinfection. All of the wells are owned by the City. The City has a total of ten water storage tanks for a total storage volume of 3.6 million gallons.

The City of Alpine currently has no wholesale customers.

1.3 Water Conservation Goals

The average water use for the City of Alpine over the past five years is 237 gallons per capita per day (gpcd). The City's goal for water use is a 11.4 percent reduction by 2034. This goal is to reduce per capita use by 27 gallon per day per user to 210 gpcd. The 5-year water reduction goal is to reduce to 225 gpcd, and the 10-year water reduction goal is to reduce to 210 gpcd. The average single family residential water use for the past five years has been 101 gpcd. The 5-year residential goal is to reduce water use by 3 gpcd to 98 gpcd, and the 10-year residential goal is to reduce water by 6 gpcd to 95 gpcd. These goals are in line with the overall water conservation goals outlined by both the State of Texas and the TWDB Region E Water Conservation and Drought Management recommendations.

In addition, the City of Alpine over the past five years has experienced on average approximately 19% water loss through the water system, which equates to a water loss of approximately 45 gpcd. The City's 5-year goal is to reduce water loss to below 35 gpcd. The 10-year goal is to reduce water loss to below 30 gpcd. The 5 and 10-year goals will be met through replacement of old meters and distribution lines and through more accurate recording of unaccounted for water.

1.4 Schedule for Implementing Plan to Achieve Targets and Goals

The City of Alpine will adhere to the following schedule, to achieve the targets and goals for water conservation:

- Annual calibration of the master meters
- Residential water meters will continue to be monitored for accuracy annually and replaced on a fifteen-year cycle or as needed
- Water audits shall be conducted annually
 - Real water losses shall be identified and corrected
 - Real water losses shall be minimized by replacement of deteriorating water mains and appurtenances, as is conducted by City of Alpine staff on an on-going basis
- The City of Alpine will make available for viewing at City Hall water conservation materials developed by the staff, materials obtained from the Texas Water Development Board, Texas Commission on Environmental Quality, or other sources.
- A Leak Detection Program shall be implemented by the City of Alpine, which reduces real water losses.

For wholesale customers, every water supply contract entered into or renewed after official adoption of the water conservation plan, including contract extensions:

- Each wholesale customer must develop and implement a water conservation plan or water conservation measures using the applicable elements of 30 TAC §288.5.
- If wholesale customers intend on reselling the water, then the contract between the City of Alpine and its wholesale customers must provide that the contract for resale of the water have water conservation requirements in line with 30 TAC §288.5.
- A reservoir systems operation plan, if applicable; including plans to optimize water supplies as one of its significant goals.

The City of Alpine currently does not have any wholesale customers.

1.5 Tracking Targets and Goals

The City of Alpine staff shall track targets and goals by utilizing the following procedures:

- Logs shall be maintained for meter calibration, meter testing, and meter replacement programs
- Annual water audits shall be documented and kept in the Utility Department files
- Staff will keep a record of the number of mail-outs distributed semi-annually
- Rates and the fee schedule are to be reviewed and set annually by resolution
- Logs shall be maintained for the utility's Leak Detection Program

1.6 Metering Devices

All metering devices used by the City to meter water are accurate to within plus or minus 5%. All master meter are calibrated regularly and replaced as needed. Alpine inspects all residential, commercial, and industrial meters on a regular basis and when Alpine observes abnormally high or low usage for a customer. These meters are replaced as needed.

1.7 Universal Metering

All service connections in the Alpine water distribution system are metered. The City promotes an aggressive leak detection and repair program along with a computerized billing system, which together result in an accurate accounting of delivery of water.

1.8 Unaccounted-For Water Use

The City utilizes a record management program which includes water pumped, water sold, water loss and daily average water usage. In addition, the City separates water users and sales into categories of single-family residential, multi-family residential, commercial and industrial. The City visually inspects distribution lines for leaks on a daily basis and repairs reported and visually detected leaks in a timely manner. With detailed record management and leak detection programs, the City is able to minimize unaccounted-for water use.

1.9 Continuing Public Education & Information

Alpine has available at their main office posted information, pre-printed brochures, etc. pertaining to water conservation, which water customers can view and pickup at their convenience. The City also holds meetings open to the public where questions and comments can be discussed pertaining to water conservation.

1.10 Non-Promotional Water Rate Structure

Alpine has adopted a non-promotional water rate structure as outlined below. With a water rate structure which includes a per thousand-gallon charge, the City shifts the cost of supplying water to those customers who use water the most. The rates contained in this plan are subject to change from time to time as deemed appropriate and necessary by City Council.

Water Rate Structure:

- Minimum Charge – Residential Rates (Base Rates)
 - 3/4–inch = \$8.00
 - 1–inch = \$11.00
 - 1 1/2–inch = \$16.00
 - 2–inch = \$20.00

- Minimum Charge – Commercial Rates (Base Rates)
 - 3/4–inch = \$9.00
 - 1–inch = \$12.00
 - 1 1/2–inch = \$17.00
 - 2–inch = \$21.00
 - 3–inch = \$34.00
 - 4–inch = \$43.00
 - 6–inch = \$58.00
 - 8–inch = \$69.00
- Residential and Commercial Water Rates (per thousand gallons)
 - Minimum (first 2,000 gallons) = \$8.57
 - For every 1,000 gallons over 2,000 gallons = \$3.30
 - For every 1,000 gallons over 5,000 gallons = \$3.35
 - For every 1,000 gallons over 12,000 gallons = \$3.40
 - For every 1,000 gallons over 25,000 gallons = \$3.50
 - For every 1,000 gallons over 100,000 gallons = \$3.60
- Bulk Water Rates
 - First 1,000 gallons = \$50.00
 - For Every 1,000 gallons thereafter = \$45.00

1.11 Enforcement Procedure & Plan Adoption

This water conservation plan has been adopted by the City of Alpine on January 21, 2025, and a copy of the resolution adopting the Plan is included in Appendix D. The adopted Plan will be enforced by the City by providing water service only to customers complying with the Plan and discontinuing service to customers who do not pay their water bills or refuse to comply with the Plan.

1.12 Coordination with Region E Planning Group

The service area of the City of Alpine is located within the Region E water planning area and the City has provided a copy of this water conservation plan to Region E Planning Group.

1.13 Plan Review and Update

The City of Alpine will review and update this water conservation plan, as needed, based on new or updated information, such as adoption or revision of the regional water plan. The water conservation plan will be updated again before January 1, 2030 and every five (5) years thereafter.

2.0 DROUGHT CONTINGENCY PLAN

2.1 Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Alpine adopts the following Drought Contingency Plan (the Plan).

2.2 Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by the City of Alpine by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

2.3 Wholesale Water Customer Education

The City of Alpine will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of mailing a copy of the Plan to the wholesale customers. The City of Alpine currently does not have any wholesale customers.

2.4 Coordination with Regional Water Planning Groups

The water service area of the City of Alpine is located within the Far West Texas Region E and the City of Alpine has made a copy of the Plan available to the Far West Texas Region E water planning group.

2.5 Authorization

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. As a wholesale public water supplier, the City of Alpine shall review and update, as appropriate, the Drought Contingency Plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.

2.6 Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City of Alpine. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

2.7 Criteria for Initiation and Termination of Drought Response Stages

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a weekly basis, shall monitor water storage tank levels on a continual basis, and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on the amount of water available in the finished water storage tank and the current capacities of wells per pressure plane. Based on a recent analysis of the water sources for the City, the capacities of the wells are 75 gallons per minute (GPM) for the Sul Ross Pressure Plane, 790 GPM for the Upper Hill Pressure Plane, and 1,300 GPM for the Lower Hill Pressure Plane. Water supply for the Sul Ross Pressure Plane is supplemented by the Lower Hill Pressure Plane. Currently, the Upper Hill Pressure Plane operates independently and will do so until the existing booster pump station is operational and able to be put online.

The primary storage tanks to supply the water distribution systems for the three pressure planes are the Upper Hill Tank, the Lower Hill Tank, and the Sul Ross Tank. Maintaining suitable water levels in these three tanks is an indication of sufficient water supply for the demand. Additionally, water levels in the tanks are often an indicator of substantial leaks in a water system. Therefore, water levels of the tanks will also be an indicator of a water shortage.

2.8 Drought Response Stages

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation – The City of Alpine will recognize that a mild water shortage condition exists when any of the following conditions are present: when water demand reaches 90 percent of the firm capacity in any of the pressure planes or when the water level in any of the three distribution system storage tanks for the City’s water system is equal to or less than 75 percent of storage capacity for a minimum period of twenty-four (24) consecutive hours. An additional condition is when there is a disruption to equipment of the water distribution system that would limit the capacity of the water system below 85 percent of capacity during high demand periods.

Requirements for termination – Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 14 consecutive days. The City of Alpine will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the

notification of initiation of Stage 1 of the Plan.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation – The City of Alpine will recognize that a moderate water shortage condition exists when any of the following conditions are present: when water demand reaches 95 percent of the firm capacity in any of the pressure planes or when the water level in any of the three distribution system storage tanks for the City’s water system is equal to or less than 50 percent of storage capacity for a minimum period of twenty-four (24) consecutive hours. An additional condition is when there is a disruption to equipment of the water distribution system that would limit the capacity of the water system below 75 percent of capacity during high demand periods.

Requirements for termination – Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 14 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City of Alpine will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation – The City of Alpine will recognize that a severe water shortage condition exists when any of the following conditions are present: when water demand reaches 100 percent of the firm capacity in any of the pressure planes or when the water level in any of the three distribution system storage tanks for the City’s water system is equal to or less than 25 percent of storage capacity for a minimum period of twenty-four (24) consecutive hours. An additional condition is when there is a disruption to equipment of the water distribution system that would limit the capacity of the water system below 70 percent of capacity during high demand periods.

Requirements for termination – Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 14 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City of Alpine will notify its wholesale customers and the media of the termination of Stage 3 in the same manner as the notification of initiation of Stage 2 of the Plan.

Stage 4 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation – The City of Alpine will recognize that an emergency water shortage condition exists when any of the following conditions are present: when a major water line breaks, or pump or system failures occur, which cause unprecedented loss of capabilities to provide water services; or natural or man-made contamination of the water supply source(s).

Requirements for termination – Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. The City of Alpine will notify its wholesale customers and the media of the termination of Stage 4.

2.9 Drought Responses

The City Manager or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section 2.8, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Stage 1 Response – MILD Water Shortage Conditions

Target: Achieve a voluntary ten percent reduction in daily water demand.

Best Management Practices for Supply Management:

1. Reduce or discontinue flushing of water mains.
2. Inform all wholesale customers to initiate voluntary water restrictions and invoke Stage 1 of the Drought Contingency Plan.

Water Use Restrictions for Reducing Demand:

- (a) The City Manager or his/her designee(s) will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use by:
 - Limit irrigation of landscaped and gardens to Sundays and Thursdays for even numbered addresses and Saturdays and Wednesdays for odd numbered addresses
 - Request customers check for leaks, dripping faucets, and running toilets
- (b) The City Manager or his/her designee(s) will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 2 Response – MODERATE Water Shortage Conditions

Target: Achieve a ten percent reduction in total weekly water use.

All requirements of Stage 1 shall remain in effect during Stage 2. Under threat of penalty for violation, the following water use restrictions shall also apply to all persons:

Best Management Practices for Supply Management:

- ◆ Water Use Restrictions for Reducing Demand: Limit irrigation of landscaped and gardens to

Sundays and Thursdays for even numbered addresses and Saturdays and Wednesdays for odd numbered addresses

- ◆ Request customers check for leaks, dripping faucets, and running toilets
- ◆ Washing of any motor vehicle is prohibited unless conducted on a commercial car wash and only permitted between noon and five o'clock p.m.
- ◆ The use of water for washing sidewalks, driveways or other paved or concrete areas is prohibited.
- ◆ The use of water to fill, or add to any swimming pool, wading pool, or Jacuzzi type pool is prohibited.

Water Use Restrictions for Reducing Demand:

- (a) The City Manager or his/her designee(s) will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
- (b) The City Manager or his/her designee(s) will request wholesale water customers to initiate mandatory measures to reduce non-essential water use.
- (c) The City Manager or his/her designee(s) will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section 2.10 of the Plan.
- (d) The City Manager or his/her designee(s) will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 3 Response – SEVERE Water Shortage Conditions

Target: Achieve a twenty percent reduction in daily water demand.

Best Management Practices for Supply Management:

All requirements of Stage 2 shall remain in effect during Stage 3. In addition, the following applies:

- ◆ Outdoor watering by handheld hoses or watering cans can only occur between six a.m. and eight a.m. and eight p.m. and ten p.m. Other methods of irrigation are prohibited.

Water Use Restrictions for Reducing Demand:

- (a) The City Manager or his/her designee(s) will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate

additional mandatory measures to reduce non-essential water use.

- (b) The City Manager or his/her designee(s) will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section 2.10 of the Plan.
- (c) The City Manager or his/her designee(s) will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 4 Response – EMERGENCY Water Shortage Conditions

Target: Discontinue operations of the water system.

Best Management Practices for Supply Management:

All requirements of Stage 3 shall remain in effect during Stage 4. In addition, the following applies:

- ◆ Irrigation of landscaped areas is prohibited at all times.
- ◆ Such restrictions as determined by the Mayor at the recommendation of city staff that are determined to be required to maintain public health and safety, including elimination of service to all or part of the system.

Whenever emergency water shortage conditions exist as defined in Section 2.8 of the Plan, the City Manager shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
3. If appropriate, notify city, county, and/or state emergency response officials for assistance.
4. Undertake necessary actions, including repairs and/or clean-up as needed.
5. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

2.10 Pro Rata Water Allocation

In the event that the triggering criteria specified in Section 2.8 of the Plan for Stage 3 – Severe Water Shortage Conditions have been met, the City Manager is hereby authorized initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039.

2.11 Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

- (a) Five times the normal water charge per million gallons in excess of the monthly allocation up through 5 percent above the monthly allocation.
- (b) Five times the normal water charge per million gallons in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
- (c) Five times the normal water charge per million gallons in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
- (d) Five times the normal water charge per million gallons more than 15 percent above the monthly allocation.
- (e) The above surcharges shall be cumulative.

2.12 Variances

The City Manager or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City Manager within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Alpine City Council and shall include the following:

- (a) Name and address of the petitioner(s).

- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this resolution.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the Alpine City Council shall be subject to the following conditions, unless waived or modified by the Alpine City Council or its designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

2.13 Wholesale Contracts

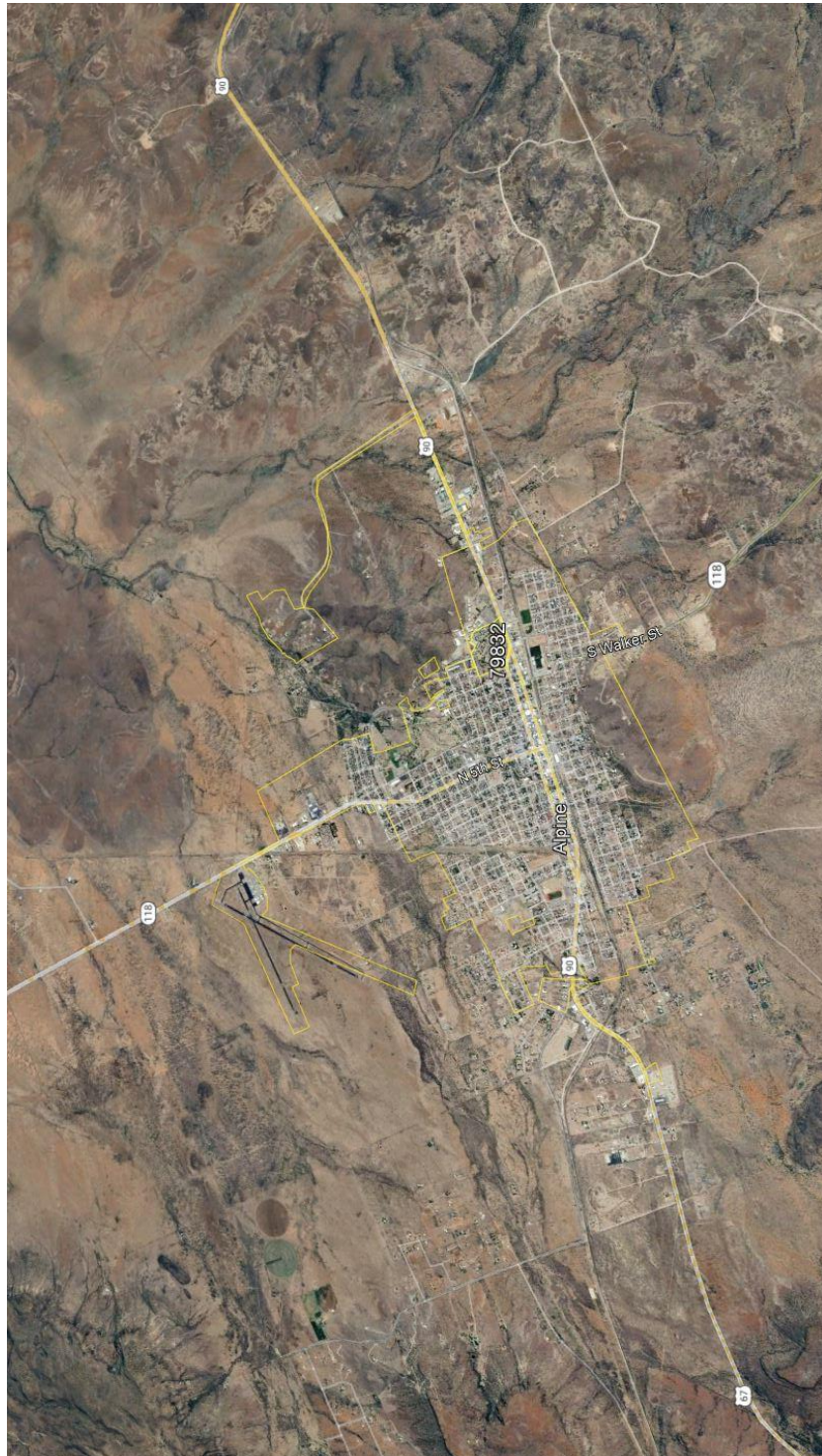
The City currently does not have any wholesale contracts. All future wholesale customer contracts or contract extensions to existing wholesale contracts shall include the following provision:

“In the case of a shortage of water resulting from drought, water to be distributed shall be divided in accordance with Texas Water Code §11.039.”

