



## Dallas Police Department General Order

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DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 02/24/09

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### **300.00 Operations**

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CHIEF OF POLICE

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All personnel, regardless of permanent assignment, will be accountable for adherence to the Patrol Bureau Standard Operating Procedures when performing Patrol Operations Patrol functions.



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## 301.00 Emergency Vehicle Operations

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 09/18/09

### 301.00 EMERGENCY VEHICLE OPERATION

#### 301.01 Purpose

- A. The purpose of this General Order is to describe the authority and to establish guidelines for operating emergency vehicles. It is intended as a broad guide to the application of these procedures during the operation of an emergency vehicle.
- B. Situations exist that require officers to respond quickly to life threatening emergencies and/or engage in pursuit of violators. In any situation, an officer must always base the decision to pursue on probable cause, known facts, and circumstances that can be articulated by the officer.

#### 301.02 Authorized Emergency Vehicles

- A. Vehicles equipped, at a minimum, with a siren and externally mounted red and blue emergency warning lights that have been installed in a manner approved by the Chief of Police will be authorized emergency vehicles. Public Service Officer trucks are not authorized emergency vehicles.
  1. An exception to externally mounted red and blue lights will be made for designated SUV model vehicles equipped with interior red and blue lights mounted at the top, and extending across the width of the windshield. Additional emergency warning lights will be mounted on these vehicles in accordance with specifications approved by the Chief of Police to allow the vehicle to operate as an emergency vehicle.
  2. Public Service Officer trucks are not authorized emergency vehicles
- B. Vehicles equipped with red and blue lights that are not externally mounted are also authorized emergency vehicles, but these vehicles will be used for traffic stops only and will not be used for any other type of emergency response.
- C. Vehicles not equipped with serviceable emergency equipment as provided in section A or B above will not be operated in an emergency manner.

#### 301.03 Levels of Response Defined

- A. Code 1 - The operation of an emergency vehicle in normal traffic without using emergency lights and siren. All departmental personnel operating emergency vehicles in this mode will comply with the posted speed limit and obey all traffic control devices and signals.
- B. Code 3 - The operation of an emergency vehicle using the emergency warning devices, as well as activating the emergency vehicle's headlights. This method of operation is authorized by the State Transportation Code and is outlined in General Order 301.05.
  1. The general guideline shall be that officers operating their vehicles in this manner shall not exceed the posted speed limit by more than 20 miles per hour on major streets and freeways and shall observe the posted speed limit in residential neighborhoods and school zones
  2. Officers operating their vehicles in this manner shall come to a complete stop to ensure an intersection is clear prior to disregarding any stop signal or stop sign.
- C. Assist Officer – The operation of an emergency vehicle while utilizing emergency warning devices and headlights to assist another law enforcement officer when an imminent threat to the officer's safety is present. When operating a vehicle in this regard, an officer is not bound by the requirement's listed in 301.03 B. 1-2 above, but is not relieved of the duty to operate the vehicle with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others.

#### 301.04 Operation of Authorized Emergency Vehicles

- A. In all operations of emergency vehicles, situations will exist which, in the responding officer's opinion, need an immediate and effective response. In these situations, the responding officer may determine that a delay in response could jeopardize the safety of a citizen or officer and upgrade from a Code 1 to a Code 3 response. When upgrading a response, the responding officer will notify the dispatcher, and upon acknowledgment, immediately activate the emergency equipment and headlights.
- B. When operating Code 3, the operator of the emergency vehicle is responsible for the safe operation of the vehicle. The officer must be able to articulate the facts and circumstances justifying the Code 3 decision.
- C. The authority to drive contrary to regulatory codes when operating an authorized emergency vehicle Code 3 does not relieve the operator of the responsibility of exercising due care. When regulating their speed, officers should give consideration to such things as the nature and seriousness of the offense or suspected offense and be consciously aware of weather conditions, traffic control devices, character of the neighborhood (residential or business), traffic volume, and road and vehicle conditions.
- D. After providing necessary assistance at a Code 3 or Assist Officer incident, the initial responding element will notify the dispatcher when the need for emergency assistance is over.
  1. Dispatcher will immediately sound an alert tone that Code 3 response has ended.
  2. Authorization for all other responses utilizing emergency warning devices will end.
  3. Other officers may proceed to the scene, driving at the posted speed limit and obeying all traffic control devices.
  4. Except when driven Code 3 or to an Assist Officer, no emergency vehicle will be driven faster than the posted speed limit.
- E. Officers requesting a cover element (not an assist officer) will advise the dispatcher if the response needed is Code 1

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or Code 3, and the number of elements required. No other terminology will be used.

1. A Code 3 response is appropriate when an officer reasonably believes that a delay in response could jeopardize the safety of a citizen or officer.
  2. Officer's responding to a Code 3 cover request will notify the dispatcher, and upon acknowledgement, immediately activate the emergency equipment and headlights.
- F. In all Assist Officer incidents, responding officers will be authorized an emergency response as indicated in 301.03 C without the need to notify the dispatcher of their intent to respond.
- G. Officers will hold Code 3 responses to the essential minimum and terminate a Code 3 response at the earliest possible time. When the emergency warning devices are deactivated, a Code 1 response is in effect.

### 301.05 Authority to Operate as an Emergency Vehicle

- A. The State Transportation Code permits authorized emergency vehicles to be operated in an emergency manner in response to an emergency call and in immediate pursuit of an actual or suspected violator of the law.
- B. The following will be considered emergencies within the meaning of Section A above:
1. Calls assigned by the radio dispatcher that are designated as emergencies and only when dispatched as emergencies by the designation *Code 3*.
  2. Calls or situations wherein the personal knowledge of an officer justifies the reclassification of a Code 1 assignment to an emergency level Code 3.
  3. Situations wherein a supervisor directs that response be made Code 3.
  4. Routine Traffic Stops  
Pursuit of a violator when the use of both emergency warning lights and siren is necessary to alert other traffic and/or to command the attention of the vehicle operator so that the he/she can be directed to stop. Officers may clock speeding traffic violators without using emergency lights and siren when they can do so safely and only for short distances.
  5. Chase Pursuit- Pursuit of a violator wherein the violator refuses to stop and the continuing use of both emergency warning lights and siren is necessary in the interest of warning others. The authority to drive contrary to traffic regulations requires the emission of an audible signal and activation of emergency warning lights. At the conclusion of the chase pursuit, all visible emergency warning lights will remain on at the scene.
- C. Authorized Levels of Response - The only authorized levels of response are Code 1, Code 3 and Assist Officer, which are defined in GO 301.03.
- D. Authorized Operators - No Police Department vehicle will be operated with emergency equipment activated unless operated by either:
1. A sworn member of the Police Department.
  2. A Reserve Officer of the Police Department when on duty and operating under the immediate order of a sworn officer or sworn supervisor, and only when such operation is essential to the preservation of life.
- E. The law enforcement goal of protection of life may be better served if an in-the-act offender is not alerted to an officer's arrival. When the siren and emergency warning lights are deactivated, the Code 3 or Assist Officer response will cease and a Code 1 response will be in effect, and the officer must begin considering a tactical approach.

### 301.06 Private Vehicle - Emergency Escort

- A. When an officer in the field is requested to escort a private vehicle carrying an injured or ill person, the officer will determine the severity of the injury or illness. The officer should offer to call an ambulance and offer to administer first aid.
- B. If the driver and patient refuse the officer's offer and want to continue to the nearest hospital or medical facility, the officer may escort the vehicle Code 1. The dispatcher will be notified prior to the escort.
- C. If the situation is not of a life threatening nature, the officer will politely suggest that the driver proceed carefully and obey all traffic regulations, and if appropriate, suggest the quickest and safest route to the hospital. Should the driver not know the way to the hospital, the officer may furnish an escort Code 1.
- D. An officer will not escort a private vehicle Code 3.

### 301.07 Vehicle Pursuits

- A. Purpose - The purpose of this policy is to establish guidelines for making decisions with regard to vehicular pursuits.
- B. Philosophy - General Order 906.01 B., states "protection of human life is a primary goal of the police department; therefore, police officers have a responsibility to use only the degree of force necessary to protect and preserve life." Initiating or participating in a vehicular pursuit presents a danger to the officers involved, the suspect, and the general public. Accordingly, the decision to initiate a pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer, public and suspect created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
- C. Definition - A Pursuit is defined as an active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect in a motor vehicle who is attempting to elude the officer. A suspect is considered to be fleeing upon making any overt action intended to avoid arrest. For the purpose of this order, violators who follow all traffic regulations after an officer initiates a traffic stop and are merely failing to yield to the authorized emergency vehicle are not considered to be fleeing. The term "Chase" will be considered synonymous with "Pursuit".
- D. Decision to Initiate Pursuit
1. The decision to pursue must be based upon facts and circumstances known to the officer.
  2. In deciding whether to pursue, an officer must take the following pursuit risk factors under consideration:
    - a. road, weather and environmental conditions,



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- b. population density, vehicle and pedestrian traffic,
  - c. relative performance capabilities of both the authorized emergency vehicle and the suspect's vehicle,
  - d. seriousness of the offense,
  - e. presence of other persons in the police vehicle,
  - f. age of offender,
  - g. whether or not the offender's identity is known, and
  - h. any circumstance under which the pursuing officer will be unable to maintain control of the emergency vehicle.
3. An officer may initiate a pursuit under the following circumstances:
    - a. When the officer has probable cause to believe that a felony involving the use or threat of physical force or violence has been, or is about to be, committed, and the officer reasonably believes that the immediate need to apprehend the offender outweighs the risk to any person of collision, injury or death, or
    - b. to assist another law enforcement agency that has initiated a pursuit under the same circumstances.
    - c. All other pursuits are prohibited.
  4. Officers will not pursue a motorist whose only offense is driving while intoxicated if the actions of the driver escalate beyond merely failing to yield to the emergency vehicle.
- E. Manner of Operation While in Pursuit
1. The emergency warning lights, siren, and emergency vehicle headlights will be used at all times while operating Code 3.
  2. Only police vehicles equipped with operable emergency warning lights and sirens will participate in the pursuit of a fleeing vehicle.
  3. Unmarked vehicles without roof mounted emergency warning light systems will not become involved in a pursuit. Supervisors in unmarked vehicles will follow the chase using a Code 1 response.
  4. If a pursuit is initiated by a motorcycle, the motorcycle will abandon the pursuit when a four-wheel unit with roof mounted emergency warning light systems joins the pursuit.
  5. Vehicles with passengers (prisoners, witnesses, suspects, complainants or other non-police personnel who have not signed a waiver of liability) will not become engaged in pursuits.
  6. Paddy Wagons will not become engaged in pursuits.
- F. Pursuit Termination
1. Pursuing officers shall continually assess the pursuit risk factors and terminate the pursuit when the danger to the officer, public or suspect becomes greater than the immediate need to apprehend the suspect.
  2. If visual contact is lost other than momentarily, officers will discontinue the pursuit.
  3. Officers will terminate a pursuit when directed to do so by a supervisor.
  4. Once the decision has been made to terminate a pursuit, officers will immediately disengage emergency warning lights and siren and reduce to Code 1.
- G. Prohibited Practices
1. Setting up roadblocks to stop violators.
  2. Attempting to force the vehicle from the roadway by driving alongside or in front of the fleeing vehicle.
  3. Bumping or ramming the fleeing vehicle in an attempt to force it from the road.
  4. Discharging weapons at a moving vehicle unless an occupant of the vehicle is using or attempting to use deadly force on an officer or other persons.
  5. Pursuing violators the wrong way on any freeway, one-way service road, one-way street, or divided roadway. This order is not intended to prohibit pursuit on an adjacent roadway where the officer is driving with the traffic flow.
  6. Following so closely that adequate reaction and braking time is insufficient to prevent collision with any leading vehicle.
- H. Responsibilities of Pursuing Elements
1. Any element initiating a pursuit will immediately notify the police dispatcher of the following information:
    - a. Element number.
    - b. Direction of travel.
    - c. Reason for pursuit to include offense that has been, or is about to be, committed.
    - d. Description and number of occupants.
  2. No more than the following three vehicles will be involved in a pursuit - the pursuit element, one support element, and a supervisor (either the Controlling Supervisor or another supervisor). The officer in the primary vehicle or the supervisor engaged in the pursuit may request approval from the Controlling Supervisor to add additional elements to the pursuit. The Controlling Supervisor may grant this request and has the option to add additional elements based upon personal judgment. Factors to be considered before requesting or allowing additional elements to join the pursuit include, but are not limited to:
    - a. The nature of the offense.
    - b. The number of suspects.
    - c. Whether to add a third element to the pursuit if no supervisor is able to join it.
    - d. Whether the participating elements have more than one officer per vehicle.
    - e. Any factor that could reasonably cause an increased hazard.
  3. Other police vehicles will not enter a pursuit to assume the lead or secondary vehicle position unless these factors apply:
    - a. The lead or secondary vehicles have fallen far enough behind the suspect's vehicle that it may be reasonably assumed the lead or secondary vehicle cannot maintain contact with the suspect's vehicle.
    - b. The vehicle can enter the pursuit without causing other pursuing squad cars to take evasive action.
    - c. If a police vehicle assumes the lead or second vehicle position (after meeting the above conditions), the vehicle entering the pursuit will immediately inform the dispatcher of the action taken. The last or third police vehicle (unless it is a supervisor) will then leave the pursuit and notify the dispatcher of this action.
  4. Officers involved in a pursuit will immediately inform the dispatcher of any collision or other injury observed by

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- the officer as a result of the pursuit.
5. Vehicles trailing a chase at a distance and at legal speed limits will not follow the chase beyond their Operations Division geographical boundaries and will obey traffic control devices. Sufficient vehicles to provide this support will be available in the Operations Division in which the chase continues.
- I. Responsibilities of the Controlling Supervisor
1. When an element becomes involved in a pursuit, the field supervisor of the responding element, if available, will be assigned by the dispatcher as the Controlling Supervisor. If this supervisor is not available, another first line supervisor will be assigned. If another first line supervisor is not available, the watch commander will be assigned.
  2. Command the pursuit from either a stationary position or while proceeding Code 1 toward the pursuit.
  3. Have the option of joining the pursuit, if another supervisor has not done so. If the supervisor joins the pursuit, another supervisor, if available, will become the controlling supervisor.
  5. Monitor all radio communications to ensure that only those elements authorized and designated by the dispatcher participate in high-speed pursuits.
  5. Consider the nature and seriousness of the offense for which the suspect is being pursued and assess the potential, if any, for identifying and arresting the fleeing offender at a later time.
  6. Order a pursuit discontinued when any of the following are applicable:
    - a. The known circumstances or facts do not justify continuing the pursuit.
    - b. The actions of other police agencies or individuals increase the danger to officers or the public. This includes actions of other police agencies that violate the Inter-Jurisdictional Pursuit Agreement, whether or not the violating agency is a signatory to that agreement.
    - c. Upon receiving a recommendation by the primary pursuit element, the supervisor involved in the pursuit, or a superior officer.
    - d. The risk to any person of injury, collision or death outweighs the immediate need to apprehend the offender.
  7. Police motor vehicle pursuits are only authorized in very limited circumstance. However, these circumstances involve potential violent offenders who in some cases may pose a substantial danger to pursuing officers at the conclusion of the pursuit. When these circumstances exist, a controlling supervisor is authorized to add additional elements to the pursuit. Factors to be considered before requesting or allowing additional elements to join the pursuit include, but are not limited to:
    - a. The nature of the offense.
    - b. The number of suspects.
    - c. Whether to add a third element to the pursuit if no supervisor is able to join it.
    - d. Whether the participating elements have more than one officer per vehicle.
    - e. Any factor that could reasonably cause an increased hazard.
  8. If a supervisor authorizes additional elements in a pursuit, either based on his or her own judgment or in response to a request by involved elements, the justification for the authorization must be documented in the Data Pursuit Form.
  9. Authorize the deployment of Tire Deflation Devices (TDDs) if appropriate under the circumstances.
- J. Responsibilities of the Patrol Watch Commander or Acting Watch Commander
1. Monitor active pursuits to ensure a controlling supervisor has been assigned and pursuit policies are followed.
  2. Ensure the justification for the pursuit and decisions made regarding the pursuit are consistent with the Department's overall pursuit philosophy.
  3. Immediately terminate a pursuit which causes substantial danger to the officers or the public that outweighs the need to apprehend the offender.
  4. Evaluate all requests to add additional elements by the pursuing officers and authorization for additional elements by the controlling supervisor to ensure the additional elements do not create an unjustified risk to the involved officers and the public.
  5. At the conclusion of the pursuit, evaluate the controlling supervisor's performance on the Data Pursuit Form and review the entire report prior to forwarding it the Division Commander.
- K. Responsibilities of the Communications Division
1. Develop and maintain standard procedures for a Pursuit Management Team to include a Communications Supervisor, Dispatcher and Service Desk.
  2. The radio dispatcher will:
    - a. Transmit all information pertinent to the pursuit to other police elements.
    - b. Immediately designate the sector supervisor of the initiating element, if available, as the Controlling Supervisor.
    - c. Notify the helicopter duty officer.
    - d. Advise pursuit vehicles of any known or potential hazards in the path of the pursuit (accidents, street closures, repairs, etc.).
    - e. Attempt to determine the reason why a vehicle is fleeing (e.g., a robbery that may have occurred near the initiation point of the chase, etc.).
    - f. Broadcast the location of Tire Deflation Device (TDD) deployment.
    - g. Sound the alert tone at the cessation of pursuit to audibly emphasize the requirement to reduce to Code 1 driving.
    - h. Ensure a patrol watch commander is made aware that a pursuit is occurring.
  3. When it becomes evident a pursuit may cross into another dispatch area with a different radio frequency, the originating dispatcher will notify the dispatcher responsible for the area into which the pursuit may continue. This dispatcher will activate the *Alert Tone* to warn elements in his/her dispatch area that emergency radio traffic will be forthcoming. Activation of the alert tone will include two short *beeps* of this signal followed by pertinent information regarding the pursuit.
  4. When a pursuit enters another Operations Division, that channel's dispatcher will keep the division officers informed of the location of the pursuit. No officer will join a pursuit without obtaining approval from the

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- dispatcher and/or the Controlling Supervisor of the channel and/or division where the pursuit originated. Normally, all pursuits will be maintained and controlled on the radio channel where the pursuit originated and under the direction of the original Controlling Supervisor. The only exceptions to this policy will be:
- a. If radio transmissions become weak or unreadable, a Communications Section supervisor will direct elements to a channel where transmissions are improved.
  - b. If a pursuit continues for an excessive length of time, the Communications Section Supervisor may direct elements to another channel so that operations on the primary channel may return to normal.
  - c. If the Controlling Supervisor advises that a pursuit should be broadcast on another channel for officer safety, the Communications Section supervisor will direct the elements to another channel.
5. Notify Fusion with all available information so that intelligence can be developed while the pursuit is occurring.
- L. Responsibilities of the Station Sergeant
1. Ensure no element within the division is attempting to overtake the pursuit from an impractical distance or with excessive speed.
  2. Ensure officers are not trailing pursuit in violation of GO 301.07, H. 5.
  3. If the chase proceeds into another division, the station sergeant of that division will also begin monitoring the AVL in addition to the station sergeant from the division where the chase originated.
  4. Monitor all elements for violations of the general order.
  5. Ensure all elements observed to be violating or attempting to violate department emergency vehicle operation policy are immediately directed to cease the activity.
  6. Ensure all violations observed from monitoring the AVL are documented on the chase report.
- M. Helicopter Involvement
1. Whenever possible, the helicopter will join a pursuit after notification by the dispatcher. Upon joining the pursuit, the helicopter will:
    - a. Advise the dispatcher and Controlling Supervisor of the helicopter's presence, its ability to maintain contact while directing the pursuit, and the number of vehicles in the pursuit.
    - b. Direct ground units to the fleeing vehicle's termination point.
  2. If practical and safe, the helicopter will:
    - a. Maintain a position that allows the pilot and/or observer to see an area several blocks in front of and behind the suspect's vehicle.
    - b. Notify pursuing officers of any upcoming traffic hazards.
    - c. Be aware of the number of police vehicles in the pursuit and notify the Controlling Supervisor and/or the dispatcher of any changes in the number of vehicles involved in the pursuit.

### 301.08 Deployment of Tire Deflation Devices

The deployment of Tire Deflation Devices (TDDs) is not considered deadly force in that TDDs produce a slow, controlled deflation of the pursued vehicle's tires that will not cause the vehicle to lose control.

The controlling supervisor in a pursuit must assess the dangers associated with the deployment of Tire Deflation Devices (TDDs), including the type and speed of the suspect vehicle, pedestrian concentration in the area, weather and road conditions, and other related factors.

- A. Tire Deflation Device (TDD) deployment:
1. Tire Deflation Devices (TDDs) will be deployed only upon authorization by a controlling supervisor.
  2. Circumstances that would warrant a forcible and controlled vehicle stop using Tire Deflation Devices (TDDs) include:
    - a. When an officer believes that continued movement of the pursued vehicle would place others in danger of greater bodily harm or death.
    - b. When apparent risk of harm to others is so great as to outweigh the risk associated with the use of Tire Deflation Devices (TDDs).
  3. Tire Deflation Device (TDD) deployment is NOT a roadblock and the roadway will be kept clear to permit passage by the pursued vehicle and the pursuing police vehicles.
  4. Tire Deflation Devices (TDDs) may be used on motor vehicles including cars and light trucks. They will NOT be used on motorcycles, three wheeled vehicles, or all-terrain vehicles, unless the use of deadly force is justified.
  5. Only officers who have been trained in the deployment of the devices will be authorized to use them.
  6. Officers with Tire Deflation Devices (TDDs) will determine an appropriate location ahead of the pursuit for deployment and will notify the controlling supervisor and dispatcher of the location.
  7. The dispatcher will broadcast the location of the Tire Deflation Device (TDD) deployment.
  8. Officers who deploy the TDD will be required to complete a Tire Deflation Device (TDD) Deployment report immediately after the deployment. This report is in addition to the chase critique report and will be turned in to the controlling supervisor.
- B. Tire Deflation Device (TDD) Deployment Operational procedures
1. Officers shall not attempt to overtake a fleeing vehicle in an effort to deploy a Tire Deflation Device (TDD).
  2. The safety of officers, citizens and violators shall be of the utmost concern before and during use of the Tire Deflation Devices. Officers shall adhere to the following requirements. Tire Deflation Devices (TDDs) shall:
    - a. not be thrown from a moving vehicle.
    - b. be deployed on paved (concrete or asphalt) surfaces whenever possible.
    - c. only be deployed across an open lane of traffic.
  3. Officers deploying Tire Deflation Devices (TDDs) will, whenever possible, place their marked squad car to the far right side of the road or off-of the roadway. The car will be parked in a tactically safe manner.
  4. The roadway will not be blocked by the police vehicle although narrowing a roadway by parking a police vehicle on the side of the road is permissible.

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5. The parked police vehicle will not be occupied.
6. Officers deploying Tire Deflation Devices (TDDs) will do so from a protected area of cover and/or concealment whenever possible.
7. When the officer deploying the Tire Deflation Device (TDD) is in position, the dispatcher will be notified.
8. The dispatcher will notify pursuing squads that Tire Deflation Devices (TDDs) are being deployed and provide the location(s).
9. The pursuing officers shall identify the target vehicle to the units deploying Tire Deflation Devices (TDDs) when the pursuit approaches the deployment site.
10. The pursuing vehicles will increase their distance behind the suspect so that the Tire Deflation Device (TDD) can be removed from the roadway after the suspect encounters it, and before the squad cars run over it.
11. Deployment and removal of Tire Deflation Devices (TDDs) will be as instructed during training, and always by use of the attached lanyard rope.
12. Officers deploying Tire Deflation Devices (TDDs) will remain out of the roadway during deployment.
13. The controlling supervisor will ensure that officers account for and properly report the deployment of Tire Deflation Devices (TDDs). After deployment of Tire Deflation Devices (TDDs), the roadway will be checked by the controlling supervisor or his designee to ensure that debris is not left on the roadway.
14. A Supervisor will be called to the scene if any uninvolved citizen's car is disabled as a result of their encounter with a DPD Tire Deflation Device. The supervisor will provide appropriate assistance to the citizen. Guidelines are contained in the Patrol SOP.

### 301.09 Inter-Jurisdictional Pursuit Policy

- A. If it becomes evident the pursuit might cross into another jurisdiction or if elements from another police agency become involved in the pursuit, the dispatcher will determine whether the jurisdiction being entered or agencies participating in the pursuit are signatories to the Inter-Jurisdictional Pursuit Agreement. This information will immediately be broadcast to the pursuit vehicles and Controlling Supervisor.
- B. Before a pursuit enters another jurisdiction, the dispatcher will notify the other agency with the following information:
  1. The pursuit is about to enter their jurisdiction.
  2. Reason for the pursuit and nature of violation.
  3. Location and direction of the pursuit.
  4. Complete description of occupants and vehicle.
  5. Number of elements involved in the pursuit.
  6. Whether or not assistance is needed.
  7. If applicable, notify that agency when the pursuit is leaving their jurisdictional boundaries or the location of termination.
- C. The initiating agency will have control and be responsible for the pursuit. Other agencies will not participate unless requested to assist.
- D. A total of no more than three vehicles from the combined jurisdictions will be involved in any pursuit - two elements and one supervisor.
- E. During a pursuit involving more than one agency, the following practices are prohibited:
  1. Roadblocks.
  2. Ramming.
  3. Forcing pursued vehicle off roadway.
  4. Shooting at pursued vehicle (except to protect against the use of unlawful deadly force).
- F. Responsibility of the initiating agency:
  1. Arraignment of arrested persons.
  2. Disposition of any passenger.
  3. Disposition of arrested person's vehicle.
  4. Coordination of all reports, citations, and criminal charges.
- G. Without unnecessary delay, the apprehending officer will take the arrestee or have him/her taken before one of the following:
  1. The magistrate who issued the warrant or the magistrate named in the warrant - if the magistrate is in the same county where the person is arrested.
  2. Some magistrate in the county in which he/she was arrested - if the issuing or named magistrate is in another county.
  3. A magistrate in a county bordering the county in which the arrest was made - if it is necessary to provide the required warnings more expeditiously to the arrestee.
- H. As a matter of professional courtesy, Dallas Police Department personnel will provide police personnel from the agency where the pursuit terminated pertinent information regarding the pursuit.

### 301.10 Pursuits - Reporting and Review

- A. Offense Report
  1. At the conclusion of each vehicular pursuit, officers will obtain a service number and prepare a direct entry offense report titled *Evading Arrest*. This report will be prepared regardless of whether the suspect was arrested or escaped.
  2. Officers will prepare an offense report titled *Evading Arrest-No Pursuit* whenever a suspect fails to stop for an authorized emergency vehicle but a pursuit was prohibited by departmental policy.
  3. These offense reports will fully describe the particulars of the incident and actions taken by the officers involved.
  4. In instances where the suspect escapes, the offense report will contain as much information as available regarding suspect and vehicle descriptions and any other pertinent identifying data.

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5. Information contained in the offense report will be used by detectives to develop a case against an offender who may have escaped. This information may result in the suspect being arrested at a later time and in a safer manner.
- B. Data Pursuit Form
  1. The Controlling Supervisor and initiating element will complete a Data Pursuit Form prior to the end of their shift. If a Controlling Supervisor is not assigned, the primary pursuit element will be responsible for completing this form.
  2. The Data Pursuit Form, offense report, AVL report, any arrest reports, and any video recording of the pursuit will be reviewed by the initiating officer's chain of command through the Division Commander level.
  3. The Division Commander will:
    - a. Review all pursuits for adherence to departmental policy,
    - b. Ensure that any appropriate follow-up including commendation, correction or training is taken, and
    - c. Notify the Departmental Safety Officer of any recommendations that may enhance officer or citizen safety.
    - d. Forward an electronic copy of the Data Pursuit Form to the Planning and Accreditation Unit after approval.

### 301.11 Moving Surveillance/Tactical Apprehension

- A. This order establishes a mechanism for field personnel to effect an apprehension of suspects in a moving vehicle or under circumstances that do not meet the criteria for a pursuit per General Order 301.07.D(3). In this circumstance, the violation must be of a serious nature and the officer believes there is an immediate need to apprehend the suspects. (This will not include traffic or Class C offenses). As with all operations, the safety of police personnel and the community is the primary goal.
- B. Tactical Apprehension: a coordinated and supervised operation involving one or more departmental workgroups in the apprehension of a suspect (s) with vehicular mobility or other similar circumstance. An apprehension of this type may be conducted with the helicopter, covert elements and marked units along with a controlling supervisor. To initiate a Tactical Apprehension an officer must do the following:
  1. Determine probable cause exists that an offense has been or is about to be committed.
  2. Determine that a Code 3 operation is not authorized and no emergency warning lights or siren will be utilized.
  3. Notify the dispatcher and a controlling supervisor of the need to tactically apprehend a suspected violator. Ideally, the patrol deployment squad supervisor will control a Tactical Apprehension; but a patrol field supervisor may also assume control if a deployment supervisor is not available. Officers will give the controlling supervisor as much information as possible, including the suspected offense (burglary, auto theft, non-violent felony warrant etc.), element number, direction of travel, reason for request of Tactical Apprehension, description and number of occupants and any other available information.
  4. Request helicopter involvement immediately.
- C. Covert elements and the helicopter will respond to positions where they will be conducting the moving surveillance of the suspect vehicle, while marked elements will disengage and be directed to trail or perimeter positions by the controlling supervisor. All elements (covert and marked) will operate code 1.
- D. Helicopter Involvement – Whenever possible the helicopter will join the tactical apprehension. Upon joining, the helicopter will:
  1. Advise dispatcher and controlling supervisors of their presence
  2. Be aware of the number of marked units and their positions. The helicopter may direct marked elements away from the suspect vehicle.
  3. Direct ground units to the vehicles termination point.
- E. The controlling supervisor will:
  1. Be involved in the tactical apprehension to the greatest extent possible and will determine how to coordinate the operation.
  2. Have the helicopter and/or covert elements follow the vehicle until the suspect(s) abandon the vehicle or direct marked patrol elements to initiate the stop as dictated by the individual circumstances.
  3. Coordinate information directing elements to a suspect's position for an arrest opportunity. Uniformed officers may be directed by covert elements or the helicopter to the suspect and will be provided with a physical and clothing description of the suspect. Uniformed officers will affect the arrest of the designated suspect (s) and provide transport for those suspects.
  4. **Ensure no pursuit will be initiated without circumstances that would authorize a pursuit under General Order 301.07.D (3).**
- F. For safety reasons covert officers will refrain from being part of the arrest and will only expose themselves in an emergency. If an emergency exists and covert officers deploy, they will wear a Dallas Police Identification Jacket or Vest with identifying marks and verbally identify themselves as Dallas Police Officers.
- G. A controlling supervisor may also decide that an extended moving surveillance is required prior to an arrest opportunity. This surveillance consists of: the covert and accurate observation of persons, places or things for the purpose of obtaining physical and visual evidence concerning identities or activities of subjects for evidentiary or intelligence gathering purposes. At this point the supervisor will announce this decision on all affected radio channels to ensure involved personnel, field elements and the dispatcher are informed.
- H. The controlling supervisor will determine the number of marked patrol elements required for the tactical apprehension of the suspect(s). All other patrol elements shall stay out of the operating area unless requested by the controlling supervisor, or circumstances develop that would require an immediate police response.
- I. In some cases the helicopter or divisional deployment assets will not be available in a timely manner. The controlling supervisor should check with dispatch and request assistance from another division. If these resources are not able to respond the supervisor will make the decision to initiate a traffic stop or felony stop. If the suspect vehicle then flees or evades, General Order 301.07 will apply and no pursuit will be initiated.



## Dallas Police Department General Order

### 302.00 Traffic Enforcement

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 02/23/09

#### 302.00 TRAFFIC ENFORCEMENT

##### 302.01 General Policy (CALEA 61.1.2C, F, 61.1.12)

- A. Age Limitations on Citations
  - 1. Traffic citations will not be issued to persons under twelve years of age or to persons over 65 years of age for pedestrian violations.
  - 2. Citations may be issued to persons over 65 for moving traffic violations.
- B. Officers should exercise discretion when taking enforcement action on out-of-town or out-of-state visitors. Traffic citations may be issued to out-of-town or out-of-state visitors. If the violation appears intentional or flagrant, the violator may be taken into custody and required to post bond. If unable to post bond, the individual may be placed in jail.
- C. Obtaining Arrested Person's Home and Business Addresses
  - 1. If a violator is unable to produce proper identification showing name and address, or satisfy the officer as to his/her identity, such person may be taken into custody and required to post bond. If the violator is unable to post bond, he/she may be placed in jail.
  - 2. After arrival at jail, if the violator is able to establish identity and proper address to the satisfaction of the jail supervisor, the jail supervisor will instruct the officer to issue the violator a citation and release the individual.
- D. If a violator refuses to sign a citation, he/she may be arrested and required to post bond.
- E. When an officer is in the process of having a parking violator's vehicle impounded and the driver returns to the scene before the wrecker leaves with it, a citation will be issued and the vehicle released to the driver. No wrecker fee will be charged.
- F. Officers will not take minor traffic enforcement action when transporting a citizen on a Signal 62 (Public Service), unless public safety would be adversely affected by lack of action.
- G. Warnings: Written warnings are not utilized by the Department. Verbal warnings may be used when there is a new enforcement program going into effect and the preliminary phase calls for a period of public education. Newly enacted laws or regulations may be enforced on their effective date. A verbal warning may be sufficient in certain minor violations.
- H. Officers responding to a vehicular accident incident with a disturbance between principals will:
  - 1. Determine if an assault has occurred at the scene
  - 2. Investigate the assault, request Dallas Fire Rescue for any injuries and prevent any further assaults prior to investigating the accident.
  - 3. Notate in the narrative section of the state crash form the case or incident number used for any assault that might have occurred during the disturbance.
- I. Officers that come into contact with a licensed driver who demonstrates symptoms of a possible health condition that may interfere with the safe operation of a motor vehicle will :
  - 1. Determine if the driver is capable of continuing to operate a motor vehicle at the time of contact, if so record the full name, date of birth and Texas drivers license number of the driver and release them, if the officer determines that it is not safe to allow the driver to continue to operate a motor vehicle the officer will find a safe alternative to releasing the driver.
  - 2. Report the driver to the Texas Department of Public Safety Driver Improvement and Compliance Bureau by completing a memo with the driver's information and a description of the contact and the medical or other condition that the officer feels may interfere with the safe operation of a motor vehicle. The memo will be forwarded through the officer's chain of command to the commander of the Field Services Division.
  - 3. The Commander of the Field Services Division or their designee will forward the information to the Texas Department of Public Safety Driver Improvement and Compliance Bureau.

##### 302.02 Traffic Enforcement in Accident Investigations

- A. During the investigation of traffic accidents, any officer who on-viewed and witnessed an accident may issue a citation for any violation occurring in his/her presence.
- B. During the investigation of traffic accidents, the investigating officer, although not a witness to the accident, will issue citations for "No Operators License" and "No Liability Insurance", when these violations have been committed. If any party wishes to file additional charges, he or she will be referred to the City Attorney's Office. Officers issuing "No Operators License" and "No Liability Insurance" citations will be guided by the following:
  - 1. The officer must have a 'fact witness' who is willing to testify in City Court that the violator was, in fact, operating a motor vehicle on a public street, or the violator must admit to the investigating officer that he or she was the operator of the vehicle.
  - 2. The name of the witness, his/her address, zip code, and telephone number will be placed in the space provided on the court's copy of the citation.
  - 3. Any corroborating information, (such as statements of witnesses, direction of travel of vehicles, lane of traffic, block numbers) should be placed in the narrative portion of the court's copy of the citation.
- C. In all cases involving serious injury or death, the appropriate state law covering the incident will be used.
- D. Enforcement action will not be taken under the following circumstances:
  - 1. When a motor vehicle overturns in the roadway or runs off the roadway without colliding with another vehicle or object and only the driver is injured and/or the overturned vehicle is damaged.

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2. When ice or snow is on the street and is the principal cause of an accident and no reckless disregard of safety is indicated.
  3. When an unforeseen hazard exists without forewarning and the hazard is the principal cause of the accident and no reckless disregard of safety is indicated (such as oil slicks, unusual mud deposits, unlighted barricades, piles of dirt or debris, objects left or fallen onto the street).
  4. Sections 2 and 3 above do not apply if persons other than the drivers are injured or killed. In this type of accident, the drivers at fault may be charged as appropriate under Chapters 19, 22, or 49 of the Penal Code. The officer conducting the accident investigation will make a reasonable attempt to ensure that the next-of-kin is notified when:
    - a. An adult or juvenile is killed.
    - b. An adult is injured or incapacitated to the point that he/she is unable to make his or her own notification.
    - c. A juvenile is injured.
- E. DART Bus Accidents
1. Non-injury and Non-fatality Accidents
    - a. The bus driver may continue on the route after exchanging all necessary information with the other driver and reporting the accident by telephone to a DART supervisor.
    - b. Any traffic ticket issued to a DART bus driver, out of the driver's presence, will be delivered to a DART supervisor. It will be noted on the Accident Report that the ticket was *Delivered to a DART supervisor*.
  2. Injury and/or Fatality Accidents
    - a. The DART driver will remain at the accident scene until released by the investigating officer.
    - b. A DART adjuster will be ordered through the police dispatcher.

### 302.03 Investigation of Minor Accidents

- A. The investigating officer will complete an Accident Report Form ST-3 for any minor accident when:
1. Any person involved in the accident is injured or claims injury.
  2. There is damage to public or private property other than the involved vehicles.
  3. An unattended vehicle is involved or damaged.
  4. Any criminal action, other than the issuance of citations for "No Operators License" and "No Liability Insurance", is involved. This will include, but is not limited to, FSRA, FLID, DWI, or when a stolen vehicle is involved. As a rule, officers will investigate FLID and FSRA accidents when either/or both parties have left the scene to:
    - a. Pursue the suspect;
    - b. Seek medical attention; and/or
    - c. Call the police from a telephone in close proximity.
  5. There is damage to City equipment. The accident investigator will determine the type of report to be made in accordance with state law and Traffic Section Standard Operating Procedure.
  6. A vehicle belonging to any governmental agency is involved.
- B. When an accident involves disabled or non-movable vehicles, a field element will be dispatched to the location. If necessary, the element may order a city contract wrecker. Unless the accident involves a situation outlined in 302.03A, an Accident Report is not required. A Miscellaneous Incident Report (MIR), outlining owner information and disposition of vehicle, will be completed instead. An MIR will be completed on any impounded vehicle.
- C. When the vehicles can be driven and none of the exceptions listed in 302.03A or B exist, the field element will notify the dispatcher to clear the call with an *N-5* (non-police incident) designation.
- D. If the damage to the vehicle/property of any one person exceeds \$500 and the accident is not investigated by an officer, the responding field element will do one of the following:
1. Provide state blue forms (ST-2) to the persons involved in the accident and advise them that in accordance with state law, they must complete and submit the form to the Statistical Services Bureau of the Texas Department of Public Safety.
  2. Direct the parties to any of the police substations where they may pick up a state blue form.
- E. When Fire Department 911/311 personnel receive a call reporting an accident, they will:
1. Determine if either Section 302.03A or B is applicable.
  2. If the call does not meet the criteria established in Section 302.03A or B, advise the person that the Police Department does not investigate minor accidents.
  3. Advise the person that the damage to the property of any one person is \$500 or more, the accident must be reported to the state in accordance with 302.03D, and explain where the state blue forms may be obtained.

### 302.04 FLID and FSRA Reporting Procedure

- A. Officers will be required to complete an Offense/Incident Report in conjunction with the Accident Report on FLIDs (Duty to Give Information) or FSRA's (Duty to Give Information and Render Aid). The Offense/Incident Report will be entered on a station RLN, an MDT, or called in to Direct Entry. The Accident Report will be handwritten.
- B. State and Departmental Reporting Requirements
1. Two service numbers are required: one for the Accident Report and another for the FLID or FSRA Offense Report. Each report must contain a complete narrative of what occurred and be cross-referenced to its related service number.
  2. A handwritten State Accident Report (ST3) must be completed and submitted through the reporting officer's chain-of command to the Traffic Section. The Accident Report must be completed according to the guidelines in ST-100 (*State of Texas Instructions [To Police] for Reporting Accidents on the Texas Peace Officer's Accident Report Form and Commercial Motor Vehicle Supplement Form*).
- C. Unless an exception is indicated, each FLID or FSRA Offense Report will contain the following:
1. Property Page - Include a description of the damage done to the complainant's vehicle only.

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2. Vehicle Page - Complete one for each vehicle involved in the accident. If more than two vehicles are involved, the report must be called in to Direct Entry as there are only two vehicle pages available via the MDT.
  3. Suspect Page - Required only if suspect information is available.
  4. Witness Page - Required only if a witness is located.
  5. Narrative Page - The first sentence must be, "See Accident Report on Service #". (Use the service number of the accident). Include all other information related to the offense such as directions of travel, collision points, vehicle damage, injuries, etc. Do not include any identifying information on witnesses or suspects in the narrative.
- D. All other procedures pertaining to FLID offenses shall remain in effect.
- E. FLID-type accidents involving property damage that occur on private property (if defined as a non-reportable area in the Patrol Bureau S.O.P.), will be investigated as Reckless Damage or Criminal Mischief incidents, as appropriate.

### 302.05 Use of Police Vehicles to Protect Accident Scenes

- A. Police elements arriving at the scene of an accident may use the police vehicle to block off or protect the scene to determine if there are injuries and what type of assistance is needed.
- B. The officer will determine if the police vehicle is needed to protect his/her safety and prevent further injuries. If not, flares will be set out to protect or block off the scene and then the police vehicle will be moved to the shoulder or center median of the roadway.
- C. When police vehicles are used to protect the scene of an accident, they will be parked with emergency lights operating in a position that will be clearly visible to oncoming traffic. If possible, flares should also be put out to further secure the area.
- D. All officers will ensure that the trunk lid of their squad car does not remain open at an accident scene. An open trunk lid will obstruct emergency lights and render them ineffective.

### 302.06 Accidents Involving City Owned Equipment

- A. Employee Responsibilities
  1. A City employee driving a city-owned vehicle involved in an accident will ensure that a supervisor is called to the scene.
  2. The involved City employee will complete and submit an *Accident Report Involving City Equipment or Privately Owned Equipment Used on City Business* form (P-8 Rev.). All accidents involving privately owned vehicles used on City business (mileage reimbursed) will be handled as if city-owned equipment is involved.
- B. Property Damage Accidents
  1. Involving Only City-Owned Vehicle/Property - No Injuries
    - a. The investigating officer will complete and submit the following forms:
      - i. A computer-generated Miscellaneous Incident Report.
      - ii. Accident Investigator's Report Form 69-12R1 - as an Attachment.
    - b. The involved City employee is responsible for completing and submitting *Accident Report Involving City Equipment or Privately Owned Equipment Used on City Business* form (P-8 Rev.).
    - c. Drivers are not required to submit state blue forms ST-2 or SR-21.
  2. Involving Private Property or Private Vehicle - No Injuries
    - a. Damage Less Than \$500 Per Person
      - i. Unless a private citizen requests an Accident Report filed, the investigating officer will complete and submit the following forms:
        - (1) Miscellaneous Incident Report.
        - (2) Accident Investigator's Report Form 69-12R1 – as an Attachment.
      - ii. When a private citizen requests an accident report be filed, the investigating officer will complete and submit the following forms:
        - (1) Motor Vehicle Accident Report Form ST-3.
        - (2) An Accident Investigator's Report 69-12R1.
      - iii. The involved City employee will complete and submit *Accident Report Involving City Equipment or Privately Owned Equipment Used on City Business* form (P-8 Rev.).
    - b. Damage at Least \$500 Per Person
      - i. The investigating officer will complete and submit the following reports:
        - (1) Motor Vehicle Accident Report Form ST-3.
        - (2) Accident Investigator's Report Form 69-12R1 - as an Attachment.
      - ii. The involved City employee will complete and submit *Accident Report Involving City Equipment or Privately Owned Equipment Used on City Business Form* (P-8 Rev.).
    - c. Drivers are not required to submit state blue forms ST-2 or SR-21 in the following situations:
      - i. Damage to property or vehicle is less than \$500 per person.
      - ii. The investigating officer submits Motor Vehicle Accident Report Form ST-3.
- C. Injury or Fatality Accidents
  1. The investigating officer will complete and submit the following reports:
    - a. Motor Vehicle Accident Report Form ST-3.
    - b. Accident Investigator's Report Form 69-12R1 - Attachment.
    - c. A computer-generated Miscellaneous Incident Report - (required only on a fatality).
  2. The City employee will complete and submit *Accident Report Involving City Equipment or Privately Owned Equipment Used on City Business* form (P-8 Rev.).
- D. When a DART vehicle is involved, it is not necessary for the investigating officer to complete an Accident Investigator's Report (Form 69-12 R1).
- E. Damage Estimates



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1. It is unnecessary to call a city mechanic to the scene of an accident involving city- owned vehicles or vehicles working under contract with the City of Dallas.
  2. Southeast Service Center body shop personnel will estimate vehicle damages at their office. The body shop will be open for estimates between the hours of 7:00 a.m. and 3:30 p.m., Monday - Friday. The following vehicles, however, will not be estimated at the Southeast Service Center body shop:
    - a. DART vehicles.
    - b. Privately owned equipment (including city contract wreckers) on city business.
    - c. Fire Department vehicles.
    - d. Park Department vehicles.
  3. City equipment vehicles that cannot be driven will be taken to the body shop.
  4. If the City vehicle sustained very minor damage and will remain in service, the City vehicle driver will:
    - a. Report to the body shop with the damaged vehicle if the accident occurred during body shop hours.
    - b. Report to the body shop with the damaged vehicle the next day if the accident occurred after business hours or on Monday if the accident occurs on the weekend. If the driver will not be on duty, he/she will advise a supervisor who will designate someone to deliver the damaged vehicle to the body shop.
- F. Supervisor's Report on City Equipment Accidents (SO2001-16)
1. After reviewing the employee's P-8 form and the Accident Investigator's reports concerning the accident, the employee's immediate supervisor will complete a *Supervisor's Investigation of Accident/Injury Report*.
  2. The employee's immediate supervisor will assemble a collision packet according to the procedures outlined in General Order 419.06-Police Equipment Collision Guidelines.
- G. Damage to Certain Types of Property
1. Fire Hydrant - The investigating officer will contact the dispatcher, who will then notify the Water Utilities Department.
  2. Light Pole - The investigating officer will include the light pole number on the Motor Vehicle Accident Report Form.

### 302.07 Police Jurisdiction on the Dallas North Tollway

- A. The Department of Public Safety (DPS) will have primary responsibility for enforcement of traffic laws and investigation of traffic accidents on the Dallas North Tollway. DPD officers may take traffic enforcement on the Dallas North Tollway for those portions that lie within the Dallas City limits. DPD officers will not use fixed radar locations anywhere on the Dallas North Tollway or Parkway extension.
- B. Criminal offenses, except traffic-related offenses, will be investigated by the local law enforcement officers in whose jurisdiction the offense occurred.
- C. Should a vehicle pursued by the DPD enter on to the Dallas North Tollway before it can be stopped, the officers may pursue the car. The dispatcher will call the DPS and request that the Highway Patrol Unit assigned to the Dallas North Tollway assist in apprehending the driver of the wanted vehicle.
- D. Dallas North Tollway Procedure
  1. DPD officers who receive a call on the Dallas North Tollway will proceed to the call location. If the element receives an accident call on the Dallas North Tollway, the officers will request Department of Public Safety (DPS) officers to meet them at the scene. Immediately upon the arrival of the DPS officers, the DPD officers will relinquish the investigation to the DPS officers and return to service.
  2. The North Texas Tollway Authority (NTTA) equips the DPD with non-revenue toll tags for official police department vehicles through the DPD liaison, stationed at the quartermaster. The liaison is responsible for coordinating all DPD toll tags and communications with the NTTA.
  3. Fleet coordinators will be responsible for communications with the liaison regarding any toll tag inquiries, requests or changes (i.e. vehicles to be taken out of service). The liaison will be responsible for ensuring the DPD portion of the NTTA toll tag database is current.
  4. All toll tags have individual identification numbers that are entered into the DPD portion of the NTTA database. A toll tag is issued to a vehicle and must remain with the vehicle and be accounted for at all times. Lost, stolen or damaged toll tags must be reported immediately.
  5. Non-revenue Toll Tags are not accepted at:
    - a. Love Field
    - b. DFW Airport
    - c. The Harris County Toll Road Authority
  6. By agreement, DPS jurisdiction on the Dallas North Tollway begins at the point where a vehicle leaves the City of Dallas right-of-way and enters the Tollway ramp and cannot reverse its action without backing up. The vehicle is said to have reached the point of decision and is thereby committed.
  7. The same formula is applied when a vehicle leaves the Tollway right-of-way and completely enters the City of Dallas right-of-way. The vehicle is said to be committed.

### 302.08 Juvenile Traffic Offenders

- A. Under 10 Years of Age
  1. Upon detaining a traffic offender under ten years of age, the officer will take the youth home and release him/her to the parents, guardian, or other responsible adult. If no adult is at the location, the officer will take the child into *Protective Custody* and transport him/her to Child Protective Services at 2355 N. Stemmons Freeway.
  2. The officer will complete a Field Interrogation Report on the incident in accordance with Section 314.02 and forward it to the Youth and Family Support Division.
  3. If the initial traffic contact is within reasonable distance from the child's home, the officer may allow the juvenile to push home any involved two-wheel, three-wheel, or four-wheel off-road vehicle/go-cart or impound the vehicle as circumstances warrant.

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- B. Ages 10 - 16
  - 1. These juveniles detained as traffic violators will be issued a traffic citation that will be set in Municipal Court.
  - 2. After the citation has been issued, the juvenile will be FIR'd and released.
  - 3. If the juvenile is issued a traffic citation for *No Operator's License* during the initial traffic contact and is within a reasonable distance from home, the officer may allow the juvenile to push home any involved two-wheel, three-wheel, or four-wheel off-road vehicle/go-cart or impound the vehicle as circumstances warrant.
- C. Juveniles Involved in Motor Vehicle Accidents
  - 1. Officer may issue a driver (Ages 10 - 16) involved in a vehicle accident a Municipal Court citation for any violations occurring in the officer's presence.
  - 2. If the officer did not observe the accident, he/she may issue citations for *No Operator's License* and/or *No Liability Insurance* if the officer has a fact witness. Officers will use the same guidelines established for adults in Section 302.02.
- D. Juvenile Driving While Intoxicated procedures are described in Section 314.08.

### 302.09 Driving While Intoxicated or Under the Influence of Drugs

- A. General Provisions
  - 1. Intoxicated juveniles (10-16 years of age) will be processed according to Section 314.08. Juveniles who are not intoxicated, but have any detectable amount of alcohol on their breath will be processed according to General Order 315.18 (Underage Alcohol Consumption Laws).
  - 2. Adults (without obvious injury) will be taken to the Lew Sterrett Criminal Justice Center and processed according to the Detention Services Section Standard Operating Procedures, which will be available for reference. Adults processed at Lew Sterrett will be first offered a breath test. If they refuse the breath test, they will then be offered a blood test.
  - 3. Adult minors (17 - 20 years of age) who have a breath/blood test result below .08 or adult minors with any detectable amount of alcohol on their breath will be processed according to General Order 315.18 (Underage Alcohol Consumption Laws). Adult minors who refuse to take a breath/blood test will be processed according to the provisions outlined in the remainder of this General Order.
  - 4. Drivers involved in accidents may be charged with D.W.I. under either of these circumstances:
    - a. A fact witness, either an officer or another person, can identify that the suspect was the driver of the vehicle at the time of the accident.
    - b. The suspected driver admits to the investigating officer that he/she was driving when the accident occurred.
  - 5. The arresting officer is responsible for checking the arrested person's driving record for previous D.W.I. convictions. It will be noted in the *Officer's Comments* section who checked for previous conviction information, or if not checked, the reason why (i.e. computers down, etc.).
  - 6. D.W.I. Charges - If the arrested person has:
    - a. No previous D.W.I. conviction - charge will be *DWI M/B*.
    - b. Only one previous D.W.I. conviction - charge will be *DWI-Enhanced M/A*.
    - c. Two or more convictions for D.W.I., the charge will be *DWI-Enhanced F/3*.
  - 7. For enhancement purposes, the following information is required on prior D.W.I. convictions:
    - a. Date of conviction.
    - b. County of conviction.
    - c. Convicting court name.
    - d. Case or docket number.
    - e. Sentence.
  - 8. A prior D.W.I. conviction more than 10 years old may not be used for enhancement if there are no other D.W.I. convictions within those 10 years. Also, prior to January 1, 1984, a conviction punished by probation, deferred adjudication and suspended sentences cannot be used to enhance a D.W.I. case.
  - 9. A fact witness, either an officer or another person, must identify the suspect as the driver at the time of an accident.
- B. Procedures for Conducting a Drug Evaluation - This procedure will be used when a suspect is arrested for D.W.I. whether or not it was accident involved.
  - 1. The arresting officer will take the suspect to Lew Sterrett where the subject will be offered a breath test. If the breath test is refused, the subject will be offered a blood test. If the subject refuses to be tested or the test result is .08 or higher, the suspect will be charged with D.W.I. and procedures from 302.09 A.4-7 will be followed.
  - 2. Arresting officers may request a Drug Recognition Expert be called to evaluate a suspect who has a breath alcohol level below .08 and whose impairment is not consistent with the BAC.
    - a. The arresting officer will notify the Service Desk of a DWI/DRE arrest and request a signal 40 service number.
    - b. Service Desk personnel will generate a signal 40 DRE call using the address of the original arrest.
    - c. The signal 40 call sheet will be routed to the appropriate channel and dispatched to a DRE element.
    - d. Upon receiving the signal 40, the DRE will report to the Lew Sterrett Justice Center and conduct the evaluation.
- C. Mandatory Blood or Breath Tests
  - 1. Officers will consult with an Accident Investigator or Vehicle Crime Detective before offering a mandatory (blood or breath) test of any intoxicated driver.
  - 2. Officers requesting a mandatory blood specimen will complete a *Statutory Authorization Mandatory Blood Specimen* form that will be available at Detention Services Section.
  - 3. Any mandatory blood testing of intoxicated juveniles (Ages 10-16) will be done at Parkland Memorial Hospital.
- D. Public Intoxication in Car

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1. An intoxicated person involved in an accident may be charged with *Public Intoxication* if there is no fact witness and the person does not admit to driving the vehicle when the accident occurred.
  2. An intoxicated person found in a parked vehicle may be charged with *Public Intoxication* if the vehicle is in a public place.
  3. Drivers of motor vehicles will be charged with and placed under custodial arrest for *Public Intoxication*, whenever, in the officer's opinion, the driver does not meet the statutory .08 limit, but is too impaired to drive.
- E. Arrests on Parking Areas - An intoxicated person operating a motor vehicle on a private parking lot (either public or private property) may be charged with *Driving While Intoxicated* if the parking lot is a *public place* as defined in Section 1.07, Texas Penal Code. (This normally includes parking lots of apartment complexes, restaurants, bars, and shopping centers where a substantial portion of the public has ready access to such areas).

### 302.10 Driving While License Suspended

- A. Mandatory Suspension
1. Definition: A D.W.I. charge is usually the cause of this type of suspension.
  2. Procedure
    - a. When a subject check is made and it is determined the operator is Driving While License is Suspended (DWLS) with a mandatory suspension, the Communications Section personnel will notify the officer of the following applicable information:
      - i. Reason suspended.
      - ii. Location (county) of suspension.
      - iii. Expiration date of suspension.
    - b. The subject will be arrested for the county charge of *Investigation of D.W.L.S.*, if driving with this type of suspension. The information provided in A.2.a above (reason, location, expiration) will be included in the Arrest Report.
- B. Habitual Violator Suspension
1. Definition: Repeated violations are the cause of this type of suspension.
  2. Procedure
    - a. When a subject check is made and it is determined the operator is D.W.L.S. with a habitual violator suspension, the Communications Section personnel will notify the officer of the following applicable information:
      - i. Location (county) of suspension.
      - ii. Expiration date.
    - b. The subject will be arrested for the county charge of *Investigation of D.W.L.S.* if driving with this type of suspension and the information provided in B.2.a above (location, expiration) will be included in the Arrest Report.
- C. Safety Responsibility Suspension
1. Definition: A liability problem with a motor vehicle accident is the cause of this type of suspension.
  2. Procedure
    - a. If a judgment number (i.e., a number containing a "J" that is listed after the *SR Suspension* on the printout) is present, a judgment has been rendered on the D.W.L.S. charge by the court. Regardless of the date given or the absence of one, the subject will be arrested on the county charge of *Investigation of D.W.L.S.*
    - b. If there is no "J" present in the number, the date of the suspension determines whether the subject may be arrested for the county charge of *Investigation of D.W.L.S.*
      - i. Prior to June 19, 1975, citizens did not have the opportunity to challenge a safety responsibility suspension. Therefore, it was ruled an illegal suspension and the subject cannot be arrested on the county charge of *Investigation of D.W.L.S.* if it is dated before June 19, 1975. However, the operator may be written a citation or arrested for *No Valid Texas Driver's License*.
      - ii. Since June 19, 1975, citizens have had the opportunity to challenge a safety responsibility suspension. Therefore, a subject who has had a license suspended since that date will be arrested on the county charge of *Investigation of D.W.L.S.*
    - c. When a check is made on a subject and it is determined the operator is D.W.L.S. with a safety responsibility suspension, the Communications Section personnel will notify the officer of the following applicable information:
      - i. Judgment number.
      - ii. Date the safety responsibility suspension was rendered if there is no judgment number.
    - d. When a subject with a safety responsibility suspension is arrested for the county charge of *Investigation of D.W.L.S.*, the information provided in C.2.c above will be listed on the Arrest Report.
- D. Occupational Driver's License
1. Definition
    - a. A restricted driver's license ordered by a court.
    - b. It specifies time and/or geographical conditions under which a person is permitted to operate a vehicle while the person's driver's license has a mandatory, habitual or safety responsibility suspension.
    - c. The fact that a subject has an occupational driver's license will not appear on the computer printout.
  2. Procedure
    - a. If a subject has violated the restriction of the occupational driver's license, the operator will be arrested for the charge of *Violation Code Restriction, Occupation License, M/B*.
    - b. The type of suspension given to the individual prior to receiving the occupational driver's license will be listed on the Arrest Report.
    - c. The restrictions on the occupational driver's license will be listed on the Arrest Report.
- E. Charging Suspects with Driving While License Suspended

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1. Suspects may be charged with D.W.L.S. based on witness observation that the suspect was operating a motor vehicle. The suspect must be under arrest for an offense other than D.W.L.S. before the D.W.L.S. charge can be added.
  2. The civilian witness may be used at the trial to testify that he/she observed the suspect driving the vehicle at the time in question. For that reason, the arresting officer must obtain the name and address of the civilian witness so that the witness can be contacted at a later date to testify, if needed.
  3. D.W.L.S. arrests based on witness observation of driving cannot be made in situations where that is the only charge.
- F. Revoked Driver's License
1. Definition: Non-compliance with Administrative procedures outlined in the Texas Transportation Code is usually the reason for Driver's License Revocation.
  2. Procedure
    - a. When a Driver's License check is made and it is determined that the license has been revoked, the Communications Section personnel will notify the officer of the following applicable information:
      - i. That the Driver's License has been revoked
      - ii. The reason for the revocation as defined in the Texas Transportation Code, Section 521.294
    - b. The Driver may be charged with No Valid Texas Operators License.

### 302.11 Strategic Targeting Against Aggressive Driving and Road Rage

- A. The primary goal of this program is proactive traffic enforcement to reduce the number of traffic accidents at high accident locations using a mandated zero tolerance approach. Each Patrol Operations Division will be assigned an unmarked vehicle to handle traffic problems, such as reducing the number of accidents at specific intersections, as identified by Traffic Section accident analysis. The unmarked vehicles will also be used in responding to neighborhood concerns of speeding, traffic violations at red light or stop sign controlled intersections, aggressive driving, and road rage, as well as other non-traffic neighborhood concerns. Officer safety will not be minimized.
- B. Definitions
  1. Aggressive Driving - Inconsiderate and other forms of negligent driving that may include following too closely, speeding, unsafe lane changes, or failure to signal, etc.
  2. Road Rage - That behavior that typically surfaces as an angry, frequently violent response to an aggressive driving incident.
- C. Unmarked vehicles used in this enforcement are for traffic stops only and will be operated only under the exceptions as described in Section 301.02. If involved in a self-initiated pursuit, the operator of the STARR vehicle will immediately abandon the pursuit and reduce to a Code 1 status once a marked element is able to take over the pursuit. STARR vehicles will not become involved in a pursuit initiated by any other element.
- D. When used for traffic enforcement, the unmarked vehicle may be staffed by one or two officers. If staffed by only one officer, that officer must have successfully completed a basic radar certification school. If staffed by two officers, one officer must have successfully completed a basic radar certification school.
- E. To avoid citizen confusion, assigned officers must be in full uniform and carry their departmental identification cards.
- F. Violators may be cautious when stopped by an unmarked vehicle; therefore, officers should not become offended or overly assertive if someone refuses to stop.