2.14 Severability

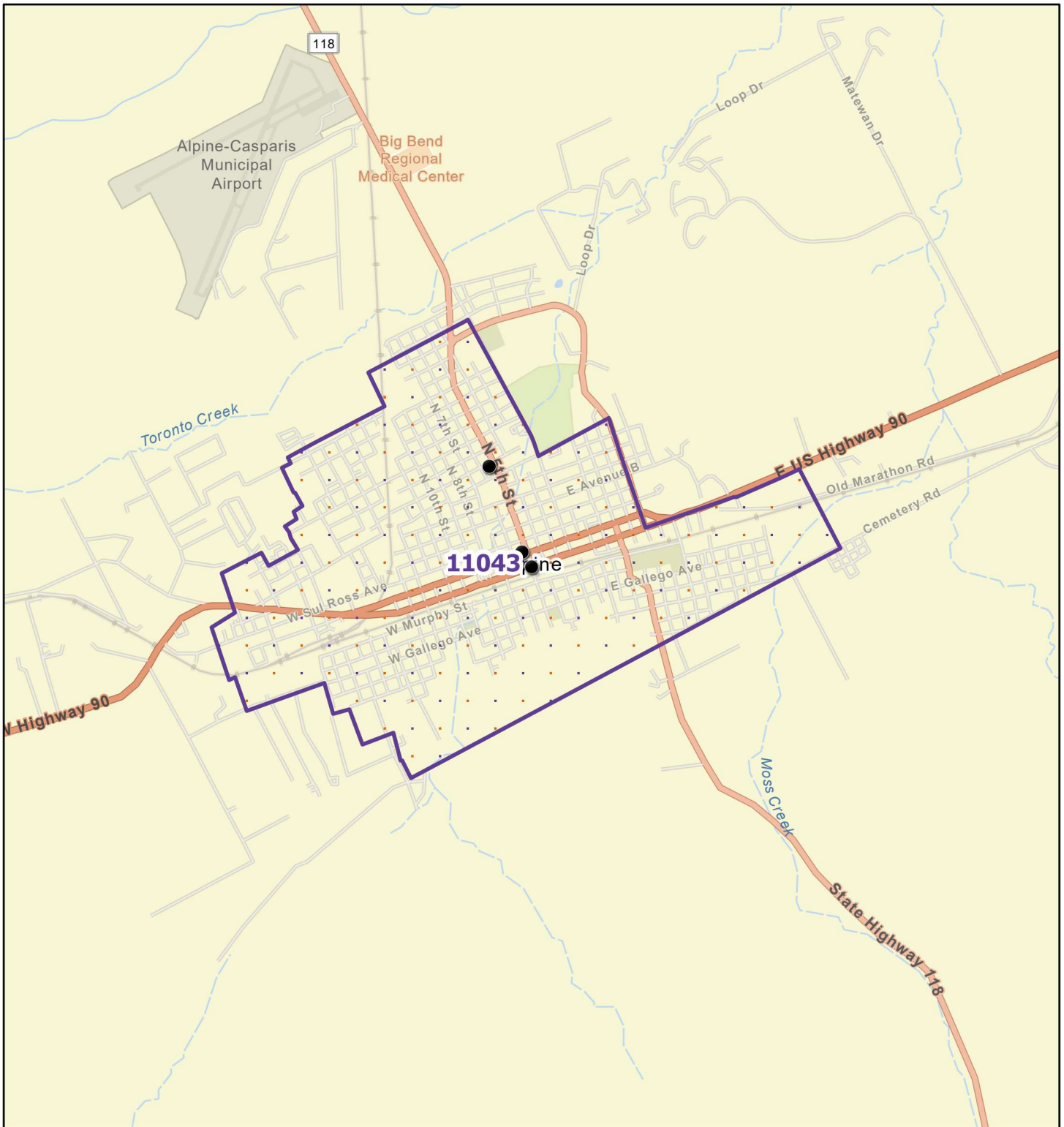
It is hereby declared to be the intention of the Alpine City Council that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the Alpine City Council without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Appendix A
Alpine City Map



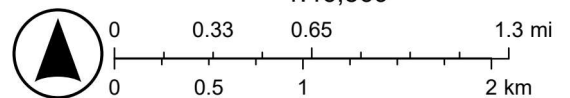
Appendix B
Alpine CCN Map

ArcGIS Web Map



5/10/2024, 11:19:20 AM

-  Water CCN Service Areas
-  Sewer CCN Service Areas



Texas Parks & Wildlife, CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS

Appendix C

Municipal Use Public Water Supply Utility Profile

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

Fill out this form as completely as possible.
If a field does not apply to your entity, leave it blank.

CONTACT INFORMATION

Name of Utility: _____

Public Water Supply Identification Number (PWS ID): _____

Certificate of Convenience and Necessity (CCN) Number: _____

Surface Water Right ID Number: _____

Wastewater ID Number: _____

Completed By: _____ Title: _____

Address: _____ City: _____ Zip Code: _____

Email: _____ Telephone Number: _____

Date: _____

Regional Water Planning Group: _____ [Map](#)

Groundwater Conservation District: _____ [Map](#)

Check all that apply:

Received financial assistance of \$500,000 or more from TWDB

Have 3,300 or more retail connections

Have a surface water right with TCEQ

Section I: Utility Data

A. Population and Service Area Data

1. Current service area size in square miles: _____
(Attach or email a copy of the service area map.)
2. Provide historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Service

3. Provide the projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Service
2020			
2030			
2040			
2050			
2060			

4. Describe the source(s)/method(s) for estimating current and projected populations.

B. System Input

Provide system input data for the previous five years.

Total System Input = Self-supplied + Imported – Exported

Year	Self-supplied Water in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
Historic 5-year Average					

C. Water Supply System (Attach description of water system)

1. Designed daily capacity of system _____ gallons per day.
2. Storage Capacity:
Elevated _____ gallons
Ground _____ gallons
3. List all current water supply sources in gallons.

Water Supply Source	Source Type*	Total Gallons

*Select one of the following source types: *Surface water, Groundwater, or Contract*

4. If surface water is a source type, do you recycle backwash to the head of the plant?
Yes _____ estimated gallons per day
No

D. Projected Demands

1. Estimate the water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demands (gallons)

2. Describe sources of data and how projected water demands were determined. Attach additional sheets if necessary.

E. High Volume Customers

1. List the annual water use, in gallons, for the five highest volume **RETAIL customers**. Select one of the following water use categories to describe the customer; choose Residential, Industrial, Commercial, Institutional, or Agricultural.

Retail Customer	Water Use Category*	Annual Water Use	Treated or Raw

*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use.](#)

2. If applicable, list the annual water use for the five highest volume **WHOLESALE customers**. Select one of the following water use categories to describe the customer; choose Municipal, Industrial, Commercial, Institutional, or Agricultural.

Wholesale Customer	Water Use Category*	Annual Water Use	Treated or Raw

*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use.](#)

F. Utility Data Comment Section

Provide additional comments about utility data below.

Section II: System Data

A. Retail Connections

1. List the active retail connections by major water use category.

Water Use Category*	Active Retail Connections			
	Metered	Unmetered	Total Connections	Percent of Total Connections
Residential – Single Family				
Residential – Multi-family (units)				
Industrial				
Commercial				
Institutional				
Agricultural				
TOTAL				

*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use.](#)

2. List the net number of new retail connections by water use category for the previous five years.

Water Use Category*	Net Number of New Retail Connections				
Residential – Single Family					
Residential – Multi-family (units)					
Industrial					
Commercial					
Institutional					
Agricultural					
TOTAL					

*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use.](#)

B. Accounting Data

For the previous five years, enter the number of gallons of RETAIL water provided in each major water use category.

Water Use Category*	Total Gallons of Retail Water				
Residential - Single Family					
Residential – Multi-family					
Industrial					
Commercial					
Institutional					
Agricultural					
TOTAL					

*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

C. Residential Water Use

For the previous five years, enter the residential GPCD for single family and multi-family units.

Water Use Category*	Residential GPCD				
Residential - Single Family					
Residential – Multi-family					

D. Annual and Seasonal Water Use

- For the previous five years, enter the gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Retail Water				
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
TOTAL					

2. For the previous five years, enter the gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Retail Water				
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
TOTAL					

3. Summary of seasonal and annual water use.

Water Use	Seasonal and Annual Water Use					Average in Gallons
Summer Retail (Treated + Raw)						_____
						5yr Average
TOTAL Retail (Treated + Raw)						_____
						5yr Average

E. Water Loss

Provide Water Loss data for the previous five years.

Water Loss GPCD = [Total Water Loss in Gallons ÷ Permanent Population Served] ÷ 365

Water Loss Percentage = [Total Water Loss ÷ Total System Input] x 100

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
5-year average			

F. Peak Water Use

Provide the Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)

G. Summary of Historic Water Use

Water Use Category	Historic 5-year Average	Percent of Connections	Percent of Water Use
Residential SF			
Residential MF			
Industrial			
Commercial			
Institutional			
Agricultural			

H. System Data Comment Section

Provide additional comments about system data below.

Section III: Wastewater System Data

If you do not provide wastewater system services then you have completed the Utility Profile. Save and Print this form to submit with your Plan. Continue with the [Water Conservation Plan Checklist](#) to complete your Water Conservation Plan.

A. Wastewater System Data (Attach a description of your wastewater system.)

- Design capacity of wastewater treatment plant(s): _____
gallons per day.
- List the active wastewater connections by major water use category.

Water Use Category*	Active Wastewater Connections			
	Metered	Unmetered	Total Connections	Percent of Total Connections
Municipal				
Industrial				
Commercial				
Institutional				
Agricultural				
TOTAL				

- What percent of water is serviced by the wastewater system? ____%
- For the previous five years, enter the number of gallons of wastewater that was treated by the utility.

Month	Total Gallons of Treated Wastewater				
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
TOTAL					

4. Can treated wastewater be substituted for potable water?
 Yes No

B. Reuse Data

1. Provide data on the types of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site irrigation	
Plant wash down	
Chlorination/de-chlorination	
Industrial	
Landscape irrigation (parks, golf courses)	
Agricultural	
Discharge to surface water	
Evaporation pond	
Other	
TOTAL	

C. Wastewater System Data Comment

Provide additional comments about wastewater system data below.

You have completed the Utility Profile. Save and Print this form to submit with your Plan. Continue with the [Water Conservation Plan Checklist](#) to complete your Water Conservation Plan.

Appendix D

Ordinance Adopting Water Conservation and Drought Contingency Plan

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ALPINE, TEXAS, ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Alpine, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Sections 11.1271 and 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Alpine, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ALPINE, TEXAS:

SECTION 1.

That the City of Alpine, Texas Water Conservation and Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.

SECTION 2.

That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY OF ALPINE, TEXAS, on the _____ day of _____,
20____.

APPROVED:

MAYOR

ATTESTED TO:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

Appendix E
Letter to Regional Water Planning Group

_____, 2025

Mr. Scott Reinert
Chair Region E Water Planning Group
8037 Lockheed, Suite 100
El Paso, TX 79925

Dear Mr. Reinert:

This letter is to notify you that the City of Alpine recently adopted a Water Conservation and Drought Contingency Plan. This notice is in accordance with Texas Water Development Board and Texas Commission on Environmental Quality rules.

The plan is available upon request.

Best regards,

Megan Antrim, CPFIM
Alpine City Manager

EXHIBIT “B”

EDITOR’S NOTE:

Additions are Underlined.

Omissions appear in Strikethrough Text.

ARTICLE III. WATER CONSERVATION PLAN

~~Sec. 66-61. Introduction.~~

In accordance with the guidelines of the Texas Water Development Board (TWDB), the City of Alpine, (hereafter referred to as "the City"), has prepared this Water Conservation and Drought Contingency Plan.

(Ord. No. 2005 7 23, § 1, 8 2 05)

~~Sec. 66-62. Water conservation plan goals.~~

The purpose of this water conservation plan is intended to comply with TWDB loan requirements and achieve:

- ~~Long term reductions in overall water demands five percent per capita over the next ten years;~~
- ~~Reductions in the magnitude of seasonal water demands by two percent over the next five years;~~
- ~~Reductions in wastewater flow volumes by one percent over the next five years; and~~
- ~~Reductions in percent unaccounted for water by seven percent over the next ten years.~~

Given current and projected water and wastewater service requirements and issues, specific water conservation objectives are:

- ~~To reduce waste and influence conservation habits of the residents of the city;~~
- ~~To reduce seasonal water demands such that future expansions of water treatment facilities can be deferred; and~~
- ~~To continue to investigate the feasibility of reusing wastewater for suitable non-potable uses (i.e., irrigation of public green space and private landscaping).~~

(Ord. No. 2005 7 23, § 1, 8 2 05)

~~Sec. 66-63. Background information.~~

The city provides water, wastewater, recycling, fire, police, and garbage collection services for its residents. Analysis of water production data from the city's wells provides an indication of water use patterns. Peak water demand occurs in the summer months, reflecting both seasonal population influx and increased water demand utilized for landscape irrigation. Consequently, the city's peak to average ratio of 2.5 times is slightly higher than most West Texas communities with more stable populations.

Population in the city is expected to grow from an estimated year 2000 Census population of 5,786 to a projected 6,172 by 2010, to an estimated population of 6,677 in 2030. In addition, the city provides water service to Sul Ross State University. According to the Sul Ross State University Office of Institutional Research, the university current enrollment of 2,110 is expected to grow to 3,326 in the year 2030 at a rate of annual rate of 1.7 percent.

(Ord. No. 2005 7 23, § 1, 8 2 05)

Sec. 66-64. Water utility system profile.

~~A completed water conservation utility profile, TWDB Form WRD 264 for the city is provided in Appendix A. The city had 2,309 active water connections in 2004. The 20 largest water commercial customers account for approximately 28 percent of the total water sold.~~

~~In 2002, the per capita per day water use ranged from 98 gallons per day, January 2002, to 440 gallons per day, June 2002, with an annual average of 176 gallons per day. A high volume of vacationing population influenced the peak month of June 2002.~~

~~The city's current water well and treatment facilities capacity is rated at 2,705 gallons per minute (gpm) or 3.9 million gallons per day (mgd). Total water storage capacity is 3.6 million gallons, of which 1.8 million gallons are elevated storage. The 2002 average daily water demand for the city was 1.4 mgd. The peak daily water demand for 2002 was 3.5 mgd. The distribution capacity is 3,975 gpm and provides potable water to four pressure zones within the city. In areas of the distribution system high pressure, pressure reducing/sustaining valves have been installed. The city uses a supervisory control and data acquisition (SCADA) system to monitor water system operations and performance.~~

~~The city has initiated a water meter testing and replacement program where older meters are tested and replaced as necessary. As part of the city's proposed water system improvements, old and undersized water mains will be replaced which should result in lower water loss rates and improved system water pressures. The city is also installing a drip irrigation system to serve new trees in public areas.~~

(Ord. No. 2005 7 23, § 1, 8 2 05)

Sec. 66-65. Wastewater system profile.

~~Ninety three percent of the city's water customers are also served by the city's wastewater system. The remaining seven percent utilize private on-site wastewater disposal systems (i.e., septic tank systems).~~

~~The city operates its activated sludge wastewater treatment facility with a final permitted capacity of 1.48 mgd. The average daily flow for 2003-2004 was 0.45 mgd. The peak daily wastewater flow for the 2003-2004 period was 1.04 mgd.~~

(Ord. No. 2005 7 23, § 1, 8 2 05)

Sec. 66-66. Public education.

~~The city will promote water conservation issues by informing the public in a variety of ways including:~~

- ~~•New customers will receive conservation information;~~
- ~~•Information will be available upon request;~~
- ~~•Community educational program / school demonstrations and presentations;~~
- ~~•Film productions and lectures presentations available for civic groups; and~~
- ~~•Articles will be published in the newsletter.~~

~~The city will also proclaim "National Drinking Water Week" and provide residents with information and demonstrations related to water conservation and environmental issues that effect our water.~~

(Ord. No. 2005 7 23, § 1, 8 2 05)

~~Sec. 66-67. Plumbing codes.~~

~~The city has adopted the Uniform Plumbing Code, which requires the use of water saving fixtures to be installed in new construction and in the replacement of plumbing in existing structures.~~

~~(Ord. No. 2005-7-23, § 1, 8-2-05)~~

~~Sec. 66-68. Retrofit programs.~~

~~The city shall educate the residents, plumbers, and contractors on the benefits of retrofitting existing facilities with water saving devices. This program will be encompassed in the educational and informational programs utilized by the city. The city will contact all plumbing companies and hardware stores in the area to encourage them to stock water conserving fixtures including retrofit devices.~~

~~(Ord. No. 2005-7-23, § 1, 8-2-05)~~

~~Sec. 66-69. Universal metering.~~

~~Most treatment facilities, pumping stations, and municipal structures operated by the city are now being metered. The city plans to install meters at public parks and golf course to improve water accountability.~~

~~The city will continue to provide a water meter preventive maintenance program, wherein testing, repairs, and replacement are performed in accordance with AWWA standards.~~

~~(Ord. No. 2005-7-23, § 1, 8-2-05)~~

~~Sec. 66-70. Water conserving landscape.~~

~~The city will provide information, through the public education program, to homeowners, business owners, landscape architects, and irrigation contractors about the methods and benefits of water conserving landscaping practices and devices. The city is also installing a drip irrigation system to serve new trees in public areas. The following methods will be encouraged.~~

- ~~•The use of low water consuming plants and grasses for landscaping new homes and commercial areas.~~
- ~~•The use of drip irrigation systems when possible or other water conserving irrigation systems that utilize efficient sprinklers and considerations given to prevailing winds.~~
- ~~•The use of ornamental fountains that recycle water and use a minimum amount of water.~~
- ~~•Business and nurseries to offer for sale low water consuming plants and grasses along with efficient irrigation systems and to promote their use through demonstrations and advertisements.~~

~~(Ord. No. 2005-7-23, § 1, 8-2-05)~~

~~Sec. 66-71. Rate structures of water and wastewater.~~

~~The city's water and wastewater connection fees are based of the requirements of the "cost of services" the utility provides.~~

~~Water connection fees are based on the size of the meter required: Three quarter inch connections at \$80.00; one inch connections at \$110.00; one and one half inch connections at \$200.00; and two inch connections at \$500.00. Wastewater connection fee is a set rate of \$65.00 per connection for residential and commercial connections.~~

~~The city employs a water and wastewater usage rate structure based on customer type and a uniform service charge. Current water rates and monthly meter charges for residential and commercial accounts are presented in Tables 1-1 and 1-2 below:~~

Table 1-1
City of Alpine Water Rate Structure

Usage Gal. per Month)	Cost (per 1,000 gal.)
0—1,000	4.32
2,000—5,000	2.20
6,000—12,000	2.25
13,000—25,000	2.30
26,000—100,000	2.40
Over 100,000	2.50

Table 1-2
City of Alpine Monthly Meter Charge

Meter Size	Residential	Commercial
0.75"	6.00	7.00
1.00"	9.00	10.00
1.50"	14.00	15.00
2.00"	18.00	19.00
3.00"	32.00	32.00
4.00"	41.00	41.00
6.00"	56.00	56.00
8.00"	67.00	67.00

Current wastewater rates are \$14.13 service fee (0—4,000 gal.) and \$2.20 per 1,000 gallons thereafter.
(Ord. No. 2005-7-23, § 1, 8-2-05)

~~Sec. 66-72. Leak detection and water audits.~~

~~The city has aggressively pursued leak detection and repair program and has in inventory all necessary repair materials needed to ensure prompt repairs of all leaks detected or reported.~~

~~A monthly water loss report provides an effective tracking system of metered production, metered consumption, accounted water losses, and unaccountable water loss.~~

~~The city maintains an annual unaccountable rate of 17.4 percent, which is greater than the AWWA recommended rate (10 percent). However, the city has plans to initiate a universal metering program to account for water used for irrigation of public parks and golf course that are currently unmetered.~~

~~(Ord. No. 2005-7-23, § 1, 8-2-05)~~

~~Sec. 66-73. Recycling and reuse.~~

~~The city has studied the additional possibility of using its wastewater effluent for other recycling and reuses, but has determined that at this time it is not economically feasible. The city will continue to study alternative uses for its wastewater effluent.~~

~~(Ord. No. 2005-7-23, § 1, 8-2-05)~~

~~Sec. 66-74. Implementation and enforcement.~~

~~The resolution adopting the Water Conservation Plan shall authorize the City to implement, enforce, and administer the program.~~

(Ord. No. 2005 7 23, § 1, 8 2 05)

~~Sec. 66-75. Contracts with other political subdivisions.~~

~~The city will, as part of contract for sale of water to any other entity re-selling water, require that entity to adopt applicable provisions of the city's water conservation and drought contingency plan or have a plan in effect previously adopted by TCEQ or TWDB. These provisions will be through contractual agreement prior to the sale of any water to the entity.~~

(Ord. No. 2005 7 23, § 1, 8 2 05)

~~Sec. 66-76. Coordination with the regional water planning group.~~

~~The service area of the city is located within the Regional Water Planning Area (E Far West Texas and has provided a copy of this Water Conservation and Drought Contingency Plan to the Regional Water Planning Group (E) Far West Texas.~~

(Ord. No. 2005 7 23, § 1, 8 2 05)

~~Sec. 66-77. Annual reporting to Texas Water Development Board.~~

~~The city manager shall be responsible for providing the required annual report to the Texas Water Development Board for at least three years after the date of loan/grant closing. The content and format for the annual reporting is included in the form: Water Conservation Program Annual Report, WRD 265 (Appendix B).~~

(Ord. No. 2005 7 23, § 1, 8 2 05)

1.0 General

This Conservation Plan has been developed to meet the requirements of 30 TAC §288.5 for the City of Alpine (the City) which is a retail public water supplier of treated water to residents and commercial and industrial businesses located in the City of Alpine, Brewster County, Texas.

1.1 Utility Profile

The City of Alpine operates a public water system that provides potable water service for a population of approximately 6,000. The TWDB Water Use Survey lists the municipal water use of the City of Alpine for 2023 at 167.42 MG per year or 0.46 MG per day. The City of Alpine's Water and Sewer Certificate of Convenience and Necessity (CCN) number is 11043 and 20417, respectively. Alpine's Public Water Supply Identification Number (PWS ID) is TX0220001.

The City obtains groundwater from 12 wells. The source water is treated with free chlorine for disinfection. All of the wells are owned by the City. The City has a total of ten water storage tanks for a total storage volume of 3.6 million gallons.

The City of Alpine currently has no wholesale customers.

1.2 Water Conservation Goals

The average water use for the City of Alpine over the past five years is 237 gallons per capita per day (gpcd). The City's goal for water use is a 11.4 percent reduction by 2034. This goal is to reduce per capita use by 27 gallon per day per user to 210 gpcd. The 5-year water reduction goal is to

reduce to 225 gpcd, and the 10-year water reduction goal is to reduce to 210 gpcd. The average single family residential water use for the past five years has been 101 gpcd. The 5-year residential goal is to reduce water use by 3 gpcd to 98 gpcd, and the 10-year residential goal is to reduce water by 6 gpcd to 95 gpcd. These goals are in line with the overall water conservation goals outlined by both the State of Texas and the TWDB Region E Water Conservation and Drought Management recommendations.