### 302.12 Multiple Violation Citations

- A. The goal of this program is to reduce the amount of paper citations that an officer must write out in order to complete an enforcement action against a violator in the field.
- B. Officers will not place more than three violations on one citation.
- C. Officers will inform the violator of the number and types of charges they are issuing to the violator
- D. Officers will not add charges to the citation without providing the violator with documentation of the added charges at the time of contact.



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### 303.00 Alternative to Arrest Program

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 01/30/07

#### 303.00 ALTERNATIVE TO ARREST PROGRAM (ALTAR)

##### 303.01 Purpose of the Program

- A. The purpose of the Alternative to Arrest Program is to allow the field officer the option of releasing, in the field, any person with a single Alias Warrant. It is designed to reduce jail activity, extend a courtesy to the citizens of Dallas, and create more street patrol time.
- B. The ALTAR Program is designed to be an option for the field officer. Its use is left solely to the discretion of the officer.

##### 303.02 Field Procedure

- A. Upon being notified by the Communications Section that a subject has a single misdemeanor warrant with the City of Dallas, an officer may opt to release the subject in the field.
  1. The officer will request the OCA Number from the Communications Section. That 6-digit number is also the Citation Number.
  2. The officer will then issue the subject a citation for Failure to Appear (F.T.A.). *F.T.A.*, plus the OCA Number, will be written in the *Other Violation* area of the citation.
  3. It is not necessary to confirm the warrant if the officer chooses not to arrest and instead issues a citation. If the warrant is invalid, the F.T.A. citation will be dismissed by Court Services personnel.
  4. If the subject is to be placed in jail, then confirmation would be accomplished in the usual manner.
- B. Failure to Appear is a non-traffic violation. It will be considered a city arrest when posting daily activity.
- C. When issuing a citation for Failure to Appear under the ALTAR Program, the officer will inform the citizen that:
  1. If, within 21 days, he/she adjudicates or otherwise disposes of the citation for which a warrant was issued, the F.T.A. citation will automatically be dismissed.
  2. If the F.T.A. citation is ignored, he/she will be prosecuted for both offenses and specifically targeted for arrest by the Office of the City Marshal.



## Dallas Police Department General Order

# 304.00 Crime Investigation

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 08/04/09

### 304.00 CRIME INVESTIGATION (CALEA 42.2.1, 42.2.4)

- A. Uniformed Operations Division officers will be responsible for conducting preliminary investigations in most cases. Any officer may perform this function on a need basis. Officers will be responsible for the following when conducting preliminary investigations:
  - 1. Observing all conditions, events and remarks;
  - 2. Locating, identifying and interviewing the complainant, witnesses and suspects;
  - 3. Maintaining and protecting crime scene and contacting PES for collection of evidence.
- B. Detectives will be assigned cases per General Order 210.04 and will be responsible for conducting the follow-up investigation.
- C. Detectives from investigative units will attend shift briefings as needed; to share, obtain and disseminate intelligence information. Detectives from Property Crimes will attend and participate in shift briefings at their stations regularly, during working hours, as outlined in the Property Crimes SOP. Detective's attendance should be recorded on the patrol daily detail and reported to their supervisor.
- D. All crime scenes will be approached with caution to avoid damaging or destroying possible evidence. If a victim is involved, the officer's primary responsibility is protection of the victim and the scene until a search can be conducted.
- E. The first officer arriving at any crime scene will be responsible for protecting the scene. If the responding officer determines that the Crime Scene Response Section's Physical Evidence Squad (PES) is needed to process the crime scene, the officer will request PES through the dispatcher or by telephone. The officer will not leave the scene until relieved by other officers or released by detectives who have follow-up responsibility and Physical Evidence Squad personnel. Should the initial officer need to leave the scene, the relief officers will be briefed on the particulars of the crime so that they can relay this information to the PES personnel. In a medical emergency, the officer will, if at all possible, make a list of all Dallas Fire Department personnel entering the crime scene and provide a list to PES personnel on their arrival. This information will allow PES to eliminate fingerprints left at the scene by paramedics.
- F. No personnel other than medical personnel, or personnel needed to preserve the victim's life or to protect other officers or citizens will be allowed to enter the scene until the arrival of the Physical Evidence Squad or the detectives who have follow-up responsibility. The immediate supervisor of the officers responsible for protecting the scene may enter the scene if it becomes necessary.
- G. No personnel shall take unauthorized photographs of crime scenes or other evidence.
- H. The crime scene will continue to be secured by the initial responding officers and no one, including non-authorized police personnel and members of the news media, will be allowed to enter without authorization of the Physical Evidence Squad and detectives who have follow-up responsibility for conducting the crime scene search.
- I. The procedures outlined in sections D-F will be followed for all scenes in which the downtown Physical Evidence Squad is called. The exceptions will be theft, burglary, and criminal mischief offenses and in auto theft cases in which the vehicle is not taken to the pound, but PES is called.
- J. When seizing digital evidence it is important to consider the many and differing types of items and electronic storage devices available for use. When seizing a personal computer, if the computer is turned off, do not power it on. If the computer is turned on; a normal routine shut down may be used to power down the computer. When seizing a laptop and/or PDA, the power supply must also be seized. If the evidence is on a larger system with a server, the Financial Investigations Unit – Computer Crimes Squad will be contacted and a certified digital forensics examiner will be consulted with, prior to the seizure. The investigating detective will determine what evidence is transported to the North Texas Regional Computer Forensics Laboratory (NTRCFL).

### 304.01 EYEWITNESS IDENTIFICATION (CALEA 42.2.11, 42.2.12)

#### Introduction

Eyewitness identification will always be a significant tool in the investigation and prosecution of criminal cases. Most agree that it can be the most important, powerful, and convincing evidence in a criminal trial. Recent developments with DNA evidence however has shown that innocent people have been convicted, many based on misidentifications by eyewitnesses. As a result of these documented cases of witness error, there has been an ongoing national discussion centered on law enforcement practices in the identification process. The Dallas Police Department has monitored both the research on this topic and implementation of new policies by other agencies. It is our belief that implementation of new policies requiring "blind" administration of line-ups using the "sequential" method will assist in eliminating errors and restoring confidence in the eyewitness identification process. To that end, the following policies are adopted for the administration of line-ups. Even with implementation of this policy, our goal of verifying all eyewitness identifications through independent evidence will remain.

#### Definitions

Blind – The person administering the line-up has no knowledge of which person in the photo line-up is the suspect.

Sequential – A method of administration where photographs are shown to the witness one at a time, with an independent decision on each, before the next photo is shown.

- A. Photographic Line-up Policy
  - 1. All photographic line-ups will be conducted by line-up administrators who have been specifically trained in the "sequential" method of administration.

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2. Line-up administrators must not know the identity of the suspect to be included in the line-up.
  3. The Investigations Bureau Commander will develop and administer appropriate training for all Line-up Administrators in the "sequential" line-up process, and will ensure that all trained administrators are promptly notified of any changes in protocols for "sequential" line-up administration.
- B. Preparation of Photographic Line-ups
1. The detective assigned responsibility for investigative follow-up will remain the primary contact for all victims and witnesses to a criminal case. The detective will be responsible for identifying cases requiring a line-up and will assemble a line-up packet prior to contacting a trained line-up administrator.
  2. Prior to creating the line-up the investigating detective will contact the complainant/witness and complete the "Line-up Creation Form" this form is used to support the line-up in court and can be found on the n:drive in the Photo Line-up folder.
    - a. The sequential line-up packet will consist of a photograph of the suspect and 5 "filler" photos of persons unconnected to the incident under investigation.
    - b. The suspect and "filler" photographs should resemble the witness's description of the suspect in significant features, such as race, sex, age, facial features, profile, height, weight, build, specific items of clothing, etc. to the extent applicable to the photo being used of the suspect.
      - i. If multiple photographs of the suspect are available, detectives will select the photograph that most resembles the suspect description or appearance at the time of the incident.
      - ii. Attention should be paid to unusual identifying marks described by the witness that are visible on the suspect's photo. In these cases, photos containing a similar feature should be included, or the area of the feature may be covered on all photographs to be included.
      - iii. All photos should be the same size; no photo should unduly stand out from the others.
    - c. Once selected, all of the photographs will be copied individually onto the middle section of separate sheets of paper. The detective preparing the line-up packet will select one of the filler photos and will place the number "1" on the back of the photo in a manner that it can not be seen by the complainant or witness when viewing the photos. In the subsequent line-up, the administrator will place this photo in the first position. The investigating detective will not number the suspect or other filler photos, as the line-up administrator will later randomize and number them on the back of each photo, corresponding to their position in the line-up.
  3. If multiple suspects are involved, a separate Line-up Packet must be prepared for each suspect to be presented to the witness.
  4. In cases where one witness will view multiple line-ups containing different suspects, detectives will ensure that different "filler" photographs are used in each line-up packet.
  5. If multiple witnesses will be shown a line-up containing the same suspect, there also must be a separate line-up packet assembled for each witness. The detective may use the same "filler" photographs in each packet, (when there will be no time delay or opportunity for communication), color copies will be made and placed in a separate packet for each witness.
  6. In cases where there is a time delay between showing the line-ups or when there is an opportunity for witnesses to communicate after one has viewed the line-up, the "filler" photo labeled as number "1" should be changed by the investigating detective and the line-up administrator should randomize the remaining photos.
- C. Administration of Photographic Line-Ups
1. Once a line-up is scheduled by the investigating detective, the line-up administration unit will be contacted and told of the time and place of the line-up. The Line-up Administration Unit will ensure that a trained administrator is at the location to administer the line-up.
  2. No information on the identity of the suspect will be revealed to the line-up administrator.
  3. Detectives will attempt to schedule line-ups at facilities with video recording equipment if possible. Copies of video recordings will be obtained after completing the line-up and placed in the case file to be maintained for courtroom purposes.
  4. The line-up administrator will conduct the line-up following the protocols for "Sequential" administration established by the Investigations Bureau Commander.
  5. The assigned detective, or anyone with knowledge of the suspect, will not be allowed in the room at the time of the line-up administration.
  6. The line-up administrator will give instructions to the witness by verbally reading the admonishment form to the complainant/witness and determine if they understand. The complainant/witness will then be asked to sign and date the form.
  7. If the complainant/witness is a child and not capable of comprehending the instructions in the admonishment form, the Line-up Administrator does not have to read the form to the child. In these cases, the line-up must be conducted at a facility with video and audio recording capabilities.
  8. The Line-up Administrator will avoid any actions or comments that could be construed as an attempt to influence a complainant/witness to select a particular photo.
  9. If the complainant/witness identifies someone the Line-up Administrator will then ask the complainant/witness to describe in their own words how confident they are of the identification. Even if someone is identified all of the photographs in the series will be shown
  10. Once the line-up is conducted, the Line-up Administrator will return the line-up packet to the investigating detective along with a copy of the results report.
  11. The Line-up Administrator is prohibited from providing any feedback about the line-up results to the complainant/witness.
  12. Once the sequential line-up process is complete, the line-up administrator will record the results of the sequential line-up, initial the back of each photograph for line-up verification in court and sign the Results Report.
  13. The investigating detective will return to the witness/complainant and answer any questions or conduct further interview with the witness/complainant.

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14. The investigating detective will maintain the line-up packet in the case file, or will place it in the property room to be maintained for review in subsequent court proceedings.
  15. These procedures do not apply in the following circumstances:
    - a. On-scene identifications immediately after the commission of an offense. See One Person Show Up Identifications, G.O. 304.01 E.
    - b. When an officer is notified by a complainant and/or witness that a specific individual who the complainant and/or witness knows by true name and face is the person who committed the offense. See One-Person Photographic Line-up, G.O. 304.01 D.
    - c. On rare occasions in which an alternate identification process is necessary for expediency and in the interest of public safety. This must be approved by a supervisor and justification must be documented in an investigative supplement. If the administration of a "Blind Line-up" is not possible the sequential method should still be utilized if possible.
    - d. Other specialized circumstances where alternative procedures are necessary and are reviewed by the District Attorney and approved by the Investigations Bureau Commander.
- D. One-Person Photographic Line-up
1. Introduction - Preliminary investigations conducted by responding officers are vital and are often a major contributor in determining the outcome of a criminal investigation.
  2. The identification of the unknown suspect in any crime can be determined by many factors such as:
    - a. Fingerprints
    - b. DNA Evidence
    - c. Eyewitness Identification
  3. Each technique used to identify the unknown suspect has certain protocols that need to be completed to insure that such evidence can withstand integrity tests/admissibility challenges in a future criminal trial.
  4. Presenting a **single** photograph of a subject to a complainant/witness to determine if the subject is the **unknown** offender in the case is improper and will not be done by any officer. This type of identification will not withstand the admissibility challenges in court and can negatively affect the outcome of an investigation and/or prosecution.
    - a. When an officer has information and/or knowledge that could assist in the identification of the unknown suspect, it should be provided to the investigative detective responsible for the investigation, (MIR, supplement, email, etc.).
    - b. It is the responsibility of the investigative detective to determine what technique(s) is to be used to identify the unknown suspect.
  5. In a criminal case where the complainant/witness knows the suspect by a true name and face, a presentation of a single photograph of the named person can be done. This procedure would be utilized to verify that the person depicted in the single photograph is the same person known by the complainant/witness and is the offender. This procedure is done for verification purposes only on known suspects.
  6. The above policies are applicable to offenses in which an officer or the city of Dallas is the complainant such as evading on foot or in a vehicle.
  7. Juvenile photographs, (JIS photos) can only be displayed if there is no identifying information or JIS criminal history information visible when showing the photo.
  8. When an officer has concerns regarding any identification technique(s) that should be utilized, the involved officer should contact the assigned investigator or the On-Call detective in the unit that will have investigative follow-up responsibility.
- E. One Person "Show-Up" Identification
- Philosophy - While allowing a crime victim or witness to view a potential suspect in a one person "show-up" identification may sometimes be necessary to establish probable cause for an arrest, it can be suggestive in nature and should only be used in very limited circumstances. Specifically, use of this process should be limited to those circumstances in which there is insufficient probable cause for an arrest or long term detention, and there are public safety concerns if the suspect were to be released without attempting the identification.
1. "Show-Up" identification is the presentation of one suspect to a victim or eyewitness within a short time frame after the commission of a crime. This process is allowed under the law if the following criteria are present:
    - a. If the suspect is apprehended within a short time period and the "show-up" is conducted within a short window of time.
    - b. If the suspect is apprehended at or near the crime scene.
  2. Policy - If probable cause exists to make an arrest for the offense in question, or for an unrelated charge or warrants that will result in detention at the Lew Sterrett jail, the one person "show-up" identification process will not be used. When the current investigation involves a felony offense, the on-call detective of the Division who has investigative responsibility will be contacted and consulted. This consultation will be regarding what action will be taken prior to the possible suspect being placed in jail. In misdemeanor cases where the subject is arrested on unrelated charges, the possible suspect information will be forwarded to the appropriate investigative unit that has follow up responsibility.
    - a. When there is insufficient probable cause to secure the arrest of a suspect and there are public safety concerns if the suspect were to be released without attempting identification, the "show-up" identification procedure may be used. In these cases, the following policy must be followed:
      - i. A Sergeant must respond to the scene and supervise the process.
      - ii. Officers will attempt to gain consent from the suspect to be transported to the investigative division with follow-up responsibility. The detective at the investigative unit will create a photo line up and present the line up to the witness or complainant for identification purposes.
      - iii. If the offense occurs after business hours, and is an offense in which notification of an on-call detective is not required, the suspect will be transported to the Fusion Center where a photo line up will be created and a Fusion Center detective will present the line up to the witness or complainant for identification purposes.



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- iv. If the suspect refuses to be transported, the supervisor will contact the Watch Commander to obtain approval to conduct a "show-up" identification.
- v. The supervisor will further direct the process to ensure:
  - (1) That the suspect was located near the crime scene and detained no more than 30 minutes before the "show-up" identification is conducted and no longer than 2 hours after the offense occurred.
  - (2) That the witness or victim has provided a detailed description of the suspect and that the person to be placed in the "show-up" identification fits the provided description.
  - (3) That whenever possible, the witness should be transported to the detained suspect's location rather than bringing the suspect to the witness location or crime scene. This procedure will limit the legal impact of the suspect's detention and eliminate the possibility of crime scene contamination.
  - (4) That when the witness requests, or is concerned about possible retaliation, officers should attempt to conceal the witness during the "show-up" identification procedure.
  - (5) That an attempt to obtain a verbal consent from the suspect is made. Consent from the suspect is not required but should be obtained if possible.
  - (6) That an admonishment is provided to the witness prior to the "show-up" identification that the person to be viewed may or may not be the offender and that the investigation will continue regardless of whether or not identification is obtained.
  - (7) That if there are multiple witnesses and one witness makes an identification during the "show-up" identification; further "show-up" identifications will not be done. (Other identification procedures will be used for the remaining witnesses)
  - (8) That the "show-up" identification is limited to one witness at a time and those witnesses have been separated and are not present when another witness is viewing the "show-up" identification.
  - (9) That the procedure is completed in such a manner to avoid suggestiveness, avoiding any statements suggesting that we have "apprehended the suspect" or have "who we think is responsible".
- b. Although it is not improper to have the potential suspect in a police vehicle and handcuffed if necessary for safety, it is preferred that the suspect is unhandcuffed and outside of any police vehicle during a "show-up" identification.
- c. If the complainant/witness identifies someone, the Officer conducting the "show-up" will then ask the complainant/witness to describe in their own words how confident they are of the identification.
- d. The Officer conducting the "show up" is prohibited from providing any feedback about the "show up" results to the complainant/witness.
- e. At the conclusion of the process, the supervisor will be responsible for completing a "show-up" identification documentation form on all uses of this process. A copy of the form must be faxed to the Investigations Bureau Commander and the original forwarded through the sergeant's chain of command to the Deputy Chief and then forwarded to the investigative unit with follow-up responsibility.

### 304.02 Death or Serious Injury Cases

- A. In incidents involving death or serious injury, the investigating section assigned to handle the incident is responsible for notifying the next of kin as soon as possible. This notification will be made in person by a DPD officer if the relative lives within the city limits of Dallas. If the nearest relative lives outside the City of Dallas, the law enforcement agency where the relative resides will be notified and requested to notify the relative. Notification by telephone will only be used when other methods are not feasible.
- B. A supervisor will be called to all scenes where a death occurs.
- C. The Medical Examiner will be notified as soon as possible by telephone in all death cases.
- D. The Traffic Section has responsibility for conducting preliminary investigations in cases of accidental death attributable directly or indirectly to the motion of a motor vehicle or its load, whether or not the death occurs on a roadway.

### 304.03 Felony in Progress

- A. Felony in progress calls demand three primary considerations:
  1. To ensure the greatest level of safety available to all officers and citizens concerned with the call.
  2. To contain the scene to prevent the escape of suspects.
  3. To preserve the scene and all evidence.
- B. The first element on the scene has responsibility for:
  1. Ascertaining if it is a legitimate call and if it is not, disregarding other elements.
  2. Advising the dispatcher what assistance is needed.
  3. Immediately broadcasting descriptions of suspects and/or vehicles if they have left the scene.
  4. Reporting on the DEFRS System.
- C. Other elements will not go to the scene after the first element advises that the situation is under control.

### 304.04 Bomb Threat

- A. An Operations Division supervisor and field element will be dispatched to the location to contact the person in charge of the premises. It will be left to the discretion of the person in charge of the premises whether or not the building will be evacuated and/or searched.

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- B. If the premises are to be searched, the patrol supervisor will ask for adequate elements to make a quick and thorough search. If explosives or anything resembling explosives are found, officers will evacuate all persons from the endangered area and stand by for a member of the Explosive Ordnance Squad.
- C. Explosives will not be brought into Operations Division stations or the City Hall complex. The Explosive Ordnance Squad will transport all explosives to the Firearms Training Center. The explosives will be destroyed by the Explosive Ordnance Squad at the Firearms Training Center or stored until released to the Military Explosive Ordnance Disposal.
- D. Ammunition that is .50 caliber and smaller will not be considered to be *explosives* and may be handled by the investigating officer.
- E. In all incidents involving explosives, the protection of human life will be the key point dictating the procedure to be followed. Police supervisors who are not familiar with explosive disposal procedures will not order or direct the disposal of an explosive item without full consideration of the Explosive Ordnance Squad's opinion.
- F. If a bomb threat involves a commercial airplane, the FBI will be in charge of the investigation. The Operations Division supervisor and elements assigned to the incident will offer assistance to the FBI representatives. The Operations Division supervisor and elements will not search the individual passengers' luggage. The airline will supply personnel for this purpose.

### 304.05 Sexual Assault Offenses

- A. After the officers answering the call determine that a sexual assault may have occurred and they have control of the situation, they will inform the female victim that a female police officer will conduct any further interviews if the victim so desires. The responding officer will notify the dispatcher if the female victim requests a female police officer.
  - 1. If no female police officer is available to interview the victim, a female officer from another division will be called in to conduct the interview.
  - 2. If the only available female police officer is inexperienced in interviewing complainants, she will be present while an experienced police officer conducts the interview.
- B. The responding officer will notify a supervisor and the Crime Scene Response Section.
  - 1. The supervisor will arrange for transportation to and from Parkland Memorial Hospital (PMH) for the victim if he/she so desires.
  - 2. The supervisor will also determine whether the transporting officers will remain with the victim at PMH until the examination has been completed.
- C. The responding officer will notify the Crimes Against Persons Division under the following circumstances:
  - 1. All sexual assault offenses where a suspect is arrested.
  - 2. A stranger-on-stranger home invasion/sexual assault.
  - 3. Any serial case.
  - 4. Any abduction/sexual assault offense where the complainant is restrained, taken to a place and held, other than nearby the initial offense location.
  - 5. The facts and/or evidence do not corroborate the victim's account of the offense, or when there is insufficient information to establish the elements of a sexual assault. The detective and officers at the scene will discuss the case and determine what course of action should be taken. It will be decided if an offense, investigation of sexual assault or a miscellaneous incident report is the most appropriate course of action to be taken.
  - 6. An offense is reported more than five days after it has occurred (beyond the time when a sexual assault offense examination can be performed). The responding officer will also advise the victim that a Sexual Assault Unit detective will contact her/him as soon as possible to make an appointment to discuss the case. The officer will make a MIR, list all complainant contact information, and request that it be routed to the CAPERS' Sexual Assault Unit.
- D. The victim will be taken to the Emergency Admissions Desk at PMH regardless of whether the assault was of an oral, vaginal, or anal nature. After routine admission papers have been completed, female victims will be taken to the OB/GYN Section of the Emergency Room, while male victims will be taken to Medicine A or B.
- E. The patrol officers are responsible for identifying, obtaining, and properly submitting clothing or any other items of evidentiary value in sexual assault cases.
- F. The interviewing officer will make the report on the DEFRS System.
- G. The transporting officer will furnish the examining physician with the service number of the offense.

### 304.06 Recovered Stolen Vehicles

- A. All recovered stolen vehicles that were reported stolen in Dallas will be canceled by the Records Section NCIC operator.
- B. The unit assigned to an offense has the final responsibility for canceling the stolen vehicle through an NCIC operator. When notified of the recovery of a stolen vehicle, the procedure is to:
  - 1. Notify the NCIC operator that the vehicle is recovered.
  - 2. Enter information on the Daily Clearance Log Form in the Auto Theft Unit and forward the original to the Records Section.
- C. Any telephone calls regarding the recovery in another jurisdiction of a vehicle reported stolen in Dallas will be referred to the Auto Theft Unit during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. The Communications Section will take calls during other hours and route the information to the Auto Theft Unit.
- D. The teletype operator will record all teletypes regarding stolen vehicles in the logbook and forward a copy of the teletype to the Auto Theft Unit. The entry number will be on both the original and copy of the teletype.
- E. When the Auto Theft Unit is not on duty, the Salvage Unit will send a list of impounded stolen vehicles to the Auto Theft Unit by fax.
- F. Notification of Owners
  - 1. The unit assigned to an offense is responsible for notifying the owner when a stolen vehicle is recovered.

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2. The person making notification will inform the Auto Pound Section that the owner has been contacted.
3. The Auto Theft Unit will notify all initiating police agencies of any recovered stolen vehicle.
- G. Stolen Vehicles Recovered in Storage or on Paid Parking Lots
  1. Officers recovering a stolen vehicle in storage or on a paid parking lot will either:
    - a. Cause the recovered stolen vehicle to be impounded (particularly if it needs to be checked for prints or paint samples).
    - b. If the owner is at the location (except paid parking lots) and desires that the car not be impounded (i.e., left at the scene or released at the scene), request the owner or his representative to take immediate custody of the vehicle. If the car is not otherwise in violation of the law (and physical evidence, such as prints, is not needed) and the owner insists it be left in place, there is no legal basis to take further action. If a vehicle is released to the owner under these circumstances, it will be noted in the offense supplement.
  2. Under no circumstances should an officer remove a vehicle from a parking lot (requiring paid parking) without impounding the vehicle. Impounding the vehicle will ensure that the officer is not accused of being a party to a theft of service.
- H. Allowing Recovered Stolen Vehicles to Become Occupied
  1. Officers will not allow an unoccupied stolen vehicle to become occupied with the following exceptions (and then only with supervisory approval):
    - a. The vehicle was taken in the commission of a felony involving the use or threat of physical force or violence, or
    - b. The vehicle has been identified as the suspect vehicle in a felony involving the use or threat of physical force or violence, or
    - c. Approved surveillance by non-uniformed officers.
  2. Supervisors must weigh the likelihood of a pursuit and the risk to the public against the seriousness of the offense and the immediate need to apprehend a suspect prior to granting approval to allow an unoccupied stolen vehicle to become occupied.
- I. Additional information on the disposition of vehicles is in Section 313.11.

### **304.07 Repossession of Automobiles**

- A. A reposessor may legally repossess a vehicle as long as he does so peaceably and does not destroy any private property. A court order is not necessary. An example is when a reposessor tows away a vehicle from private or public property without the owner's knowledge.
- B. If the owner catches the reposessor and the Police Department is called, it is a civil matter unless the reposessor has a court order.
  1. A reposessor with a valid court order and who has obtained full physical possession of a vehicle will be permitted to retain possession of the vehicle.
  2. If the owner has full physical possession of the vehicle, the reposessor will be directed to the Sheriff's Department or the appropriate Constable's office for service of the order.
  3. If neither the owner nor reposessor has full physical possession of the vehicle, the reposessor will also be directed to the Sheriff's Department or the appropriate Constable's office for service and the owner may retain possession of the vehicle.
- C. If the owner takes the vehicle back from the reposessor, a theft charge will not be accepted unless the reposessor had a court order.
- D. Dallas Police Department personnel will not be directly involved in the service or execution of a court order in civil cases.
- E. This order is not intended to prevent arrest if probable cause exists that a theft is taking place. Repossessors will normally have documents on the car (i.e., title, license receipt) and/or instructions on the lien holder's letterhead.

### **304.08 Inspection of Salvage Vehicles**

Only officers assigned to the Auto Theft Unit will perform salvage inspections of vehicles.

### **304.09 Missing and Distressed Persons**

- A. Missing or Wanted to Locate Reporting
  1. Reports from citizens will be accepted on all persons who become missing persons in, or who were last seen in, Dallas. The reportee need not be in Dallas.
  2. Reports will be accepted from other law enforcement agencies when notified officially whether by mail, teletype, telegram, or telephone. When taking reports directly, identify the reporting agency, the reporting officer, and the agency telephone number.
  3. Reports will be taken immediately. No arbitrary waiting period is required.
  4. Reports will not be taken from citizens when the person did not become missing in nor was the person last seen in Dallas, or where there is no reason to believe the person is in Dallas. Tactfully inform the citizen how to file the initial report in the city of jurisdiction with assurance that the Dallas Police Department will assist in any requested follow-up.
  5. Reports will not be taken from Child Welfare workers when a child runs away from the Children's Shelter and that child is a resident of a Dallas suburb. Child Welfare will be advised to contact the jurisdiction where the runaway resides.
- B. Immediate and Continuing Investigations
  1. An immediate and continuing investigation will be conducted when the missing person is:
    - a. A child less than ten years of age.
    - b. An adult more than 70 years of age.

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- c. Mentally incompetent (for this purpose, competency will be measured by the subject's ability to provide for his or her safety, necessities, or medication, and ability to communicate).
    - d. The possible victim of some harm or criminal act.
  2. Exceptions may exist where a continuing investigation would not be warranted, such as:
    - a. Where a child less than ten years of age is mature beyond his chronological age and is a frequent runaway.
    - b. Where an adult more than 70 years of age is mentally and physically capable of managing his own affairs.
  3. Where a continuing investigation is required, the officer handling the call will:
    - a. Determine that a supervisor has been notified.
    - b. Request the helicopter and such other assistance as might be required.
    - c. Notify the Youth and Family Support Division desk officer.
    - d. Call the report in to the DEFERS operator.
    - e. Start a systematic search.
  4. While a continuing investigation is being conducted, the details will be reported on the involved Operations Division's 24-hour report for the Chief of Police by each reviewing watch. Reporting will continue until the person is located or the search is terminated. The last entry will clearly indicate the means by which the search was terminated.
  5. Ordinarily, searches will continue until the person is located. When the determination is made under B.2 above that a continuing search will not be conducted or to discontinue the search, it will be the responsibility of the Operations Division Watch Commander and the Youth and Family Support Division Watch Commander to reach the concurring opinion that there is no practical reason to continue. Their judgments will consider such factors as information learned, the absence of workable information, and the absence of some indication of harm or a criminal act against the victim.
- C. Elderly Senile Persons
  1. Officers contacting an elderly person who is lost will call the Youth and Family Support Division to determine if a Wanted to Locate Report has been made or if any information pertaining to the person is in the Youth and Family Support Division files. If no information is available in the Youth and Family Support Division files, the officer making the original contact will take the individual to the Salvation Army Welfare Center, 5302 Harry Hines, and furnish the Youth and Family Support Division with all information regarding the person.
  2. If such person is contacted in the field and can be returned home, the officer making the contact will notify the Youth and Family Support Division of the contact and disposition.
  3. Should an officer come in contact with an elderly senile person who is obviously a danger to self or others, the procedures outlined in General Order 315.11 will be followed.
  4. In all cases involving a found elderly senile person, a Youth and Family Support Division detective will be assigned to make a follow-up investigation.
  5. The Youth and Family Support Division will maintain a file on all elderly persons brought to their attention. The information in this file will be made available to all officers.

### 304.10 Hate Crimes

- A. Philosophy - The Dallas Police Department will take a proactive role in promoting peace within the community and in ensuring that rights guaranteed by state laws and the U.S. Constitution are protected for all citizens regardless of race, color, sexual orientation, ethnicity, or religion. All acts of violence or threats of violence predicated on race, religion, ethnicity, or sexual orientation will be viewed as serious and the investigations will be given priority attention. It will be the policy of the Department to bring the investigative and enforcement elements of the Police Department into action following any and all reported or observed criminal offenses involving racial, religious, ethnic, or sexual orientation hatred. Special emphasis will be placed on victim assistance and community cooperation in order to reduce victim/community trauma or fear. It must be remembered that actions taken by the Department in dealing with *hate crimes* are visible signs of concern and commitment to the community.
- B. Definition - Hate crimes and crimes of prejudice are those offenses motivated by hatred or prejudice due to the race, religion, ethnicity, or sexual orientation of the victim. Further defined, a hate crime is an act or a threatened or an attempted act by any person or group of persons against a person or the property of an individual or group that constitutes an expression of racial, religious, ethnic, or sexual orientation hostility. This would include threatening telephone calls, hate mail, physical assaults, arson, vandalism, cross burning or destruction of other religious symbols. While this listing is not all-inclusive, some incidents may not clearly fit a specific definition. In such cases, a common sense approach must be used. Verification of motive should be determined during the investigation.
- C. Procedure for Handling Hate Crimes
  1. Patrol Operations personnel responding to the scene of a reported hate crime will:
    - a. Determine whether the offense fits the definition of a hate crime and should be handled as a crime of this type.
    - b. Prepare an offense report. Justification for the hate crime designation should be included in the narrative section.
    - c. Inform Direct Entry personnel that this offense report should be flagged as a hate crime/crime of prejudice. This will ensure that Criminal Intelligence Unit personnel, in addition to personnel with primary investigative jurisdiction, receive a copy of all offense reports and supplements.
  2. Criminal Intelligence Unit - Protective Services Squad duties.
    - a. Verify that a flagged offense fits the requirements of a hate crime/crime of prejudice.
    - b. If it is determined that a crime should not be classified as a hate crime, prepare a supplement to change the classification.
    - c. If the hate crime classification is confirmed, the Protective Services Unit will notify the Patrol Operations Division Commander where the incident occurred. The Protective Services Squad will also notify the division, section, or unit having primary investigative responsibility to offer assistance as needed.

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- d. The Protective Services Unit supervisor will be responsible for facilitating follow-up investigations and notifying the appropriate personnel of the status of an investigation.
- e. The Criminal Intelligence Unit will serve in a support role to the primary investigative division, section, or unit and provide assistance as requested by an affected Division Commander.
3. Patrol Operations Division responsibilities:
  - a. The Patrol Operations Division Commander or designee should ensure that personnel are aware of the incident, and initiate a contact (in person or by telephone depending on the circumstances) with the victim, if appropriate.
  - b. The Patrol Operations Division Commander should initiate necessary actions to prevent any escalation or counter violence at a hate crime location.
4. Patrol Operations Division/Investigative Unit duties:
  - a. The division, section, or unit having primary investigative responsibility for an offense will ensure that all related supplemental offense and arrest reports are routed to the Protective Services Squad for inclusion in the incident file.
  - b. Primary investigative and case filing responsibilities remain with the division, section, or unit having investigative responsibility.
  - c. It is the responsibility of the Division Commander whose personnel conduct the initial on-the-scene investigation or the follow-up investigation, which will result in case filing, to ensure that the Protective Services Squad supervisor is notified.

### **304.11 Crime Victim Compensation (CALEA 55.1.1, CALEA 55.1.3a)**

- A. Eligibility for crime victim assistance:
  1. Must be an innocent victim, intervener, or dependent.
  2. The crime must have been reported to the police within a reasonable amount of time.
  3. The crime must have resulted in personal injury or death. (No payment for loss of property or damage unless medically necessary)
  4. The crime must have occurred after January 1, 1980.
  5. Police and Firefighters are eligible for Crime Victims compensation.
- B. Procedure:
  1. Crime Victim Information Notices will be kept at Operations Divisions.
  2. Duties of the officer making the preliminary report:
    - a. All officers will carry Crime Victim Information Notices.
    - b. Unless prohibited by either the physical or emotional condition of the crime victim, the officer making the preliminary offense report will deliver a Crime Victim Information Notice to the victim or the victim's next-of-kin.
    - c. The officer making the preliminary report will note in the report whether a Crime Victim Information Notice was delivered.
  3. Duties of the Victim Services Coordinator or Victim Advocate:
    - a. The Victim Services Coordinator or Victim Advocate will respond to all inquiries about the Crime Victim Compensation Act from victims of community referrals.
      - (1) The name, address, and any other pertinent information of all persons requesting crime victim assistance will be maintained in a permanent record.
      - (2) All requests for crime victim assistance will be reviewed by the Victim Services Coordinator or Victim Advocate. When the request meets the basic qualifications, a Crime Victim Compensation Application will be provided along with assistance to apply. A permanent record will be made to reflect whether a Crime Victim Compensation Application was provided and assistance and services provided will be documented.
    - b. The Victim Services Coordinator/Liason and Victim Advocate will respond to all requests from the Attorney General for records associated with a Crime Victim Compensation Application.
    - c. The Victim Services Coordinator and Victim Advocate will complete all required reports and forward them to the Attorney General.

### **304.12 Unlisted Telephone Numbers**

To obtain telephone subscriber information under non-emergency circumstances, officers will contact the Communications Section for instructions.

### **304.13 Removing or Blocking a Pay Telephone's Ability to Receive In-Coming Calls**

- A. Upon determining that a pay telephone is being used to further illegal activities such as prostitutes receiving phone calls from customers or the relay of drug trafficking information, officers may request that the telephone be removed or blocked from receiving in-coming calls.
- B. If a pay telephone appears to be the only one available in the area for law abiding citizens to use, blocking incoming calls should be requested rather than removal of the telephone.
- C. An officer wishing to remove or block a pay telephone will document the request in a memorandum and send it through the Division Commander to the Communications Section.
- D. The Communications Section will make the request that Southwestern Bell Telephone Company remove or block the pay telephone.

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**304.14 Metal Detectors and X-ray Machine Operation**

- A. No officer, either on-duty or off-duty, will operate or supervise the operation of a magnetometer (metal detector) or x-ray machine to screen persons or packages entering buildings or secured areas unless directed by a Division Commander or working security at the Jack Evans Police Headquarters Building.
- B. Officers will not conduct a search of a person or property based solely on the activation of a metal detector or x-ray machine unless directed by a Division Commander or working security at the Jack Evans Police Headquarters Building.
- C. Officers may remain nearby while a metal detector or x-ray machine is being operated. Officers may provide assistance if a disturbance occurs or after an authorized operator conducts a search and finds contraband items. Appropriate enforcement action may be taken by officers and will be based upon applicable laws of arrest and/or search and seizure.
- D. Notices posted in the Jack Evans Police Headquarters Building, and other locations designated by Division Commanders, will state that people and packages entering secured areas are subject to a search. People entering these secured areas are consenting to a search of their person and their property.

**304.15 Assistance for Victims/Witnesses who have been Threatened or Fear Further Victimization (CALEA 55.2.2)**

- A. The Dallas Police Department will provide appropriate assistance to victims/witnesses who have been threatened or who, in the judgment of the agency, express specific, credible reasons for fearing intimidation or further victimization. As a rule the Dallas Police Department does not provide protection to crime victims/witnesses unless it is solicited from someone whose personal safety is put at risk because of their involvement in a criminal episode, or during the course of an investigation the Dallas Police Department discovers a real or valid threat to the victim or witness. An officer, detective or employee of the police department that either receives a request for protection or feels that protection is needed will draft a memo describing the solicitation for or the facts discovered during the investigation that warrants protection to the Commander of the effected workgroup. The Commander of the effected workgroup will make the determination if protection is warranted.
- B. This General Order does not relieve officers from immediately assisting victims and witnesses by providing protection while they collect their belongings or transportation to a safe environment.



## Dallas Police Department General Order

### 305.00 Non-criminal Special Investigations

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 01/30/07

#### 305.00 NON-CRIMINAL SPECIAL INVESTIGATIONS

##### 305.01 Method of Request

- A. All requests for special investigations of a non-criminal nature from personnel outside the Department will be addressed to the Chief of Police and forwarded through the chain-of-command to the Investigations Bureau for action.
- B. The request for investigation must be originated by the City Manager, one of the Assistant City Managers, or a Department Director.

##### 305.02 Criteria for an Investigation

- A. The appointee, employee, or prospective employee to be investigated must have a position of trust and/or of a highly sensitive nature. A brief explanation of the sensitivity of the position should be included in the request for investigation.
- B. The request should be accompanied by the following:
  - 1. A fact sheet or job application containing all available physical and numerical identifiers.
  - 2. A current photograph.
  - 3. A Waiver of Liability Form signed by the individual to be investigated.
- C. The results of the completed investigation will be forwarded through the Chief of Police to the originator of the request.



## Dallas Police Department General Order

### 306.00 Operations Outside Dallas City Limits

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 01/30/07

#### 306.00 OPERATIONS OUTSIDE DALLAS CITY LIMITS

- A. As a general rule, officers should refrain from involving themselves in Class C matters occurring in other jurisdictions except in cases of a breach of the peace where there is a potential for injury to a citizen. In all cases involving other jurisdictions, whether on or off-duty, officers are expected to respond only to the extent that their ability and preparedness allow, keeping in mind the safety of the citizens and officer. In cases where an officer takes any enforcement action in another jurisdiction, he shall notify the other jurisdiction and a Dallas Police Supervisor, beforehand if possible, or as soon as he can safely do so.
- B. Anytime police personnel conduct preplanned operations, including warrants and surveillances, outside the City of Dallas, the involved jurisdiction will be notified of the nature and extent of the operation prior to the operation, unless such notification will jeopardize the safety or integrity of the operation. In such cases, a Division Commander shall be notified and the decision on when to notify the involved jurisdiction will be made. Routine covert vehicle surveillances, where a vehicle is simply being followed through an adjoining jurisdiction do not need to be reported, unless the vehicle stops and some enforcement action is taken in the other jurisdiction.





## Dallas Police Department General Order

### 307.00 Family Violence Prevention

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 06/17/08

#### 307.00 FAMILY VIOLENCE PREVENTION

##### 307.01 Requirements of Officers

- A. Officers responding to calls involving family violence are required to protect any victims or potential victims of family violence, without regard to the relationship between the alleged offender and victim.
  - 1. An officer is authorized to arrest a suspect when there is probable cause to believe that the suspect has committed or will commit an act of family violence as defined under the provisions of Section One, Chapter Five, or Section Two, Article 14.03 of the Code of Criminal Procedure.
  - 2. An officer shall make an arrest when there is probable cause to believe that the suspect has committed a violation of a protective order issued under provisions of Sections 3.581, 71.11 or 71.12 of the Family Code.
- B. Officers responding to family violence incidents will fully interview the complainant and witnesses and will make a reasonable effort to locate the suspect, if applicable.
- C. Officers will leave a *Notice to Adult Victims of Family Violence* card with adult victims and verbally advise them of their legal rights and remedies and of the availability of shelter or other community services for family violence victims.
- D. Officers having reason to believe that an offense involving family violence has occurred will submit an offense report and include the following information:
  - 1. A narrative of the incident.
  - 2. A description of the injuries.
  - 3. An indication of whether family violence has occurred or was alleged.
  - 4. A description of the suspect, when necessary.
  - 5. Witness information.
  - 6. A written statement of the reason for not arresting, if no arrest is made, unless the suspect is at-large.
  - 7. Notations regarding other family violence reports, if the reporting officer has personal knowledge of such reports.
  - 8. In the narrative of the offense/incident report, the officer will note the issuance of the *Notice to Adult Victims of Family Violence* card and the verbal advisement of available legal remedies.
  - 9. A *Domestic Violence Supplement Packet* form will be completed by patrol officers when responding to all family violence assaultive offenses (Chapter 22, Texas Penal Code).
- E. N-Coding is not permitted on calls involving actual or alleged family violence.

##### 307.02 Stocking of Notification Cards

Patrol Operations Division stations will secure and maintain an adequate supply of *Notice to Adult Victims of Family Violence* cards (POL-03484), which will be ordered through the Purchasing Department.



## Dallas Police Department General Order

### 308.00 Protective Orders

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 01/30/07

#### 308.00 PROTECTIVE ORDERS

##### 308.01 Definition

A protective order is issued by a court that finds that family violence has occurred and is likely to occur again in the foreseeable future. It prohibits a party from doing specified acts or requires a party to do specified acts necessary or appropriate to prevent or reduce the likelihood of family violence. The order usually lists the names of persons involved. It also gives the length of time the order will remain in effect. The maximum length is two year.

##### 308.02 Legal Services Section Responsibilities

The Legal Services Section will:

- A. Receive the protective orders from the clerk of the District Courts.
- B. Enter into the computerized Protective Order File the names of the persons protected by the order, home and business addresses of the persons protected by the order, names of the persons to whom the protective order is directed, and the expiration date of the protective order (either specified or by operation of law).
- C. Forward the original protective order to the Youth Services Section.

##### 308.03 Youth Services Section

The Youth Services Section will maintain copies of enforceable protective orders that will be available for review on a 24-hour basis. The Youth Services Section is responsible for filing all cases where there exists probable cause to believe a protective order has been violated.

##### 308.04 Communications Section Responsibilities

The Communications Section will inform the officers dispatched to an address where a valid protective order has been issued of the existence of the order and, if available, give the names of the persons and relationships involved. Officers on the scene of an incident will, if necessary, request the Communications Section check for the existence of protective orders by name of protected person, name of the person to whom the order is directed, home address of the protected person, or business address of the protected person.

##### 308.05 Officer Responsibilities

- A. Officers will enforce valid protective orders that are issued under the provisions of Section 3.581 or Section 71.11 of the Family Code. Violations of temporary protective orders or restraining orders will not be enforced unless a criminal law is violated.
- B. Officers will accept as valid a certified copy of a protective order, or a copy of a certified protective order that appears to be valid, for enforcement purposes. Officers should presume that the order is valid unless the termination date is past or two year has passed since the date of issuance.
- C. Field officers will notify their immediate supervisor when it comes to their attention that a protective order address needs to be removed from the Protective Order File.
- D. Patrol Operations Division supervisors will send a memo to the Legal Services Section when they learn that a protective order is no longer in existence at an address.

##### 308.06 Departmental Employees Protected by or Named in a Protective Order

- A. All employees will submit a written report to their Division Commander if they obtain or are subject to a family violence protective order issued by any court. The written report will be submitted within 72 hours of receipt of the protective order. A complete copy of the protective order will be attached to the report.
- B. The Division Commander will forward a copy of the protective order to the Youth Services Section (Family Violence Squad), which will be responsible for ensuring the order is entered into the protective order computer files and the statewide protective order registry. The Family Violence Squad supervisor will also maintain a current list of all employees currently affected by a protective order.
- C. These guidelines apply to both ex parte and permanent protective orders issued by any court in any jurisdiction.
- D. A sworn employee who is the respondent of a Protective Order, issued under Section 6.504 or Chapter 85, Texas Family Code, or under Article 17.292, Code of Criminal Procedure, or by another jurisdiction as provided by Chapter 88, Texas Family Code, will comply with the following stipulations in order to comply with Federal Law 18 U.S.C. section 922 (g) (8) and 922 (d) (8).
  1. The sworn employee will only be armed when on duty or actually working an approved off-duty job. At all other times, the sworn employee's duty weapon will be secured in their work locker. The weapon will be secured immediately after completing any police department assignment.
  2. An exception will be allowed for the employee to travel directly from his/her work place to the location of off-duty employment and to travel directly from off-duty employment to the work place.
  3. At no other time may be armed.
  4. At any time when the employee is not scheduled to be on duty or not working an off-duty job, a supervisor may check the location of the employee's weapon for compliance with this order. The affected employee must sign a statement that he/she has read and understands General Order 506.03 (A), search of lockers.



## Dallas Police Department General Order

### 309.00 Dallas Area Hospitals

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 02/24/09

#### 309.00 DALLAS AREA HOSPITALS

#### 309.01 Dallas Area Hospitals

- A. The following Dallas Area Hospitals have their own Police Department:
  1. Baylor University Medical Center (BUMC) – 3500 Gaston Avenue
    - a. BUMC Department of Public Safety Administrative office telephone number - (214) 820-2358
    - b. BUMC Department of Public Safety Emergency telephone number - (214) 820-4444
  2. St. Paul Medical Center (SPMC) – 5909 Harry Hines Boulevard
    - a. SPMC Department of Public Safety Administrative office telephone number - (214) 879-2670
    - b. SPMC Department of Public Safety Emergency telephone number - (214) 879-2671
  3. Methodist Dallas Medical Center (MDMC) – 1441 N. Beckley Avenue
    - a. MDMC Police Department Administrative office telephone number - (214) 947-8181
    - b. MDMC Police Department Emergency telephone number - (214) 947-8899
  4. Methodist Charleston Medical Center (MCMC) – 3500 W. Wheatland Road
    - a. MCMC Police Department Administrative office telephone number - (214) 947-7777
    - b. MCMC Police Department Emergency telephone number - (214) 947-7784
- B. The Dallas Police Department and the Dallas Area Hospitals listed in G.O. 309.01A (further referred to as "hospital") share concurrent jurisdiction in responding to calls for service on hospital property. The following guidelines apply for answering calls on hospital property:
  1. As a general rule, Hospital Police Departments mentioned in G.O. 309.01A will respond to all calls for service and have primary jurisdiction in all misdemeanor and felony property crimes, including Robbery and Aggravated Robbery.
  2. The Dallas Police Department will respond to all felony-in-progress calls and have primary jurisdiction on all felony crimes against persons (except those noted on 309.01 B.1.). These offenses include but are not limited to: homicide, suicide, unexplained deaths, officer-involved shooting incidents, felony motor vehicle offenses, hostage situations and the criminal attempt of these offenses. The Hospital Police Departments will also respond but will only control the situation, protect the crime scene, render first aid and detain suspects and witnesses until the Dallas Police Department arrives.
  3. All E-911 calls received by the Dallas Fire Department Communications Division occurring on hospital properties will be forwarded to the respective hospital. The Dallas Police Department will respond to all Priority I calls, except E-911 hang-ups, received by the DPD dispatcher on all hospital properties. If the caller insists on Dallas Police on any call, one will be dispatched. Dallas Police will not normally respond to Priority III calls on hospital properties.
  4. Hospital Police Departments will request assistance on offenses when it determines the expertise of the DPD will help in solving the case. The extent of involvement of DPD personnel will be determined by the DPD Bureau or Division Commander who has offense jurisdiction.
- C. Follow-up investigations will generally be handled and completed by the same department (DPD or Hospital Police Department) that handled the initial call for service. General rules for investigation include, but are not limited to the following:
  1. Each agency will keep the other informed of the progress of any investigation of an offense occurring on hospital property.
  2. The Dallas Police Department will conduct physical evidence investigations of all offenses in its area of responsibility occurring on hospital property. The Dallas Police Department will act only in an advisory capacity, if requested, for investigations conducted by Hospital Police Departments.
- D. If notified by Fire Department personnel that a caller requests a Dallas police Officer, Communications Section personnel will notify Hospital Police Departments any time a DPD element is dispatched to hospital property.



## Dallas Police Department General Order

### 310.00 Dallas County Hospital & Community College District

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 02/23/09

#### 310.00 DALLAS COUNTY HOSPITAL DISTRICT (DCHD) AND COMMUNITY COLLEGE DISTRICT (CALEA 2.1.2)

The Dallas County Hospital District (DCHD) Department of Security/Public Safety and Dallas County Community College District (DCCCD) Police Department are fully accredited police departments with authority and rights granted by the State of Texas. These rights include the authority to arrest, answer calls, and investigate offenses on DCHD and DCCCD property. The officers may also issue citations on streets inside and adjacent to DCHD and DCCCD property. The following sections include guidelines and procedures to be followed when answering calls for service on DCHD and DCCCD property. Also included are guidelines for investigation of offenses and lists of various responsibilities for individual divisions.

#### 310.01 Answering Calls For Service and Investigating Offenses on Dallas County Hospital District Property

- A. The Dallas Police Department and the DCHD share concurrent jurisdiction in responding to calls for service on DCHD property. The following guidelines for answering calls on DCHD property apply:
  - 1. As a general rule, DCHD will respond to all calls for service and have primary jurisdiction for simple assaults and property crimes, including Robbery and Aggravated Robbery.
  - 2. The Dallas Police Department will respond to all felony-in-progress calls and have primary jurisdiction on all felony crimes against persons. These offenses include, but are not limited to: homicide, suicide, unexplained deaths, sexual assaults, officer-involved shooting incidents, felony motor vehicle offenses, hostage situations and the criminal attempt of these offenses. DCHD will also respond but will only control the situation, protect the crime scene, render first aid, and detain suspects and witnesses until the Dallas Police Department arrives.
  - 3. All E-911 calls received by the Dallas Fire Department that occurred on DCHD properties will be forwarded to DCHD. The Dallas Police Department will respond to all Priority I and crimes against persons calls, except simple assaults on DCHD property. DCHD will handle all E-911 hang-ups on its property.
  - 4. DCHD will request assistance on offenses when it determines the expertise of the Dallas Police Department will help in solving the case. The extent of involvement of Dallas Police Department personnel will be determined by the Dallas Police Department Division Commander who has offense jurisdiction.
  - 5. DCHD will continue to enforce traffic regulations pertinent to their property, and transport any prisoners they arrest to the Lew Sterrett Criminal Justice Center.
- B. Follow-up investigations will generally be handled and completed by the same department (DPD or DCHD) that handled the initial call. However, where the interest of the Dallas Police Department and DCHD are best served, the Dallas Police Department will assist DCHD in the execution of search and arrest warrants at the request of DCHD. General rules for investigation include but are not limited to the following:
  - 1. When requested, each agency will keep the other informed of the progress of any investigation of an offense occurring on DCHD property if such action does not compromise the investigation/prosecution.
  - 2. The Dallas Police Department will conduct physical evidence investigations on all offenses in its area of responsibility occurring on DCHD property. The Department will act only in an advisory capacity, if requested, for investigations conducted by DCHD.
- C. The Communications Section will notify DCHD whenever a DPD element is dispatched to DCHD property on any type of call except routine report taking and follow-up of off-site incidents.

#### 310.02 Dallas County Community College District – Answering Calls for Service and Investigating Offenses

- A. The Dallas County Community College District has three campuses that are within the geographical boundaries of the city of Dallas.
  - 1. Richland College, 12800 Abrams Road, Dallas, TX 75243-2199
  - 2. Mountain View College, 4849 W. Illinois Ave. Dallas, TX 75211
  - 3. El Centro College, 801 Main Street Dallas, TX 75202-3605
- B. The Dallas Police Department and the Richland College Police Department, Mountain View College Police Department and the El Centro College Police Department share concurrent jurisdiction in responding to calls for service on the above listed three Dallas County Community College (DCCCD) properties. The following guidelines apply for answering calls on these DCCCD properties:
  - 1. As a general rule the DCCCD Campus Police Departments will respond to all calls for service and have primary jurisdiction in all misdemeanor and felony crimes.
  - 2. The Dallas Police Department will respond to all 911 calls received by the Dallas Police Department 911 center, but will allow the Campus Police Department to take the lead in all investigations unless otherwise requested by the Chief of the Campus Police. The Dallas Police Department will afford any assistance needed to help the Campus Police Department to safely handle all situations.
  - 3. The Dallas Police Department will respond to request for assistance from the appropriate DCCCD Campus Police Department on offenses when it determines the expertise of the DPD will help in solving the case. The extent of involvement of DPD personnel will be determined by the DPD Bureau or Division Commander who has offense jurisdiction.
  - 4. Each of the independent DCCCD Campus Police Departments have their own phone numbers:
    - a. Richland College Police Department, 972-238-6911
    - b. El Centro College Police Department, 214-860-2232
    - c. Mountain View College Police Department, 214-860-8758.

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**310.00 Dallas County Hospital & Community College District**

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- C. Follow-up investigations will generally be handled and completed by the same department (DPD or appropriate DCCD Campus Police Department) that handled the initial call for service. General rules for investigation include, but are not limited to the following:
  - 1. The Dallas Police Department will act only in an advisory capacity, if requested, for investigations conducted by DCCCD Campus Police Department.
  - 2. The Dallas Police Department will update the appropriate DCCCD Police Department regarding any investigation in their jurisdiction when requested to do so by the DCCCD Police Department.
- D. If notified by a 911 operator that a caller requests a Dallas police Officer, Communications Section personnel will notify the appropriate DCCCD Campus Police Department any time a DPD element is dispatched to a DCCCD Campus that lies within the geographical boundaries of the City of Dallas. If a DPD element arrives at the scene of a call and determines that the call for service is within a DCCCD Police Departments jurisdiction they will notify the Communications Section and ask them to contact the appropriate DCCCD Police Department.



## Dallas Police Department General Order

### **311.00** Reserved for Future Use

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 02/24/09

311.00 RESERVED FOR FUTURE USE



## Dallas Police Department General Order

### 312.00 Dallas Area Rapid Transit (DART)

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 02/23/09

#### 312.00 DALLAS AREA RAPID TRANSIT - ANSWERING CALLS FOR SERVICE AND INVESTIGATING OFFENSES (CALEA 2.1.2)

- A. The Dallas Police Department and the Dallas Area Rapid Transit Police Department (DART) share concurrent jurisdiction in responding to calls for service on DART property. The following guidelines apply for answering calls on DART property:
  - 1. As a general rule, DART Police will respond to all calls for service and have primary jurisdiction in all misdemeanor and felony crimes.
  - 2. DART Police can request assistance on offenses when it determines the expertise of the DPD will help in solving the case. The extent of involvement of DPD personnel will be determined by the DPD Bureau or Division Commander who has offense jurisdiction.
  - 3. The DART Police Headquarters is located at 1333 N. Stemmons Freeway, Suite 105 Dallas, TX 75207, Emergency Only Number 214-928-6300 and the Non-Emergency number is 214-749-5900.
- B. Follow-up investigations will generally be handled and completed by the same department (DPD or DART) that handled the initial call for service. General rules for investigation include, but are not limited to the following:
  - 1. The Dallas Police Department will update the DART Police Department on any investigation, where the offense occurred on DART property, when requested to do so.
  - 2. The Department will act only in an advisory capacity, if requested, for investigations conducted by DART Police Department.
- C. If notified by a 911 operator that a caller requests a Dallas Police Officer, Communications Section personnel will notify the Dart Police Department any time a DPD element is dispatched to a DART location that lies within the geographical boundaries of the City of Dallas. If a DPD element arrives at the scene of a call and determines that the call for service is at a DART location or within the DART Police Departments jurisdiction they will notify the Communications Section and ask them to contact the DART Police Department.



## Dallas Police Department General Order

### 313.00 Arrest Policies - Adults

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 08/04/09

#### 313.00 ARREST POLICIES (ADULTS)

##### 313.01 Responsibility at the Scene of Police Incidents

- A. The senior officer or ranking supervisor at the scene of any police incident will be responsible for the proper disposition of that incident.
- B. The senior officer or ranking supervisor will remain at the scene until such time as the incident is under control, until the incident is being properly handled in accordance with existing policies, until sufficient instruction has been issued to result in the proper disposition of that incident, or until relieved.
- C. Exceptions to this policy are listed in General Order sections 600.00 thru 620.00.

##### 313.02 Authority to Arrest

- A. Arrests will be made in the following instances:
  - 1. When a warrant of arrest has been issued by a magistrate or court of law.
  - 2. When arrest without a warrant is authorized under the laws of the United States, laws of the State of Texas, or the ordinances of the City of Dallas.
- B. Discretion should be used, however, when the warrant of arrest is for a Class C Misdemeanor and extreme hardship or inconvenience may result from an immediate arrest. In most instances, the arresting officer may issue the offender a Failure to Appear citation under the ALTAR Program (General Order Section 303.00) in lieu of making a full custody arrest. Additionally, the person should be advised of the warrant and the procedures for posting bond or paying the fine.

##### 313.03 Misdemeanor Citations

- A. Generally, the misdemeanor citation will be used in every case of violations of the traffic code or non-traffic City Ordinances wherein the officer is authorized to release the person charged on the individual's own recognizance at the scene of the arrest.
- B. A prisoner arrested for a Class C Misdemeanor only who requires medical treatment will be taken directly to Parkland Memorial Hospital. The prisoner will be issued a citation (traffic or non-traffic), and/or any necessary offense/incident report will be prepared. No prisoner under these circumstances will be booked into jail unless an unusual situation exists and with supervisory approval. The arresting officer must include in the Arrest Report the justification for placing the person in jail.
- C. The Class C misdemeanor citation may also be used in any other instance of charging an individual with a violation of a non-traffic City Ordinance as currently authorized by accepted procedures or as may be authorized in the future. These violations include, but are not limited to, the following:
  - 1. Unauthorized collection of trash.
  - 2. Fireworks violations.
  - 3. Anti-litter ordinance.
  - 4. Animals running at large.
  - 5. Advertising by holding showcards on public property.
  - 6. Loud speaker violations.
  - 7. Abandonment of refrigerators.
  - 8. Sleeping in public places.
  - 9. Operating motor vehicles in unauthorized area of public parks.
  - 10. Disorderly conduct.
  - 11. Theft, when the value of the item (including shoplifts) is less than \$50.
  - 12. Theft, when the value of the item is less than \$20 and the suspect obtained the property by issuing/passing a check.
  - 13. Theft of Service, when the theft of service is less than \$20.
  - 14. Reckless Damage or Destruction.
  - 15. Criminal Mischief when the damage is less than \$20.
- D. In lieu of a jail arrest, officers may issue a non-traffic citation for Municipal Court to the suspect in the above offenses after:
  - 1. Establishing positive identification.
  - 2. Checking the suspect for outstanding warrants (in all cases) and prior arrests (in the case of all thefts).
- E. When a citation is issued for M/C Theft, Theft of Service, or Reckless Damage (or Destruction), ~~or any M/B offense~~, the below information must be entered on the back of the citation in the area provided for non-traffic violation information. The same elements must be provided in an Arrest Report if a custody arrest is effected:
  - 1. Name, address, and phone number of complainant. If the complainant is a business concern, the name, address and phone number of the business.
  - 2. Name, address, and phone number of the person in charge of the property if the complainant is a business concern. This person can be any of the following: the store manager, the department manager, or the buyer for the store.
  - 3. Name, address, and phone number of the witness to the offense. (In most cases this will be the store security guard).
  - 4. Complete description of the property taken or damaged.
  - 5. Value of the property taken or damaged.



# Dallas Police Department General Order

## 313.00 Arrest Policies - Adults

Revised 08/04/09

- F. When issuing citations for Disorderly Conduct or Class C Family Violence to persons licensed to carry a handgun, officers will include the handgun license number on the back of the citation in the area provided for non-traffic violation information.