In addition, the City of Alpine over the past five years has experienced on average approximately 19% water loss through the water system, which equates to a water loss of approximately 45 gpcd. The City's 5-year goal is to reduce water loss to below 35 gpcd. The 10-year goal is to reduce water loss to below 30 gpcd. The 5 and 10-year goals will be met through replacement of old meters and distribution lines and through more accurate recording of unaccounted for water.

1.3 Schedule for Implementing Plan to Achieve Targets and Goals

The City of Alpine will adhere to the following schedule, to achieve the targets and goals for water conservation:

- Annual calibration of the master meters
- Residential water meters will continue to be monitored for accuracy annually and replaced on a fifteen-year cycle or as needed
- Water audits shall be conducted annually
 - Real water losses shall be identified and corrected
 - Real water losses shall be minimized by replacement of deteriorating water mains and appurtenances, as is conducted by City of Alpine staff on an on-going basis
- The City of Alpine will make available for viewing at City Hall water conservation materials developed by the staff, materials obtained from the Texas Water Development Board, Texas Commission on Environmental Quality, or other sources.
- A Leak Detection Program shall be implemented by the City of Alpine, which reduces real water losses.

For wholesale customers, every water supply contract entered into or renewed after official adoption of the water conservation plan, including contract extensions:

- Each wholesale customer must develop and implement a water conservation plan or water conservation measures using the applicable elements of 30 TAC §288.5.
- If wholesale customers intend on reselling the water, then the contract between the City of Alpine and its wholesale customers must provide that the contract for resale of the water have water conservation requirements in line with 30 TAC §288.5.
- A reservoir systems operation plan, if applicable; including plans to optimize water supplies as one of its significant goals.

The City of Alpine currently does not have any wholesale customers.

1.4 Tracking Targets and Goals

The City of Alpine staff shall track targets and goals by utilizing the following procedures:

- Logs shall be maintained for meter calibration, meter testing, and meter replacement programs
- Annual water audits shall be documented and kept in the Utility Department files
- Staff will keep a record of the number of mail-outs distributed semi-annually
- Rates and the fee schedule are to be reviewed and set annually by resolution
- Logs shall be maintained for the utility's Leak Detection Program

1.5 Metering Devices

All metering devices used by the City to meter water are accurate to within plus or minus 5%. All master meter are calibrated regularly and replaced as needed. Alpine inspects all residential, commercial, and industrial meters on a regular basis and when Alpine observes abnormally high or low usage for a customer. These meters are replaced as needed.

1.6 Universal Metering

All service connections in the Alpine water distribution system are metered. The City promotes an aggressive leak detection and repair program along with a computerized billing system, which together result in an accurate accounting of delivery of water.

1.7 Unaccounted-For Water Use

The City utilizes a record management program which includes water pumped, water sold, water loss and daily average water usage. In addition, the City separates water users and sales into categories of single-family residential, multi-family residential, commercial and industrial. The City visually inspects distribution lines for leaks on a daily basis and repairs reported and visually detected leaks in a timely manner. With detailed record management and leak detection programs, the City is able to minimize unaccounted-for water use.

1.8 Continuing Public Education & Information

Alpine has available at their main office posted information, pre-printed brochures, etc. pertaining to water conservation, which water customers can view and pickup at their convenience. The City also holds meetings open to the public where questions and comments can be discussed pertaining to water conservation.

1.9 Non-Promotional Water Rate Structure

Alpine has adopted a non-promotional water rate structure. With a water rate structure which includes a per thousand-gallon charge, the City shifts the cost of supplying water to those customers who use water the most. The rates are subject to change from time to time as deemed appropriate and necessary by City Council.

1.10 Enforcement Procedure & Plan Adoption

This water conservation plan has been adopted by the City of Alpine on January 21, 2025. The adopted Plan will be enforced by the City by providing water service only to customers complying with the Plan and discontinuing service to customers who do not pay their water bills or refuse to comply with the Plan.

1.11 Coordination with Region E Planning Group

The service area of the City of Alpine is located within the Region E water planning area and the City has provided a copy of this water conservation plan to Region E Planning Group.

1.12 Plan Review and Update

The City of Alpine will review and update this water conservation plan, as needed, based on new or updated information, such as adoption or revision of the regional water plan. The water conservation plan will be updated again before January 1, 2030 and every five (5) years thereafter.

ARTICLE IV. DROUGHT CONTINGENCY PLAN (EMERGENCY WATER DEMAND MANAGEMENT PLAN)

Sec. 66-91. Introduction.

~~It is necessary for the city to have in place a plan that will deal with emergency water demand situations. There are a number of scenarios where the public water supply could be adversely affected and the public's health jeopardized. Normal service can be interrupted by such uncontrollable circumstances as drought, hurricanes, tornadoes, vandalism, floods, or equipment failure. Water demand is usually significantly higher than normal when drought conditions are in effect causing maximum stress on the public water system.~~

~~This plan will provide the necessary indicators and control measures to temporarily abate water demand in emergency situations. These provisions are designed to be in place only as long as an emergency situation exists. To be effective the plan must have the following elements:~~

- ~~•Trigger conditions that will signal the existence of an emergency situation;~~
- ~~•Emergency control measures;~~
- ~~•Methods to relay information and notify the public;~~
- ~~•Enforcement procedures;~~
- ~~•Method of implementation of plan; and~~
- ~~•Procedure for plan termination notification.~~

~~(Ord. No. 2005 7 23, § 1, 8 2 05)~~

Sec. 66-92. System description.

~~The city's current water well and treatment facilities capacity is rated at 2,705 gallons per minute (gpm) or 3.9 million gallons per day (mgd). Total water storage capacity is 3.8 million gallons, of which 1.8 million gallons are elevated storage. The 2002 average daily water demand for the city was 1.4 mgd. The peak daily water demand for 2002 was 3.5 mgd. The distribution capacity is 3,975 gpm and provides potable water to four pressure zones within~~

the city. In areas of the distribution system high pressure, pressure reducing/sustaining valves have been installed. The city uses a SCADA system to monitor water system operations and performance.

(Ord. No. 2005 7 23, § 1, 8 2 05)

~~Sec. 66-93. Trigger conditions.~~

Daily water demand will be monitored for impending emergency conditions by city staff. Trigger conditions will be based on an emergency situation caused by a natural disaster, equipment, or system failure, or extended high daily water demands.

~~(1) Mild conditions.~~

- ~~a. Water demand reaches 90 percent of firm production capacity, or,~~
- ~~b. A disruption due to equipment or distribution system failure that would limit the capacity of the water system below 85 percent of capacity during high demand periods.~~

~~(2) Moderate conditions.~~

- ~~a. Water demand exceeds 95 percent of the firm production capacity, or,~~
- ~~b. A disruption due to equipment or distribution system failure that would limit the capacity of the water system below 75 percent of capacity during high demand periods.~~

~~(3) Severe conditions.~~

- ~~a. Water demand reaches 100 percent of firm production capacity, or,~~
- ~~b. A disruption due to equipment or distribution system failure that would limit the capacity of the water system below 70 percent of capacity during high demand periods.~~

~~(4) Critical conditions. In the event of an extended period of the severe condition or any natural catastrophic situations that interrupt or have the potential to interrupt the city's potable water supply, the city is authorized to take all reasonable measures as deemed necessary to provide for the public's safety.~~

(Ord. No. 2005 7 23, § 1, 8 2 05)

~~Sec. 66-94. Emergency drought contingency measures.~~

The city will institute the following measures when trigger conditions have occurred:

~~(1) Mild conditions.~~

- ~~a. The public shall be informed, by local news media, that a trigger condition has been reached and they should look for ways to voluntarily reduce water demand. The specific recommendations shall be provided by the city.~~
- ~~b. There shall be reduced watering of public parks, public facilities and esplanades to minimum levels to avoid loss of vegetation.~~
- ~~c. Publish a voluntary lawn watering schedule through local media.~~
- ~~d. Request voluntary water reductions of major commercial water users.~~

~~(2) Moderate conditions.~~

- ~~a. Notify customers that all preceding measures that are in place due to mild trigger conditions will be continued.~~
- ~~b. Mandatory lawn watering schedule will be instated as follows:
 - ~~1. Customers with even numbered street addresses will be allowed to water on even number days of the months.~~~~

2. ~~Customers with odd numbered street addresses will be allowed to water on odd number days of the months.~~
 3. ~~Watering shall only occur between 6:00 a.m. to 10:00 a.m. and 8:00 p.m. to 10:00 p.m.~~
 - e. ~~Water for public use shall be limited to essential practices to protect the health or safety of the community. Non-essential uses shall be prohibited, (i.e., filling of pools, hydrant flushing, street washing, etc...).~~
- (3) ~~Severe conditions.~~
- a. ~~Notify customers that all preceding measures that are in place due to moderate trigger conditions will be continued.~~
 - b. ~~Prohibit the use of water for specific outdoor activities such as watering of yards or car washing. The city shall have the authorization to grant variations for specific types businesses, such as nurseries, for limited outdoor watering. Fire protection, sewer maintenance, or other related outdoor uses that provide health and safety measures shall not be restricted.~~
 - c. ~~Set limits on water consumption for both commercial and residential customers.~~
 - d. ~~Establish monetary fines for noncompliance of water consumption limits or violation of the drought contingency plan.~~

(Ord. No. 2005-7-23, § 1, 8-2-05)

Sec. 66-95. Information and education.

The severity of the trigger conditions shall dictate the procedures for informing the public as follows:

- (1) ~~Mild conditions.~~
- a. ~~The publication of an article in the local newspaper informing the public that a trigger condition has been reached and that there is a need to conserve water. A statement shall be issued announcing the possibility of further measures instated.~~
 - b. ~~An article or notice, including control measures published in the city's newsletter or utility bill.~~
- (2) ~~Moderate conditions.~~
- a. ~~Public notices of moderate control measures will be published through local news media, including enforcement measures and penalties.~~
 - b. ~~Distribution of mandatory water schedules including a description of enforcement measures and penalties.~~
 - c. ~~Public notification of the situation published through local news media daily.~~
- (3) ~~Severe conditions.~~
- a. ~~Daily advisors to the public published through local news media of the severe situation and of sever control measures and penalties.~~
 - b. ~~Public announcements on local television and radio stations advising of the severe situation and of sever control measures and penalties.~~
 - c. ~~In the event that severe conditions persist for an extended period of time the city may ration water usage or terminate service to selected users of the system in accordance with the following sequence:~~
- ~~First: Industrial users~~
- ~~Second: Commercial users~~
- ~~Third: Residential users~~

~~Last: Public health and safety facilities~~

~~(Ord. No. 2005-7-23, § 1, 8-2-05)~~

~~Sec. 66-96. Enforcement.~~

~~No person shall knowingly or intentionally allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provisions of this plan.~~

~~Any person violating any provisions of this plan shall be deemed guilty of a Class C misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two thousand dollars per violation. Any employee of the city designated by the city manager may issue a citation to a person they reasonably believe to be in violation of this order.~~

~~The city will enforce this plan consistent with other rules adopted by the city in accordance to the Texas Water Code.~~

~~(Ord. No. 2005-7-23, § 1, 8-2-05)~~

~~Sec. 66-97. Variances.~~

~~The city council may consider granting customer specific variances from the provisions of this plan in cases of hardship or special conditions. All requests for variances must be submitted in writing to the city manager. After recommendation by the city manager, the city council shall consider hardship or special cases to determine whether a particular circumstance warrants a variance. A variance shall be granted only for reasons of severe economic hardship, medical hardship or for a legitimate public health concern. Such findings of the city council together with the specific facts upon which such findings are based shall be incorporated into the official minutes of the city council meeting at which such variance is recommended. A fee of \$25.00 shall be assessed per application to defray administrative costs. The fee may be waived upon the execution of an affidavit stating that applicant for variance is unable to pay the fee.~~

~~(Ord. No. 2005-7-23, § 1, 8-2-05)~~

~~Sec. 66-98. Initiation procedures.~~

~~Monitoring of the water demand, as well as the utility system condition, will be performed by city staff. As trigger conditions are exceeded, the city manager or his designee will notify the council members, fire and police department of the situation. The city manager will then initiate the drought contingency plan. TCEQ will be contacted within five working days of the initiation of drought contingency measures.~~

~~(Ord. No. 2005-7-23, § 1, 8-2-05)~~

~~Sec. 66-99. Termination notification.~~

~~Upon the elimination of the emergency situation or when the trigger condition no longer exists, the city will notify the public of the downgrading or termination of the prescribed measures. An article published in the local newspaper will be utilized for the notification of the revised status of the prescribed measures.~~

~~(Ord. No. 2005-7-23, § 1, 8-2-05)~~

~~Sec. 66-100. Annual evaluation and revisions.~~

~~The trigger conditions shall be evaluated at least once a year for overall effectiveness and trigger conditions will be revised if necessary. This plan will be updated at least every five years to provide revisions and updates as appropriately required.~~

~~(Ord. No. 2005-7-23, § 1, 8-2-05)~~

2.0 Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Alpine adopts the following Drought Contingency Plan (the Plan).

2.1 Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by the City of Alpine by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

2.2 Wholesale Water Customer Education

The City of Alpine will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of mailing a copy of the Plan to the wholesale customers. The City of Alpine currently does not have any wholesale customers.

2.3 Coordination with Regional Water Planning Groups

The water service area of the City of Alpine is located within the Far West Texas Region E and the City of Alpine has made a copy of the Plan available to the Far West Texas Region E water planning group.

2.4 Authorization

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. As a wholesale public water supplier, the City of Alpine shall review and update, as appropriate, the Drought Contingency Plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.

2.5 Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City of Alpine. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

2.6 Criteria for Initiation and Termination of Drought Response Stages

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a weekly basis, shall monitor water storage tank levels on a continual basis, and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on the amount of water available in the finished water storage tank and the current capacities of wells per pressure plane. Based on a recent analysis of the water sources for the City, the capacities of the wells are 75 gallons per minute (GPM) for the Sul Ross Pressure Plane, 790 GPM for the Upper Hill Pressure Plane, and 1,300 GPM for the Lower Hill Pressure Plane. Water supply for the Sul Ross Pressure Plane is supplemented by the Lower Hill Pressure Plane. Currently, the Upper Hill Pressure Plane operates independently and will do so until the existing booster pump station is operational and able to be put online.

The primary storage tanks to supply the water distribution systems for the three pressure planes are the Upper Hill Tank, the Lower Hill Tank, and the Sul Ross Tank. Maintaining suitable water levels in these three tanks is an indication of sufficient water supply for the demand. Additionally, water levels in the tanks are often an indicator of substantial leaks in a water system. Therefore, water levels of the tanks will also be an indicator of a water shortage.

2.7 Drought Response Stages

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation – The City of Alpine will recognize that a mild water shortage condition exists when any of the following conditions are present: when water demand reaches 90 percent of the firm capacity in any of the pressure planes or when the water level in any of the three distribution system storage tanks for the City's water system is equal to or less than 75 percent of storage capacity for a minimum period of twenty-four (24) consecutive hours. An additional condition is when there is a disruption to equipment of the water distribution system that would limit the capacity of the water system below 85 percent of capacity during high demand periods.

Requirements for termination – Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 14 consecutive days. The City of Alpine will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation – The City of Alpine will recognize that a moderate water shortage condition exists when any of the following conditions are present: when water demand reaches 95 percent of the firm capacity in any of the pressure planes or when the water level in any of the three distribution system storage tanks for the City's water system is equal to or less than 50 percent of storage capacity for a minimum period of twenty-four (24) consecutive hours. An additional condition is when there is a disruption to equipment of the water distribution system that would limit the capacity of the water system below 75 percent of capacity during high demand periods.

Requirements for termination – Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 14 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City of Alpine will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation – The City of Alpine will recognize that a severe water shortage condition exists when any of the following conditions are present: when water demand reaches 100 percent of the firm capacity in any of the pressure planes or when the water level in any of the three distribution system storage tanks for the City’s water system is equal to or less than 25 percent of storage capacity for a minimum period of twenty-four (24) consecutive hours. An additional condition is when there is a disruption to equipment of the water distribution system that would limit the capacity of the water system below 70 percent of capacity during high demand periods.

Requirements for termination – Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 14 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City of Alpine will notify its wholesale customers and the media of the termination of Stage 3 in the same manner as the notification of initiation of Stage 2 of the Plan.

Stage 4 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation – The City of Alpine will recognize that an emergency water shortage condition exists when any of the following conditions are present: when a major water line breaks, or pump or system failures occur, which cause unprecedented loss of capabilities to provide water services; or natural or man-made contamination of the water supply source(s).

Requirements for termination – Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. The City of Alpine will notify its wholesale customers and the media of the termination of Stage 4.

2.8 Drought Responses

The City Manager or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section 2.8, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Stage 1 Response – MILD Water Shortage Conditions

Target: Achieve a voluntary ten percent reduction in daily water demand.

Best Management Practices for Supply Management:

1. Reduce or discontinue flushing of water mains.
2. Inform all wholesale customers to initiate voluntary water restrictions and invoke Stage 1 of the Drought Contingency Plan.

Water Use Restrictions for Reducing Demand:

- (a) The City Manager or his/her designee(s) will contact wholesale water customers to discuss water

supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use by:

- Limit irrigation of landscaped and gardens to Sundays and Thursdays for even numbered addresses and Saturdays and Wednesdays for odd numbered addresses
- Request customers check for leaks, dripping faucets, and running toilets

(b) The City Manager or his/her designee(s) will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 2 Response – MODERATE Water Shortage Conditions

Target: Achieve a ten percent reduction in total weekly water use.

All requirements of Stage 1 shall remain in effect during Stage 2. Under threat of penalty for violation, the following water use restrictions shall also apply to all persons:

Best Management Practices for Supply Management:

- ◆ Water Use Restrictions for Reducing Demand: Limit irrigation of landscaped and gardens to Sundays and Thursdays for even numbered addresses and Saturdays and Wednesdays for odd numbered addresses
- ◆ Request customers check for leaks, dripping faucets, and running toilets
- ◆ Washing of any motor vehicle is prohibited unless conducted on a commercial car wash and only permitted between noon and five o'clock p.m.
- ◆ The use of water for washing sidewalks, driveways or other paved or concrete areas is prohibited.
- ◆ The use of water to fill, or add to any swimming pool, wading pool, or Jacuzzi type pool is prohibited.

Water Use Restrictions for Reducing Demand:

- (a) The City Manager or his/her designee(s) will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
- (b) The City Manager or his/her designee(s) will request wholesale water customers to initiate mandatory measures to reduce non-essential water use.
- (c) The City Manager or his/her designee(s) will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section

2.10 of the Plan.

(d) The City Manager or his/her designee(s) will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 3 Response – SEVERE Water Shortage Conditions

Target: Achieve a twenty percent reduction in daily water demand.

Best Management Practices for Supply Management:

All requirements of Stage 2 shall remain in effect during Stage 3. In addition, the following applies:

- ◆ Outdoor watering by handheld hoses or watering cans can only occur between six a.m. and eight a.m. and eight p.m. and ten p.m. Other methods of irrigation are prohibited.

Water Use Restrictions for Reducing Demand:

- (a) The City Manager or his/her designee(s) will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use.
- (b) The City Manager or his/her designee(s) will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section 2.10 of the Plan.
- (c) The City Manager or his/her designee(s) will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 4 Response – EMERGENCY Water Shortage Conditions

Target: Discontinue operations of the water system.

Best Management Practices for Supply Management:

All requirements of Stage 3 shall remain in effect during Stage 4. In addition, the following applies:

- ◆ Irrigation of landscaped areas is prohibited at all times.
- ◆ Such restrictions as determined by the Mayor at the recommendation of city staff that are determined to be required to maintain public health and safety, including elimination of service to all or part of the system.

Whenever emergency water shortage conditions exist as defined in Section 2.8 of the Plan, the City Manager shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
3. If appropriate, notify city, county, and/or state emergency response officials for assistance.
4. Undertake necessary actions, including repairs and/or clean-up as needed.
5. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

2.9 Pro Rata Water Allocation

In the event that the triggering criteria specified in Section 2.8 of the Plan for Stage 3 – Severe Water Shortage Conditions have been met, the City Manager is hereby authorized initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039.