### 313.04 Citations Requiring Special Handling

- A. Purpose
1. In order to maintain the integrity of the Department, it is important that all individuals who are issued citations are made aware of the citation's existence. In addition, the Department must be able to ensure any citation issued without the acknowledgment of the recipient is within Departmental policies and procedures.
  2. The purpose of this general order is to establish guidelines for issuing either traffic or non-traffic citations when the individual is unable or refuses to sign the citation. This order also establishes a procedure for the capture and periodic review of citations issued without an acknowledgement.
- B. General Guidelines
1. In all cases when the individual receiving a citation is present and has the capacity to acknowledge receipt, officers will request the individual to sign the acknowledgement section on the citation.
  2. Traffic and non-traffic citations, except for speeding violations, will not be issued to individuals who are placed in Low Sterrett Justice Center or the City Detention Center. Instead these charges will be added to the arrest report. Officers are authorized to count each traffic charge on their daily activity in these circumstances.
  3. Individuals who are arrested for outstanding warrants and transported to another detention facility may be issued traffic and non-traffic citations.
  4. Officers must notify an on-duty supervisor as soon as possible after issuing a citation where the individual refused to sign the citation or is unable to sign the citation due to physical or mental condition. In all cases this notification must be made prior to the end of the issuing officer's shift. The issuing officer will record the supervisor's name and badge number in the "Notes" section on the back of the citation. Officers must receive supervisory approval before issuing a "Filed at Large" citation.
- C. Individual Refuses to Sign Citation
1. Traffic Citations
    - a. Individuals who can be positively identified at the scene and refuse to sign the acknowledgement section of the citation may be issued the citation(s) without his or her signature. Officers will print "REFUSED" in the acknowledgment section of the citations and along the top of the citation. An arrest may be authorized in this circumstance as outlined in General Order 302.01D.
    - b. Individuals whose identity cannot be positively identified at the scene and refuse to sign the acknowledgement section of the citation may be arrested as authorized by General Order 302.01C.
  2. Non-Traffic Citations M/C
    - a. Individuals whose identity can be positively determined at the scene and refuse to sign the acknowledgement section of the citation may be issued the citation(s) without his or her signature. Officers will print "REFUSED" in the acknowledgment section of the citations and along the top of the citation. An arrest may be authorized by an on-duty supervisor in this circumstance in lieu of a citation being issued.
    - b. Individuals, who cannot be positively identified, regardless of their willingness to sign the acknowledgement section, will be handled as outlined in General Order 313.03.
- D. Individual Unable to Sign M/C Citation
1. Citations may be issued to individuals who are unable to sign the acknowledgement section of the citation due to medical reasons or intoxication and are not taken into a full custodial arrest.
  2. The individual's copies of the citation will be placed with his/her personal property. Officers will document the following information in the "Notes" section of the citation:
    - a. The location the individual was released such as Parkland Hospital or the violator's home. Exact addresses should be used when the location is not a commonly known public facility.
    - b. The name or identifier of the person or group to whom the individual was released. Example entries are DFD717, Parkland Emergency Room Staff or the name of individual taking responsibility for the violator.
    - c. The location where copies of the citations were placed.
  3. Officers will print "RELEASED TO APPEAR" in the acknowledgment section of the citations and along the top of the citation.
- E. M/C Citations Issued to Individuals No Longer at the Location
1. "Filed At Large" citations can only be issued under the following circumstances:
    - a. The violator is no longer at the location.
    - b. The name, race, sex, date of birth and home address of the violator is known by the issuing officer.
    - c. The approximate time and location of the offense is known.
    - d. The violation is a class C misdemeanor and no other charges with a higher penalty classification are being filed.
  2. Officers will print "FILED AT LARGE" in the acknowledgment section of the citations and along the top of the citation.
  3. "Filed At Large" citations will not be issued when the violator has no home address.
  4. Officers must notify an on-duty supervisor prior to issuing a "Filed At Large" citation. The issuing officer will record the approving supervisor's name and badge number in the "Notes" section on the back of the citation.
- F. Reporting Requirements
1. Each division will maintain a database of all citations issued without a violator's signature. The database will contain the following information:
    - a. Name and badge number of issuing officer
    - b. Name and badge number of approving field supervisor
    - c. Race, sex and date of birth of violator

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## 313.00 Arrest Policies - Adults

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- d. Citation number
  - e. Date and Time of Issuance
  - f. Charge on citation
  - g. Location of offense
  - h. Justification in acknowledgement section – “Refused”, “Released to Appear” or “Filed at Large”
2. All citations without a violator’s signature will be reviewed by an administrative supervisor to confirm they are complete and were approved by a field supervisor. The reviewing supervisor will initial the lower left corner of these citations after review. The administrative supervisor will ensure each of these citations is entered into the division database.
  3. A copy of each citation will be made and forwarded to the issuing officer’s direct supervisor. The officer’s supervisor will review related offense, arrest or other reports to ensure all information is consistent with charges filed.
  4. Field supervisors are responsible for reviewing their assigned personnel in the divisional citation database on a monthly basis to identify trends or indications of possible abuse. Supervisors will notify the division commander by memo if any trends or possible abuse are identified.
  5. The Division Commander will provide a report, monthly, to the Bureau Commander on all “Filed At Large” Citations. This report is not required for divisions who are not assigned field operations.

### 313.05 Public Inebriate Program

- A. General Information
  1. The facility is located at 1600 Chestnut.
  2. Prisoners will be received on a 24-hour basis.
  3. Prisoners will be held a minimum of four hours before any type of release is allowed.
  4. Checks will be made on all prisoners that are to be taken to the Public Inebriate Detention Center (PIDC). The check may be made over the radio if necessary.
- B. Admission Policy - The processing of persons at PIDC will be in accordance with the procedures established by the City Marshal's Office and approved by the Chief of Police. These procedures will be posted at the Center and available for reference. Any questions will be referred to an on-duty Patrol Operations Division supervisor.
- C. When an arrest is rejected by a PIDC supervisor, a police supervisor from the arresting officer's division will be notified. The police supervisor will determine what should be done with the arrested person (i.e., released to relative, mental evaluation) and the facts documented in an offense/incident report.

### 313.06 Drug Evaluation and Classification Process

- A. Only officers with current Drug Recognition Expert (D.R.E.) certification will conduct D.R.E. post-arrest evaluations on suspects.
- B. All D.R.E. evaluations will be conducted according to the current Drug Evaluation and Classification S.O.P., which will be available for review at the jail.
- C. D.R.E. officers may be requested to conduct drug evaluations at Lew Sterrett. Drug evaluations may be conducted at other bureaus throughout the department, if the D.R.E. approves of the testing area.
- D. In general, a drug evaluation will not be conducted on suspects with a breath alcohol concentration of 0.08 or above or when blood tests are given and alcohol is the only suspected cause of impairment.
- E. A D.R.E. officer may request a urine specimen from a suspect who has been evaluated, in addition to any other specimen which would be prudent to request, depending on the crime. All Dallas police officers may request a urine specimen, in addition to a blood specimen in D.W.I. cases, when no D.R.E. evaluation is performed and the officer believes the impairment is caused by substances other than alcohol.

### 313.07 Stake-outs and High Risk Apprehension Operations

- A. Definitions
  1. Stake-out: an operation in which officers assume concealed or covert positions in anticipation of a criminal act for the purpose of apprehending the persons involved.
  2. Surveillance: the continuous observation of persons, places and things for the purpose of gathering information.
  3. High Risk Apprehension: any planned arrest in which there is good reason to believe that the person to be arrested may be armed and intent upon resistance.
- B. Objectives
  1. To apprehend the suspect with a minimum risk to persons and property.
  2. To obtain information concerning the activities and identities of individuals.
  3. To protect any informant who may be involved.
- C. Procedures
  1. All surveillance, stakeouts, and high-risk apprehensions must have prior approval of a supervisor.
  2. The supervisor in charge will develop a plan for the operation. This plan will include but not be restricted to the following:
    - a. Staffing with sufficient personnel to ensure safety of all persons involved and successful completion of the objective.
    - b. Briefing of all personnel as to the objectives, and fully informing them of the nature of their assignment and their individual responsibilities.
    - c. Ensuring that all personnel are familiar with any specialized equipment to be used.
    - d. Ensuring, when necessary, that all personnel have distinctive and/or protective clothing available if an arrest/confrontation is necessary.
    - e. Arranging for uniformed police officers to be available if an arrest or pursuit is anticipated.

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## 313.00 Arrest Policies - Adults

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- f. Providing for adequate communication capabilities for all units and personnel involved.
- g. Providing relief for personnel if the operation is prolonged.
- h. Remaining aware of and providing for the safety of all persons involved.
- 3. Unless there is a clear possibility of compromising the operation, the following organizations will be notified:
  - a. Communications Section.
  - b. Patrol Operations Division where the operation is to take place.
  - c. Any other departmental unit which may be involved/affected by the operation.
- 4. This notification should include the nature of the operation, number of personnel involved, supervisor in charge, vehicles involved (if possible), dress of officers involved, and any other information necessary for the safety of the officers involved and any other officers who may respond as back-up in an emergency situation.
- D. Requests for Tactical Division Assistance during Stake-Out and High-Risk Apprehension of Suspects
  - 1. Officers receiving information that a violent crime is likely to occur will notify their supervisor who will notify the Tactical Division.
  - 2. Examples of the types of offense situations to which the Tactical Division will respond and have primary command responsibility are armed robbery, hostage situations, barricaded persons, kidnapping or any other violent crime involving an armed suspect. Routine stakeouts, surveillance, drug raids, and Fugitive Squad apprehensions, for example, do not require that the Tactical Division be called.
  - 3. Any supervisor may request the presence of Tactical Division personnel in situations other than the extreme instances of D.2. Supervisors may request assistance in conducting routine stakeouts and surveillance. In these instances, the requesting bureau/ division/section will retain command responsibility.
  - 4. Consideration of such factors as type of information, the time element involved, risk of persons involved, anticipated length of operation, etc., will be made by the requesting supervisor to determine if a situation warrants requesting Tactical Division assistance.
- E. Procedure
  - 1. If the Tactical Division is needed, a supervisor in that division will be notified.
  - 2. When the Tactical Division responds to a request, it will be the responsibility of the Tactical Division to coordinate the efforts of the operation.
    - a. The requesting division will be in charge of the scene until the Tactical Division arrives.
    - b. Upon their arrival, Tactical Division personnel will take charge of the scene, except in those instances in D.3 where command responsibility remains with the requesting unit.
  - 3. Informants
    - a. Sole responsibility for dealing with any informants involved rests with the requesting unit personnel who originally developed the information.
    - b. Tactical Division personnel will be provided information about informants only on a need-to-know basis. The identity of an informant does not necessarily have to be revealed.
- F. Where applicable these procedures will be incorporated into division Standard Operating Procedures, along with any additional special considerations unique to a particular division.

### 313.08 Field Warning Procedure

- A. Arresting officers are not required to provide *Miranda* rights to persons in custody unless they are going to interrogate them. If it becomes necessary to interrogate an arrested subject, the officer must provide the *Miranda* rights before any questioning occurs.
- B. If the subject invokes any of the *Miranda* rights, the officer will note it in the arrest report and provide specific information on the rights invoked, such as the right to remain silent, right to have an attorney present, etc.
- C. Field warnings are not required under the following circumstances:
  - 1. When no questioning or interrogation will occur.
  - 2. During general questioning of persons present at a criminal offense scene, and the investigation has not centered upon the individual as a suspect in the case.
  - 3. Ordinary City Ordinance violations.
  - 4. Class C misdemeanors.
  - 5. Ordinary traffic violations.
- D. Arresting officers should refrain from questioning arrested persons in offense incidents where immediate follow-up will be conducted by a detective. In these circumstances, the detective will warn the arrested person of his/her rights at the appropriate time

### 313.09 Field Release of Handcuffed Subjects

- A. Handcuffed subjects will be field released in the following instances when sworn police personnel determine that:
  - 1. An arrest made (on or off-duty) is erroneous, improper, or otherwise inappropriate prior to book-in at the Jail or Public Inebriate Detention Center (PIDC).
  - 2. A subject who has been handcuffed for officer safety is not going to be arrested and charged with an offense.
- B. The releasing officer will:
  - 1. Field release the subject at the original arrest location or contact site.
  - 2. Document the facts and circumstances necessitating and justifying the release in an M.I.R. (MDC-generated or handwritten).
  - 3. List the subject as the complainant on the M.I.R. and include the subject's telephone number and address.
  - 4. Notify a supervisor and document the notification in the M.I.R.
  - 5. Forward a copy of the M.I.R. through the chain-of-command to his/her Organizational Commander.

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- C. In situations where more than one individual is detained and released only one M.I.R. needs to be generated. The releasing officer will document the name, address, and telephone number of the additional subjects on the witness pages of the M.I.R. and the facts and circumstances of the incident in the narrative.

### 313.10 Searching of Prisoners

- A. Male prisoners will be searched at the time of arrest.
- B. Purses, luggage, belt packs, hats, gloves, and coat pockets of female prisoners will be searched by the arresting officer at the time of arrest.
- C. Bodily searches and *Terry* frisks of female prisoners will normally be conducted by female Dallas police officers, Dallas Security officers, or PSOs, or in the absence of any of these female Department employees, by a cooperating female officer of another law enforcement agency. The bodily search will occur as soon as possible after the arrest and prior to the arrival of a prisoner entering any jail, detention, or police facility.
- D. Officers transporting prisoners for other officers will search male prisoners before accepting custody. Transporting officers will be present during the search of a female prisoner by a female officer before accepting custody.
- E. As a last resort, officers unable to locate any female personnel listed above may contact a Department supervisor at Lew Sterrett Justice Center and arrange for a Dallas County deputy or detention officer to meet them in the sallyport to conduct the search.
- F. The transporting officer will be held accountable for any prisoner arriving at any jail, detention, or police facility with a weapon or contraband.

### 313.11 Transportation and Handling of Prisoners (CALEA 70.1.2, 70.2.1, 70.4.2, 70.1.7)

- A. General Guidelines for Transporting Prisoners
  - 1. The following definitions apply to this section:
    - a. Police vehicle: Refers to any vehicle, excluding a motorcycle or utility vehicle that is used by patrol officers or detectives.
    - b. Officer: Refers to any sworn member of the Department.
  - 2. Officers will search their issued police vehicles before beginning their tour of duty. This will include prior to and after transporting prisoners to ensure that the vehicles are free of any weapons and contraband.
  - 3. Motorcycles will not be used for transporting prisoners.
  - 4. Unless otherwise approved by a supervisor, all prisoners will be handcuffed, and the handcuffs double locked.
  - 5. Prisoners will be secured in their seat with a seat belt.
  - 6. Once the prisoner is secured the officer will immediately disable the vehicle's door locks and windows by utilizing the lockout buttons on the drivers door control panel.
  - 7. The feet of violent or potentially violent prisoners should be secured with flex-cuffs or leg restraints or both if their actions indicate they may pose a threat to the transporting officer or to the police vehicle or equipment.
  - 8. The *hog-tie* method of maximum restraint will not be used. This method of restraint, which positions the prisoner stomach-side down with hands and feet joined in the back, places the prisoner in a physical position that restricts breathing capability and places the subject at risk for positional asphyxia.
  - 9. Prisoners will not be left unsupervised in any police vehicle.
  - 10. If an arrested person experiences a medical emergency the officers will immediately request a Dallas Fire Rescue ambulance be called to the scene to evaluate the prisoner prior to being transported to a jail facility. (*Emergency* means any circumstance that calls for immediate action and in which the element of time in transporting the sick, wounded, or injured for medical treatment is essential to the health or life of the person.)
  - 11. Prisoners exhibiting symptoms of excited delirium, drug-induced psychosis, or a psychotic episode are to be immediately transported to a medical facility by Dallas Fire Rescue ambulance. An officer will accompany the prisoner in the rear of the ambulance. Additional procedures are outlined in General Order Section 905.00.
  - 12. Placement of Prisoners in Police Vehicles (Refer to General Order Section 313.11B for additional guidelines on female prisoner transport.)
    - a. One Officer Transport - One officer can only transport one prisoner. In police vehicles that are not equipped with a prisoner partition the prisoner will be placed in the front passenger seat. At no time will a prisoner ride alone in the back seat of a police vehicle that does not have a prisoner partition system. In police vehicles equipped with a prisoner partition the prisoner will be positioned in the back right seat. The access panel of the partition between the front and rear seats, if equipped, will be secured and locked.
    - b. Two Officer Transport - Two officers can transport a maximum of three prisoners. In police vehicles that are not equipped with a prisoner partition the second officer will be seated behind the driver with the prisoner(s) seated according to the following configuration:
      - i. Prisoner #1 - rear passenger seat.
      - ii. Prisoner #2 - front passenger seat.
      - iii. Prisoner #3 - rear passenger seat.In police vehicles equipped with a prisoner partition up to three prisoners may be transported in the rear seat if all three rear seat belts are accessible. Both officers will ride in the front seats of the police vehicle. The access panel of the partition between the front and rear seats, if equipped, will be secured and locked.
    - c. If more than three persons are arrested or if there is insufficient room in a police vehicle, an additional police vehicle or a paddy wagon will be used.
  - 13. At the time of departure, transporting officers will furnish the dispatcher with the odometer reading and the departure location address. Upon arrival at their destination, they will furnish the dispatcher with the odometer reading and the arrival location address.
  - 14. Transporting officers may be instructed to pick up additional prisoners while en route to the jail. If any of the following are applicable, the officer(s) will notify the dispatcher and will not pick up additional prisoners in the following situations:

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- a. If the transporting officer is alone.
  - b. If they are already transporting the maximum allowable prisoners, a female or juvenile, or an unruly prisoner.
15. Officers will not handle another police incident while transporting a prisoner unless it is of such magnitude as to place life or property in jeopardy.
- B. Transporting Female Prisoners - In addition to the general guidelines regarding prisoner transport, the following provisions apply for female prisoners:
1. If it can be done safely and if all standard safety measures are observed, a lone female officer may transport one female prisoner. A lone male officer will not transport a female prisoner. The seating configuration outlined in 313.11, A12 must be used.
  2. Two officers (regardless of their gender) may transport one to three female prisoners. In police vehicles equipped with a prisoner partition both officers will ride in the front seats. The seating configuration outlined in 313.11, A12 must be used.
  3. Incidents Involving the Arrests of Both Female and Male Prisoners or Multiple Female Prisoners
    - a. Female prisoners may be transported with male prisoners only when their arrests result from the same incident. Refer to the seating configuration outlined in 313.11, A12.
    - b. Use of Paddy Wagon
      - i. If the paddy wagon is equipped with a solid rear partition, female prisoners may be transported in the rear of the paddy wagon. At no time will female and male prisoners be transported sharing the same partitioned section.
      - ii. If the paddy wagon is not equipped with a solid rear partition but is driven by a female, one female prisoner may be transported in the front seat. If the driver is a male or if there are multiple female prisoners, an additional paddy wagon or police vehicle will be used.
- C. Transporting Juvenile Prisoners - Additional restrictions apply for juvenile prisoner transport. (Refer to General Order Section 314.16)
- D. Procedure for Handling Escape of Detainee/Prisoner during Transportation
1. Notify the dispatcher of current location
  2. Broadcast a description of the escapee (race, sex, height, weight, clothing description, any other identifying features)
  3. Broadcast reason for detention or arrest
  4. Immediately notify a supervisor
  5. Set up a perimeter utilizing additional elements
  6. Notify helicopter unit and K-9
  7. If the escapee is captured, the arresting officer will document and prepare the proper offense and arrest reports detailing the facts surrounding the incident.
  8. If the escapee is not captured, the transporting officer will prepare an offense report titled "Escape" and document the facts surrounding the incident in this report. Additionally, the officer will prepare a "Lost Equipment Report" as outlined in G.O. 805.00 with the loss of any city property during the incident.
  9. If the escape occurs while traveling through another jurisdiction, the transporting officer will notify the appropriate jurisdiction providing all relevant information to that jurisdiction.

### 313.12 Disposition of Vehicles

- A. Authority and Service Numbers
1. Officers have the authority to impound vehicles under the following circumstances:
    - a. Vehicle involved in an accident and is immobile - Use the Accident Report service number.
    - b. Stolen vehicle - Use the original Dallas PD service number or make a service number if the vehicle was reported by another agency.
    - c. Vehicle is evidence of a crime - Use service number assigned the crime.
    - d. Protective custody (e.g. death of the driver and no one available to take custody) - Use service number assigned the death offense report.
    - e. When a driver is arrested and no alternative to impoundment exists - Use Arrest Report service number, unless it is Class C arrest, then obtain N-9 number.
    - f. Parking violations - Obtain N-9 number (Service number not required for parking ban).
    - g. Street blockage - Obtain N-9 number.
    - h. Abandoned vehicle - Obtain N-9 number.
    - i. Vehicle so mechanically defective as to be dangerous - Obtain N-9 number.
    - j. Driver or owner gives consent - Obtain N-9 number.
  2. All impounded vehicles must have a service number entered on the wrecker book. Officers must obtain an N-9 number if no number is assigned.
    - a. In all cases where a vehicle is impounded, an inventory search of the vehicle will be conducted. The search will be made by the impounding officer, at the scene of the impoundment whenever possible. It is the impounding officer's responsibility to maintain any evidence found and to maintain the chain of evidence. Money (\$5.00 or over), firearms, and valuables will not be left in a vehicle to be impounded. The impounding officer will remove the items from the vehicle and place them in the property room in accordance with the Property/Auto Pound Standard Operating Procedures.
    - b. When inventorying a vehicle, the vehicle and its container are to be inspected and inventoried. A locked container may be inspected only if the officer can do so without damaging the container or breaking a lock. Container shall mean any object capable of holding other objects, including but not limited to: vehicle

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- trunk, glove compartments, consoles, luggage, briefcases, boxes, bags, purses or clothing. If the container cannot be opened and inspected, it should be so noted on the wrecker book.
3. Officers will call in a *Found Property Vehicle* report for the following impounded vehicles. This report would serve to alert an investigative unit to a potential stolen or suspect vehicle:
    - a. An unattended vehicle that appears to be stolen but not reported (broken ignition, etc.).
    - b. A vehicle is evidence of a crime.
    - c. When a driver is arrested and the vehicle appears to be stolen but not reported (broken ignition, etc.).
  4. The Auto Pound is located at 1955 Vilbig.
- B. An officer will release a prisoner's vehicle, regardless of the offense committed, to a passenger or third party under the following circumstances:
1. The vehicle is mechanically safe, not stolen or evidence in a crime, and has proof of financial responsibility.
  2. The prisoner wishes to release the vehicle to a passenger or third party that is at the scene who is not under arrest, has a valid driver's license, and is not intoxicated.
- C. An officer may, at his/her discretion, give an arrested person the option of leaving the arrestee's vehicle at the scene of the arrest or other location.
1. The option will be given only to prisoners being charged with Class C Misdemeanors.
  2. Before offering a prisoner the option, the officer should consider the security of the vehicle, parking regulations in that area, and the possibility of complaints from citizens concerning the vehicle being left there.
  3. A vehicle cannot be inventoried if it is not taken to the pound.
  4. When a vehicle is left at the scene, the arresting officer will ensure that the vehicle is legally parked and secured.
  5. A *Release and Hold Harmless Agreement* form will be completed in duplicate. It will contain the service number and arrest number, and will be signed by both the officer and prisoner. The original *Release* form will be routed to the Records Section for permanent retention. A copy of the *Release* form will be given to the arrested person.
- D. This order will not prohibit officers from releasing a vehicle to a third party upon receiving a verbal request from the arrested person. Officers will use the *Release and Hold Harmless Agreement* form only when the vehicle is not released to another person.
- E. Disposition of Vehicles when an Arrest is Made
1. The vehicle may be released at the scene in accordance with the above listed guidelines.
  2. If not released as described above, the vehicle will be transported to the appropriate pound facility.
- F. Status of Juvenile Passengers in Prisoner's Vehicle
1. When juveniles are passengers in a prisoner's vehicle and are under the immediate control of the prisoner, the arresting officer will ask the prisoner if he/she wishes to release the juvenile into the custody of another responsible person. If the responsible person is at the scene of arrest or the juvenile can reasonably be taken to the location of the responsible person, the arresting officer will arrange this and specifically document the incident. Under no circumstances will a juvenile be left either at the arrest scene or at another location without responsible supervision.
  2. If the above conditions cannot be met, officers who have a *Protective Custody* child (newborn through age 16) will call Child Welfare investigators to determine what should be done with the child. Officers not having access to a telephone should contact a Youth Services Section supervisor via radio for assistance.
- G. Status of Adult Passengers in Prisoner's Vehicle - Adult passengers stranded at the arrest scene will be offered transportation to a nearby public facility where a telephone is available and their reasonable safety can be assured.

### 313.13 Writ of Habeas Corpus

- A. Investigating Officer - In order that a judge may set an appropriate amount of bond for a Writ of Habeas Corpus when a high bond is requested, the investigating officer will be prepared to justify the requested bond if required by a judge.
- B. Investigating Division or Section
  1. The investigating division or section commander will maintain a file of *Writ of Habeas Corpus* information so that it can be determined when, how, or if the writ was met.
  2. The assigned investigating officer will be responsible for response to and follow-up on writs.
  3. When a writ for the release of a prisoner is served, the prisoner will be immediately released. If an investigating officer desires an extension, the officer will immediately contact the judge who issued the writ, make such request, and then abide by the judge's order.
  4. When a writ calls for a prisoner in custody to be brought before a court for a hearing at a specific time and date, the investigating officer will produce the prisoner at the proper time and place for the hearing.
  5. If the prisoner is filed on or released prior to the return date on the writ, the court will be notified by the investigating officer.

### 313.14 Magistrate Procedures for Adults

- A. Magistrating Responsibilities
  1. Any police officer, detective, or supervisory officer may take a prisoner immediately before the first available magistrate in any case where such action would be in the best interest of the departmental investigation of a criminal case.
  2. The Dallas County Sheriff's Office has agreed to ensure that all prisoners incarcerated in the Lew Sterrett facility are magistrated without unnecessary delay.
  3. The investigating officer having responsibility for the prisoner, however, will assure the magistrate process is accomplished.

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- B. Persons arrested on charges over which the Municipal Courts have jurisdiction will be processed in accordance with the Detention Services Section SOP, which will be available for reference.
- C. Prisoners eligible for immediate release need not be taken before a magistrate.



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DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 5/13/08

#### 314.00 ARREST POLICIES (JUVENILES)

##### 314.01 Authority to Take Juveniles into Custody

- A. Officers may take juveniles into custody pursuant to an order of the Juvenile Court, pursuant to the laws of arrest, or when there is probable cause to believe the child has engaged in delinquent conduct or Conduct Indicating a Need for Supervision (CINS).
- B. Generally, a juvenile will be taken into custody when he/she has committed a felony or a Class A or Class B misdemeanor (delinquent conduct). The juvenile will be transported to the Youth Operations Unit for processing. In accordance with the Family Code, a juvenile may not be detained in a Juvenile Processing Office for longer than six hours.
- C. On rare occasions involving exceptional circumstances, juvenile delinquent conduct offenders may be released in the field when the release is in the best interest of the Department, the child, and/or the State, but only when approved by a Youth Operations Unit supervisor. Before granting approval to release a juvenile, the Youth Operations Unit supervisor will determine if the juvenile has any outstanding warrants. If an outstanding warrant exists, the juvenile will be taken into custody and handled as an arrest.
- D. When an officer has detained a juvenile Class C misdemeanor offender, the officer will check with the Youth Operations Unit to determine if a warrant exists. If no warrant exists, the juvenile will be field released as described in General Order Section 314.02, except:
  1. In cases of truancy and runaway, the juvenile will not be field released.
  2. In the case of public intoxication, the juvenile will be released to a parent or guardian. If no parent or guardian can be found the juvenile will be taken to Parkland Memorial Hospital to obtain a medical release and then transported to Letot at 10505 Denton Drive.

##### 314.02 Field Release

- A. Once an officer has detained a juvenile Class C misdemeanor offender for an offense other than truancy, runaway, or public intoxication, the officer will determine whether to issue:
  1. A non-traffic citation, or
  2. A Field Interrogation Report (FIR)
- B. Non-traffic Citation
  1. Juveniles who are 10-16 years of age may be issued a non-traffic citation. (Issuing traffic citations to juveniles is described in General Order Section 302.08.)
  2. Depending on the offense, an offense report may be required.
- C. Field Interrogation Report (FIR)
  1. An FIR is used in lieu of, not in addition to, a non-traffic citation.
  2. It effectively serves as a "warning citation" to a juvenile for a Class C misdemeanor, and allows appropriate authorities to track the individual's conduct within the Juvenile Information System (JIS).
  3. Juveniles who are 7-9 years of age may only be issued an FIR since they are below the age in which a non-traffic citation can be issued.
  4. An FIR will not be issued for a contact in which the juvenile did not commit a criminal act. If the officer did not have the initial authority to issue a non-traffic citation, he/she will not issue a FIR as an alternative. In those instances wherein an officer wishes to document non-custodial juvenile contacts under unusual or suspicious circumstances not amounting to criminal conduct, he/she may use a Miscellaneous Incident Report.
- D. Completion and Distribution of the FIR
  1. The Juvenile Field Interrogation Report (DPD-04579 Rev 6/94) is a form prepared in triplicate by the issuing officer. The three pages are printed on blue, pink, and yellow paper.
  2. The issuing officer will make every reasonable effort to secure proper identification prior to completing the FIR. If a child lives in an apartment, the officer will include the apartment number on the address line. All applicable blocks will be completed.
  3. When the juvenile is released to a parent, guardian, other responsible adult relative, or a Youth Action Center officer, the FIR will be distributed as follows:
    - a. Blue and yellow copies – Forwarded to the Youth Operations Unit
    - b. Pink copy – Given to the adult to whom the child is released.

##### 314.03 Truancy

- A. Truancy is that conduct which violates the compulsory school attendance laws.
- B. Officers will take into custody those juveniles who are absent from school during school hours without the knowledge or consent of their parents/guardian.
- C. The officers will transport such juveniles to the nearest Youth Action Center or to any specifically designated Center during special truancy enforcement initiatives, and either:
  1. Release the juvenile to the officer in charge at the Center, or
  2. When the Center is unstaffed, take the juvenile to the principal's office.
- D. The officers will complete a FIR, leaving the pink copy at the Center or principal's office.
- E. Truant Children from Other Cities
  1. If an officer takes into custody a juvenile who is truant from another city, he or she will contact the police department of that city and arrange for a location where the juvenile can be transferred to that department's custody. The officer will also complete a FIR.



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2. If the officer is unable to make arrangements with the other police department for transfer of custody, the officer will call the parents of the child to arrange for the release of the child into the parents' custody. The officer will also complete an FIR.
3. If the officer is unable to release the juvenile to either the suburban police department or the parents, the juvenile will be transported to Child Protective Services and an FIR will be completed.

### 314.04 Critical Missing Child

- A. A critical missing child is an individual below the age of 10, or a child who is determined to have a diminished mental capacity or a medical condition, who requires continual supervision by another, and whose whereabouts are unknown.
- B. A critical missing child may be one who has been kidnapped or abducted, or who has runaway, or who has wandered off from a location where he/she was supervised by a legal custodian or person designated *in loco parentis*.
- C. An offense/incident report will be generated for a critical missing child. If a criminal offense is believed to be the cause of the child's missing status, the offense will be titled according to the penal code. If the child's status is unexplained, or believed to be caused by the child wandering off, the incident will be titled "Critical Missing Child."
- D. In addition to supplementing the offense report when the child is found and taken into custody, an arrest report will also be made for those children aged 7-9. The report must be reviewed and approved by a Youth Operations Unit detective. No arrest report will be made for those below the age of 7.
- E. The child will be delivered without unnecessary delay to the parent, managing conservator, guardian, caretaker, or custodian who is entitled to take possession of the child. If this is not possible, the child will be taken to the Child Protective Services.
- F. No FIR will be issued for a Critical Missing Child (ages 7-9) since the arrest report serves the purpose of entering the child into JIS. Children below the age of 7 will not be issued an FIR since the information cannot be entered into JIS.
- G. Procedures for locating a Critical Missing Child are contained in General Order 304.08, the Patrol SOP, and the Youth Services Section SOP.

### 314.05 Runaway Child

- A. A runaway child is an individual at least 10 and below the age of 17, whose conduct involves the voluntary absence from his/her home, without the consent of the parent or guardian, for a substantial length of time or without intent to return.
- B. An offense report is generated for any runaway child, 10-16 years of age. In addition to supplementing the offense report when the child is taken into custody and transported to the Letot Center, an arrest report is also required. The arrest report must be reviewed and approved by a Missing Persons Squad detective during administrative hours or by a Youth Operations Unit detective after administrative hours.
- C. When an officer receives credible information regarding the location of a runaway, he/she will respond to the location and will take custody of the child.
- D. The child will be delivered without unnecessary delay to the parent, managing conservator, guardian, caretaker, or custodian who is entitled to take possession of the child. If this is not possible, the child will be taken to the Letot Center.
- E. No FIR will be issued for a Runaway Child (ages 10-16) since the arrest report serves the purpose of entering the child into JIS. Children below the age of 7 will not be issued an FIR since the information cannot be entered into JIS.

### 314.06 Missing Child

- A. A "missing child" (as differentiated here from a "runaway") is an individual who is 17 years of age whose whereabouts are unknown to the child's legal custodian. The circumstances of the absence indicate that the child has voluntarily left the care and control of the legal custodian without the custodian's consent and with no intent to return.
- B. An officer receiving a report of a 17 year old "missing child" will make a "Want to Locate" incident report. The individual will be listed on NCIC as a "missing child."
- C. Upon locating a 17 year old "missing child," the officer will first contact the Missing Persons Squad (or the Youth Operations Unit after administrative hours) to confirm the "Want to Locate" report. Upon confirmation, the officer will notify the legal custodian regarding the child's whereabouts and will make every effort to reunite the child and the legal custodian. The officer will supplement the original "Want to Locate" report.
- D. If the legal custodian cannot be contacted, the officer will take the child to the Department of Protective and Regulatory Services (CPS). The Missing Persons Squad (or the Youth Operations Unit after administrative hours), will advise the officer of the proper facility to which the child should be taken. The officer will supplement the original "Want to Locate" report.

### 314.07. Custodial Arrest

- A. Except certain DWI and Runaway offenders, any juvenile taken into custody and not field-released will be taken immediately to the Youth Operations Unit without unnecessary delay and without being taken elsewhere, unless directed otherwise by Youth personnel. Officers will take:
  1. Injured DWI offenders (Ages 10 through 16) requiring medical attention to Parkland Memorial Hospital for treatment. Refer to G.O. 314.08 for additional information.
  2. Juveniles arrested for Runaway directly to Letot at 10505 Denton Drive. Officers will complete a standardized arrest report and present it and the arrested juvenile to Letot authorities. Facility representatives may be contacted at (214) 352-8135.

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- B. After a juvenile is processed at the Youth Operations Unit, the arresting officer will transport the juvenile to the Henry Wade Justice Center, 2600 Lone Star Drive. This facility houses both the juvenile courts and the juvenile detention center. Facility representatives may be contacted at (214) 698-2200.

### 314.08 Searching of Juvenile Prisoners

- A. Male prisoners will be searched at the time of arrest.
- B. Purses, luggage, belt packs, hats, gloves, and coat pockets of female prisoners will be searched by the arresting officer at the time of the arrest.
- C. Bodily searches and *Terry* frisks of female prisoners will normally be conducted by female Dallas police officers, Dallas Security officers, or PSOs, or in the absence of any of these Department employees, by female personnel of the Dallas County Detention Center. The bodily search will occur as soon as possible after the arrest and prior to the prisoner entering any detention or police facility.
- D. Officers transporting prisoners for other officers will search male prisoners before accepting custody. Transporting officers will be present during the search of a female prisoner by a female officer before they accept custody.
- E. The transporting officer will be held accountable for any prisoner arriving at any Youth Action Center, school, detention or police facility with a weapon or contraband.

### 314.09 Charges

- A. 0-6 Years of Age
  - 1. If a child has committed an offense, the offense report will be generated as required per G.O. 210.00. The reporting officer will describe in the narrative that the child was below the age of criminal responsibility, give the child's age and date of birth, and state the disposition of the child. The child will be released to a parent or guardian. If this is not possible, the child will be taken to Child Welfare. No "Investigation Dependent Child" arrest report will be made.
  - 2. If circumstances dictate that a child be taken into Protective Custody, a Miscellaneous Incident Report will document the reason as well as the disposition of the child. If appropriate, the child will be released to a parent or guardian, otherwise the child will be taken to Child Welfare. No "Protective Custody" arrest report will be made.
  - 3. If a child has not committed an offense but is in the company of arrested adults, the child will be released to a parent or guardian. If this is not possible, the child will be taken to Child Welfare. The incident will be documented in a Miscellaneous Incident Report. No "Protective Custody" arrest report will be made.
- B. 7-9 Years of Age
  - 1. If a child has committed an offense, the offense report will be generated as required per G.O. 210.00. The reporting officer will describe in the narrative that the child was below the age of criminal responsibility, give the child's age and date of birth, and state the disposition of the child. The child will be released to a parent or guardian. If this is not possible, the child will be taken to Child Welfare. Upon taking the child into custody, an "Investigation Dependent Child – [specific offense]" arrest report will be made.
  - 2. If circumstances dictate that a child be taken into Protective Custody, a Miscellaneous Incident Report will document the reason as well as the disposition of the child. If appropriate, the child will be released to a parent or guardian, otherwise the child will be taken to Child Welfare. A "Protective Custody" arrest report will be made if the child is taken to Child Welfare.
  - 3. If a child has not committed an offense but is in the company of arrested adults, the child will be released to a parent or guardian. If this is not possible, the child will be taken to Child Welfare. The incident will be documented in a Miscellaneous Incident Report. A "Protective Custody" arrest report will be made if the child is taken to Child Welfare.
- C. 10-16 Years of Age
  - 1. If a child has committed an offense, the offense report will be generated as required per G.O. 210.00.
  - 2. Investigative Offenses
    - a. If a child commits an offense that is a violation of state penal law, which is punishable by imprisonment or confinement in jail, the child upon being taken into custody, will be charged with "Investigation Juvenile Delinquency – [specific offense]" and an arrest report will be made.
    - b. Juveniles taken into custody for Investigation Juvenile Delinquency offenses will be transported to the Youth Operations Unit for processing.
  - 3. Class C Misdemeanor Offenses and Status Offenses
    - a. Status offenses are those offenses committed by juveniles which are unique to them based upon their age. The same acts, if committed by an adult, would not be considered a crime. Status offenses include truancy, runaway, and curfew violations.
    - b. If a child commits a Class C misdemeanor offense or is involved in one of the CINS incidents categorized below, the child will be entered into the Juvenile Information System as "CINS – [specific offense]".
  - i. Conduct that violates the compulsory school attendance laws (i.e., truancy).
  - ii. The voluntary absence of a juvenile from his/her home, without the consent of the parent or guardian, for a substantial length of time or without intent to return (i.e., runaway). An arrest report is required when the child is taken into custody.
  - iii. Conduct that is a violation of the City's Curfew Ordinance.
  - iv. Inhalation offenses.
  - v. An act that violates a school district's communicated written standards of conduct for which the child has been expelled under Sec. 21.3011, Texas Education Code.
    - c. If the officer coming into contact with the child writes the child a non-traffic citation, the non-custodial arrest information will be entered into the Juvenile Information System by Court Services personnel. No FIR will be issued.

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- d. If the officer coming into contact with the child for a Class C Misdemeanor or status offense elects not to issue a non-traffic citation, he or she will record that contact on an FIR which will be forwarded to the Youth Operations Unit for entry into the Juvenile Information System.

### 314.10 Oral Statements and Confessions (CALEA Standard 44.2.3)

- A. *Res Gestae* Statements
  1. *Res gestae* statements of delinquent conduct or of Conduct Indicating a Need for Supervision (CINS) are admissible in any subsequent adjudication proceedings and do not require that the juvenile be informed of his/her rights. Before initiating a prosecution report based solely or partly on a *res gestae* statement, the Youth Operations Unit officer will determine if the statement was an actual *res gestae* statement in that it was a spontaneous utterance arising directly out of the crime or arrest.
  2. *Res gestae* statements and the circumstances involved must be included in any report submitted by the arresting or investigating officer.
- B. Oral Statements and Confessions
  1. Even when a case cannot be filed, an oral confession may be used to clear an offense if the juvenile gives information that only the perpetrator would know.
  2. Before a statement is taken for use in court, the juvenile must be informed of his/her rights (Miranda Warning).
  3. In addition to the standard Miranda Warning, the juvenile must be advised that the juvenile court may waive its jurisdiction and he/she may be tried as an adult if the juvenile is:
    - a. At least 14 years of age and is alleged to have committed a capital felony, an aggravated controlled substance felony, or a first-degree felony.
    - b. At least 15 years of age and is alleged to have committed a second or third degree felony or a state jail felony.
  4. Oral confessions may be admissible in court provided the juvenile makes a statement of facts or circumstances that are found to be true and that tend to establish guilt. This may include statements leading to the finding of secreted or stolen property or the instrument the juvenile states was used to commit the offense.
  5. Officers taking oral statements will reduce them to writing and include them in all proper reports. This is necessary since the officer taking the statement may not be subpoenaed to Juvenile Court.
  6. Before submitting follow-up reports to the Dallas County Juvenile Department, Youth Operations Unit detectives will ascertain that all oral statements are corroborated by the necessary evidence.
- C. Written Statements - Written statements may be taken from juveniles between the ages of 10 and 16. The statement or confession may be submitted as evidence in adjudication proceeding when the following requirements are met:
  1. The juvenile must have been taken into custody in accordance with the law.
  2. A Youth Services Section desk officer or other supervisor must have reviewed and approved the reports of the incident.
  3. The assigned detective must ensure that a juvenile is informed of his/her rights and understands he/she may remain silent. When a juvenile wants to make a written statement that may implicate him/her in the commission of the stated offense, the assigned detective will request an arraignment and warning for the juvenile before a magistrate. Appropriate warning and arraignment forms are available in the Youth Services Section.
- D. Custodial Interview and Interrogation
  1. Custodial interview and interrogation of juveniles will be conducted at the Dallas PD Juvenile Processing Office (JPO), which is located at Youth Operations, 1400 S. Lamar.
  2. The number of officers to be present during the custodial interview and interrogation will be determined by a JPO supervisor.

### 314.11 Fingerprints and Photographs

- A. Youth Services Section personnel will be responsible for ensuring that all juveniles (10 years of age or older) referred to the Dallas Police Department First Offender Program or arrested on other than Dallas County holds be photographed and fingerprinted.
- B. The fingerprint files of juveniles will be kept separate from the fingerprint files of adult offenders.
- C. The Youth Services Section will coordinate the destruction of juvenile records to comply with state law.
- D. Officers may request that:
  1. A juvenile's fingerprints be taken for immediate comparison with latent prints found at the scene of an offense if the juvenile is a suspect and is in custody. The Youth Services Section will coordinate the request.
  2. A juvenile's fingerprints be taken for comparison with latent prints found at the scene of an offense where the juvenile is a suspect but not in custody. The Youth Services Section will coordinate the request.
  3. A juvenile suspected of an offense, but who is not in custody, be photographed for identification or line-up purposes. The Youth Services Section will coordinate the request.

### 314.12 Driving While Intoxicated

- A. If a juvenile (ages 10-16) is operating a motor vehicle and the officer believes him/her to be intoxicated, the officer will:
  1. Perform a Field Sobriety Test (Horizontal Gaze Nystagmus, Walk & Turn Test, One Leg Stand, etc...). **No breath / blood test will be offered.**
  2. If the officer determines the juvenile is intoxicated, arrest the juvenile for *Driving While Intoxicated* and transport him/her to Parkland Memorial Hospital for a medical release. When the juvenile is released from Parkland Memorial Hospital, he/she will be transported to the Youth Operations Unit.

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3. Upon arrival to the Youth Services Section, arresting officers will complete the necessary reports and ALR forms (DIC 23 and 25). Arresting officers will have the Youth Operations Unit booking detective approve the arrest report on all juveniles arrested for *Driving While Intoxicated*.
- B. If an intoxicated juvenile (ages 10-16) is operating a motor vehicle and is involved in a fatality accident; an accident that the officer believes will result in a fatality; or, an accident in which the juvenile will be charged with *Intoxication Assault*, he/she will be transported to Parkland Memorial Hospital.
  1. A mandatory blood specimen will be taken. Officers requesting a mandatory blood specimen will complete a *Statutory Authorization Mandatory Blood Specimen* form. When the juvenile is released from Parkland Memorial Hospital, he/she will be transported to the Youth Operations Unit.
  2. Upon arrival to the Youth Services Section, arresting officers will complete the necessary reports and ALR forms (DIC 23 and 25). Arresting officers will have the Youth Operations Unit booking detective approve the arrest report on all juveniles arrested for *Intoxication Assault* and *Intoxication*.

### 314.13 Drugs and Controlled Substances Arrests

Juveniles arrested for narcotics and dangerous drugs violations will be taken to the Youth Operations Unit. Any related drug evidence will be deposited at the Lew Sterrett Criminal Justice Center or the Property Section in accordance with General Order Section 321.03.

### 314.14 Arrests at School During School Hours

- A. Offenses Occurring in Officer's Presence - Officers will:
  1. Make appropriate arrests for major misdemeanors and felonies occurring in their presence.
  2. Allow school officials to handle minor violations and disruptions without official police action unless otherwise requested by school officials.
- B. Arrests Made at School - Officers will:
  1. Coordinate police activities with any Dallas Independent School District (DISD) police or Dallas police personnel assigned to the school.
  2. Contact the principal or designated school representative before an arrest, when practical, and in all cases before leaving the school premises with the prisoner.
  3. Notify the arrested juvenile's parent or guardian before leaving the school.
  4. If a parent or guardian cannot be contacted, advise the desk officer when the juvenile is booked.

### 314.15 Child Abuse and Neglect

- A. Child Abuse
  1. A police element receiving a call regarding child abuse will:
    - a. Determine if Child Welfare has been notified. If not, the officer will do so.
    - b. Call the Crimes Against Children Unit and advise that office of the offense.
    - c. Call the Communications Section and make the offense report with the offense listed as being the actual offense committed followed with (Child Abuse).
    - d. Order a Physical Evidence Squad element to take photographs or to gather any other type of physical evidence that needs to be taken or preserved.
  2. Officers will contact a Child Abuse detective or supervisor if there is any question as to whether child abuse has occurred.
- B. Child Neglect
  1. An officer receiving a call regarding child neglect will follow the same procedure as in abuse cases.
  2. Officers who have a *Protective Custody* child (newborn through age 16) will call Child Welfare investigators at metro (817) 640-6200 or metro (817) 640-4041 to determine what should be done with the child. Officers not having access to a telephone will contact the Youth Operations Unit on Channel 11 for assistance.

### 314.16 Transporting of Juveniles

- A. Juveniles will only be transported in police vehicles, patrol wagons or Youth Services Section wagons.
- B. The only adult who may be transported with a juvenile is a parent or someone arrested in connection with the same offense.
- C. Juveniles over the age of 12 will be transported according to the above guidelines and those contained in General Order Section 313.11 (Transportation and Handling of Prisoners).
- D. In order to ensure prevention of front-seat air bag deployment related injuries or deaths, juveniles age 12 and under will be transported in the back seat of police vehicles, whenever possible, using an age appropriate safety restraint. As an additional safety measure, the vehicle windows will also be closed and the doors locked.
  1. Juveniles younger than five years of age will be transported using a child passenger safety seat system.
  2. Juveniles five years of age or older will be transported using a safety belt.



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### 315.00 Arrest Requiring Special Handling

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 04/20/09

#### 315.00 ARRESTS REQUIRING SPECIAL HANDLING

##### 315.01 Arrests Made by Off-Duty Officers

- A. Officers making an arrest will call for an on-duty field element to handle any prisoners when the officers are:
  - 1. Off-duty and not working an off-duty job.
  - 2. Working at an off-duty job providing traffic or crowd control.
  - 3. Working an off-duty security job that is one-day duration or less and is not a recurring job.
- B. Officers working a regular off-duty job where the primary responsibility is to provide security and make arrests will:
  - 1. Carry a supply of Offense/Incident Reports, Juvenile Field Interrogation Reports, and citations to the location of the off-duty job.
  - 2. Call in any necessary Arrest Reports and complete any required Offense/Incident Reports.
  - 3. Call the Communications Section to obtain a service number and request an element to transport prisoners.
  - 4. Release prisoners and all required reports to the transporting officers.
  - 5. When a non-traffic citation is issued:
    - a. Call the Communications Section to obtain a service number and complete an Offense/Incident Report if an offense has been committed.
    - b. On completion of off-duty employment, request an element to pick up the reports on a mark-out.
  - 6. Call the Youth and Family Support Division when a juvenile is detained and ask that Juvenile Arrest and Field Interrogation Report files be searched. The Youth and Family Support Division files may indicate that a child involved in a minor offense should be taken into custody and handled as an arrest instead of a juvenile field interrogation.

##### 315.02 Arrests Made on NCIC, TCIC, and NCTCIC Checks

- A. Arrests made on NCIC, TCIC, and NCTCIC (Regional) Hits will be in accordance with Communications Section, Detention Services Section, General Investigations Section, and Records Section Standard Operating Procedures.
- B. No arrest or confiscation of property without a warrant will be made solely on an NCIC, TCIC, or NCTCIC hit on a computer or radio check. In all cases, the name of the confirming individual from the originating agency must be included in the report.
- C. An NCIC or TCIC hit alone is not probable cause to arrest. A hit indicates a warrant has been issued and the date of the warrant. A hit is only one fact that an officer must add to other facts in arriving at sufficient legal grounds for probable cause to arrest. It is imperative that officers compare sufficient identifiers to verify that the person in custody is the same person named in the warrant.
  - 1. To verify a person's identity, consider the following possible identifiers:
    - a. Name.
    - b. Race.
    - c. Sex.
    - d. Date of birth (DOB).
    - e. Place of birth.
    - f. Driver's License number (DL).
    - g. Social Security number (SSN).
    - h. Address.
    - i. Complete physical description to include height, weight, hair, eye color, scars, marks, and tattoos.
  - 2. Every effort must be made to verify an arrested person's identity prior to incarceration. When there is a doubt that an individual is the wanted subject, he/she will be fingerprinted prior to incarceration.
  - 3. In instances where there is less than substantial evidence to identify the person in custody, a field supervisor must be contacted to make the final determination. An arrest will not be made if the field supervisor determines there are not enough significant identifiers to connect the individual to the warrant.
  - 4. If a field release is made, comply with General Order 313.08 (Release of Erroneously Arrested Persons in the Field).

##### 315.03 Foreign Nationals

- A. Definition
  - 1. A person from another country who has been granted permission to legally enter the United States for a specific reason or period of time, with some form of written authorization such as a passport, visa, work authorization permit, or resident alien permit.
  - 2. A person from another country (usually from Canada or Mexico) who, while bearing no written authorization, has been granted permission to legally enter the United States for a short period of time for tourist or business purposes.
- B. Due to U.S. obligations under international law, it is imperative that arresting officers understand that the Department may be required to notify a diplomatic or consular officer of the arrestee's country if the arrestee is a foreign national.
- C. Officers making an arrest of a foreign national will consult with the Detention Services Section booking supervisor who will refer to Annex A of the State Department letter dated March 12, 1996 (or any subsequent superseding letter). Annex A lists all countries for which notification is mandatory. Annex B of the same letter lists contact telephone numbers for foreign embassies and consulates in the U.S.

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1. If the arrestee is from a country for which notification is mandatory, the booking supervisor will make the notification to the diplomatic or consular officer, listing the date, time, and person contacted in the supervisor's comment area of the arrest report. The arrestee will be informed when the notification has been made.
2. If the arrestee is a national of any other foreign country, the Vienna Convention on Consular Relations and/or customary international law require that the arrestee be informed without delay of the right to have his/her government notified.
  - a. If the arrestee requests that notification be made, it must be made without delay. The booking supervisor will list the date, time, and person contacted in the supervisor's comment area of the arrest report. The arrestee will be informed when the notification has been made.
  - b. If the arrestee does not request notification to his/her government, that fact will be noted in the arrest report and no notification will be made.
- D. Subject to local law and regulations regarding access to detained persons, foreign consular officers have the right to visit their nationals, to converse and correspond with them, and to arrange for their legal representation.
- E. Information and guidance may be obtained from the local Special Agent of the U.S. Department of State at (214) 767-0702.

### 315.04 Illegal Immigrants

- A. The U.S. Immigration Code denies us the authority to enforce its provisions; therefore, we do not enforce immigration laws. All other laws apply to illegal immigrants.
- B. Officers will not stop or contact citizens for the sole purpose of determining immigration status.
- C. Arrest reports will contain arrest elements only and not refer to immigration status.
- D. INS agents have the sole responsibility for determining the immigration status of incarcerated persons.
- E. The INS must confirm outstanding NCIC detainer hits for INS violations. Confirmed hits will be booked as Hold for INS.
- F. Detention Services Supervisors will release city charges when requested by INS.

### 315.05 Military Personnel

- A. Military personnel will be treated the same as non-military personnel in most instances.
- B. Arrests of military personnel will be handled in accordance with the Detention Services Section S.O.P., which will be available for reference.

### 315.06 Theft

- A. The Records Section will respond to requests from officers for checks on persons arrested.
- B. In most instances, when an offender is arrested for Class C misdemeanor theft and can properly identify himself/herself, has no outstanding warrants, and a record check reveals no previous convictions for theft, the arresting officer may issue a non-traffic citation in lieu of taking the offender to jail. This does not prohibit an officer from placing a Class C misdemeanor theft suspect in jail if the officer feels circumstances warrant such action. Offenders will not be issued non-traffic citations for thefts that are Class B or above.
- C. Officers enhancing the charge of theft will obtain previous conviction information from the Criminal Documents Team or county records and include the following information on the Arrest Report:
  1. Date of offense.
  2. Offense type.
  3. Date of previous conviction.
  4. Court case number and court name.
  5. Sentence and fine.

### 315.07 Prostitution

- A. The arresting officer will contact the Records Section to determine if the suspect has any prior convictions for prostitution.
- B. If the records in the Records Section reveal that the suspect has no previous convictions for prostitution, the charge will be *Prostitution (43.02) Class B Misdemeanor*.
- C. If the records in the Records Section reveal that the suspect has a previous conviction for a Class B Misdemeanor, Prostitution charge, the suspect will be charged with *Prostitution (43.02) Class A Misdemeanor*.
- D. If the records in the Records Section reveal that the suspect has prior convictions for a Class A misdemeanor Prostitution charge, the suspect will be charged with *Prostitution (43.02) Class A Misdemeanor - Enhanced*.
- E. Officers enhancing the charge of prostitution will obtain previous conviction information from the Criminal Documents Team or county records and include the following information on the Arrest Report:
  1. Date of offense.
  2. Type of offense.
  3. Date previously convicted.
  4. Court case number.
  5. Time served and fine amount.
  6. Criminal court number.

### 315.08 Controlled Substance or Dangerous Drug Violators

- A. Adults arrested for these violations will be taken to the Lew Sterrett Criminal Justice Center to be interviewed, booked, and placed in jail.

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- B. Juveniles arrested for these violations will be taken to the Youth and Family Support Division.
- C. Any related drug evidence will be deposited at the Lew Sterrett Criminal Justice Center or the Property Section in accordance with Section 321.03.
- D. Officers will not disturb any illegal drug laboratories they discover. Officers will:
  - 1. Secure the area.
  - 2. Notify the Narcotics Division.
  - 3. Call the Fire Department to the scene if the laboratory is in operation.

### 315.09 Intoxication

- A. Intoxication that does not go beyond loud language may or may not result in arrest. The officer may release the person to an adult capable of and willing to assume responsibility for the subject's custody.
- B. If the offender is arrested, the officer will complete an Arrest Report.
- C. A copy of all reports involving a liquor license holder or incidents on premises licensed by the Texas Alcoholic Beverage Commission will be forwarded to the Vice Section. These Arrest Reports will include:
  - 1. The name of the person in charge of the Texas Alcoholic Beverage Commission licensed premises.
  - 2. Whether the arrest was on view or on call.
  - 3. The number of the liquor or beer license.
- D. All persons arrested for public intoxication that have no other charges will be taken to the City Detention Center (CDC), Public Inebriate Program, 1600 Chestnut Street for processing. The only exception to this policy will be when they are seriously injured, seriously ill, or intoxicated to the degree that the condition is life threatening. The CDC intake supervisor will request that the arresting officer call a Dallas Fire Department (DFD) ambulance, and DFD personnel will determine if the person needs to be transported to Parkland Hospital for treatment. If persons arrested for public intoxication are transported to the hospital for treatment, they will be booked for record and the charge released by the CDC supervisor. Persons arrested for public intoxication with no additional charge(s) will **NOT** be transported to the Lew Sterrett Justice Center. A hold will not be placed on an intoxicated person transported to the hospital unless they were booked in jail prior to the need for hospitalization or have charge(s) other than public intoxication. Any questions regarding these procedures will be directed to a Dallas Police Department supervisor at Lew Sterrett.
- E. Certain illnesses and injuries have the same symptoms as intoxication. Officers handling a person suspected of being intoxicated should look for or be mindful of:
  - 1. A lack of alcohol odor.
  - 2. A sweetish acid breath associated with diabetics.
  - 3. Unequal size of the pupils of the eyes associated with a stroke or head injury.
  - 4. Irrational behavior.
  - 5. Any identification card that might indicate the person is suffering from a chronic illness or injury.
  - 6. Information received from any person indicating the possibility of illness or injury not associated with intoxication.

### 315.10 Hospitalized and Medically Treated Prisoners

- A. Any time an arrested person is injured during the offense or arrest process or becomes ill, medical attention will be sought in the field if the condition is a medical emergency, or the prisoner will be immediately brought to the attention of the on-duty medical attendant at the county jail or sent to Parkland Memorial Hospital (PMH) for non-emergencies. Information concerning the injury or illness will be included in the arrest report.
- B. The Youth and Family Support Division will be notified in cases involving injured juveniles who are in custody.
- C. Felony Cases
  - 1. When a prisoner arrested for a felony offense is taken to the hospital for treatment or admittance, a guard from the Patrol Operations Division where the arrest was made will be placed over the prisoner until one of the following occurs:
    - a. The individual is placed in the custody of another law enforcement agency.
    - b. The individual is released by the hospital for return to the county jail.
    - c. The individual is released from any pending charges.
  - 2. However, in instances where the felony is a Property crime and the prisoner is so seriously physically incapacitated by injury to the degree that there is no likelihood of escape, the Watch Commander will retain the discretion whether to post a guard.
- D. Class A and B Misdemeanor Cases - It may be necessary to assign a guard for a prisoner arrested for Class A or B misdemeanor offenses. This determination will be made by the on-duty Watch Commander of the Patrol Operations Division that made the arrest. Consideration should be given to whether any of the following apply:
  - 1. The prisoner is also under investigation for a possible felony offense.
  - 2. The prisoner was arrested for a crime of violence and further violence is likely to ensue.
  - 3. The prisoner's mental state and the offense for which arrested (intoxication, under the influence of drugs, DWI, family violence, etc.) are such that they may indicate the likelihood of escape, violence, or public endangerment either at the facility or to the public at large if the arrestee should escape.
- E. Class C Misdemeanor Cases
  - 1. Normally, a person committing a Class C misdemeanor, city ordinance violation, or traffic violation can be issued a citation as outlined in Section 313.03.
  - 2. Persons who are injured, however, during a police incident involving a Class C offense, city ordinance violation, or traffic violation may be written a citation or taken into custody.
    - a. If taken into custody, the prisoner will be examined either by the on-duty nurse at the county jail or taken to Parkland Memorial Hospital. The injury will be noted in the arrest or offense report.

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- b. If the injury is of a minor nature and the officer intends to only write a citation, the injury will be documented in either an offense report or a Miscellaneous Incident Report. Any declination of treatment or statement that the detainee intends to seek treatment from his/her own physician will also be included.
- 3. If an injured Class C misdemeanor offender is taken into custody, a guard is ordinarily not required, but Watch Commanders may deem it an appropriate option based on the individual's mental state (intoxication, under the influence of drugs, prone to violence) or the offense committed (e.g., family violence).
- F. Responsibilities of Officer Assigned as Guard
  - 1. An officer assigned to guard a prisoner admitted for hospitalization will notify a supervisor in the unit responsible for follow-up investigation if that unit is on-duty. If the unit is not on duty or the case is a direct-file case with no investigative follow-up, the officer will notify his/her immediate supervisor.
  - 2. The officer will notify a Detention Services Section supervisor as soon as a room number is assigned to a prisoner who is admitted.
  - 3. An officer will remain with the prisoner until the arrest warrant and associated paperwork is received by the Dallas County Sheriff's Office, which will then assign a guard to relieve the police officer.
- G. Detectives assigned to investigate cases involving hospitalized prisoners will give these cases their first consideration. A case will be filed or the charges against the prisoner released by a supervisor as soon as possible.
- H. In those misdemeanor cases where no guard is posted, the officer transporting the prisoner to the hospital will notify the Dallas police officer assigned to Parkland Memorial Hospital (if on-duty) of the prisoner's status. The PMH officer will notify the Communications Section for prisoner transport following the individual's medical release. If the PMH officer is not on duty, the transporting officer will provide the telephone number of the Communications Section or the Detention Services Section to the attending nurse and request the nurse call the Police Department upon medical release.