2.10 Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

- (a) Five times the normal water charge per million gallons in excess of the monthly allocation up through 5 percent above the monthly allocation.
- (b) Five times the normal water charge per million gallons in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
- (c) Five times the normal water charge per million gallons in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
- (d) Five times the normal water charge per million gallons more than 15 percent above the monthly allocation.
- (e) The above surcharges shall be cumulative.

2.11 Variances

The City Manager or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City Manager within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Alpine City Council and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this resolution.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the Alpine City Council shall be subject to the following conditions, unless waived or modified by the Alpine City Council or its designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

2.12 Wholesale Contracts

The City currently does not have any wholesale contracts. All future wholesale customer contracts or contract extensions to existing wholesale contracts shall include the following provision:

“In the case of a shortage of water resulting from drought, water to be distributed shall be divided in accordance with Texas Water Code §11.039.”

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 11B

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Geoffrey R. Calderon, City Secretary



Staff Recommendation: Approve

AGENDA ITEM

Approve the second and final reading of Ordinance 2025-01-02, an ordinance amending Chapter 74 – Parks and Recreation, Article I – In General, to the Alpine Code of Ordinances; amending and establishing rules and regulations for all city parks; Providing for the establishment of permitting processes for festivals, events, & alcohol; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance; Providing for the following: Findings of Fact, Enactment, Repealer, Penalty, Savings, Severability, Proper Notice and Meeting, and Effective Date Clauses. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

On September 13, 2023, the Parks and Recreation Board (PRB) voted to make a recommendation to the City Council to update Chapter 74 - Parks and Recreation to the Alpine Code of Ordinances. The changes included in the recommended update included the establishment of streamlined rules and updated regulations for City parks. On September 26, 2023, the City Council considered the recommendations and voted to postpone the item and send the ordinance back to the PRB. The PRB held a discussion on January 10, 2024, and discussed amendments to the ordinance. City Administration worked on the proposed updates and the amendments were given to board members on August 14, 2024, to review and provide feedback. On September 11, 2024, the PRB reviewed the ordinance and recommended proposed updates to the ordinance. The requested updates were sent to the board on September 12, 2024, and the item was tabled until the next meeting. The updates were discussed at the November 13, 2024 meeting. The board officially made a recommendation to the City Council to approve proposed updates on December 11, 2024. The City Council approved the first reading of the ordinance on January 21, 2025.

SUPPORTING MATERIALS

1. Ordinance 2025-01-02 Parks With Attorney's changes 1-13-25

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY 2024-2025: N/A

Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

Approved - 1/27/2025
Approved - 1/27/2025
Final Approval - 1/27/2025

ORDINANCE 2025-01-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 74 – PARKS AND RECREATION, ARTICLE I – IN GENERAL, TO THE ALPINE CODE OF ORDINANCES; AMENDING AND ESTABLISHING RULES AND REGULATIONS FOR ALL CITY PARKS; PROVIDING FOR THE ESTABLISHMENT OF PERMITTING PROCESSES FOR FESTIVALS, EVENTS, & ALCOHOL; PROVIDING THE ESTABLISHMENT OF UP TO A \$500 PENALTY PER OCCURRENCE FOR VIOLATIONS OF THE ORDINANCE; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ENACTMENT, REPEALER, PENALTY, SAVINGS, SEVERABILITY, PROPER NOTICE AND MEETING, AND EFFECTIVE DATE CLAUSES.

WHEREAS, the Parks and Recreation Board is composed of community members who advise the City Council on policy decisions that affect Parks and Recreation programs of the city; and

WHEREAS, the Parks and Recreation Board has recommended changes to the City Council that would implement streamlined rules and regulations for all city parks; and

WHEREAS, the amendments recommended by the Parks and Recreation Board will provide clarification and enhancements to the existing rules, and ensure that city parks are properly taken care of, managed, and regulated to the benefit of all park users; and

WHEREAS, in addition to the updated rules and regulations, the Parks and Recreation Board recommends that the City Council implement event permitting processes by City Council resolution; and

WHEREAS, Chapter 331 of the Texas Local Government Code provides that municipal parkland is under the operation, maintenance, control, and management of the City; and

WHEREAS, the City of Alpine is a home-rule municipality that owns and operates city parks for the use and enjoyment of the general public; and

WHEREAS, the city endeavors to assert its rights as a property owner by implementing rules and regulations that will benefit the general public as recommended by the Parks Board.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ALPINE, TEXAS THAT:

**SECTION I
FINDINGS OF FACT**

The Alpine Code of Ordinances is hereby amended to reflect the changes hereto attached as Exhibit “A.” The premises attached as Exhibit “A” are found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

SECTION II

INCLUSION IN THE CODE OF ORDINANCES

The provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alpine, Texas. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word. The codifier of the City is empowered to make amendments to match the style of the existing code.

SECTION III CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

SECTION IV PENALTY CLAUSE

Any person, corporation, or entity who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$4,000.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.

SECTION V SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION VI SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

SECTION VII PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. A public hearing was held on February 4, 2025, where interested parties had the opportunity to make public comments on this ordinance prior to approval. Notice of the date and time of the hearing and notice of how to obtain copies of the proposed ordinance was published in the Alpine Avalanche, the official newspaper of the City of Alpine on January 30, 2025.

**SECTION VIII
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 4th DAY OF FEBRUARY 2025 BY THE CITY COUNCIL
OF THE CITY OF ALPINE, TEXAS.**

INTRODUCTION AND FIRST READING

JANUARY 21, 2025

SECOND AND FINAL READING

FEBRUARY 4, 2025

APPROVED:

Catherine Eaves, Mayor

ATTEST:

Geoffrey R. Calderon, City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT “A”

EDITOR’S NOTE:

Additions are Underlined. ~~Omissions appear in Strikethrough Text.~~

Chapter 74 PARKS AND RECREATION

ARTICLE I. IN GENERAL

Sec. 74-1. Alcoholic beverages generally.

Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (a) *Alcoholic beverages* means spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, excluding non-alcoholic beer, non-alcoholic wine, or kombucha which is fit for beverage purposes or intended for beverage purposes.

-
- (b) *Consumption prohibited in certain areas.* No person shall consume any alcoholic beverage while in or upon prohibitive areas defined in this section.
- (c) *Sale.* It shall be unlawful for any person, firm or corporation to sell alcoholic beverages within the boundaries of ~~Kokernot and Centennial Parks, including the Kokernot Park athletic complex, within the city.~~ all designated city parks, except as authorized by City Council.
- (d) *Possession and consumption.*
- (1) ~~It shall be unlawful for any person to consume alcoholic beverages, or to have in his possession an alcoholic beverage, within the parking lots, baseball fields, walking and jogging track and soccer field located in Kokernot Park, within the city~~
- (2) ~~It shall be unlawful for any person to consume, or to have in his possession, an alcoholic beverage within the boundary of Centennial Park, in the city.~~
- (3)(1) It shall be unlawful for any person to consume, or to have in his possession, an alcoholic beverage within the boundaries of any City Park, except where authorized by permit approved by the City Manager and the Chief of Police. It shall be unlawful for any person to consume, or to have in his possession, an alcoholic beverage within the parking lots, baseball fields, walking and jogging track and soccer field located in Kokernot Park, except where authorized by permit approved by the City Manager and Chief of Police.
- (e) *Signs and notices.* Signs shall be posted in appropriate locations stating substantially "No alcoholic beverage may be brought into this park or consumed in this park in violation of city ordinances which are strictly enforced." The signs shall be placed in locations to be visible on entering areas where possession or consumption of alcoholic beverages are prohibited.
- (f) *Noise-making device.* *A device that makes noise that could reasonably be considered to disturb the comfort, peace, and quiet of a city park.*

(Code 1978, § 19-8(a)—(d))

Sec. 74-2. Playing of golf and other dangerous sports in ~~certain~~ city parks.

- (a) *Application.* This section shall not apply to the Alpine Municipal Golf Course operated by the Alpine Country Club.
- (b) *Prohibited; signs to be posted.* It shall be unlawful for any person to practice, hit golf balls or play golf in ~~the Kokernot Park and Centennial Park as well as the Kokernot Park Athletic Complex~~ any park located within the city. It shall further be unlawful for any person to carry on any activity for which the park was not specifically designed and the performance of which would constitute a hazard to the health and safety of those lawfully using the park facilities. Signs shall be posted in appropriate locations determined by the city council or the city manager advising citizens of the restricted activities permitted in ~~Kokernot Park and Centennial Park as well as the Kokernot Park Athletic Complex.~~ any city park.

(Code 1978, § 19-9(a), (b))

Sec. 74-3. Medina Hours of Operation for City Parks.

- (a) *Hours of operation.* Medina City Parks will be open for the public's use and enjoyment only between the hours of 5:00 a.m. 8:00 a.m. and 11:00 p.m. 9:00 p.m. daily, and closed to the public between the hours of 11:00 p.m. 9:00 p.m. and 8:00 a.m. 5:00 a.m. daily. No one, except with specific city authorization, shall be permitted to be on the premises of Medina a city Park during the hours that such park is closed, without prior authorization from the city.
- (b) *Alcoholic beverages.* ~~No person shall, at any time, transport to and/or carry upon such park, any alcoholic beverage, whether any of the alcoholic beverage is consumed upon such park or not. It is a violation of this section, and constitutes an illegal association, for any person to knowingly be in the company of any person who are in obvious violation of this section.~~
- (c) *Violation; penalty.* It is a class C misdemeanor offense to violate the mandates of this section and if found guilty may be assessed the maximum fine that, by law, may be assessed by the municipal court.

(Code 1978, §§ 19-51—19-53)

Sec. 74-4. Baines Park. Use of Park Facilities Generally.

~~*Hours of operation.* Baines Park will be open for the public's use and enjoyment only between the hours of 8:00 a.m. and 10:30 p.m. daily. No one, except with specific city authorization, shall be permitted to be on the premises of Baines Park during the hours that such park is closed.~~

(Ord. No. 2002-5-4, 7-9-02)

- (a) A park facility is generally available for public use on a first-come, first-served basis, subject to:
 - 1. A requirement, if any, for a permit;
 - 2. A requirement, if any, to pay an entrance fee, reservation fee, or other fee.
 - 3. A previous reservation.
- (b) A person shall comply with city signs and markers in a park.
- (c) Entrance or Use Fees.
 - 1. A person may not enter or use a park facility for which an entrance or use fee has been established, unless the person has first paid the fee or is otherwise authorized to enter.
 - 2. A person must display an entrance permit or receipt to a city employee on request.
- (d) Reservations.
 - 1. A person may not use or occupy a facility or area for which another person has paid a reservation fee when the person's use conflicts with the use of the facility or area by the person who has made a reservation.

2. Persons wanting exclusive use of a park area and time, must make must make a reservation in accordance with the established reservation policies by the city.
3. A person must display documentation of a confirmed reservation on request to a City employee charged with the supervision or patrolling of parks.

(e) Permits.

1. When the city code or approved city council rule requires a person to obtain a permit or written authorization for a use or prohibits a use without a permit or written authorization, a person is required to obtain the permit or authorization prior to use. A person who wishes to apply for a permit or authorization may contact city hall to reach the designated parks and recreation staff member.

(f) Restricted Uses.

1. A person may not use a court or field designed for a specific sport for another sport, unless the alternative use is permitted by the city manager or the city manager's designee. For example, a person may not use a tennis court for lacrosse, or a baseball field for soccer.

(g) Occupancy Limit.

1. The city may establish and post a maximum occupancy for any park area or facility.
2. A person may not enter, or remain in, an area or facility for which the city has established an occupancy limit when the person's entrance will have the effect of exceeding the established occupancy limit. Compliance with this rule does not eliminate any additional requirements that may be imposed by the city code or city rules regarding an event on City property.

(h) Closed Areas.

1. The city manager or the city manager's designee may close a park area or facility to public entry or otherwise restrict use until the area or facility can be made available for public use.
2. If practicable, the City shall post notice of a closed area. A person may not enter a closed or restricted area.
3. A person may not enter an area closed due to flooding, toppled trees, or debris, or which is otherwise closed due to health or safety issues.

(i) Special Rules for Specific Parks Facilities or Events.

1. The city manager or city manager's designee may develop special rules and regulations that address problems specific to a facility or event.
2. Special rules shall be in writing, approved by the city manager or city manager's designee, and posted at the facility or provided to a person holding or attending an event.
3. A person shall comply with all special rules and regulations posted at a facility or provided to the person.

(j) Smoking.

1. A person may not smoke in a park, except in a temporary designated smoking area for a special event. Smoking outside the indicated temporary location for an event or not during an event is a violation and any person found to be in violation of this section shall be fined, upon conviction, an amount not to exceed \$500.00.
2. Disposing of a cigarette or cigar butt outside of a trashcan or dumpster is considered littering

(k) Littering, Illegal Dumping, and Public Health and Safety Violations.

1. It shall be unlawful for a person to throw, place or deposit, or cause to be thrown, placed or deposited, or suffer or permit his servant or any other person in his family to throw or deposit in any street, alley, gutter, ditch, lot or other place in this city, the carcass of any dead animal or fowl or any meat, fish, hides, skins, bones, offal, manure, fruit, vegetables, litter, debris, melon rinds, fruit peelings, slop, trash or other unsound or offensive matter or matter liable to become offensive or injurious to the health of those who reside in the vicinity or owned or controlled by him, or to throw, place or deposit, or cause to be thrown, place or deposit in any street, alley, gutter, ditch or other public place, or upon any lot or other premises not owned or controlled by him, tires, bottles, cans, loose paper, rags, scrapes of leather, shavings, dishwater, chips, debris, litter or trash.

Any individual group of individuals, business, or corporation who illegally disposes of litter, solid waste, tires, hazardous materials, bulky wastes, or other such materials can be charged with the following offenses and penalties.

- (1) Class C misdemeanor: 5lbs/5gals or less: Fine up to \$500.00

Sec. 74-5. Assembly.

- (a) A person organizing an event in a park that the person reasonably knows will be attended by more than 50 people must provide notice, at least one week before the event begins, to the City by calling city hall. Subject to compliance with all other applicable rules and ordinances, the event may be allowed upon approval of the city manager and the chief of police.

Sec. 74-6. Festival Permitting, Event Permitting, and other Permitting Requirements.

- (a) The city council may implement permitting processes and procedures for festivals, large gatherings, events, and other permitting requirements by city council resolution.

Sec. 74-7. Costs and Fees associated with City Parks.

- (a) All costs and fees associated with city parks, including reservation fees, may be approved by City Council resolution.

Sec. 74-8. Disruptive Behavior; Ejection from Facilities.

- (a) If a person's conduct violates these rules, or is unlawful, disruptive, destructive, or hazardous, the person may be warned and asked to stop the conduct immediately by any city police officer.

- (b) If a person persists in the conduct after a warning, a city police officer may eject the person from the park. If a person's conduct is criminal, poses an imminent threat of injury or property damage, or prevents the public enjoyment of the premises, a city police officer may eject the person from the park and take all other actions authorized by law.

Sec. 74-9. Peace and Quiet.

- (a) A person shall preserve the peace and quiet enjoyment of a park by observing the applicable laws and ordinances governing noise and amplified sound, unless a specific exception is approved by the City Manager.
- (b) A person may not use offensive language, make unreasonable noise, discharge weapons or fireworks, or engage in gestures or conduct in a park that would be offensive to a person of ordinary sensibility. Fireworks are allowed only with explicit authorization from the city.
- (c) A person may not operate a noise-making device in a park in violation of applicable law.

Sec. 74-10. Weapons and Firearms.

- (a) A person may not carry or possess a weapon or firearm while in a park, except where explicitly authorized by state and federal law.
- (b) The use of a firearm, air gun, paintball gun, pellet or B.B. gun, bow and arrow, or projectile device capable of inflicting personal injury is prohibited unless conducted under permit or in a park facility where the city manager or city manager designee has authorized the use.
- (c) A person may not display a firearm or other weapon in a park in a manner that will alarm or threaten another person, except where explicitly allowed by state and federal law.

Sec. 74-11. Abandoned or Unattended Property.

- (a) A person may not abandon a vehicle or other personal property in a park. The city may remove, impound, and dispose of abandoned property under applicable law.
- (b) A person may not leave a vehicle or other property unattended at any park in such a manner as to create a hazardous or unsafe condition. The city may impound the unattended property or move the unattended property to a safe place at expense of owner.

Sec. 74-12. Parking.

- (a) Unless parking is otherwise prohibited, a person may park a motor vehicle in a park only in a designated area.
- (b) A person may not park, store, or leave a vehicle or trailer in an area posted "restricted" or with "no parking" signs.
- (c) Unless specifically authorized by the City Manager, overnight parking in city parks is strictly prohibited.
- (d) The city may impound a parked vehicle or trailer that creates a hazardous or unsafe condition.

Sec. 74-13. Commercial Activity.

(a) Generally.

1. Unless a person is specifically authorized to do so by a permit or contract, or is acting in conjunction with a specifically permitted use of a reserved park facility; a person may not:
 - i. sell or rent a good or service in a park;
 - ii. place a stand, cart, or vehicle in a park for a commercial purpose;
 - iii. affix an advertisement to park property.

(b) Providing Commercial Classes and Instruction.

1. A person may not conduct classes or instructional activities for compensation in a park unless the person obtains a permit from the city obtains a permit and completes a waiver of liability.
2. A person may not provide a free class or instruction as an inducement or advertisement for a paid class or instruction unless the person has a permit from the city to conduct classes for compensation.

(c) Performing Artists.

1. A person may perform as an artist or entertainer in a park, but the person:
 - i. may not block a sidewalk or trail, or impede pedestrian or vehicular traffic;
 - ii. may not block or impede access to a park;
 - iii. may not perform at a restricted-access event without the written permission of the event organizer;
 - iv. may not juggle potentially hazardous materials or items such as knives or fire; and
 - v. must comply with all otherwise applicable laws, ordinances, and rules.

Sec. 74-14. Animals.

- (a) A person bringing a pet or other animal into a park shall keep the animal under confinement or direct control. Leads or leashes used to control animals may not be more than six feet long. A person who brings a dog into a park may allow the dog to be without a leash in a designated off-leash area; provided that the dog must at all times remain under the person's immediate personal supervision and command. A person who brings a dog into a designated off-leash area must carry a leash in order to restrain the dog should the need arise.
- (b) A person shall remove waste left by an animal under the person's care and control and shall dispose of the waste only in an appropriate waste receptacle.
- (c) A person who brings an animal into a park may not permit the animal to remain unattended or create a disturbance or a hazard.

- (d) A person may not bring livestock into a park, or permit livestock to range at a park, except with the written approval of the city manager or city manager's designee.
- (e) A person may not ride, drive, lead, or keep a horse at a park except as authorized under a contract, or permit.

Sec. 74-15. Cremation Remains.

- (a) A person may not disperse or dispose of cremation remains in a park.

Sec. 74-16. Fires, Firewood, and Fireworks.

- (a) A person may not light, build, or maintain a fire in a park, except in a device provided, maintained, and designated for that purpose, or as authorized by the city.
- (b) A portable camp stove or portable barbecue grill of metal construction may be used in a designated picnic area.
- (c) During a period of extreme fire hazard, the city manager or city manager's designee may prohibit or restrict fires in designated areas.
- (d) A person may not cut, gather, or collect wood or other combustible material at a park, for use as firewood or fuel.
- (e) A person may not possess or use any kind of fireworks in a city park, unless explicitly authorized by the city.

Sec. 74-17. Camping and Overnight Use.

- (a) Camping and overnight use of city parks and parking areas is strictly prohibited in accordance with Texas Penal Code, Sec. 48.05, incorporated herein for all purposes.

Sec. 74-18. Enforcement.

- (a) Any person, firm, or organization violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed five hundred dollars (\$500.00).
- (b) Any person, firm, or organization violating public health and safety provisions described in Sec. 74-4(k) shall be deemed guilty of the offenses listed within that section and upon conviction thereof shall be fined up to \$4,000 for the relevant violations listed in that section.

Secs. 74-5—74-19 – 74-35. Reserved.

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 11C

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Megan Antrim, City Manager

Staff Recommendation: Approve



AGENDA ITEM

Approve Resolution 2025-02-01, a resolution approving a non-profit group to administer the Mountain Country Christmas event for a period of two-years. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

For over 20 years, the City of Alpine has supported the annual Mountain Country Christmas Bazaar by awarding sponsorship to local non-profit organizations, fostering community engagement and holiday spirit. Historically, the Women's Club of Alpine has successfully conducted the event, ensuring its popularity and continued success. In the interest of fairness and inclusivity, the City once again advertised the sponsorship opportunity to allow other local non-profits an equal chance to participate.