### **315.11 Mentally Ill Persons (CALEA 41.2.7)**

- A. Mentally ill persons will be handled in accordance with Texas Health and Safety Code Title 7 Mental Health and Mental Retardation Chapter 573 Emergency Detention. Officers will make arrests in accordance with section 573.001 Apprehension by Police Officer Without Warrant.
- B. Mentally ill persons taken into custody will be processed according to Patrol Operations S.O.P. 1600, which will be available for reference.
- C. Recognition Training
  - 1. Sworn personnel at the entry level will receive a documented 24 hour training block on recognizing mental illness and crisis intervention training.
  - 2. In-Service sworn personnel will receive documented training at least every three years. Personnel can receive the training through specialized schools, bi-annual core training, roll call training, or as mandated by TCLEOSE.

### **315.12 Hospital Outpatients**

Arrested individuals found with identification indicating they are a patient in a local hospital will be handled in accordance with the Detention Services Section S.O.P. that will be available for reference.

### **315.13 Identification Disk for Retarded Children**

- A. The Dallas Council for Retarded Children will provide a metal disk for identification purposes.
- B. Identification information is available from the Exceptional Persons File by accessing any computer terminal by using a wanted person's inquiry of name, race, sex, and date of birth.

### **315.14 Interview and Arrest Procedure for Deaf and Hearing-Impaired Persons**

- A. A deaf/hearing-impaired person may be arrested on the basis of probable cause in the same manner as a person who is not deaf/hearing impaired. There is no need to supply an interpreter prior to making an arrest based upon probable cause. Once the arrestee has arrived at the Lew Sterrett Justice Center and if the officer has doubt as to whether the arrestee understood the nature of the criminal charges, the officer will advise a Dallas Police jail supervisor. The supervisor will coordinate this information with a Dallas County Sheriffs Office supervisor, who will in turn contact a certified interpreter.
- B. If a police officer needs to interview a suspect who is deaf/hearing impaired to determine whether there is probable cause to make an arrest, a qualified interpreter must be provided.
- C. When an interpreter is needed prior to arriving at the jail/detention facility, the request will be made by contacting the Communications Section.
- D. The officer must secure the services of a qualified interpreter in order to communicate accurately the warnings to the arrestee prior to any interrogation per Article 38.22, Code of Criminal Procedure.
- E. In order for an oral (sign language-interpreted) statement to be admissible as evidence in any criminal proceeding when no written statement is obtained, an electronic visual recording of the warnings and the orally-interpreted statement must be made in accordance with Article 38.22 of the C.C.P. The recording must be treated as evidence and handled accordingly.
- F. If at any time an arrestee requests an interpreter, one will be made available.
- G. If an individual who is not deaf/hearing impaired would have been issued a citation without being questioned by the investigating officer, then a suspect who is deaf/hearing impaired in the same situation does not need to be provided with a qualified interpreter.
- H. If an investigating officer is unable to communicate effectively with a victim or critical witness by using a note pad or some other means of communication other than a qualified interpreter, then the investigating officer must provide the victim or critical witness with a qualified interpreter.



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- I. All identifying information on the interpreter must be included in the report. All written questions and responses between and among police officers and persons who are deaf/hearing impaired must be treated as evidence and handled accordingly.

### 315.15 Arrests for Failure to Identify

- A. Supervisors who approve arrest reports will review those instances wherein the arrestee is charged at the time of arrest with both *Failure to Identify* and *Hold for the Texas Department of Criminal Justice (Institutional Division)* or a hold for another agency on a felony warrant. :
- B. If there is a felony warrant hold on the arrestee, the supervisor will determine if the warrant is from an agency within Dallas County or outside of Dallas County.
  1. If the agency is from within Dallas County, the arrestee will be booked and held on both the *Failure to Identify* and the felony warrant charges.
  2. If the agency is from outside of Dallas County, the arrestee will be held on the felony warrant charge but will be booked for record only on the *Failure to Identify* charge and that charge immediately released.
- C. If there is a misdemeanor warrant from any Texas county, the arrestee will be booked and held on both the *Failure to Identify* and the misdemeanor warrant charges.
- D. If the arrestee is wanted on a *Hold for TDC*, the person will be booked on both the hold and the *Failure to Identify* charges but the *Failure to Identify* charge will be for record only and that charge will be immediately released.
- E. No legally detained person will be transported against his or her will to a police or detention facility for investigative purposes, whether for interrogation or for fingerprinting, based on a "Terry Stop."

### 315.16 Arrests by Out-of-Town Peace Officers

- A. When called to a location where an off-duty Texas peace officer from another agency with jurisdiction in the Dallas city limits has made an arrest in the city, DPD officers will take the prisoner into custody and transport him/her to the proper jail facility.
- B. When called to a location where an off-duty Texas peace officer who is outside of his/her home jurisdiction has made an arrest within the Dallas city limits, DPD officers will take custody of the prisoner and transport him/her to the proper jail facility if the peace officer is one of the following:
  1. Sheriff or a Sheriff's Deputy.
  2. Constable or a Deputy Constable.
  3. Marshall or Police Officer of an incorporated city, town, or village.
  4. Ranger or Officer commissioned by the Public Safety Commission and the Director of DPS.
- C. When outside their jurisdiction, only officers who are Rangers or commissioned by the Public Safety Commission and the Director of DPS may make arrests for a violation of the Uniform Act Regulating Traffic on Highways (Art 6701d, VTCS).
- D. When completing the offense or arrest report for situations outlined in Subsections A, B, or C above, the reporting DPD officer will code the arresting officer as 9999 and identify the out-of-town officer in the narrative portion. The DPD officer will be listed as the transporting officer.
- E. When called to a location where any other off-duty Texas peace officer (not included in Subsections A, B, or C above) has made an arrest for a felony, theft, or breach of the peace within the Dallas city limits, DPD officers will take the prisoner into custody and transport him/her to the proper jail facility. When completing the offense or arrest report, the reporting DPD officer will be listed as the arresting and transporting officer and the out-of-town officer identified in the narrative as a witness to the offense.

### 315.17 Handgun License Violations

- A. The Texas Concealed Handgun Law gives officers the authority to disarm a license holder at any time when they reasonably believe it is necessary for the protection of any person. Officers will return a license holder's gun at the scene when they determine all of the following about the license holder:
  1. Is not a threat to anyone (including the officer, the license holder, or other individuals).
  2. Has not violated any provisions of the Texas Handgun Law.
  3. Is not under arrest for any other violation.
- B. Suspended, Revoked, or Expired Handgun Licenses
  1. When a Wanted Person check on an arrested person reveals the subject is licensed to carry a handgun but the license is suspended, revoked, or expired, the officer will:
    - a. Determine if the subject has a weapon on or about his/her person and if the handgun is carried in a manner that requires a valid handgun license.
    - b. Charge the subject with Unlawful Carrying Weapons (46.02 PC), if the subject is carrying the handgun in a manner that requires a valid handgun license, and place the handgun in the Property Room.
  2. When a subject presents a handgun license as identification, the officer will determine if the person has a weapon on or about their person and perform a Wanted Person check. If the Wanted Person check reveals the license is suspended, revoked, or expired, and
    - a. The subject is not carrying the handgun in a manner requiring a license and is not arrested for any other violation, the officer will release the weapon and license to the license holder.
    - b. The subject is carrying a handgun in a manner that requires a license, the officer will charge the subject with Unlawful Carrying Weapons (46.02), seize the handgun license, and place the weapon in the Property Room.
  3. Disposition of Seized Handgun Licenses (Revoked, Suspended, or Expired)

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- a. The seizing officer will ensure a letter is prepared for the signature of the Unit/Watch, Section or Division Commander advising the Department of Public Safety of the reason for the license seizure.
- b. The officer's immediate supervisor will ensure that the letter and license are sent to:

Texas Department of Public Safety  
Concealed Handgun Licensing Unit  
P.O. Box 4143  
Austin, Texas 78765-4143.

- C. When a handgun licensee is carrying a handgun on or about their person and fails or refuses to display their handgun license upon demand for identification, the officer will do the following:
  1. The subject may be arrested for violation of Chapter 46 of the Texas Penal Code in certain circumstances. The subject may only be charged with failure to display a handgun license under V.T.C.A. Government Code 3411.205 Class B Misdemeanor if he is actually carrying a handgun, fails or refuses to display his handgun license, and has had his license suspended for failure to display his license under V.T.C.A. Government Code 3411.205.
  2. Seize the handgun license and weapon and place the weapon in the Property Room regardless of whether the suspect is arrested.
  3. Submit the proper affidavit for the revocation/suspension of the handgun license. (Refer to 327.00 – Affidavits for Suspension or Revocation of Concealed Handgun Licenses.)
- D. Arrest Report Requirements
  1. In their arrest reports, officers will include the handgun license number, expiration date, action type for which the license was issued (SA - Semi-Automatic or Revolver, NSA - Revolver only), and any specific statements or gestures of the subject that revealed a weapon was carried and its location.
  2. Officers will deliver the TCIC Concealed Handgun File printout to the Jail supervisor at the time the arrest report is reviewed when a valid handgun license for the action type or category carried is a defense to prosecution. The printout should indicate if the license was suspended, revoked, or expired and the valid action type or category.

### 315.18 Underage Alcohol Consumption Laws

- A. Driving Under the Influence of Alcohol by a Minor - A minor (under 21 years of age) commits an offense if he/she operates a motor vehicle in a public place while having any detectable amount of alcohol in his/her system.
  1. Minors (ages of 17 - 20)
    - a. If the officer determines the minor is intoxicated, the minor will be transported to Lew Sterrett and offered a breath/blood test. If the minor refuses, the officer will follow the normal process for a DWI arrest refusal.
    - b. If the minor agrees to take the breath/blood test and the result is below .08, the minor will be arrested for *Driving Under the Influence of Alcohol* (Class C) and taken to Detox for processing. If the officer determines the minor is a danger to himself/herself or others, the charge of *Public Intoxication* will be added so the minor can be required to remain in Detox for a minimum of four hours before release.
    - c. On all arrests for *Driving Under the Influence of Alcohol by a Minor* (Class C), the officer will:
      - i. Complete ALR forms (DIC 23 and 25).
      - ii. Obtain a photocopy of the breath test record and the criminal complaint.
      - iii. Obtain a driver's license check to determine if prior convictions exist for this offense.
        - (1) Two or more prior convictions for this offense will cause the charge to be enhanced to a Class B misdemeanor and the subject will be taken to Lew Sterrett for processing.
        - (2) If the information is unavailable due to computer down time, this will be noted in the arrest report.
    - d. If the officer detects any amount of alcohol on the minor's breath and through observation determines the minor is not intoxicated and not a danger to himself/herself or others, the officer will do one of the following:
      - i. Issue a citation for *Driving Under the Influence of Alcohol by a Minor* and release the subject to a responsible adult or parent who has no detectable amount of alcohol in their system. The officer will complete ALR forms (23 and 25) and submit them, along with the citation, to Court Services. (Note: ALR form #23 must be notarized before submission to Court Services.) The officer will also complete an MIR that contains the name, address, and phone number of the responsible person to whom the minor was field released.
      - ii. If the officer is unable to locate a parent or responsible adult as specified in 1.d.(1), the officer will arrest the minor for *Driving Under the Influence of Alcohol by a Minor* and transport the subject to Detox. The officer will complete and submit all ALR forms while at Detox. Instead of calling in the arrest report, the officer will complete a handwritten *DUI* arrest report at Detox. The completed ALR forms will remain at Detox.
  2. Juveniles (10 - 16 Years of Age)
    - a. If the officer detects any alcohol on the juvenile's breath and determines the subject is intoxicated by performing a Field Sobriety Test, the minor will be processed according to General Order 314.08.
    - b. If the officer detects any amount of alcohol on the minor's breath and through observation determines the minor is not intoxicated and not a danger to himself/herself or others, the officer will:
      - i. Issue a citation to the juvenile for *Driving Under the Influence of Alcohol by a Minor*.
      - ii. Complete ALR forms (DIC 23 and 25).
      - iii. Attach the citation and ALR forms together and submit them to Court Services.
      - iv. Release the juvenile to a parent or a responsible adult.

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- v. If this release cannot be accomplished, contact Youth and Family Support Division by telephone for additional release instructions. Officers will make every effort to contact a parent or responsible adult before calling the Youth and Family Support Division.
- B. Non-Driving Related Offenses
  - 1. Non-Driving alcohol related offenses include the following and do not require the completion of the ALR forms:
    - a. Minor in Possession of Alcohol
    - b. Consumption of Alcohol by a Minor
    - c. Attempt to Purchase Alcohol by a Minor
    - d. Actual Purchase of Alcohol by a Minor
    - e. Misrepresentation of Age by a Minor
  - 2. Minors (17 - 20 Years of Age) - Officers may issue a citation or arrest a minor for any of the listed non-driving offenses.
  - 3. Juveniles (10 - 16 Years of Age) - Officers must follow the listed procedure when charging a juvenile:
    - a. Issue a citation to the juvenile for violation of any of the listed offenses.
    - b. Release the juvenile to a parent or a responsible adult.
    - c. If the release cannot be accomplished, contact the Youth and Family Support Division by telephone for additional release instructions.
    - d. Send the citation to Court Services.

### 315.19 Unusual Security Risks (CALEA 70.1.8)

- A. Definition
  - 1. Any person that has directly threatened to injure or kill a law enforcement or correctional officer.
  - 2. Any person that has injured or caused the death of a law enforcement or correctional officer.
  - 3. Any person that has attempted or threatened to escape police custody.
  - 4. Any prisoner arrested for a hate crime or who has demonstrated or espoused violence toward any person based on their race, gender, ethnicity or sexual orientation.
  - 5. A prisoner that an officer has reason to believe through intelligence, tattoos, statements, etc., is a member of a dangerous, high profile or subversive organization that may react violently to the arrest of one of its members.
  - 6. Any other statement or actions by a prisoner which cause the arresting officer to believe the prisoner could create or incite a dangerous disruption at a detention facility.
- B. Officers that come in contact with a prisoner that fits the definition for an unusual security risk will do the following:
  - 1. Make sure that the prisoner is transported according to General Order 313.11.
  - 2. Officers will verbally notify the detention facility accepting custody of the prisoner of their status as an unusual security risk. Officers will describe the facts and circumstances that cause the prisoner to be an unusual security risk.
  - 3. After officers have secured the prisoner in the proper detention facility they will complete necessary reports and will include documentation of the facts and circumstances that made the prisoner an unusual security risk in their report.
  - 4. Officers will also document in their report that the receiving detention facility was verbally notified of the prisoner's unusual security risk.



## Dallas Police Department General Order

### 316.00 Arrests Involving Controlled Substances

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 01/30/07

#### 316.00 Arrests Involving Controlled Substances or Dangerous Drugs

##### 316.01 Definitions:

- A. "Presumptive Field Test" means the preliminary identification of a substance as a controlled substance or a dangerous drug by means of a reagent test or by visual/physical comparison for the purpose of determining if a criminal offense has been committed.
- B. "Controlled Substance" means a substance, including a drug or an immediate precursor, listed in Schedules I through V or Penalty Groups 1 through 4 of Title 6, Subtitle C, Chapter 481, Subchapter B and D, of the Texas Health and Safety Code.
- C. "Dangerous Drug" means a device or drug that is unsafe for self-medication and is not included in Schedule I through V or Penalty Groups 1 through 4 of Title 6, Subtitle C, Chapter 481, Subchapter B and D, of the Texas Health and Safety Code.
- D. "Field Test Kit" means a reagent test kit designed to detect for the presence of a controlled substance.
- E. "Inconclusive" means the results of a presumptive field test that indicates no definitive result that the sample contains the presence of a controlled substance or dangerous drug for which the sample was tested.
- F. "Trained Member," as used in this procedure, means an employee of the Dallas Police Department who has successfully completed a course of instruction in the identification of controlled substances and dangerous drugs by means of a reagent test.
- G. "Visual/Physical Comparison," as used in this procedure, means the preliminary identification of a controlled substance or dangerous drug using an officer's best judgement based on his training and experience. In the case of a suspected controlled substance or dangerous drug that is in pill, capsule or tablet form, officers may use the Physician's Desk Reference (PDR), consult with a pharmacist, or contact the North Texas Poison Center at Parkland Memorial Hospital Poison Center Hotline at 1-800-222-1222.

##### 316.02 Arrests Involving Suspected Violations of the Texas Health and Safety Code

- A. All arrests involving suspected violations of the Texas Health and Safety Code will be based upon articulated probable cause.
- B. There are basically two different arrest situations for individuals suspected of violating the Texas Health and Safety Code who are in possession of either a controlled substance or dangerous drugs.
  1. "Narcotics Only" where no other charges are to be filed or where no other probable cause exists except for the possession of a suspected controlled substance or dangerous drugs.
  2. "Narcotics Add Charge" in which an individual is arrested based upon probable cause other than the possession of a suspected controlled substance or dangerous drugs and the Narcotics Charge arises incident to the person's arrest for charges based on other pre-existing probable cause.
- C. "Narcotics Only" Arrests  
An individual may be detained based upon reasonable belief that he may have violated the law or be detained in the course of an ongoing investigation.
  1. Officers will keep all current applicable laws and policies regarding arrest, search and seizure in the forefront of any "Narcotics Only" arrest. If there are any questions or concerns regarding current case law on search and seizure, officers will contact a supervisor for guidance.
  2. Arresting officers will always request a supervisor to the location where testing of a suspected controlled substance or dangerous drug will result in a "Narcotics Only" possession charge. A trained supervisor will conduct the presumptive field test. If the only supervisor available is not trained, he/she will witness the test conducted by another trained member who will be called to the scene.
  3. In the event that a patrol officer comes in contact with a suspect possessing a large quantity of a controlled substance or dangerous drugs an on-duty field supervisor should be contacted. The on-duty field supervisor will then contact an on-call Narcotics Division supervisor for further instruction or to determine if a Narcotics Division response is required at the scene.
  4. A trained member of the department will conduct the "Presumptive Field Test" according to standards established in departmental Standard Operating Procedures.
  5. Positive Presumptive Field Test
    - a. If the results of a Presumptive Field Test indicate the presence of a controlled substance, adult suspects will be arrested and transported to the Lew Sterrett Justice Center.
    - b. If the individual is a juvenile, he/she will be transported to the Youth Operations Unit.
    - c. All related evidence, including the Presumptive Field Test checklist, will be processed at either the Lew Sterrett Justice Center, where it will be placed into the Drug Evidence lock box, or will be transported to the Property Section for disposition.
    - d. The appropriate criminal charges will be filed against the arrestee.
  6. Inconclusive Presumptive Field Test
    - a. If the results of a Presumptive Field Test are **inconclusive**, the substance in question will be seized and will be placed into evidence at either the Lew Sterrett Justice Center or the Property Section.
    - b. The Presumptive Field Test checklist will be included with the evidence.
    - c. Officers will complete a "Found Property" offense report and will list all information concerning the suspect, the circumstances where the incident occurred, and the property tag information.
    - d. Officers will indicate in the "Comments" section of the Drug Evidence Tag whether the substance should be sent to the lab for further testing.

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7. Officers will make a visual/physical comparison as a means of identifying a suspected controlled dangerous drug.
  8. In order to accurately identify a dangerous drug or controlled substance that is in pill, tablet or capsule form, officers may use the Physician's Desk Reference (PDR) located in the report writing area of the Lew Sterrett Justice Center, consult with a pharmacist, or contact the North Texas Poison Center at Parkland Memorial Hospital Poison Center Hotline at 1-800-222-1222.
  9. Officers should note in the officer's comment section of the arrest report the method used to make an identification.
- D. Narcotics Add Charge" Arrests
1. When an individual is arrested on other charges and a controlled substance or dangerous drugs are found incident to the arrest, officers will arrest the individual and may add violations of the Texas Health and Safety Code as additional charges.
  2. Adult individuals who are being arrested for charges **other than** narcotics will be transported to the Lew Sterrett Justice Center for booking and evidence processing.
  3. Juveniles who are being arrested for charges **other than** narcotics will be transported to the Youth Operations Unit for booking.
  4. In the case of an adult prisoner, officers will book the individual according to the standing policies in effect at the Lew Sterrett Justice Center.
  5. In the case of a juvenile prisoner, officers will book the individual according to the standing policies in effect at the Youth Operations Unit.
  6. After booking, arresting officers will take suspected controlled substances or dangerous drugs to the Field Testing area of the jail or Youth Operations, where a trained member of the department will conduct the "Presumptive Field Test" according to standards established in the Narcotics Division Standard Operating Procedures.
  7. Positive Presumptive Field Test.
    - a. If the results of a Presumptive Field Test are positive to indicate the presence of a controlled substance, the appropriate criminal charge will be filed.
    - b. All related evidence, including the Presumptive Field Test checklist will be processed at either the Lew Sterrett Justice Center, where it will be placed into the Drug Evidence lock box, or transported to the Property Section. No evidence will be left at the Youth Operations Unit.
    - c. Officers will note in the arrest report the results of all Presumptive Field Tests.
  8. Inconclusive Presumptive Field Test
    - a. If the results of the Presumptive Field Test are **inconclusive**, the arresting officer will complete a "Found Property" Offense Report.
    - b. The Presumptive Field Test checklist and the substance will be placed into the Drug Evidence lock box, or transported to the Property Section for disposition. No evidence will be left at the Youth Operations Unit.
    - c. Officers will note in the arrest report the results of all Presumptive Field Tests, and in the case of an inconclusive test, will reference the "Found Property" Offense Service Number and detail the circumstances surrounding the seizure of the substance from the arrestee.
    - d. Officers will indicate in the "Comments" section of the Drug Evidence Tag whether the substance should be sent to the lab for further testing.

### 316.03 Stocking of Reagent Field Test Kits

- A. The Narcotics Division will be responsible for maintaining an adequate supply of field testing kits and for the distribution of these supplies to all other departmental units.
- B. The Quartermaster Unit of the Equipment and Procurement Section will maintain a Price Agreement for the purchase of approved field testing supplies and will acquire them upon request by the Commander of the Narcotics Division.
- C. Other departmental units can obtain a supply of kits by routing a request directly to the Commander of the Narcotics Division.



## Dallas Police Department General Order

### 317.00 Police Shootings, Serious Injury or Death Incidents

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 04/20/09

#### 317.00 INVESTIGATIONS OF POLICE INVOLVED SHOOTINGS, SERIOUS INJURY, OR DEATH INCIDENTS

When a Dallas police officer becomes involved in an incident in which either the officer or another person is seriously injured or killed, or where a death or serious injury occurs to a person in police custody, two different investigations will be conducted. For the purpose of this order, the term *Dallas police officer* includes Dallas Park Rangers and Dallas Security Officers. A criminal investigation will be conducted by the investigative unit having responsibility for the offense and an administrative investigation will be conducted by the Internal Affairs Division. Investigations will be conducted as outlined in the sections that follow.

#### 317.01 Criminal Investigation

- A. The Crimes Against Persons Division, Special Investigations Squad, will conduct a criminal investigation when, in the City of Dallas:
  1. Any Dallas police officer is seriously injured or killed in the performance of police-related duties.
  2. Any person is injured or killed as a result of a Dallas police officer discharging a firearm, acting in the performance of police-related duties or within the scope of employment as a Dallas police officer while on or off duty.
  3. Any person is seriously injured or killed as a result of the use of any physical force used by a Dallas police officer, acting in performance of police related duties or within the scope of employment as a Dallas police officer while on or off duty.
  4. Any person is seriously injured or dies while in the custody of Dallas police officers except as outlined below in Section F.
  5. Any time an officer intentionally discharges his firearm, the Special Investigations Squad of the Crimes Against Persons Division will have full investigative responsibility.
- B. The Crimes Against Persons Division will conduct a criminal investigation any time a Dallas police officer is fired upon but is not injured.
- C. The Crimes Against Persons Division, Special Investigations Squad, will conduct a criminal investigation when any person in the City of Dallas is seriously injured or killed as a result of a firearms discharge or use of physical force by any local, state or federal law enforcement agent, except those incidents occurring within jail facilities.
- D. The Special Investigations Squad will not assume primary investigative responsibility for incidents occurring outside the jurisdiction limits of the City of Dallas. The Special Investigations Squad will offer assistance when requested by the agency having jurisdiction and with approval of the Crimes Against Persons Division Commander. In all cases, primary responsibility for filing criminal charges and making presentations to the Grand Jury will remain with the agency having jurisdiction.
- E. The Special Investigations Squad of the Crimes Against Persons Division will not normally conduct an investigation in cases of accidental discharges not resulting in physical injury. If the supervisor questions the circumstances surrounding the incident however, he/she may refer the shooting to the Special Investigations Squad.
- F. The Traffic Section will conduct a criminal investigation when in the City of Dallas any person is seriously injured or killed as a result of a motor vehicle accident involving a Dallas police officer, acting in the performance of police related duties or within the scope of employment as a Dallas police officer while on or off duty.
- G. The Physical Evidence Squad will have the control and responsibility of evidence collection at the crime scene:
  1. Concurrently in any of the cases listed under 317.01 A.
  2. In any firearms discharge, including accidental, not resulting in physical injury, involving on or off-duty officers who are acting in performance of police related duties or within the scope of employment as Dallas police officers.

#### 317.02 Stages of the Criminal Investigation (CALEA 1.3.8)

- A. Officer Responsibilities
  1. Officers who become involved in any of the above incidents or become aware of an incident involving another law enforcement agency within the City of Dallas will immediately notify the dispatcher. The dispatcher will immediately send a patrol supervisor to the scene and begin notification of the appropriate divisions and personnel according to the Communications Section S.O.P. This supervisor will respond to the scene as quickly as feasible (Code 3 is authorized).
  2. The officers involved will immediately care for any injured persons, request necessary assistance, secure the scene and separate witnesses. Involved and witness officers will not discuss the incident beyond that necessary to secure the scene prior to the arrival of the first patrol supervisor.
  3. The involved officer will relate a brief account of the incident to the first supervisor to arrive and to that supervisor only, prior to the arrival of the necessary investigative personnel.
  4. If the involved officer is not injured, he/she should then retire some distance from the scene to await the arrival of the officer in charge of the investigation. This will be done in the company of some companion such as another supervisor or an officer of equal rank (who was not involved in the incident) chosen by the involved officer. The purpose of the companion officer is to serve the involved officer in a supportive role during the subsequent events. The companion officer will refrain from discussing the details of the incident but should provide as much support and concern for the officer as possible. Companion officers should be aware that they may later be called to testify as a witness does. The investigation may begin without the companion if the companion officer is en route from another location.

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5. The involved officer will be afforded an early opportunity to communicate with family members. The person designated as *companion* may make the needed transportation or other arrangements.
6. When requested, the involved officer will return to the scene to respond to the needs of the investigation.
- B. The first Patrol Supervisor (not involved in the incident) shall be responsible for the following duties:
  1. Ensure the scene is secured to include assuring necessary assistance is en route and restricting access to the incident scene using tape or other methods.
  2. Remove and restrict unauthorized personnel from scene.
  3. Obtain a brief account of the incident from involved officers and remove them a short distance from the scene.
  4. Separate involved officers and witnesses and instruct them not to discuss the incident prior to arrival of detectives.
  5. Assign an officer to record the names of all officers at the scene including all additional officers arriving to assist in securing the scene, investigate the incident, or provide support for involved officers. A single entry point into the restricted area should be established, if possible, and a special note will be made of those officers who entered the restricted areas.
  6. Stay at the scene until the scene is secured and all physical evidence is collected and all personnel are removed or until relieved.
  7. If an officer seriously injures or kills another person, the supervisor will advise the officer of the opportunity to consult with counsel immediately and will permit the officer to consult privately with counsel prior to any questioning or interview concerning the incident. The officers are allowed representation beginning at the crime scene and continuing through the entire criminal investigation of the incident. Officers who are only witnesses to the incident are not entitled to legal representation. The officer will, however, relate enough about the incident to the supervisor in order for the supervisor to secure the scene.
  8. Refer all media inquiries to the investigating section supervisor.
  9. Upon the arrival of the officer or supervisor in charge of the investigation, the patrol supervisor shall respond to the needs of the investigating officer or supervisor by continuing to secure the incident scene and keeping unauthorized persons out.
  10. Respond to the investigative offices for a debriefing interview and statement.
- C. All officers responding to the scene for whatever purpose shall check en route and Code-6 with the dispatcher of the patrol channel involved. Upon arrival all officers will make written notes on significant observations at the scene for later personal reference.
- D. Officers not involved in the incident will not go to the scene of the incident without the approval of the dispatcher or supervisor who is assigned. Officers who do respond will not leave the scene without notifying the assigned supervisor of their name and badge number.
- E. Only personnel necessary to the criminal or administrative investigation, securing of the scene, and the involved officer's chain-of-command should respond to the scene. The Patrol Operations Division Commander (or designated representative) of the area where an incident occurs may also respond to the scene. The Public Information Office will send a representative who will be responsible for coordinating media inquiries.
- F. A member of the officer's chain-of-command should respond to the scene to offer support and assistance in any needed notifications but should not discuss the details of the incident. The involved officer's supervisor or other personnel will refrain from entering restricted areas or discussing the incident with involved officers prior to completion of the debriefing interview and taking of statements in the investigating offices.
- G. All officers at the scene of the incident will refrain from making evaluative or judgmental comments about the officer's actions or justification to members of the media.
- H. In an incident where an officer is injured or killed or in which an officer injures or kills another person, the ranking supervisor from the investigating section will be in command of the criminal investigation. Upon arrival, the Physical Evidence Squad supervisor will assume control and responsibility of the crime scene area. Thereafter, all functions or requests related to the crime scene area will be coordinated through the Physical Evidence Squad supervisor. The Physical Evidence Squad supervisor will ensure that only Physical Evidence personnel and essential investigative personnel are admitted to the restricted area until the PES investigation is deemed complete. Upon arrival at the scene, the investigating supervisor will be briefed by the field supervisor and the Physical Evidence supervisor. When the investigating supervisor deems it necessary, the involved officer will report back to the scene and respond to the needs of the investigation.
- I. After the completion of the Physical Evidence investigation or when approved by the Physical Evidence supervisor, the supervisor in charge will conduct a walk-through of the incident with involved officers. To prevent possible contamination of the crime scene, the walk-through should be led by a PES detective and limited to an absolute minimum of personnel. The portion of the walk-through that is conducted in the restricted areas of the scene shall be limited to:
  1. The investigative supervisor (1).
  2. The involved officer (1).
  3. The officer's attorney, if present (1).
  4. The Internal Affairs detective (1).
  5. The PES detective (1).
  6. Other personnel deemed necessary to the investigation by the investigative supervisor.
- J. After the conclusion of the investigation at the scene, the involved officer and other personnel deemed necessary will accompany the investigating supervisor to the investigative squad's office. Personnel assigned to the investigative squad will record in writing who transports witnesses, suspects, and involved officers. Prior to leaving the scene, the investigative supervisor will brief the officer's chain-of-command and other interested personnel of the facts and circumstances known at that time.
- K. All officers and supervisors at the scene will, if deemed necessary by the investigative supervisor, be available for debriefing interviews and provide detailed written statements on their activities at the scene. All debriefing interviews with officers, witnesses, and suspects will be documented and written statements will be taken if possible.