This year, the City received applications from two organizations:

The Women's Club of Alpine

The Alpine Humane Society

SUPPORTING MATERIALS

1. 2025-02-01 Mountain Country Christmas
2. WOMENS CLUB OF ALPINE_Redacted
3. ALPINE HUMANE SOCIETY

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY 2024-2025: N/A

Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk

Geoffrey R. Calderon, City Secretary

Megan Antrim, City Manager

Approved - 1/27/2025

Approved - 1/27/2025

Final Approval - 1/27/2025

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

RESOLUTION 2025-02-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS, AWARDING SPONSORSHIP OF THE ANNUAL MOUNTAIN COUNTRY CHRISTMAS BAZAAR TO A LOCAL NON-PROFIT ORGANIZATION FOR A TERM OF TWO YEARS TO INCLUDE 2025 AND 2026.

WHEREAS, the City of Alpine has owned and awarded sponsorship of the Mountain Country Christmas Bazaar annually for the last 20 years; and

WHEREAS, Mountain Country Christmas is a cornerstone of Christmas in Alpine, and has become an integral part of the holiday season's cheer; and

WHEREAS, the City began advertising the sponsorship opportunity on December 16, 2024, on the City website, in the Alpine Avalanche, and on Alpine Radio for local non-profits to apply to sponsor the event; and

WHEREAS, local non-profit organizations were welcomed to submit a sponsorship application by the deadline of Friday, January 17, 2025, at 5:00 p.m.; and

WHEREAS, the City received three applications by the deadline: Women's Club of Alpine and the Alpine Humane Society.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS, THAT:

SECTION I. _____, a local non-profit organization, is hereby awarded sponsorship of the Annual Mountain Country Christmas event to take place on the first Friday and Saturday in December in the years 2025 and 2026.

SECTION II. The City will donate use of the Civic Center and waive the rental fees for this event, but the organization will be responsible for the \$200 security deposit.

SECTION IV. This resolution shall take effect immediately upon passage.

PASSED, APPROVED, AND ADOPTED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THIS THE 4th DAY OF FEBRUARY 2025 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

APPROVED:

ATTEST:

Catherine Eaves, Mayor

Geoffrey R. Calderon, City Secretary



SPONSORSHIP APPLICATION

MOUNTAIN COUNTRY CHRISTMAS

INFORMATION

Organization Name

Woman's Club of Alpine

Contact Name

Gerri Davis

Email

Allison Vidal

Address

203 S. Cockrell, Alpine TX 79830

Phone Number *Gerri Davis*

Event date is the 1st Friday & Saturday in December

Location: Alpine Civic Center

Sponsorship term: 2 years

RECEIVED

City of Alpine, Texas

JAN 08 2025 8:00 A.M.

OFFICE OF THE CITY SECRETARY

BY: *[Signature]*

Sponsor responsibilities:

- Vendor coordinator: Booth sign-up and space assignment.
- Publicity: Radio, Television, newspaper, social media.
- Coordinate with Civic Center personnel of responsibilities.

Participants Include:

- Arts and Crafts Booths
- Food and Beverage Booths
- Entertainment Booths

How will your organization use the profits, and what goals do you hope to accomplish by sponsoring this event:

The Woman's Club of Alpine uses the profits from this event to support non-profit organizations, provide money student scholarships, support emergency blankets, stuffed animals for the Alpine Volunteer Fire Dept., provide items to the Sunshine House Center for our seniors, support Alpine High School Band and many others. Our goals are to partnership with businesses and to improve the quality of others within our community.

Signed

Date

1/7/2025

Submit to City Secretary
100 North 13th
Alpine TX, 79830



SPONSORSHIP APPLICATION

MOUNTAIN COUNTRY CHRISTMAS

INFORMATION	
Organization Name <i>Alpine Humane Society</i>	
Contact Name <i>Mary Ann Vega</i>	Email <i>maryann@alpinehumanesociety.org</i>
Address <i>706 N. 5th St. Alpine, Tx 79831</i>	Phone Number <i>432.837.2532</i> <i>or cell 504.278.0262</i>
Event date is the 1 st Friday & Saturday in December	
Location: Alpine Civic Center Sponsorship term: 2 years	
Sponsor responsibilities: • Vendor coordinator: Booth sign-up and space assignment. • Publicity: Radio, Television, newspaper, social media. • Coordinate with Civic Center personnel of responsibilities.	
Participants Include: • Arts and Crafts Booths • Food and Beverage Booths • Entertainment Booths	
RECEIVED City of Alpine, Texas JAN 15 2025 8:00 a.m. OFFICE OF THE CITY SECRETARY BY: <i>[Signature]</i>	
How will your organization use the profits, and what goals do you hope to accomplish by sponsoring this event: <i>As a 501(c)(3) non-profit organization, we would use part of the funds for general operations and part for community assistance for veterinary care and pet food pantry.</i>	
Signed <i>[Signature]</i>	Date <i>01-13-2025</i>

Submit to City Secretary
100 North 13th
Alpine TX, 79830

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 11D

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Megan Antrim, City Manager

Staff Recommendation: Approve



AGENDA ITEM

Approve Resolution 2025-02-02, a resolution authorizing the City of Alpine Environmental Services Department to participate in the Keep Texas Beautiful and Texas Department of Transportation's Governor's Community Achievement Award Program. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

The Governor's Community Achievement Award (GCAA), jointly administered by Keep Texas Beautiful and the Texas Department of Transportation, is a prestigious recognition for communities demonstrating leadership in environmental education, public outreach, beautification, litter prevention, solid waste management, and enforcement against illegal dumping. The City of Alpine's Environmental Services Division, in partnership with Keep Texas/Alpine Beautiful, has actively participated in this program over the past five years. In 2024, Alpine achieved 1st Place, earning a \$130,000 monetary award for beautification and clean-up initiatives. Beyond financial incentives, non-monetary recognitions enhance Alpine's reputation and bolster the credibility of its growing Environmental Services program.

As a 2024 winner, Alpine is ineligible to place again this year. However, submitting an application for the 2025 GCAA offers the opportunity to earn the Award of Excellence (scoring 90 or more points) and work toward Sustained Excellence, which is granted after three consecutive years of earning the Award of Excellence.

The application deadline is February 13, 2025, with a nominal \$25 application fee.

Participating in the GCAA further underscores Alpine's commitment to environmental stewardship and its dedication to maintaining a beautiful, sustainable community.

SUPPORTING MATERIALS

1. 2025-02-02 -Gov Community Achievement Award
2. 2025-Governor's Community Achievement Application

BUDGET CONSIDERATIONS

Expenditure Required: \$ 25

Savings Anticipation: \$ 0

Current Budget FY2024- \$ 35,000
2025:
Additional Funding: \$ 0

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

Approved - 1/27/2025
Approved - 1/27/2025
Final Approval - 1/27/2025

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

RESOLUTION 2025-02-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AUTHORIZING THE CITY ENVIRONMENTAL SERVICES DEPARTMENT TO PARTICIPATE IN THE KEEP TEXAS BEAUTIFUL AND TEXAS DEPARTMENT OF TRANSPORTATION'S GOVERNOR'S COMMUNITY ACHIEVMENT AWARD PROGRAM.

WHEREAS, The City of Alpine is committed to provide a safe, clean and attractive community for its citizens;

WHEREAS, The City of Alpine finds it in the best interest of the citizens of Alpine, that the City participates in the Governor's Community Achievement Award Program for FY2025;

WHEREAS, The City of Alpine agrees to provide the application fee as required by Keep Texas Beautiful and/or the Texas Department of Transportation (TxDOT) for the Governor's Community Achievement Award program; and

WHEREAS, The City of Alpine agrees that in the event of loss or misuse of any potential award funds, the City of Alpine assures that the funds will be returned to the Keep Texas Beautiful/TxDOT in full.

WHEREAS, The City of Alpine designates the City Manager as the applicant's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the application on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

SECTION I. The City of Alpine approves submission of the application for Governor's Community Achievement Award (GCAA), through Keep Texas Beautiful and TxDOT to designate City of Alpine as a GCAA community.

SECTION II. The City Council authorizes that any awarded funds from the above stated designation be used for future beautification project(s) within the City.

SECTION III. This resolution is effective immediately upon its passage.

PASSED, APPROVED, AND ADOPTED BY A MAORITY VOTE OF THE CITY COUNCIL ON THIS THE 4th DAY OF FEBRUARY 2025 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

Catherine Eaves, Mayor

ATTEST:

Geoffrey R. Calderon, City Secretary

The Governor's Community Achievement Award is open to ALL communities in Texas. Applications open Thursday, January 2, 2025, and close Thursday, February 13, 2025, at 5 PM CST. There is a \$25 fee to submit the GCAA application.
APPLICATION QUESTIONS- 90 Points

Community Leadership and Coordination – 12 Points

1. Describe your community and its specific characteristics. Please include demographics and a brief history (125 Words)

Alpine, Texas is called "The Eden of the West" by international journalist Enoch Worlanyo, and is known for its scenic beauty, stunning geology, rich history, cultural heritage, dark skies, cool summer temperatures and welcoming people. Alpine is home to Sul Ross State University (SRSU), a regional hospital campus, many government organizations, and is in the largest international dark sky reserve in the world, making Alpine the perfect central location for many of the activities in the Big Bend Region such as star parties at the McDonald Observatory (40 miles) and hikes in the state and national parks (80 miles). The 6,190 residents that call Alpine home include: White (Non-Hispanic) (42.3%), White (Hispanic) (36.8%), Other (Hispanic) (8.69%), Two+ (Hispanic) (8.55%), and Asian (Non-Hispanic) (2.08%).

2. Texas is one of the fastest-growing states in the country. How has your community adapted to address the population shifts your community might be experiencing, and what role have litter abatement initiatives played in this process? (125 Words)

Alpine's population has not experienced the same rate of growth as more urban areas in Texas; our population has been stable over the past three decades, hovering right around 6,000 residents (not including many of the 1,100 undergraduate students at SRSU located here). The greatest revenue driver in the community is tourism, which flourished even during the COVID-19 pandemic as folks sought remote outdoor destinations for recreation. As a city, we offer visitors lodging, restaurants, supplies and entertainment. We have continued the recycling collection at our Visitor Center station to provide an easy recycling option to tourists while traveling. The City of Alpine has a comprehensive Illegal Dumping Abatement Program aimed at residents to prevent, educate, provide alternatives, give citations, and possibly prosecute offenders.

3. How have partnerships with state or national organization(s) related to litter prevention, beautification community improvement, and/or waste reduction/recycling helped increase the impact of your community's work? (125 Words)

In 2024, the City of Alpine partnered with the following: SRSU Women's Soccer, & Basketball Teams, SRSU Range and Wildlife & Geology clubs, SRSU Agriculture and Industry Department, the Apache Corporation; Cub Scouts Pack 141; Texas A&M Forest Services; Leadership Big Bend class; Big Bend Conservation Alliance, The Rio Grande Council of Governments, and residents. Throughout the year, these partners assisted with ten city community clean-up events, collecting a total of 1.64 tons of trash. The City of Alpine partnered with SRSU departments & programs, Borderlands Research Institute, American Bird Conservancy, Rio Grande Joint Venture, and Texas Parks & Wildlife for Earth Day Education and outreach events. The City hosted a Bat Conservation presentation and agave planting workshop partnering with Bat Conservation International, SRSU Local Agave Seed Propagation Project, and Texas Master Naturalist Tierra Grande Chapter.

4. How are your community improvement programs (programs focused on litter prevention, beautification, and waste reduction/recycling) organized, structured, and funded? Describe support (staff and volunteers) for your community improvement programs. (125 Words)

Alpine's beautification programs are organized & run by two full-time staff members, including the Environmental Services Coordinator (ESC), and two part-time employees. The ESC coordinates volunteers from different organizations, student groups, and residents. Programs are funded through the City's General fund, KTB supplies, support from Texas Disposal, Brewster County, grants, and local donations. In 2024, the City: 1) replaced five dead trees in downtown with drought-tolerant species, 2) was awarded RG-COG Solid Waste grant funds for a Summer

Tire Amnesty Event, where residents drop off of scrap tires at no-cost (May to August 7.01 tons), 3) Keep Alpine Beautiful, with help from Bat Conservation International, SRSU Local Agave Seed Propagation Project, and Texas Master Naturalist Tierra Grande Chapter, hosted a free community presentation/workshops focused on Landscaping and bat conservation.

5. How are your community leaders staying up to date with best practices and current information related to litter prevention, beautification, and/or waste reduction/recycling? (75 Word

The City's ESC (also the KAB coordinator):

1. Attended 12 Webinars, six of which were KTB trainings (1/30, 3/27, 5/8, 8/21, 10/2, & 11/14).
2. Completed 14-hours of continued education (Code Enforcement License), to better address illegal dumping and nuisance property challenges.
3. Reported clean-up event results on Texas Litter Database.
4. Created annual Bulk Pickup Schedule magnets for public distribution (12/19).
5. Conducted three workshops, and attended twelve career fairs including community outreach/education, volunteer engagement/management, etc.

Public Awareness and Outreach – 12 Points

1. Describe the outreach efforts of your community improvement programs through the use of media, speeches, social media, websites, events, workshops, bulletin boards, technology, printed materials, and/or other channels. (200 Words)

- The City's Recycling Center and Keep Alpine Beautiful utilize social media (Facebook), and the City's website to inform the community on upcoming Bulk Pick-ups (monthly) and KAB clean-up events throughout the year (10 events in 2024). We also use social media and the city website to post changes to our recycling streams, updates on materials accepted, and to inform on any changes to our operating hours on holidays. 233 Facebook posts and 29 website posts were made in 2024 relating to the above activities.
- The City of Alpine also uses radio PSAs and newspaper press releases to inform the public of any Clean-Up events in the city. 22 radio ads and 4 newspaper ads were made relating to our efforts in 2024.
- The Illegal Dumping Abatement Program created in 2021 relies on bilingual door-hangers to educate the neighborhood around illegal dump locations of the options they have for proper disposal of their items. ~540 of these info-hangers were distributed in 2024.
- The Recycling Center uses information posters and flyers listing the materials accepted or not recyclable at the center as well as information on the recycling process.

2. What efforts does your community use to reach diverse or underserved audiences? (seniors, people with disabilities, low-income, non-native speakers, etc.). (150 Words)

Efforts to reach diverse and underserved populations in Alpine include:

1. In 2024, KAB continues to distributed almost *free* recycling totes (bought with 2022 grant funds) to residents and visitors to the recycling center.
2. All clean-up events are promoted through various media, with website and newspaper postings, as well as Illegal Dumping Abatement Program Door Info-hangers, are promoted/written in both English and Spanish.
3. The ESC/KAB coordinator/Code Enforcement Officers, are bi-lingual.
4. KAB partnered with Texas A&M Forest Service & Big Bend Conservation Alliance for Community Service Day Tree Giveaway (11/2) distributing 250 native trees to the community.
5. City hosted a Tire Amnesty event (May- Aug.) offering NO-FEE tire disposal (usually \$5 fee). Total of 7.01 ton of scrap tires were recycled.

6. Our Recycling Center – including bulky-item roll offs – is open and FREE for all county and city residents for proper waste disposal.

3. How has your community promoted the Don't Mess with Texas® campaign or similar anti-litter messages, and what efforts have you made through Keep Texas Beautiful or other initiatives? (150 Words)

City of Alpine promoted the Don't Mess with Texas® campaign by distributing information and materials at the monthly community clean-ups, the City's Recycling Center, at the heavily-trafficked Visitor Center, and through social media (Facebook) pages.

KAB hosted ten community clean-up events in 2024 to promote the Keep Texas Beautiful campaign. In total, we had 234 volunteers that invested 556 hours (\$18,620.44) in these clean-ups. ~1.64 tons of trash, 5.34 miles of city streets/TXDOT roads were covered, and 0.36 miles of waterways were cleaned.

The City of Alpine works closely with TX DOT during the road-side clean-ups and encourages local groups/organizations to clean the 9 adopted segments (totaling 18 miles) cleaning up ~ 1,167 lbs. of trash during the "TRASH-OFF" in April 2024.

4. Describe how community awards and recognition programs have helped increase local support of your community improvement programs. Note awards and other forms of recognition offered by your program and those it has received. (100 Words)

The City of Alpine/KAB received first place in 2024 from GCAA. The City plans on landscaping project on the East entrance of town. KAB also received Gold Status in 2024. Keep Alpine Beautiful was awarded a Apache Corporation Tree Grant program in 2024 for \$5,000.00 for a Tree Giveaway to the public in Nov. 2024.

5. What educational efforts, projects or programs are available in your community to teach the general public about recycling, waste reduction, litter prevention or beautification issues? List the impact, and a data or available measurable results. (200 Words)

The City of Alpine/KAB increased outreach efforts in 2024 by hosting ten community clean up events and ten Educational Outreach events.

Daily Outreach is conducted at the recycling center by assisting visitors with procedures to encourage recycling in the community and to decrease contamination in the containers.

The city hosted a large-scale community outreach event on Earth Day 4/20/2024 in Alpine's Kishmish Venue, where recycling totes were distributed, and information on options for proper disposal, monthly curb-side bulky pickup schedule, and upcoming clean-up events was given. During Earth Day, educational booths, kids activities, wild animals, popcorn and snow cones were offered.

Alpine's Illegal Dumping Abatement Program is focused on public education, with approximately ~540 bi-lingual door-hangers distributed near sites of illegal dumping to inform residents about the options they have for proper disposal of their items. 180 dump sites totaling 427 cubic yards (21.51 tons) were abated in 2024.

The City took over care of the trees lining our downtown corridor, establishing a trimming/maintenance/watering schedule to keep downtown healthy and beautiful year-round, including replacing five dead trees with drought-tolerant species.

Environmental Education and Youth Engagement – 12 Points

1. How is your community engaging youth in efforts toward litter prevention, beautification, community

improvement, and/or waste reduction/recycling? Does your community have a youth advisory board or council, and how are they working in conjunction with other community efforts to engage youth? (200 Words)

Keep Alpine Beautiful engages with youth groups (Alpine Cub Scouts Creek Clean-up (10/19 & 10/27), during Fall Sweep clean-up events. In 2024, KAB hosted ten community clean-up events for a total of: 234 volunteers, that invested 556 hours (\$18,629.44) in these clean-ups. ~1.64 tons of trash, 5.34 miles of city streets/TXDOT roads were covered, and 0.36 mile of waterways were cleaned.

KAB implemented a new program in 2023 partnering with Big Bend Little league to collect recycling during the spring and summer games. The City/KAB installed two 96-gal poly carts with proper labeling of the accepted recyclables (namely plastic water bottles and aluminum cans). In 2024, 237.60 lbs. of recycling were collected. This successful program will now be done annually, with the intent to expand future partnership with the local Youth Soccer Association. At this time, there is not a youth advisory board or council in our community. The City's Environmental Services/KAB coordinator continues to reach out to youth groups and organizations in the area to promote KAB efforts, goals, and events.

2. What topics (solid waste/recycling, water reduction, energy savings, etc.) does environmental education in your community's schools cover? Describe what kind and how many environmental education programs, groups or special events are offered for youth in schools and your community's involvement. Include any youth, preschool, elementary, secondary, and college/university programs in your community. (150 Words)

Currently, local schools are not following any specific environmental curricula, but each grade covers different environmental topics throughout the year, typically through their Life Sciences lessons.

City staff reaches out to the community and educates the public on-site at the recycling center, through social media, hosting large-scale public events - like the Earth Day Celebration at Alpine's Kishmish Venue - and as part of the ten-community clean-ups, ten education and outreach events, and hands-on workshops in 2024.

KAB also invites and encourages school groups to visit, use, and tour the recycling center. In April and May 2024, groups from Alpine High School, TEA-Region 18 and the Texas Workforce Commission visited the Recycling Center to learn about benefits of possibly working in such a field. City staff uses these fieldtrips to explain the recycling processes and services offered to residents and their impact to the environment and our community.

3. How do your community's schools use environmental curricula such as Project Wild, Project Learning Tree, and/or other educational activities or outdoor learning opportunities? Do you have any programs to train educators on these learning opportunities and have those programs changed over the past year? (200 Words)

Local schools have not established specific environmental curricula beyond what is taught at each grade-level as part of their regular Life Science lessons at this time. The ESC continues to reach out to campus principals to promote Project Wild, Waste in Place, Project Learning Tree, etc., but none have adopted it to date.

Most of the school campuses have a recycling program in place and bring their recycling to the City of Alpine Recycling Center regularly. The city does not have a recycling collection service at the school campuses at this time.

KAB implemented a new program partnering with Big Bend Little league to collect recycling during the spring and summer games. The City/KAB installed two 96-gal poly carts with proper labeling of the accepted recyclables. In 2024, 237.60 lbs of recycling were collected. This successful program will now be done annually, with the intent to expand future partnership with the local Youth Soccer Association.

Beautification and Community Improvement – 12 Points

1. Describe beautification efforts in public spaces (parks, community gardens, etc.) in your community, such as tree and flower planting, native or adaptive landscaping, public art, increasing trail networks, a landscape maintenance. Include any applicable metrics. (200 Words)

As part of establishing tree-care and beautification efforts in the downtown corridor, the City of Alpine (and volunteers) replaced five dead trees with drought-tolerant species during community clean-ups and workshops hosted during 2024. Two trees (live oak & red oak) were planted after the Trash Off (4/5). Two trees (live oaks) were planted during the Community Clean-up (7/20). And one chinquapin oak was during the Community Clean-up (9/27). 18 agaves were planted during the Landscaping Workshop 5/14 at the Cactus Garden East entrance of town.

KAB partnered with BBKA and Texas A&M Forest Service hosted Tree Giveaway (11/2) to celebrate Texas Arbor Day. Distributing 250 trees from the Apache Tree Grant Program.

New for 2024, KAB worked with residents to remove goat heads at Kokernot Park. This event resulted 2 trailer loads and +20 volunteers assisted during 3 days in the spring. Also, KAB partner up with SRSU Agriculture and Industry Department for a Fall 2024 Community Beautification Project. Blue bonnets were planted Hendryx Loop on 10/2. The Freshman Seminar Class consisted of: 18 Freshman students all new to SRSU. 10 are collegiate athletes including football, softball, baseball, rodeo, & volleyball. Majors include Animal Science, Agricultural Business and Agricultural Education.

2. How has your community worked to instill pride and communicate the positive impact on economic development and the prosperity of your community as a result of beautification a community improvement programs? (175 Words)

The City of Alpine was awarded the Rio Grande Council of Governments Solid Waste Grant which funded a Tire Amnesty during the summer (May-Aug.). Funding was used to properly recycle 7.01 tons of residential tires at NO CHARGE to residents.

The City of Alpine recycled 6.05 tons of electronics from residents in 2024.

As a response to resident requests and needs, the city accepts recycling materials from residents county-wide to encourage and increase recycling in the area.

The City of Alpine Police Department has cameras at hotspots in the city to deter illegal dumping. Keeping our community clean benefits our tourism, which has a major impact on our economy.

The City of Alpine Recycling Center accepts tree limbs, bulky items, and scrap metal from residents free of charge to contribute to the cleanup efforts in our community. Adding two large roll-off dumpsters for bulky waste at the Recycling Center resulted in 65.46 tons of waste disposed of in 2024, free-of-charge to residents.

All city facilities and our largest city park participate in recycling.

Litter Prevention and Cleanup – 12 Points

1. Does your community conduct any type of study or survey to determine the extent of littering? If so, how do you use the results of these tools to inform your programming? (125 Words)

Alpine's Environmental Services Department worked with the Code Enforcement Department in 2024 to create an Illegal Dumping Locations spreadsheet to survey repeat illegal dumping locations and hotspots.

In 2024, 180 dump sites totaling 427 cubic yards (21.51 tons) were abated. Out of those, 41 were abated by residents following placement of the doorhangers (action after first offense), 5 were elevated to a second offense (- Illegal dumping warning stickers are attached to the affected dumpsters), and 3 were elevated to a third offense (Affected dumpster is relocated). None of these 180 sites escalated to fourth offense (Offense cameras are set up to identify offender), suggesting that this new strategy is effective.

Every year the City/KAB shares a litter and recycling survey only to get feedback from the public and identify problem areas in the community.

2. Uncovered trucks, construction sites, motor vehicles, and pedestrians are the primary sources of litter found on roadways. Describe how your community specifically addresses roadside litter (125 Word

The City of Alpine addresses litter issues by educating the public, enforcing the state law and fining when needed to encourage that all loads taken to the landfill are secured and tarped. The City of Alpine Landfill upholds a "FAILURE TO TARP LOAD" fee of \$30.00 each. Signs are posted at the landfill and recycling property gate to inform the public of the law and fines.

An additional opportunity identified for 2024 is to highlight this issue and its consequences at the Contractor Q&A Meeting, hosted annually by the city's Building Inspector/Code Enforcement team.

Don't Mess with Texas trash bags are distributed to residents at the recycling center and at events to encourage residents to dispose of their vehicle litter the proper way.

3. Our waterways currently have more trash than our roadways. Many organizations have shifted focus to these important areas that can carry trash from one community to the next and even all the way to the sea. If your community has waterways (ocean, rivers, lakes, streams, tributaries, bayous, and creeks.), describe your waterway litter prevention efforts. (125 Words)

Alpine has one main waterway that winds through town- Alpine Creek, which typically only has water during storm or heavy rain events. Cub Scouts assisted with that clean-up, collecting ~70 lbs. of trash and donating ~38 volunteer hours (\$1,272.62). Also, the City of Alpine Public Works Department conducted their annual maintenance and debris removal within the creek bed between August and December 2024.

4. What was the overall impact on the environment and/or the public's attitude toward litter prevention and cleanup based on your litter prevention programs? How does your community assess the effectiveness of its litter prevention programs? (150 Words)

There is a good attitude towards litter prevention and cleanup in our area. Residents take pride in keeping Alpine clean. Our community wanted the recycling center to serve the greater community at large; as a result, the City Council voted to allow both city and county residents to utilize the recycling center for *free* in 2021.

The area residents willingly come out in numbers to volunteer and clean up during trash/beautification events. A total of 234 volunteers, that invested 556 hours (\$18,620.44) in these clean-ups, workshops and beautification projects. ~1.64 tons of trash, 5.34 miles of city streets/TXDOT roads were covered, and 0.36 mile of waterways were cleaned. Keep Alpine Beautiful along with the City of Alpine will continue to work towards increasing clean-up efforts and opportunities as well as promoting and raising awareness to prevent litter in our area.

5. List the community cleanups you held and the measurable results of those events. Nontraditional cleanups can also be included with this question. (150 Words)

KAB hosted ten community clean-up events in 2024. Highlights include:

- 1/28 - SRSU Geology, & Range and Wildlife Clubs participated in clean-up where 2.84 acres, ~200 lbs. trash collected and 8 volunteer hours (\$267.92).
- 2/24 - SRSU Civic Engagement & Student Assistance participated in clean-up where 4.24 acres, ~225 lbs. trash collected and 36 volunteer hours (\$1,205.64).
- 3/4 SRSU Women's Soccer Team participated in GAC event with 315 lbs. trash collected, 22 volunteer hours (\$736.78).
- 4/5 SRSU Women's BASKETBALL Team - PLANTED 2 DOWNTOWN TREES & participated in TRASH OFF with a total of 5.8 acres cleaned, 270 lbs. trash collected and 12 volunteer hours (\$401.88).
- 7/20 Residents - PLANTED 2 DOWNTOWN TREES & with a total of 12 acres cleaned, 140 lbs. trash collected and 30 volunteer hours (\$1,004.70).
- 9/27 SRSU Women's BASKETBALL Team - PLANTED 1 DOWNTOWN TREES & participated in FALL SWEEP; 5.8 acres cleaned, 187 lbs. trash collected and 12 volunteer hours (\$401.88).

- 10/19 & 10/27 - Cub Scout Pack 141 participated in FALL SWEEP - 9.65 acres cleaned, 195 lbs. trash collected and 76 volunteer hours (\$2,545.24).
- 10/19 & 10/27 – SRSU 1ST YEAR SEMINAR CLASS participated in FALL SWEEP - 53 acres cleaned, 583 lbs. trash collected and 184 volunteer hours (\$6,162.16).
-

Total data for 2024's ten community clean-up events is:

- 234 volunteers that invested 556 hours (\$18,620.44)
- ~1.64 tons of trash collected
- 5.34 miles of city streets/TXDOT roads covered
- 0.36 mile of waterways were cleaned

Solid Waste Management – 12 Points

1. Describe your community's typical involvement in solid waste management, including work with local waste haulers, businesses, civic groups and citizens. If your community has a recycling program, describe community efforts to reduce and address recycling contamination, which typically is around 25%. (125 Words)

The City of Alpine is rigorously involved with the solid waste management of our region.

- The Illegal Dumping Abatement Program continued in 2024; 180 sites totaling 427 cubic yards (21.51 tons) were abated.
- Alpine has increased curb-side bulky-pickup to monthly, with 39.19 tons collected annually.
- Recycling Center accepts *source-separated* recycling materials from residents county-wide; there is not currently a sidewalk bin or mid-block option for recycling, residents must take it to the facility. ~413.20 tons of cardboard, mixed paper, plastic (1&2), tin, aluminum, newspaper, tires, and electronics were recycled, extending landfill life by 20.66 days.
- According to TDS, our staffed, locked facility returned zero negative reports on loads from Alpine in 2024, concluding there was "little to no contamination" in the recyclable material deliveries.

2. Describe how your community has supported source reduction, recycling, reuse, and composting to divert materials from landfill space. Please address all four topic areas. List measurable results applicable. (200 Words)

Source reduction is the city's most desirable waste management method to control pollution, and is, therefore, the major focus of our community outreach.

The main objective of Alpine's Recycling Center is to divert recyclable materials from the landfill, thus extending the life of the landfill. In 2024, . ~413.20 tons of cardboard, mixed paper, plastic (1&2), tin, aluminum, newspaper, tires, and electronics were recycled, extending landfill life by 20.66 days. The recycling center served 4,006 (69%) city residents and 1,796 (31%) outside city residents.

The Alpine community strongly supports recycling efforts. Reuse is highly encouraged in our community outreach. Composting is not offered at the recycling center currently, but educational information of the process is distributed at clean-up events and at the recycling center.

The Recycle Center accepts glass containers, has an on-site crusher, and gives away the crushed product to residents for free; 21.12 tons were crushed and 14.78 tons of that (70%) was distributed in 2024 (30% is waste)– it never lasts long on-site!

Litter Law and Illegal Dumping Enforcement – 12 Points

1. Describe community efforts to educate and work with law enforcement personnel (city, county or state) to review and reinforce local and state litter laws, including litter abatement and/or illegal

dumping. (125 Words)

The City of Alpine Environmental Services and Code Enforcement Departments are working with TDS to reduce illegal dumping in the city.

- The Illegal Dumping Abatement Program has been sustainable since June 2021.
- In 2024, 540+ info hangers were distributed near 180 identified sites; trash totaling 427 cubic yards (21.51 tons) was abated.
- Through our four-stage Abatement Program (described in Section: LITTER-Q1), the community, police and code enforcement staff work together to catch and fine individuals, thus reducing illegal dumping in the community.
- To strengthen efforts, the city's ES/KAB coordinator received their Code Enforcement Officer certification in 11/2022.

TDS also collects curb-side bulky-items from residents on a monthly schedule throughout the year. In 2024, 39.19 tons of bulk items were collected.

2. Describe community efforts to reduce nuisance issues such as graffiti, grass and weed violation dilapidated structures, junked cars and similar issues. (125 Words)

The City of Alpine has several city ordinances to reduce nuisance issues. These ordinances include issues with graffiti and graffiti abatement. They also address weed violations, sink holes, stagnant water, unauthorized outdoor privies, dilapidated structures and wrecked automobiles.

The City's Code Enforcement Department works diligently to monitor any violations of the ordinances in the community. They track and follow these issues closely with the residents so the problem can be mitigated and properties brought into compliance.

Conclusion – 6 Points**1. Describe any positive changes that have impacted your community programming this year. Do you have any community effort successes you would like to share that are specific to this year accomplishments? (150 Words)**

Alpine community residents have always supported and been involved in beautification and litter reduction efforts. Keep Alpine Beautiful and the City of Alpine are working together to increase community involvement in 2024.

City & KAB efforts in 2024 resulted in:

- An increased number of community clean-ups and promotional opportunities at City-sponsored events, including the introduction of Fall Sweep: Downtown and Alpine Creek Clean-ups.
- Monthly opportunities for free curb-side pick-up of bulky-items,
- Significant identification and reduction of illegal dumping sites,
- RGCOG Grant funded a community-wide Tire Amnesty event,
- ~413.20 tons of cardboard, mixed paper, plastic (1&2), tin, aluminum, newspaper, tires, and electronics were recycled, extending landfill life by 20.66 days.
- Replaced five dead trees in downtown with drought-tolerant species during the community clean ups and workshops hosted in 2024.
- KAB continued collection program partnering up with Big Bend Little league to collect recycling during the spring and summer games.

2. Explain how your community's overall environmental efforts have made your community a better place to live, work and play. Use this space to address anything related to community improvement programs that have not been covered in this application. (125 Words)

Increased opportunities for community involvement and education, as well as selecting clean-up locations that have a more visible impact within the community, have had a noticeably positive effect on Alpine as a great place to live, work and play!

Ten large clean-up events with targeted locations in both downtown and along Alpine Creek, road-side clean-ups, gaining control of main corridor tree maintenance and replacement, increased targeted illegal dumping abatement efforts, monthly bulk pick-up opportunities, increased staffing and hours of operation at the Recycling Center, and additional opportunities at large City-sponsored events to inform residents of the City/KAB programs all contributed to visible improvements to Alpine's small town, eco-tourism friendly character.

PROGRAM PORTFOLIO- 10 Points

PROGRAM PORTFOLIO GUIDELINES

1. All support material must take place in the reporting period of 1/01/2024 - 12/31/2024 unless otherwise noted.

2. Support material is meant to support what is written in the application itself. These should not act as a standalone application.

PROGRAM PORTFOLIO REQUIREMENTS

1. SUPPORTING PHOTOGRAPHS:

- 10 photographs are required, but up to 15 photographs are allowed
- Only photographs may be submitted in the photograph section (i.e. no newspaper articles, social media posts, etc.).
- Photograph collages (and anything that has more than one photograph on it) are not permissible.
- The word count limit for each photo caption is 20 words. The caption should describe the photo. Points will be deducted for captions over 20 words.

2. SUPPORT MATERIALS:

Applicants must submit support materials from 3 of the 5 following options:

- 2-3 examples of public awareness or promotional materials.
- 2-3 examples of local media support (i.e. news articles, publications, social media).
- 2-3 examples of educational materials developed for use in adult or youth educational activities.
- 2-3 city or county ordinances related to litter prevention, litter law, waste management, or illegal dumping. Include the complete ordinance, including section, title, details, and website line (if applicable). The reporting period does not apply (i.e. ordinances that were passed in previous years can still be submitted).
- 2-3 examples of awards, recognition, and/or proclamations given to the community or community programs recognizing environmental stewardship.

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 11E

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Geoffrey R. Calderon, City Secretary

Staff Recommendation: Approve



AGENDA ITEM

Approve Special Use Permit 2025-01-02, a special use permit application allowing the applicant, Alpine Velocity Ops LLC dba Velocity #19, to obtain a Wine and Malt Beverage Retail Dealer's Off-Premise (BQ) permit from the Texas Alcoholic Beverage Commission. The subject property is located at 1500 W. US 90. The property owner of record is CO Jones Enterprises LLC. The Parcel ID of the subject property is 11321. The current zoning designation of the subject property is C-1a Neighborhood Commercial District. If approved, the zoning will remain C-1a Neighborhood Commercial District. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

The Planning & Zoning Commission considered approval of this permit at the January 27, 2025 P&Z meeting.

SUPPORTING MATERIALS

1. SUP 2025-01-02 VELOCITY TABC HWY 90 Avenue_Redacted

BUDGET CONSIDERATIONS

Expenditure Required: N/A
Savings Anticipation: N/A
Current Budget FY 2024-2025: N/A
Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

Approved - 1/23/2025
Approved - 1/23/2025
Final Approval - 1/27/2025



CONDITIONAL/SPECIAL USE PERMIT APPLICATION

City of Alpine Building Services Department
309 W. Sul Ross Av., Alpine Texas, 79830
432.837.3281

*Please complete one application per property. Application must be completely filled out.

SECTION 1: APPLICANT INFORMATION <i>(applicant/agent/company/contact)</i>		
Name Alpine Velocity Ops LLC, dba Velocity #19		
Address 1500 W Hwy 90		City, State, Zip Alpine, TX 79830
Primary Telephone Number	Email Address	
SECTION 2: PROPERTY INFORMATION		
Street Address of public property 1500 W Hwy 90, Alpine TX 79830		
LEGAL DESCRIPTION OF SUBJECT PROPERTY (meets and bounds must be described on 8 1/2 x 11 sheet)		
Lot METTA HARM, BLOCK 2, LOT	Block 1,2 N/PT OF 3,4,5 & N/PT-9,10	Addition
Square footage of property	Acres	Present zoning classification Commercial
Proposed use of the property Gas Station with a Convenience Store		
Zoning ordinance provision requiring a conditional use (in-depth description & hours of operation) Open 7 days a week, 6am - 10 pm		
required for TABC change in ownership application		
SECTION 3: PROPERTY OWNER INFORMATION		
Name of current property owner Alpine Velocity Holdings LLC		
Address 1500 W Hwy 90		City, State, Zip Alpine, TX 79830
Primary Telephone Number	Email Address	

Submit a letter describing the proposed conditional use and note the request on the site plan document in the same letter.

1. Describe or show on the site plan, and conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations (example: buffer yards, distance between users).
2. Describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of the other property in the neighborhood.
3. Describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.

* special use permit required for TABC change in ownership application,
see TABC summary attached

**SIGNATURE TO AUTHORIZE CONDITIONAL USE REQUEST AND PLACE
A CONDITIONAL USE REQUEST SIGN ON THE SUBJECT PROPERTY**

Raja S Doddi
Print Applicant Name

Raja S Doddi
Applicant Signature

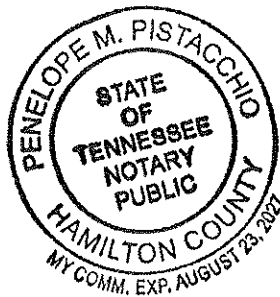
The State Of Tennessee
County Of Hamilton

Before Me Penelope M Pistacchio on this day personally appeared Raja S Doddi
Notary Applicant

Known to me (or proved to me on the oath of card of other documents) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of the office this 9th day of December, A.D. 2024

Seal.



Penelope M Pistacchio
Notary in and for the State of ~~Texas~~ Tennessee

Raja S Doddi
Print Property Owners Name

Raja S Doddi
Property Owners Signature

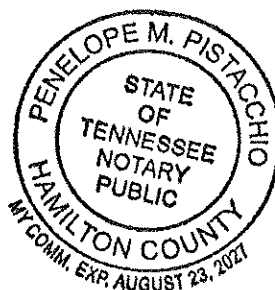
The State Of Tennessee
County Of Hamilton

Before Me Penelope M Pistacchio on this day personally appeared Raja S Doddi
Notary Applicant

Known to me (or proved to me on the oath of card of other documents) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Seal

Given under my hand and seal of the office this 9th day of December, A.D. 2024



Penelope M Pistacchio
Notary in and for the State of ~~Texas~~ Tennessee

PLATTING VERIFICATION

This verification statement must be signed prior to the submittal of this conditional use application.

___ It has been determined that the property described below does require platting or replatting and the applicant has been instructed on this procedure.

X It has been determined that the property described below is currently platted or does not require platting or replatting at this time.

1500 W Hwy 90, Alpine TX 79830

Address of subject property

Gas Station with a Convenience Store

Legal description of subject property

Verify by:

mm 12/18/24
Name Building Services Department

Signature

Date



PAID

CIC# 1429

INV# 24-007856



APPROVED

ACKNOWLEDGEMENT

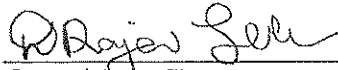
All conditional Use and Special Use Applications must be completed when filed and will be placed on the agenda.

All public hearings will be opened, and testimony given by the applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.

After approval, changes to a conditional use or special use permit (no matter how minor or major) can only be approved by city council through the public hearing process.

APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES

I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal


Owner/ Agent Signature

Raja S Doddi
Printed Name

12/9/2024
Date

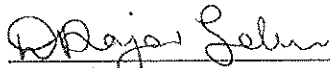
ILLUMINATION PLAN

An illumination plan to include a site photometric (including illuminated signs) and all fixture details shall be submitted as part of the site plan review process.

Applications will not be accepted without this requirement.

Chapter 18 - BUILDINGS AND BUILDING REGULATIONS | Code of Ordinances | Alpine, TX | Municode Library
"Outdoor Lighting Ordinance."

I hereby acknowledge that an illumination plan has been included as part of this submittal.


Owner/ Agent Signature

Raja S Doddi
Printed Name

12/9/2024
Date

* This is a change of ownership, there will be no change to the current illumination plan that meets Alpine ordinances.

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 11F

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Geoffrey R. Calderon, City Secretary



Staff Recommendation: Approve

AGENDA ITEM

Approve Special Use Permit 2025-01-03, a special use permit application allowing the applicant, Alpine Velocity Ops LLC dba Velocity #18, to obtain a Wine and Malt Beverage Retail Dealer's Off-Premise (BQ) permit from the Texas Alcoholic Beverage Commission. The subject property is located at 610 W Holland Avenue. The property owner of record is Sonoqui Leonardo and Morgan. The Parcel ID of the subject property is 12360. The current zoning designation of the subject property is C-2 Business District. If approved, the zoning will remain C-2 Business District. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

The Planning & Zoning Commission considered approval of this permit at the January 27, 2025 P&Z meeting.

SUPPORTING MATERIALS

1. SUP 2025-01-03 VELOCITY HOLLAND_Redacted

BUDGET CONSIDERATIONS

Expenditure Required: N/A
Savings Anticipation: N/A
Current Budget FY 2024-2025: N/A
Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

Approved - 1/23/2025
Approved - 1/23/2025
Final Approval - 1/27/2025



CONDITIONAL/SPECIAL USE **PERMIT APPLICATION**

City of Alpine Building Services Department
309 W. Sul Ross Av., Alpine Texas, 79830
432.837.3281

*Please complete one application per property. Application must be completely filled out.

SECTION 1: APPLICANT INFORMATION (applicant/agent/company/contact)		
Name Alpine Velocity Ops LLC, dba Velocity #18		
Address 1500 W Hwy 90		City, State, Zip Alpine, TX 79830
Primary Telephone Number	Email Address	
SECTION 2: PROPERTY INFORMATION		
Street Address of public property 610 W Holland Ave, Alpine TX 79830		
LEGAL DESCRIPTION OF SUBJECT PROPERTY (meets and bounds must be described on 8 1/2 x 11 sheet)		
Lot RAILROAD, BLOCK M2	Block LOT N/PT- 8 & 9	Addition
Square footage of property	Acres	Present zoning classification Commercial
Proposed use of the property Convenience Store		
Zoning ordinance provision requiring a conditional use (in-depth description & hours of operation) Open 7 days a week, 7am - 11pm		
required for TABC change in ownership application		
SECTION 3: PROPERTY OWNER INFORMATION		
Name of current property owner Alpine Velocity Holdings LLC		
Address 1500 W Hwy 90		City, State, Zip Alpine, TX 79830
Primary Telephone Number	Email Address	

Submit a letter describing the proposed conditional use and note the request on the site plan document in the same letter.

1. Describe or show on the site plan, and conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations (example: buffer yards, distance between users).
2. Describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of the other property in the neighborhood.
3. Describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.

* special use permit required for TABC change in ownership application,
see TABC summary attached

**SIGNATURE TO AUTHORIZE CONDITIONAL USE REQUEST AND PLACE
A CONDITIONAL USE REQUEST SIGN ON THE SUBJECT PROPERTY**

Raja S Doddi
Print Applicant Name

R Raja Selen
Applicant signature

The State Of Tennessee
County Of Hamilton

Before Me Penelope M Pistacchio on this day personally appeared Raja S Doddi
Notary Applicant

Known to me (or proved to me on the oath of card of other documents) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of the office this 9th day of December, A.D. 2024

Seal.



Penelope M Pistacchio
Notary in and for the State of ~~Texas~~ Tennessee

Raja S Doddi
Print Property Owners Name

R Raja Selen
Property Owners Signature

The State Of Tennessee
County Of Hamilton

Before Me Penelope M Pistacchio on this day personally appeared Raja S Doddi
Notary Applicant

Known to me (or proved to me on the oath of card of other documents) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Seal

Given under my hand and seal of the office this 9th day of December, A.D. 2024



Penelope M Pistacchio
Notary in and for the State of ~~Texas~~ Tennessee

ACKNOWLEDGEMENT

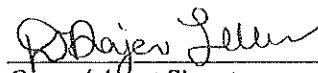
All conditional Use and Special Use Applications must be completed when filed and will be placed on the agenda.

All public hearings will be opened, and testimony given by the applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.

After approval, changes to a conditional use or special use permit (no matter how minor or major) can only be approved by city council through the public hearing process.

APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES

I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal


Owner/ Agent Signature

Raja S Doddi
Printed Name

12/9/2024
Date

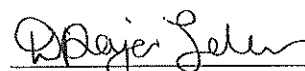
ILLUMINATION PLAN

An illumination plan to include a site photometric (including illuminated signs) and all fixture details shall be submitted as part of the site plan review process.

Applications will not be accepted without this requirement.

Chapter 18 - BUILDINGS AND BUILDING REGULATIONS | Code of Ordinances | Alpine, TX | Municode Library
"Outdoor Lighting Ordinance."

I hereby acknowledge that an illumination plan has been included as part of this submittal.


Owner/ Agent Signature

Raja S Doddi
Printed Name

12/9/2024
Date

* This is a change of ownership, there will be no change to the current illumination plan that meets Alpine ordinances.

PLATTING VERIFICATION

This verification statement must be signed prior to the submittal of this conditional use application.

___ It has been determined that the property described below does require platting or replatting and the applicant has been instructed on this procedure.

X It has been determined that the property described below is currently platted or does not require platting or replatting at this time.

610 W Holland Ave, Alpine TX 79830

Address of subject property

Convenience Store

Legal description of subject property

Verify by:

mm 12/16/24

Name Building Services Department

Signature

Date

☒ **PAID**
CHK# 1428
INV# 24-007857

☒ **APPROVED**

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 11G

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Geoffrey R. Calderon, City Secretary



Staff Recommendation: Approve

AGENDA ITEM

Approve Special Use Permit 2025-01-04, a special use application allowing the applicant, Alpine Harrys, LLC, is requesting the permit be issued to obtain a Wine and Malt Beverage Retail Dealer's On-Premise Permit (BG) and Late Hours Certificate (LH) from the Texas Alcoholic Beverage Commission. The subject property is located at 412 E. Holland Avenue. The property owner of record is Mois Harry and Lang Alois and Claudia. The Parcel ID of the subject property is 12335. The current zoning classification of the subject property is C-2 Business District and will remain the same if the application is approved. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

The Planning & Zoning Commission considered approval of this permit at the January 27, 2025 P&Z meeting.

SUPPORTING MATERIALS

1. SUP 2025-01-04 HARRY TINAJA TABC_Redacted

BUDGET CONSIDERATIONS

Expenditure Required: N/A
Savings Anticipation: N/A
Current Budget FY 2024-2025: N/A
Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

Approved - 1/23/2025
Approved - 1/23/2025
Final Approval - 1/27/2025



CONDITIONAL/SPECIAL USE PERMIT APPLICATION

City of Alpine Building Services Department
309 W. Sul Ross Av., Alpine Texas, 79830
432.837.3281

*Please complete one application per property. Application must be completely filled out.

SECTION 1: APPLICANT INFORMATION (applicant/agent/company/contact)		
Name <i>Alpine Harrys, LLC</i>		
Address <i>412 E Holland Ave</i>		City, State, Zip <i>Alpine, TX 79830</i>
Primary Telephone Number	Email Address	
SECTION 2: PROPERTY INFORMATION		
Street Address of public property <i>412 E. Holland Ave.</i>		
LEGAL DESCRIPTION OF SUBJECT PROPERTY (meets and bounds must be described on 8 1/2 x 11 sheet)		
Lot <i>01</i>	Block <i>120 121</i>	Addition
Square footage of property <i>23,998</i>	Acres <i>.44</i>	Present zoning classification <i>COMMERCIAL</i>
Proposed use of the property <i>BAR</i>		
Zoning ordinance provision requiring a conditional use (in-depth description & hours of operation) <i>Atch Alcohol Sales</i>		
SECTION 3: PROPERTY OWNER INFORMATION		
Name of current property owner <i>Timothy J. Wilson</i>		
Address <i>11870 Gateway East Blvd.</i>		City, State, Zip <i>EL PASO, TEXAS 79927</i>
Primary Telephone Number	Email Address	

Submit a letter describing the proposed conditional use and note the request on the site plan document in the same letter.

1. Describe or show on the site plan, and conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations (example: buffer yards, distance between users).
2. Describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of the other property in the neighborhood.
3. Describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.

INV# 24-007854

☒ APPROVED

☒ PAID

Ac# 121905

**SIGNATURE TO AUTHORIZE CONDITIONAL USE REQUEST AND PLACE
A CONDITIONAL USE REQUEST SIGN ON THE SUBJECT PROPERTY**

Timothy J Wilson
Print Applicant Name

[Signature]
Applicant signature

The State Of Texas

County Of EL PASO

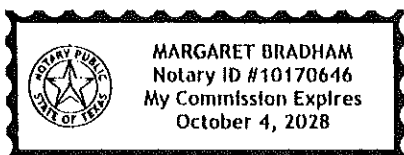
Before Me Margaret Bradham
Notary

on this day personally appeared Timothy J. Wilson
Applicant

Known to me (or proved to me on the oath of card of other documents) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of the office this December day of 13th, A.D. 2024

Seal.



Margaret Bradham
Notary in and for the State of Texas

Timothy J Wilson
Print Property Owners Name

[Signature]
Property Owners Signature

The State Of Texas

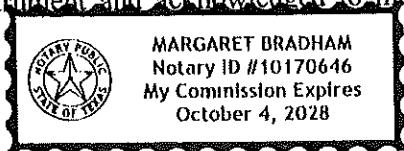
County Of EL PASO

Before Me Margaret Bradham
Notary

on this day personally appeared Timothy J. Wilson
Applicant

Known to me (or proved to me on the oath of card of other documents) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Seal



Given under my hand and seal of the office this 13th day of December, A.D. 2024

Margaret Bradham
Notary in and for the State of Texas

ACKNOWLEDGEMENT

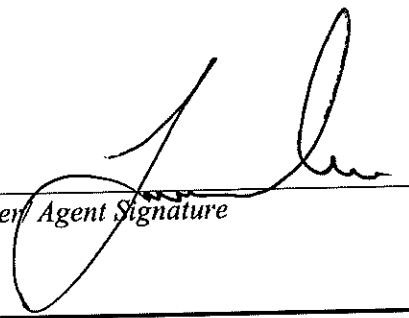
All conditional Use and Special Use Applications must be completed when filed and will be placed on the agenda.

All public hearings will be opened, and testimony given by the applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.

After approval, changes to a conditional use or special use permit (no matter how minor or major) can only be approved by city council through the public hearing process.

APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES

I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal

 _____
Owner/ Agent Signature Printed Name Date
12/13/24

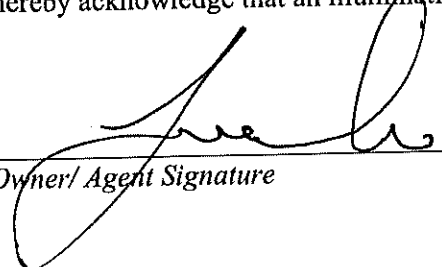
ILLUMINATION PLAN

An illumination plan to include a site photometric (including illuminated signs) and all fixture details shall be submitted as part of the site plan review process.

Applications will not be accepted without this requirement.

Chapter 18 - BUILDINGS AND BUILDING REGULATIONS | Code of Ordinances | Alpine, TX | Municode Library
"Outdoor Lighting Ordinance."

I hereby acknowledge that an illumination plan has been included as part of this submittal.

 _____
Owner/ Agent Signature Printed Name Date
12/13/24

PLATTING VERIFICATION

This verification statement must be signed prior to the submittal of this conditional use application.

_____ It has been determined that the property described below does require platting or replatting and the applicant has been instructed on this procedure.

 / It has been determined that the property described below is currently platted or does not require platting or replatting at this time.

412 E. Holland Ave Alpine Texas 79830

Commercial. OT 120,121 BLK property ID # 12335

Verify by:




Name Building Services Department
 Signature
 Date

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 11H

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Megan Antrim, City Manager

Staff Recommendation: Approve



AGENDA ITEM

Award Request for Proposals (RFP) to Ergon and Jarrett Dirt Work and Paving for Road Materials responsive to RFP 2024-12-01. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

Road Materials Request for Proposal (RFP 2024-12-01)

The City of Alpine issued RFP 2024-12-01 seeking proposals for road materials to support infrastructure projects in 2025. The request included items such as CR-2 Asphalt, MS-2 Asphalt, Grade 4 and Grade 5 Rock, and Type “D” Hot Mix/Cold Lay, with a focus on cost-effectiveness, timely delivery, and vendor reliability. Proposals were evaluated based on pricing, delivery capability, references, and prior relationships with the City.

The City received five bids:

Ergon

Capitol Aggregates

Jarrett Dirt Work and Paving

RH Dirt Work (Bidder withdrew bid)

Green Dream International (Bid received after deadline - returned)

After thorough review by the evaluation committee, Ergon and Jarrett Dirt Work and Paving are recommended as the selected vendors for this project. These vendors demonstrated competitive pricing, the ability to meet the City's requirements, and a strong track record of quality service.

The committee recommends City Council approval to award the contract to Ergon and Jarrett Dirt Work and Paving, ensuring reliable delivery of road materials for Alpine's upcoming projects.

SUPPORTING MATERIALS

1. RFP - Road Material 2024-12-01 - AMMENDED
2. 2024-12-01 - Road Material Summary Spreadsheet
3. Ergon - Road Material RFP 2024-12-01
4. Capitol Aggregates - RFP Road Material 2024-12-01
5. Jarrett - Road Material RFP 2024-12-01

BUDGET CONSIDERATIONS

Expenditure Required: \$ 255,279
Savings Anticipation: \$ 0
Current Budget FY2024- \$ 255,279
2025:
Additional Funding: \$ 0

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

Approved - 1/27/2025
Approved - 1/27/2025
Final Approval - 1/27/2025



CITY OF ALPINE

REQUEST FOR PROPOSAL

ROAD MATERIALS

RPF 2024-12-01

CLOSING DATE & TIME:

~~Monday, January 20, 2025, AT 4:00 PM Central Standard Time~~
**WEDNESDAY, JANUARY 22, 2025, AT 4:00 PM CENTRAL
STANDARD TIME**

Deliver or Mail to:

CITY SECRETARY
100 NORTH 13TH STREET
ALPINE, TEXAS 79830

(Note: Without exemption- Proposal must be time and date stamped by the
Office of the City Secretary. Timely physical delivery is at the risk of the respondent.)

**CITY OF ALPINE
REQUEST FOR PROPOSALS (RFP)
ROAD MATERIALS 2024-12-01**

Sealed Proposal Due: WEDNESDAY, JANUARY 22, 2025, AT 4:00 PM CST

~~MONDAY, JANUARY 20, 2025, 4:00 pm~~

I. PURPOSE

The City of Alpine (City) is soliciting Request for Proposals (RFP) for Road Materials. Sealed proposals are due to the City Secretary's Office by ~~Monday, January 20, 2025, at 4:00 pm.~~ **WEDNESDAY, JANUARY 22, 2025, AT 4:00 PM CST**

Sealed Proposals will be opened ~~Monday, January 20, 2025, at 4pm~~ **WEDNESDAY, JANUARY 22, 2025, AT 4:00 PM CST**. In order to be considered, the sealed proposal must address each of the requests for information in the Summary of Qualifications section.

II. SERVICES REQUIRED

This is a request for proposal for Road Materials. The City is requesting proposals for multiple types of material. (See Exhibit "A" for detailed list of material and quantity)

It is the City's preference to award the contract to one vendor, but the City reserves the right to choose secondary vendors also. An RFP allows for price negotiations after the bid opening, so the City of Alpine has chosen this bid format as a way of protecting vendors against future price increases. We have also built into this bid the ability to increase or decrease prices based on market conditions and verifications as listed below:

Market Conditions

The City is aware of extreme market fluctuations occurring for these products, so we are striving to arrive at a bid format that satisfies state bid law and also protects vendors against future price increases. To protect the vendor and the City, we will ask your company to establish a baseline price for the commodities listed. Prices can be negotiated after bids are opened. Then, based on increases and decrease that occur to the listed products over the term of the agreement, the City will allow increases or decreases in the same amount as the market changes.

However, the winning vendor(s) will be asked to provide documentation proving a change in price has occurred. If prices decrease over the term of the agreement, the winning vendor(s) will be expected to pass along those decreases in pricing. The City will assume that by submitting a bid under this format that your company agrees to this market protection. If you

have a different method of price protection, please include your information in your response.

III. GENERAL INFORMATION

The City of Alpine is a home rule City located in Brewster County and has a population of approximately 6,000 residents. The City Operates under a Council-Manager form of government with a Mayor, five (5) Council Members, and a City Manager. The Council Members are elected from single member wards, with the Mayor elected at large. The City Manager is the Chief Executive Officer of the City. It is the City Manager's duty to execute an implement policy as established by the City Council.

IV. EXPLANATIONS, CLARIFICATIONS, AND INTERPRETATIONS

Any explanation, clarification, or interpretation desired by a proposer regarding any part of this RFP must be requested via email to Eddie Molinar, Public Works Director at eddie.molinar@ci.alpine.tx.us, before 5:00 pm, CST on January 10, 2025. No further inquiries will be accepted after 5:00 pm, CST on January 10, 2025.

V. SUBMISSION OF RESPONSE

Delivery: Proposals must be sealed. Proposals may be mailed or hand-delivered to the City of Alpine, City Secretary. Sealed proposals for Road Materials are due to the City Secretary's Office by 4:00 pm on ~~Monday, January 20, 2025~~ WEDNESDAY, JANUARY 22, 2025.

Proposal packets are required to include three (3) copies.

Proposals must include:

1. Statement of Qualification's
2. Responses to Questions 1- 4 in Section VI,
3. Pricing for each or all of the requested materials in Exhibit "A".
4. Completed CIQ – Conflict of Interest Questionnaire
5. Completed W-9

Please include on the sealed bid envelope:

"SEALD RFP ROAD MATERIAL 2024-12-01 – TO BE OPENED WEDNESDAY, JANUARY 22, 2025 ~~MONDAY, JANUARY 20, 2025~~, AT 4:00 pm"

Proposals received after this time will be returned unopened. The City reserves the right to reject any and all proposals, to request additional information concerning any proposals for purposes of clarification, and to waive any irregularities and informalities in the submittal and evaluation process. This RFP does not obligate the City to pay any cost incurred by

respondents in the preparation of the proposals. Furthermore, this RFP does not obligate the City to accept or contract for any implied services.

Mailing Address and Hand Delivery Address:

City of Alpine
City Secretary
100 North 13th
Alpine, Texas 79830

Your qualifications shall be governed by the following schedule:

December 18, 2024	RFP posted to City Website
December 23, 2024	First Publication
January 2, 2025	Second Publication
January 9, 2025	Third Publication
January 10, 2025 5:00 pm (“CST”)	Explanation, Clarification, Interpretation Deadline
January 20, 2025 at 4:00 pm, CST	Proposal Deadline
January 22, 2025 at 4:00 pm, CST	Proposal Deadline
February 4, 2025	Award by City Council

VI. QUALIFICATION PROPOSAL INFORMATION

Statement of Qualifications

Each Statement of Qualifications (SOQ) must address, but does not need to be limited to, the following information:

Respondents shall include:

Qualifications and Experience

1. List the name and all addresses of location(s) of your firm. Which firm location will be used to provide materials to the City of Alpine?

2. List all individuals and contact information for who would be providing services for this RFP.
3. List your history (if any) providing road materials to the City of Alpine.
4. Describe your involvement with municipalities or other governmental agencies that you have provided road materials delivery services for. List any contact information for current/former references for the past five (5) years for governmental clients.

VII. EVALUATION PROCESS

The City of Alpine reserves the right to accept or reject any and all submissions in the best interest of the City. Proposals will remain in effect for 90 days. Proposals cannot be altered or amended after the submission deadline. Any interlineations, alterations, or erasures made before bid opening must be initialed by the signor of the proposal, guaranteeing authenticity.

Receiving Bids

Sealed bids are received by the City Secretary's Office. The time received shall be noted on the envelope or box and initialed.

Bids received after the published deadline shall remain unopened and will be returned to vendor.

Bid Process

Sealed bids will be opened by the City Manager with the Director of Public Works, and City Secretary, and finance personal. The bids shall remain on file, open for inspection in the City Secretary's Office. Bids are received, which are unmarked, shall be opened for identification purposes only and resealed. The envelope or box shall be marked accordingly.

After proposals are opened and publicly read, the proposals will be tabulated for comparison on the basis of the bid prices and quantities (lowest responsible vendor) or by the best value method shown in the bid. Until final award of the Contract, the City reserves the right to reject any or all bids, to waive technicalities, and to re-advertise for new bids. The following items will be considered when an award is based on best value:

- The purchase price for road materials (Exhibit A), including cost of delivery;
- The reputation of the bidder and the bidder's goods and services;
- The bidder's past relationship with the municipality;
- The total long-term cost to the municipality to acquire the bidder's goods or services;

The RFP will be awarded using the following criteria:

- Pricing of requested items
- Ability to deliver product in a timely manner

- References
- Previous relationship with the City of Alpine

VIII. BID AWARD AND PRICING

After your response to this RFP is submitted, the City will negotiate a final price which is then approved by City Council. Prior to City Council approval, if any market changes occur the responding vendor must notify the Director of Public Works and City Manager of this immediately. Once this Council approval occurs, pricing will be subject to the Market Conditions terms listed above for price increases and decreases. After the bid award, vendors who have been awarded a contract and wish to propose adjusted pricing to the agreement due to changes in the market must do so through certified mail or via e-mail to the Director of Public Works and City Manager. Documentation verifying the reason for the price increase must be sent as part of the request. Upon review of adjusted proposals, the City of Alpine may elect to dissolve the existing contract upon its expiration date or accept the price increase.

The Review Committee shall be responsible for preparing a tabulation sheet for all bids received that will be made available to the public upon request. The tabulation sheets will be forwarded to the City Council to make the final decision of an award.

Point of Contact

In the event clarification or additional information is needed, contact:

City of Alpine Public Works Department
100 North 13th Street
Alpine, Texas 79830
Eddie.molinar@ci.alpine.tx.us

Notice

Any notice provided by this RFP or required by law to be given to the respondents by the City of Alpine shall be deemed to have been given and received on the next business day after such written notice was deposited in the U.S. Postal Service mail facility in Alpine, Texas by registered or certified mail addressed to the respondent at the address provided in the sealed respondent. Any interpretation, corrections, or changes to this Request for Proposal will be made by addenda. The sole issuing authority of addenda shall be the City of Alpine Director of Finance. Addenda will be mailed to all who are known to have received a copy of this Request for Proposals. Bidders shall acknowledge receipt of all addenda.

EXHIBIT “A”

City of Alpine

Request for Proposal Road Materials for 2025

Material:	Amount Requested:	Price Quoted
1. CR-2 Asphalt	25,000 Gals.	
2. MS-2 Asphalt	10,000 Gals.	
3. Grade 4 Rock	1,500 Tons	
4. Grade 5 Rock	500 Tons	
5. Type “D” Hot Mix/ Cold Lay	700 Tons	

Please provide pricing for the above-mentioned materials, including delivery.

Not all materials may be purchased at the same time.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes

No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes

No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

Request for Taxpayer Identification Number and Certification

Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type. See specific instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
	☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ▶ _____	Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applied to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code		
7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	
or	
Employer identification number	

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶	Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

Material	Amount	Respondent	ERGON	Respondent	JARRETT DIRT	Respondent	CAPITOL AGGREGATES	Respondent	GREEN DREAM INTERNATIONAL	Respondent	RH DIRT WORK
CRS - 2 Asphalt	25,000 Gallons		\$3.13		N/A		N/A		RECEIVED 1/23/2025		Withdrew 1/22/2025
MS - 2 Asphalt	10,000 Gallons		\$3.71		N/A		N/A		Past Deadline		
Grade 4 Rock	1,500 Tons	N/A			\$44 per ton		\$43.22				
Grade 5 Rock	500 Tons	N/A			\$42 per ton		\$41.22				
Type D Hot mix Cold											
Lay Premix Asphalt	700 Tons	N/A			\$145 per ton		\$143.22				
		** Delivery fees extra					** Delivery fees extra				

EXHIBIT "A"

City of Alpine

Request for Proposal Road Materials for 2025

	Material:	Amount Requested:	Price Quoted
1.	CR-2 Asphalt CRS-2	25,000 Gals.	\$3.13.gal
2.	MS-2 Asphalt	10,000 Gals.	\$3.71/gal
3.	Grade 4 Rock	1,500 Tons	No Bid
4.	Grade 5 Rock	500 Tons	No Bid
5.	Type "D" Hot Mix/ Cold Lay	700 Tons	No Bid

*FEDERAL ENVIRONMENTAL FEE WILL BE ADDED TO ABOVE PRICES AT A RATE OF \$0.49770/TON FOR ASPHALT & POLYMER LOADS OR \$0.00150/GALLON FOR EMULSIONS LOADS.

Please provide pricing for the above-mentioned materials, including delivery.

Not all materials may be purchased at the same time.

THIS BID IS FOR FULL TRANSPORT LOADS OF 5,500 GALLONS. FREIGHT IS BASED ON A FULL TRANSPORT LOAD EVEN IF A FULL LOAD OF MATERIAL IS NOT ORDERED.

THE COMMON CARRIER BILLS DEMURRAGE AT \$100. PER HOUR AFTER THE SECOND HOUR.

RETURN FREIGHT IS ONE HALF OF THE COMMON CARRIER TARRIF.

PUMP AND HOSE CHARGE IS \$100.00 PER LOAD.

FOR EQUIPMENT ORDERED BUT NOT USED (CANCELLED), THE CARRIER MAY CHARGE UP TO \$400.00.

January 13, 2025

City of Alpine
City Secretary
100 North 13th Street
Alpine, Texas 79830

**RE: RFP Road Materials 2024-12-01
Qualification Proposal Information / Statement of Qualifications**

To Whom It May Concern:

This letter is in response to the requirements of Part VI Qualification Proposal Information set forth in the above referenced Request for Proposal.

Ergon Asphalt & Emulsions, Inc. ("Ergon") began doing business in 1982 and first began business in Texas in 1993. Ergon owns or leases seven (7) emulsion plants located in Lubbock, Saginaw, Mount Pleasant, Temple, Austin, Pleasanton and Corpus Christi, and four (4) hot asphalt plants in Texas located in Lubbock, Saginaw, Manor and Ennis. Ergon has asphalt facilities in fourteen (14) states and does business in a total of twenty-three (23) states. Ergon and its subsidiaries employ approximately six hundred seventy-five (675) people.

Ergon does business with numerous cities and counties in the states in which it is qualified to do business as well as all the Departments of Transportation in those states. Ergon has conducted business with the City of Alpine since at least 2008 and is currently furnishing the City its CRS-2 emulsion from our Lubbock facility located at 1611 Marshall Street, and its MS-2 emulsion from our Austin facility located at 8803 North Mopac Expressway.

Cody R. Chambliss is the Area Sales Manager for the City of Alpine and would be your primary point of contact. Cody may be reached by telephone at (512) 618-5313 or email at cody.chambliss@ergon.com and the sales office support staff may be contacted by emailing txsales@ergon.com or by calling our Austin marketing office at (512) 469-9292.

The following is a representative list of current customers to which Ergon Asphalt & Emulsions, Inc. supplies the quality of goods and services comparable to those which are the subject of the submitted bid:

Pecos County
Attn: Commissioner Tom Chapman
P. O. Box 1624
Fort Stockton, Texas 79735
(432) 290-9094

Yoakum County
Attn: Commissioner Woody Lindsey
P. O. Box 989
Denver City, Texas 79323
(806) 456-7259



Ergon Asphalt & Emulsions, Inc.
11612 RM 2244
Building 1, Suite 250
Austin, Texas 78738



Brewster County
Attn: Mr. Frenchie Causey
2601 N. Highway 118
Alpine, Texas 79830
(432) 837-2714

Gaines County
Attn: Commissioner Brian Rosson
P. O. Box 847
Seminole, Texas 79360
(806) 577-6594

Bexar County
Attn: Mr. Tony Vasquez
233 N. Pecos, Suite 420
San Antonio, Texas 78207
(210) 335-6710

Ergon is not M/WBE certified but is totally qualified to self-perform this contract.

If you have any questions or require additional information, please don't hesitate to contact us.

Very truly yours,

ERGON ASPHALT & EMULSIONS, INC.

EXHIBIT "A"

City of Alpine

Request for Proposal Road Materials for 2025

Material:	Amount Requested:	Price Quoted
1. CR-2 Asphalt	25,000 Gals.	
2. MS-2 Asphalt	10,000 Gals.	
3. Grade 4 Rock	1,500 Tons	
4. Grade 5 Rock	500 Tons	
5. Type "D" Hot Mix/ Cold Lay	700 Tons	

Please provide pricing for the above-mentioned materials, including delivery.

Not all materials may be purchased at the same time.

Qualifications and Experience

1. Hoban Plant Capitol Aggregates. 7001 TX-17, Pecos, TX 79772
2. David McCay Sales Representative 432-251-9988. RJ Rios dispatch office 432-447-9667.
3. Have provided paving materials to the city of Alpine for the past 11 years. Cold Mix patching material.
4. Capitol Aggregates has been providing paving materials in the west Tx for the past 41 years. Have supplied materials to cities, counties and Texas Department of Transportation throughout west Texas. Cities of Alpine, Pecos, Fort Stockton, Presidio, Odessa, Midland and other rule cities. Counties of Brewster, Pecos, Presidio, Midland, Ector and other surrounding counties. Also provide materials to Highway Contractors, Jones Brothers Dirt and Paving, RK Hall (Price Construction), FNF Construction, James Hamilton Construction and may other Highway Contractors.

Eddie Molinar City of Alpine.

Dolores Dominguez, Ector County 432-498-4039

Daniel Fierro, City of Odessa 432-335-3241

Ruben Carrasco, Presidio County 432-729-4812

Bianca Lujan, City of Pecos 432-445-2421

Terry Bryant, Jones Bro's Dirt & Paving 432-631-0607

Paul Chevalier, RK Hall 432-517-0263

FNF Construction, Tom Kennedy 512-470-7970

James Hamilton Construction, Alan Stott 575-388-3256



Material Quote

Quote Number: 00004707
Quote Generated: 14-Jan-25

PREPARED FOR:

Client:	City Of Alpine
Address:	100 N 13th St
City:	Alpine
State:	TX
Zip:	79830
Phone:	(432) 837-3301
Fax:	(432) 837-2044
Attn:	Eddie Molinar

JOB INFORMATION:

Job Name:	RPF 2024-12-01
FOB:	
Project / Control #:	
Job Information:	
Pricing valid between:	01-Feb-25 and 31-Dec-25
Escalation:	
Additional Information:	Material and trucking subject to availability any additional trucking fees due to change of location directed by the city may change. Material delivered to city of Alpine.
PO / Requisition#:	

Aggregates, Inc. ("Capitol") offers to sell the following described material ("Material") to the Customer for the above referenced Job, subject to the provisions of this quote. All Material is subject to availability and need not be produced until Capitol has received an executed Quote from Customer. This Quote and any transaction involving the is governed exclusively by the terms of this Quote and Capitol's **Additional Terms and Conditions**, which are attached to and incorporated in this Quote. Customer accepts the by its signature below or by receipt of delivery of the Material. Acceptance of this Quote is limited to the terms and conditions stated herein. Any additional or different conditions, requirements, and/or instructions previously, concurrently, or hereafter provided by Customer are rejected in their entirety by Capitol.

CT INFORMATION:

Material	Plant	UOM	Other Info	Quantity	Material Price \$	Truck Haul \$	Other Charges \$	Total Unit Price \$	Trucking FSC Base Rate
	Hoban Sand & Gravel	Short Ton		1,500.00	\$25.00	\$18.22	\$0	\$43.22	\$3.50
	Hoban Sand & Gravel	Short Ton		500.00	\$23.00	\$18.22	\$0	\$41.22	\$3.50
Hot Cold Lay	TPM Asphalt	Short Ton		700.00	\$125.00	\$18.22	\$0	\$143.22	\$3.50

INFORMATION:

Surcharge:	The Fuel Surcharge (FSC) is applied as a percent of the Truck Hour rate on a weekly basis. An FSC of 3.5% will be applied for every \$0.25 increment above the Trucking FSC Base Rate. For example, if the Trucking FSC Base Rate is \$3.50, then a FSC of 3.5% would be applied when the price of diesel was between \$3.51 and \$3.75 while a 7% FSC would be applied when the price of diesel was between \$3.76 and \$4.00. The cost of fuel is the average monthly diesel fuel price for the Gulf Coast Region as determined by the US Energy Information Administration and can be accessed at http://www.eia.doe.gov/cow/into/whodp/diesel.asp
------------	--

for the opportunity to provide you pricing for this work.

ay
achnycorp.com

ADDITIONAL TERMS AND CONDITIONS

e will be valid until **21-Jan-25**. This Quote shall be deemed accepted by Customer when signed or when Material is delivered to Customer. If the Quote is not accepted by 21-Jan-25, the Quote valid and a new quote must be reissued.

3 shown are based upon the customary production and delivery practices of Capitol, including delivery during normal business hours. For deliveries outside of normal business hours, an charge of \$125 per hour, minimum of 4 hours, can be assessed by Capitol, which will be in addition to any other costs incurred. Current operation hours can be viewed at www.capitolaggregates.com/locations.

3 the creditworthiness of the Customer is approved by Capitol, and or is approved for the project, Capitol will invoice the Customer regularly for the Material delivered hereunder. Payment will be ys following the date of the invoice. Failure of make payments as required may result in the cessation of deliveries and interest charges not to exceed the highest rate allowed by law. 1 fuel surcharges are NOT shown on this Quote but will be added to each invoice as applicable. If purchases by the Customer for the project are tax exempt, a valid tax exemption certificate or rportable documentation must be provided to Capitol before deliveries are made indicating that sales taxes do not apply, and Customer is responsible for the accuracy of the same.

will be F.O.B. at the Capitol facility named above with the Customer being solely responsible for arranging and paying for all aspects of transporting the Material from the Capitol facility to its n, unless otherwise specified. Under no circumstances shall Capitol be responsible for the acts, omissions or failures of any transportation provider.

ated pricing is provided as a convenience to the customer and Capitol does not guarantee any pricing related to transportation services, unless otherwise specified in the Quote above. Any n transportation charges will be passed along to the Customer.

It not be liable for acts or omissions of any transportation service providers, nor for delays in the production or delivery of Materials arising from events or conditions beyond Capitol's reasonable cluding without limit weather, equipment failures, inventory shortages, failures in rail or truck transportation, acts of God, acts of government, changes in laws, and public or private threats.

tal will, at the time of shipment have good title and meet Capitol's specifications as set forth on the face of this Quote or will, as Customer's sole remedy, be replaced with conforming Material, ise is sold WITHOUT ANY REPRESENTATIONS OR WARRANTIES, INCLUDING, WITHOUT LIMITATION, REPRESENTATIONS OR WARRANTIES AS TO MOISTURE CONTENT, MERCHANTABILITY OR OR ANY PARTICULAR PURPOSE, AND CAPITOL SHALL NOT BE LIABLE FOR THE SAME. CAPITOL WILL LIKEWISE NOT BE LIABLE FOR THE EFFECTS OF COMBINING THE MATERIAL WITH OTHER S FOLLOWING DELIVERY INCLUDING WITHOUT LIMITATION AKA SILICA REACTIVITY. CUSTOMER IS SOLELY RESPONSIBLE FOR ENSURING THAT ALL SPECIFICATIONS FOR MATERIAL COMBINATIONS AND SUITABLE FOR ITS INTENDED PURPOSE. CAPITOL SHALL HAVE NO OBLIGATION TO INDEMNIFY CUSTOMER.

will provide, as required by law, all information and warnings contained in the applicable Material Safety Data Sheets, MSHA and OSHA standards.

e, of which these Additional Terms and Conditions are a part, represents the entire agreement between Capitol and the Customer regarding the sale of the Material and may not be altered in any than by written document executed by both parties, clearly identified as an amendment hereto, and may be accepted by written signature, any request by Customer for Material, or receipt of f any Material. No other terms and conditions submitted by Customer shall be binding on Capitol related to the Material, whether dated before, on or after the date hereof, including without limit nent to which this Quote is attached and Capitol's signature on the same shall serve only as an agreement to provide Material under these terms and conditions and as a formality to facilitate y Customer. The terms of this Quote supersede conflicting terms of any document previously or hereafter issued by Customer, whether or not Customer's document is signed by Capitol.

LIABILITY/WARRANTY OF CONSEQUENTIAL DAMAGES. THE MAXIMUM LIABILITY OF CAPITOL TO BUYER RELATED TO THIS QUOTE AND OR ANY PROVISION OF MATERIAL BY CAPITOL TO BUYER SHALL BE O DIRECT DAMAGES NOT TO EXCEED THE AMOUNT PAID TO CAPITOL BY CUSTOMER FOR MATERIAL PURCHASED UNDER THIS MATERIAL QUOTE OR \$100,000 USD WHICHEVER IS LESS. EACH LIVES AND RELEASES THE OTHER FROM ANY AND ALL CONSEQUENTIAL, SPECIAL, INDIRECT, INCIDENTAL, PUNITIVE AND EXEMPLARY DAMAGES. THE TERMS OF THIS PROVISION APPLY WHETHER HE DAMAGES ARE FORSEEABLE, REGARDLESS OF ANY FAILURE OF ESSENTIAL PURPOSE, WHETHER THEY ARISE FROM THE BREACH, NEGLIGENCE OR STRICT LIABILITY OF CAPITOL OR ANY OTHER ND NOTWITHSTANDING ANY OTHER PROVISION IN THIS QUOTE OR ANY OTHER DOCUMENT.

as between the parties and related appeals shall be resolved exclusively (i) in the state courts in Bexar County Texas, where this Quote is made and performable and where the parties consent tion (ii) by bench trial without a jury AND (iii) in accordance with the laws of the State of Texas, regardless of any choice of law rules and regardless of the job location. Reasonable attorneys' costs may be awarded to only the party who is awarded all relief requested, and no relief may be awarded which is prohibited by the terms in this Material Quote.

ACCEPTED BY:

CAPITOL AGGREGATES, INC:

BY: _____
NAME: _____
TITLE: _____
DATE: _____

BY: _____
NAME: _____
TITLE: _____
DATE: _____



Since 1971
Jarratt Dirt Work and Paving, Inc.

P.O. Box 1147 *** 43082 State Hwy 17
Fort Davis, Texas 79734
Phone: (432) 426-3592 Fax: (432) 426-3140
E-mail: office@jarrattdirtwork.com



Qualifications and Experience

1. Jarratt Dirt Work and Paving, Inc. main yard 43082 State Hwy 17 Fort Davis, Texas 79734 and 4 Gray Addition Alpine, Texas 79830
2. Lance Jarratt, President Office: 432-426-3592 Cell: 432-249-0187
3. Provided base material to City of Alpine for past 5+ years
City of Alpine Street Paving Projects for past 5+ years
4. Jeff Davis County Road Maintenance Contract 50 years
5. Judge Curtis Evans, Jeff Davis County, Texas 432-426-3968
Email: countyjudge@jeffdaviscounty.texas.gov

EXHIBIT "A"

City of Alpine

Request for Proposal Road Materials for 2025

Material:	Amount Requested:	Price Quoted
1. CR-2 Asphalt	25,000 Gals.	
2. MS-2 Asphalt	10,000 Gals.	
3. Grade 4 Rock	1,500 Tons	\$44.00 per ton
4. Grade 5 Rock	500 Tons	\$42.00 per ton
5. Type "D" Hot Mix/ Cold Lay	700 Tons	\$145.00 per ton

Please provide pricing for the above-mentioned materials, including delivery.

Not all materials may be purchased at the same time.

CITY COUNCIL AGENDA ITEM REPORT

February 4, 2025

Agenda Item No. 111

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Megan Antrim, City Manager

Staff Recommendation: Approve



AGENDA ITEM

Approve transfer of \$3,000.00 Hotel Occupancy Grant Funds not utilized by Alpine Gallery Night (Artwalk) Event to the Spirits of the West Event. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

The Alpine Gallery Night is requesting a reallocation of \$3,000 from their awarded Hotel Occupancy Tax (HOT) funds for Artwalk, originally designated for the Arts, to support the Spirits of the West Wine & Beef Festival. The funds were not fully utilized for their intended purpose under the Arts category during Artwalk. Since this transfer is not within the same eligible HOT fund categories but is instead between two separate events, we are requesting City Council approval.

City Council originally approved HOT fund allocations for these events on August 20, 2024, as follows:

Alpine Gallery Night – Artwalk: \$43,000

\$25,000 for Advertising

\$18,000 for Arts

Spirits of the West Wine & Beef Festival: \$24,000

\$16,000 for Advertising

\$8,000 for Arts

The reallocation request aims to optimize the use of funds by supporting the Spirits of the West event, which aligns with the overarching goals of promoting Alpine's cultural and tourism initiatives.

SUPPORTING MATERIALS

None

BUDGET CONSIDERATIONS

Expenditure Required: \$ 3,000

Savings Anticipation: \$ 0

Current Budget FY2024- \$ 81,600
2025:
Additional Funding: \$ 0

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

Approved - 1/27/2025
Approved - 1/27/2025
Final Approval - 1/27/2025