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- L. Involved officers and others deemed necessary by the investigating supervisor will undergo a debriefing interview in the investigative offices to establish the detailed facts surrounding the incident. This interview will be conducted by the investigating supervisor or designated detective. An involved officer's attorney is allowed to be present and advise the officer during this interview. At the conclusion of the interview, written statements may be requested. The investigating supervisor will provide the involved officer with a private place to prepare a written statement.
- M. At the point when the investigative supervisor-in-charge determines that existing evidence presently indicates a likelihood of no criminal culpability by the officer who did or may have caused serious injury or death of another person, such officer will be instructed to report to the Internal Affairs Division at a time to be determined by the Internal Affairs detective.
- N. The investigative Lieutenant is responsible for preparing four informational folders and a summary of the incident. The contents of each folder will be described in the appropriate bureau or division standard operational procedures.
  - 1. The four folders will be distributed as follows:
    - a. Office of the Chief of Police.
    - b. Bureau Commander of the officer involved.
    - c. Division or Section Commander of the officer involved.
    - d. Public Information Office.
  - 2. Within 48-hours of the incident, the investigative Lieutenant will review all documents, update the incident summary for distribution to all Bureau, Division, and Section Commanders, and after approval by the Crimes Against Persons Commander, deliver the summary to the Public Information Office, which will be responsible for its immediate distribution.
- O. Bureau, Division, and Section Commanders will ensure that each member within that command is briefed about the incident by either causing the summary to be read aloud in regularly scheduled details and/or providing each member of his/her command with a copy of the summary.
- P. The investigating division will determine if any criminal charges are to be filed. In addition, this division will be responsible for scheduling a Grand Jury presentation to be made by the detectives assigned to the case.
- Q. The investigating squad supervisor is responsible for keeping the involved officer's Bureau, Division, or Section Commander informed on the condition of critically injured victims and the status of the Grand Jury hearing. The Duty Commander will be given this information, if applicable. The Bureau, Division, or Section Commander will assure that the involved officer is fully informed on the status of the case.
- R. A member of the Public Information Office will coordinate with the investigative supervisor-in-charge and prepare a summary of the facts of the case for issuance to the news media. The Public Information Office will also be responsible for issuing a summary to the media when the results of the departmental investigation are completed.
- S. The Division, Section or Unit Commander of the involved officer will notify Psychological Services at the first available opportunity. Psychological Services personnel will contact the involved officer within 24 hours to offer counseling services. The involved officer will attend three discussion sessions to be coordinated by the Psychological Services Unit. The first discussion will occur within the first week following the incident; the second session will occur three months after the incident; and the third session will occur six months after the incident.
- T. Any officer involved in a death-in-custody incident or a shooting that leads to a death or any incident resulting in serious physical injury of an individual will automatically be placed on Administrative Leave for one day by the Division Commander, unless the officer is normally scheduled to be off the next day. Additional Administrative Leave may be granted upon recommendation of the officer's chain-of-command and concurrence by the Division Commander.
- U. "Serious Physical Injury" will have the same meaning as "Serious Bodily Injury" as described in Section 1.07 of the Texas Penal Code which states: Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- V. At the conclusion of any Administrative Leave or normally scheduled day(s) off, as a result of an incident resulting in serious physical injury to an individual, the officer will be placed on Restricted Duty until the incident has been reviewed by the Division Commander. The Division Commander will determine whether to continue Restricted Duty or return the officer to normal assignment.
- W. At the conclusion of any Administrative Leave or normally scheduled day(s) off, as a result of a shooting or incident that resulted in death or death-in-custody of an individual, the officer will be placed on Restricted Duty. After a reviewing and briefing by the Special Investigative Unit, the Chief of Police will determine whether to continue Restricted Duty or return the officer to normal assignment. If Restricted Duty is continued until disposition through the Grand Jury process, the reassignment location and days off/work hours will be determined by the officer's Division Commander in consultation with the Commander of the Personnel & Development Division, and the Commander of the Internal Affairs Division, or their designees.

### 317.03 Administrative Investigation (CALEA 1.3.8)

- A. The Internal Affairs Division will conduct an administrative investigation concurrent with the criminal investigation in any of the cases listed in Section 317.01 A and F, which occur inside or outside the Dallas city limits.
- B. In cases where only an administrative investigation is conducted, the ranking Internal Affairs Division detective will be in charge of the overall investigation.
- C. In addition to the involved officer being placed on Restricted Duty, witness officers to a death-in-custody incident or a shooting that leads to death or any incident that results in serious physical injury of an individual may be placed by his or her Division Commander on administrative hours of 8:00 a.m. - 5:00 p.m., Monday through Friday. If placed on those hours, they will work that schedule until the conclusion of the internal investigation or until released by Internal Affairs to return to regular duty hours. The purpose of the administrative hours schedule is to facilitate the completion of the internal investigation.
- D. While on Restricted Duty or administrative hours, all leave time previously approved for involved or witness officers must be coordinated with the Internal Affairs Division detective and his or her supervisor.



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**317.00 Police Shootings, Serious Injury or Death Incidents**

Revised 04/20/09

- E. When the involved officer and any witness officers subsequently report to the Internal Affairs Division, the investigating detective will issue an Administrative Warning and separate interviews will be conducted. These interviews may be audio recorded, and if so, two tapes will be made with one being provided to the officer at the conclusion of the interview. A transcript of the interview will serve as the officer's Internal Statement. In such cases, the officer will be required to report at a later date to review and sign a copy of the transcript. The officer will be provided a copy of the transcript. The officer may also be subsequently required to submit a detailed written Internal Statement of the event.
- F. The Internal Affairs Division will determine if the use of force was justified by the policy of this Department. The findings of the investigation will be summarized in a Special Report to the Chief of Police.
- G. Upon completion of the Internal Affairs investigation, the report will be forwarded to the officer's Organizational Commander for chain-of-command review. A copy will also be forwarded to the Firearms Discharge Review Chairman.

**317.04 Firearms Discharge Review**

- A. The Firearms Discharge Review is established to review and evaluate incidents of intentional and accidental firearm discharge by any member of the Dallas Police Department. Firearms discharge incidents occurring while members are acting within the scope of their employment with the City of Dallas, either on or off duty, or those resulting in injury will be subject to review. Exceptions will be approved firearms training or participation in recreational sporting events or activities.
- B. The objective of the Firearms Discharge Review is to make recommendations to the Chief of Police concerning firearms discharge incidents based on the following:
  - 1. Avoidability of similar incidents in the future.
  - 2. Adequacy of policy.
  - 3. Adequacy and adherence to training.
  - 4. Adequacy of supervision.
  - 5. Adequacy of investigation.
- C. Firearms Discharge Review Board
  - 1. The Deputy Chief of the Personnel and Development Division will serve as the permanent chairperson of the Firearms Discharge Review Board.
- D. The Deputy Chief of the Personnel and Development Division, will ensure the Board is composed of the following members:
  - 1. Chairperson, the Deputy Chief of the Personnel and Development Division;
  - 2. Officer's peer representative (must be within one rank of officer(s) involved in shooting and not in the officer's chain-of-command);
  - 3. Officer's section or division commander;
  - 4. Crimes Against Persons Division representative;
  - 5. Internal Affairs Division representative;
  - 6. Departmental Safety Officer;
  - 7. Training Section representative (Lieutenant or above); and
  - 8. Firearms Training Center representative.
- E. Upon completion of investigative and reporting requirements, IAD will notify the Firearms Discharge Review chairperson, and prepare necessary documents for Firearms Discharge Review. The chairperson will convene the Firearms Discharge Review Board to review the investigative reports on each case.
- F. The Review Board, after conducting the review, will develop their findings and recommendations. The Chairperson will submit a written report to the Chief of Police specifically covering the issues identified in Section B (1-5) and the Review Board's recommendations. Animal Shootings will be handled in the same manner except they will not be forwarded to the Chief of Police for his review, unless deemed necessary by the Chairperson of the Firearms Discharge Review Board. Once the written report is completed, Section G (1-4) will be followed, with the exception of the review by the Chief of Police.
- G. Upon review of the Board's disposition by the Chief of Police, the Chairperson will:
  - 1. Forward reports with no recommendations for action to IAD for filing with the shooting investigation.
  - 2. Ensure implementation of any recommended action(s).
  - 3. Compile documentation of action taken.
  - 4. Prepare a final disposition report.
- H. Once the Review Board's final disposition report is completed, the Chairperson will forward it to IAD for filing with the shooting investigation.



## Dallas Police Department General Order

### 318.00 Booking Procedures

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 11/17/09

#### 318.00 BOOKING PROCEDURES

##### 318.01 Booking Procedures for Adults

- A. All prisoners, with the exception of juveniles, seriously injured persons, and arrests where Public Intoxication and/or Class C warrants issued out of Dallas or other jurisdictions is/are the only charge(s), will be taken to the Lew Sterrett Jail Facility for processing. Booking procedures for the three exceptional categories are:
  - 1. Juveniles will be taken to the Youth and Family Crime Division.
  - 2. Attending paramedics of the Dallas Fire Department's Emergency Medical Services Division will determine to which medical facility a *critical care* (i.e. seriously injured or ill) prisoner should be transported.
  - 3. Arrests where Public Intoxication and/or Class C warrants issued out of Dallas or other jurisdictions must be processed through the Public Inebriate Detention Center.
- B. All other adult charges, including *Holds* for Dallas Sheriff's officer, will be processed at the Lew Sterret Justice Center

##### 318.02 Establishing Age as an Adult or Juvenile

- A. When a person who appears to be a juvenile is taken into custody but has no identification and claims to be seventeen or older, the officer will:
  - 1. Take the person to the Youth Services Section or contact them by telephone.
  - 2. Request a record check to ascertain the person's age.
    - a. If the arrestee has a JIS picture, the arresting officer will view this picture and state in the officer comments section of the arrest report that the person pictured is the arrestee.
    - b. If the arrestee has JIS fingerprints, the arresting officer will have the arrestee LiveScan'd and state in the officer comments section of the arrest report that the fingerprints are the arrestee's.
    - c. If Youth Services Section records do not establish age, Youth Services Section will assist the arresting officer in using other available sources to ascertain age. List any source that establishes age in the officer comments section of the arrest report.
  - 3. If age is not verified:
    - a. Inform the reviewing supervisor that the arrestee claims adulthood but does not have identification and Youth Services files cannot establish age nor has LiveScan or another source established age.
    - b. Include the above information in the arrest report along with the name and badge number of the Youth Services Section detective who performed the record check and the arrestee's JIS number if one exists.
- B. The reviewing supervisor will ensure that the required information is included in the arrest report before it is approved.

##### 318.03 Citizen Information Regarding Juvenile Booked as an Adult

- A. When a citizen informs departmental personnel that a juvenile has been booked as an adult, the citizen will be directed to a Detention Services supervisor.
- B. The supervisor will verify the subject in question is being held in the jail. The supervisor will attempt to ascertain the correct age from any means available within the youth criminal justice system. If the supervisor is able to establish the fact the subject is a juvenile, he/she will notify the Youth and Family Support Division to take custody of the juvenile.
- C. When the status of the subject is questionable, processing will be handled in accordance with the Detention Services Section S.O.P. that will be available for reference.
- D. The Detention Services supervisor will request that the on-duty magistrate at the Lew Sterrett Criminal Justice Center conduct a hearing and rule as to whether the prisoner is an adult or a juvenile. If the judge rules the suspect is a juvenile, the supervisor will contact the Youth and Family Support Division to send an officer to take custody of the subject. If the magistrate rules the subject is an adult, the subject will be returned to jail.
- E. When it is determined that a juvenile has been placed in the Dallas County Jail as an adult, a Detention Services supervisor will be notified and will be responsible for correcting the juvenile's Arrest Report according to the Detention Services Section S.O.P.
- F. All legal forms and documents necessary for the court hearing will be handled in accordance with the Detention Services Section S.O.P.

##### 318.04 Booking Procedures for Juveniles

Procedures for charging juveniles with offenses and routine booking procedures are contained in Section 314.00.



## Dallas Police Department General Order

### 319.00 Voluntary Surrender of Wanted Persons

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 01/30/07

#### 319.00 VOLUNTARY SURRENDER OF WANTED PERSONS

- A. When a criminal suspect in either a misdemeanor or felony case voluntarily surrenders himself or herself to the Dallas Police Department, a warrant of arrest is not necessary.
- B. Prior to booking the suspect into a jail facility, the officer will obtain the service number of the incident or verify the need to hold the suspect for another agency.
- C. The suspect will be booked into jail for the charge for which the individual is wanted and a reference made on the Arrest Report to the verification of the need to hold the suspect.
- D. The agency where the offense occurred (other than Dallas) should be advised to send a teletype to the Dallas County Sheriff's Office - Lew Sterrett Criminal Justice Center, verifying the need to hold the suspect.



## Dallas Police Department General Order

### 320.00 Criminal Case Filing Procedures

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 09/24/08

#### 320.00 CRIMINAL CASE FILING PROCEDURES

##### 320.01 General Provisions

- A. All officers processing (filing) criminal cases and/or obtaining arrest warrants will adhere to the guidelines set forth in the Legal Services Section Criminal Case Filing Manual.
- B. Any officer of the Department, upon approval by a supervisor, may obtain an arrest warrant.
- C. All arrest warrants will be obtained by following the procedures established in the Criminal Case Filing Manual distributed by the Legal Services Section.
- D. The officer originating a probable cause affidavit for an arrest warrant (either personally processing the documents or preparing the documents for another officer to process) will be responsible for checking all departmental records which might reflect a change in status of the case and/or the suspect for whom a warrant is being sought.
- E. This procedure does not apply to lunacy warrants.

##### 320.02 Reduction of Cases Filed in Misdemeanor County Courts

Officers will not file the following:

- A. Carrying a Prohibited Weapon if Armed Robbery is filed from the same incident.
- B. Resisting Arrest when Assault on a Police Officer is filed.

##### 320.03 Criminal Trespass Offenses

- A. These cases will be filed in County Criminal Courts only.
- B. Misdemeanor citations may be issued in appropriate cases in lieu of custodial arrest. If a citation is issued, the complainant's name and the facts of the offense must be detailed on the back of the citation.
- C. This offense will be filed as a Class B except in either of the following situations when it will be filed as Class A:
  1. The offense is committed in a habitation or a shelter center .
  2. The actor carries a deadly weapon during the commission of this offense

##### 320.04 Cases Filed With the Municipal Court

- A. Only Class C misdemeanors (as defined in the Penal Code) and Class C "type" misdemeanors (i.e., traffic and City Ordinance violations) will be filed with the Municipal Court. Any exception must be documented and is subject to acceptance by the Municipal Court.
- B. Cases may be filed with the Municipal Court:
  1. When the full (first and last) name of the suspect is known.
  2. When the address of the suspect is unknown, but only if enough information is provided (name, race, sex, date of birth) so that the suspect can be entered on the NCTCIC computer system. An exception is that a name and address are necessary to file assault cases.
  3. When they involve a juvenile (Ages 10-16) charged with a traffic violation other than DWI. All non-traffic and DWI offenses involving juveniles will be filed with the Dallas County Juvenile Court through the Youth and Family Support Division.

##### 320.05 Referring Complainants to the City Prosecutor's Office

- A. A complainant will be instructed to file his/her own Class C misdemeanor with the City Prosecutor's office when any of the following apply:
  1. The complainant is intoxicated to the degree that he/she is not in control of his/her faculties.
  2. The complainant is obviously mentally deranged.
  3. The officer has reason to believe that the offense did not actually occur.
- B. When referring citizens to the City Prosecutor's office to file their own case, officers will advise citizens of the City Prosecutor's office location (Room 206, 2014 Main Street, hours - 8:30 a.m. - 4:30 p.m.).
- C. Under no circumstance will an officer inform the complainant as to the Municipal Court's anticipated action. The officer should only inform the citizen that any questions will be referred to the City Prosecutor's office.

##### 320.06 Cases Filed with the County Prosecutor's Office via Citation

- A. When a citation is issued for M/B offenses allowed in G.O. 313.03, the responsibility of filing the initial paperwork resides with the Patrol Investigative Unit where the citation was turned in.
- B. The Investigative Unit will complete the following steps prior to forwarding the paperwork to Legal Services Unit.
  1. Ensure that a copy of the offense report is attached to the original citation and that the citation is completely filled out.
  2. Attach an unsigned warrant to the affidavit.
  3. Prepare a prosecution report.
  4. Obtain estimates for any damage incurred by the complainant.
  5. Forward the above information with a filing cover sheet that is stamped "CITATION ISSUED" to Legal Services Unit within 10 calendar days of the issue date on the citation.

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**320.00 Criminal Case Filing Procedures**

Revised 09/24/08

- C. If the offense is direct file, then the Investigative Unit will only complete steps 1 and 5 of the above procedures and forward the packet to the Legal Services Unit for filing. The Legal Services Unit will be responsible for completing steps 2 and 3.
- D. If the assigned investigator determines that a citation should not have been issued, then the citation should be voided according to current Patrol SOP and both the complainant and arrestee notified of the actions taken. The original offense report should be supplemented with the final disposition.



## Dallas Police Department General Order

### 321.00 Evidence and Property

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 08/04/09

#### 321.00 EVIDENCE AND PROPERTY

##### 321.01 Processing Procedures (CALEA 84.1.1 A, B, D & F / CALEA 84.1.7)

- A. The processing of property/evidence collected, recovered, found, seized, or entrusted will be governed as delineated below.
- B. All property and evidence will be packaged and labeled in accordance with Department policies and procedures. The proper packaging and labeling method is outlined in the Property Packaging Manual. A copy of the manual will be maintained at each patrol division, the Crime Scene Response Section, and the Property Unit. The Property Unit is responsible for updating packaging requirements with the concurrence of the Crime Scene Response Section.
- C. The general policy of the Department is to release property/evidence at the scene of an incident to the complainant/owner whenever practical, except as provided below. The intent of this policy is to avoid unnecessary waste of patrol time by trips to and from property storage facilities; reduce unnecessary inventorying, storage, and disposal of property; provide for adequate control and accountability for property and evidence; and to be more responsive to crime victims by expedient return of their property. In all cases, property/evidence must be properly disposed of, as delineated in this section, by the end of an employee's tour of duty.
- D. In general, the following categories of property/evidence will be released to the owner/complainant in the field upon reasonable identification.
  1. Property/evidence related to burglary and theft offenses that belong to the complainant.
  2. Recovered motor vehicles will be released to the owner in the field (after fingerprinting, etc., when appropriate). If a vehicle is impounded, the Auto Pound Unit S.O.P., which will be posted at applicable facilities, will be followed.
  3. Property/evidence related to Municipal Court offenses (all *City* cases) will be released to the complainant whenever possible.
  4. Property/evidence related to Criminal Mischief or Reckless Damage offenses will be released to the complainant or simply left at the scene.
- E. Found property items that meet all of the following criteria, may be left at the scene for the finder to dispose of unless the item is creating a specific hazard and no alternative to impoundment exists:
  1. Property has no apparent evidentiary value,
  2. Has low or no monetary value,
  3. Appears to have been discarded, and
  4. There is a low likelihood the item could be returned to an owner.
  5. Public Works, Street Operations, or Sanitation Services may be called to make disposal when appropriate
  6. Found property that is drugs, guns, money, contraband, official identification or financial instruments, such as checkbooks and credit cards, will not be left at the scene.
- F. When no alternative exists to the general field release policy (i.e. owner/complainant cannot be immediately located) items may be deposited at a storage facility in accordance with this General Order.
- G. Documentation of Field Release - When property/evidence is released to an owner/complainant in the field or left at the scene, the action will be fully documented in the applicable Offense Report or Arrest Report if no Offense Report is made.
- H. Exceptions to the General Release Policy - The following items are exceptions to the general policy of releasing property/evidence at the scene. These items will be impounded pending court order or released by the assigned detective or field officer, when applicable:
  1. Illegal weapons.
  2. Narcotics/Drugs.
  3. Instruments used in a crime of violence.
  4. Items requiring a forensic report.
  5. Contraband - anything illegal in itself to possess.
  6. Forged or counterfeit instruments.
  7. Stolen credit cards and bank debit cards.
- I. Detective Responsibilities - It is the responsibility of the detective assigned to the Offense or Arrest Report related to the impounded property to make a speedy disposition of the item.
  1. *Holds* will be placed on property/evidence within 30 days of the assignment of the Offense or Arrest Report.
  2. On evidentiary items other than narcotics/drugs, any *hold* must be reviewed and renewed by the assigned detective every six months.
  3. When practical, the assigned detective will notify the owner/complainant to reclaim any property within ten days. If contact is made with the owner/complainant, the detective will tactfully emphasize that the property will not be retained due to storage limitations.
  4. Field officers will not place *holds* on property/evidence - this is an investigative responsibility as defined in above section "H". Field officers perceiving a need to hold property should make a notation to that affect in the applicable Offense or Arrest Report for the assigned detective's consideration. Exceptions to this policy are property found in pawn shops (as outlined in General Order Section 321.02 C), FLID and FSRA vehicles, direct file UCW/CPW, and VHSC (Marijuana only) evidence.
- J. Property Unit Ongoing Disposal Procedures
  1. The Property Unit manager is authorized to cause ongoing disposal (destruction, auction, etc.) of all items stored in the Property Unit as allowed by time limits and requirements established by State law, City Ordinance and the Property Unit SOP.

# Dallas Police Department General Order

## 321.00 Evidence and Property

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2. Property Unit supervisors are authorized to initiate ongoing, immediate disposal of articles where common sense and good judgment indicate no legitimate reason to retain certain items (i.e. rocks, beer cans, old clothes, sticks, broken toys, etc.). Such disposals will be documented.
  3. Only units with investigative follow-up responsibility can authorize evidence for final disposition. Arresting officers are responsible for authorizing evidence for final disposition if there is no investigative follow-up for the associated offense.
  4. Officers will complete a *Property & Evidence Disposition Request* (POL-00864) for all found property at the time the property is submitted to any property/evidence storage location.
    - a. If the owner is unknown or the found property is illegal to possess, the box "Dispose of as Authorized by City Ordinance & State Law" should be marked.
    - b. If the owner is known and the found property is not illegal to possess, the box "Release to Owner – Property/Evidence No Longer Needed" should be marked.
- K. The marking of and depositing of property/evidence will be accomplished in accordance with the Property Unit and Crime Scene Response Section SOP's.

### 321.02 Property and Evidence Requiring Special Procedures (CALEA 84.1.1 G)

- A. Large Items - The Communications Section will be contacted to arrange for transportation of property/evidence too large or heavy for the officer to transport.
- B. Firearms
  1. Firearms will be handled with extreme care and caution at all times. Firearms should be cleared prior to submission to the Property Unit. If the weapon can not be safely cleared, the recovering officer will take the weapon to the Firearms Training Center. Firearms Training Center staff will clear the weapon and the recovering officer will then transport the weapon to the Property Unit for processing. If the Firearms Training Center is closed, the recovering officer will transport the weapon to the Property Unit. The officer will notify Property Unit intake personnel the weapon could not be made safe and is loaded. Property Unit personnel will arrange with the Firearms Training Center to unload the weapon.
  2. All recovered firearms, except for those recovered by the Crime Scene Response Section, will be delivered directly to the Property Unit Main Storage Facility located at 1725 Baylor Street. Firearms will not be placed at Division Temporary Property/Evidence Storage Lockers or the Lew Sterrett Temporary Property/Evidence Storage Locker. Crime Scene Response Section personnel will process, transport, store and submit for testing firearms in accordance with the Crime Scene Response Section SOP.
  3. All firearms placed into the Property Unit will be accompanied by an ATF Firearm Tracking Report Form which will be completed by the officer submitting the weapon.
  4. The recovering officer is responsible for checking firearms for stolen prior to submitting to the Property Unit. The recovering officer will document the stolen check was conducted on the back of the property tag. The officer should include the date the check was conducted and initial the back of the tag.
  5. If the firearm is reported stolen by another agency, the recovering officer must make an Out of Town Recovered Stolen Firearm report. If the firearm is reported stolen on a Dallas Police Department offense, then a supplement to the original offense report will be completed by the recovering officer.
    - a. These reports are in addition to any other required offense or arrest report.
    - b. All case numbers should be listed on the property tag.
- C. Property Found in Pawn Shops
  1. Property found in pawnshops will be handled by the Property Recovery Squad.
  2. If stolen property is located in a pawn shop by any officer other than a Property Recovery Squad detective, that officer will place a written *hold* on the item, using form POL-00391A, S/N 753-027-750. The officer will give the second copy of the *hold* order to the pawnbroker and route the original to the Property Recovery Squad.
- D. Film Processing Procedures for Convenience Store Cameras
  1. When an officer answers a robbery call at a convenience store, the officer will determine if photographic evidence has been obtained by the store cameras.
  2. If photographic evidence has been obtained:
    - a. It is the responsibility of the store management to remove the video evidence from the camera system and to give the film to the officer.
    - b. It is the responsibility of the officer to place the video into evidence if the Crime Scene Response Section is not called to the scene. The video will be placed in evidence according to the Patrol Operations S.O.P. The Crime Scene Response Section will not be called to the scene for the sole purpose of picking up the video evidence.
    - c. The reporting officer will state in the Offense Report if photographic evidence was or was not collected. If the video evidence was located on computer equipment and it was not immediately available, this will also be documented in the report.
    - d. If called to the robbery scene to process other evidence, the Crime Scene Response Section will collect the video evidence.
    - e. In all cases, the video evidence will be processed by the Crime Scene Response Section and made immediately available for investigative use.
- E. Receipt for Evidence Seized as a Result of a Search Warrant - Evidence confiscated as a result of a search warrant will be itemized on a *Receipt of Property Form* (POL-00391A S/N 753-027-750) and the owner provided a copy. The original will be forwarded to the Records Section for filing.
- F. Currency
  1. All cash exceeding \$100 taken in as found property, protective custody, seized property, or evidence will be taken to the Property Unit Main Storage Facility. Cash in excess of \$100 will not be placed at Division Temporary Property/Evidence Storage Lockers.

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## 321.00 Evidence and Property

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2. Cash, regardless of value, collected by the Crime Scene Response Section with forensic evidentiary value will be processed in accordance with the Crime Scene Response Section S.O.P.
  3. No amount of cash will be deposited at the Lew Sterrett Justice Center.
  4. Cash of \$100 or less can be deposited at Division Temporary Property/Evidence Storage Lockers.
  5. Cash believed to be counterfeit will be delivered directly to the Property Unit Main Storage Facility regardless of amount.
  6. Cash will be released in the field, if possible.
    - a. Cash taken by theft or robbery should be released (if possible) to the owner or complainant when either of the following applies:
      - i. The cash is recovered at or near the scene of the offense and the amount recovered corresponds to the amount reported stolen.
      - ii. There is other evidence reasonably establishing the identification of the recovered money as that belonging to a specific owner or complainant (e.g. serial numbers on bills, marked money, money was recovered in an identifiable money bag or bank bag taken in the theft, etc.).
    - b. Before the money is released, the reporting officer should count the money and list denominations and serial numbers of all bills wherever possible in the Offense or Arrest Report. As an alternative, bills may be photocopied, and the photocopies submitted on a Property Tag.
    - c. If an officer who recovers cash has any reservations as to the ownership of the cash, he/she may place the money in the Property Unit Main Storage Facility and forward a *Property & Evidence Disposition Request* card to the Detention Services Section with the requirement that the owner execute a *Release and Hold Harmless Agreement* prepared by an attorney before the money is returned to the claimant. This procedure will protect both the officer and the Department.
  7. Found cash turned in to the Police Department by a citizen as abandoned or *found* will be deposited in the General Fund Escrow Account. After all legal requirements are met, the Property Unit will authorize the transfer of the funds from the General Fund Escrow Account to the General Fund. This will be facilitated through a memo from the Property Unit to the Financial and Contract Management Division.
  8. Recovered stolen cash delivered to the Property Unit will be deposited in the City's General Fund Escrow Account in the next scheduled deposit if time between the delivery to the Property Unit and the bank deposit allows. The funds will be deposited in accordance with the Property Unit SOP. The money, however, may be held for a longer period of time if
    - a. there is a *Hold* for evidence,
    - b. the cash is subject to civil seizure if linked to illegal narcotics activity,
    - c. the unit with investigative follow-up request the funds be held to allow speedy return to an identified owner, or
    - d. the unit with investigative follow-up determines the physical cash has evidentiary value that would be destroyed if deposited.
  9. Cash placed in the Property Unit as evidence will be held pending court order or release of the detective's *Hold*.
  10. The money that is of collector quality will not be deposited. Once all legal holding requirements are met, it shall be delivered to the Director of Purchasing for sale as other personal property.
- G. Alcoholic Beverage Containers
1. When an officer arrests or issues a citation to a person for public intoxication, or for any other alcohol-related Class C misdemeanor or city ordinance violation, he/she will seize any alcoholic beverage in the possession of the person at the time of the arrest or citation.
  2. Alcoholic beverage containers seized in accordance with the preceding paragraph will be disposed of as follows:
    - a. If the person arrested or cited is under 21 years of age, each container, whether opened or unopened, will be poured out and the container properly discarded.
    - b. If the person arrested or cited is 21 years of age or older, any open container will be poured out and the container properly discarded.
    - c. If the person is arrested and is 21 years of age or older, any unopened container will be released, with the consent of the person taken into custody, to a third party who is 21 years of age or older; or stored by the police department as *prisoner's personal property* pending the release of the person in custody.
  3. If 24 or more unopened containers of alcoholic beverages are seized from any person who is arrested or cited for any alcohol-related Class C misdemeanor or city ordinance violation, each unopened container will be stored at the Property Unit Main Storage Facility by the Police Department pending a hearing to be held by the municipal court following disposition of the charge for which the person was arrested. The court may order one of the following:
    - a. The return of the containers of alcoholic beverages to the person from whom they were seized, if the person is 21 years of age or older.
    - b. The destruction of the alcoholic beverages by the Police Department.
    - c. Such other disposition as the court deems necessary.
  4. DWI Arrests
    - a. Unless a DWI arrest is related to a felony grade assault/homicide case, no alcoholic beverage containers (with or without contents) will be placed in the Property Room.
    - b. Items left in the suspect's vehicle will be listed in the Arrest Report and on the impound ticket. Personal property found in vehicles will be processed according to the Auto Pound Unit Standard Operating Procedure.
  5. Large quantities of alcoholic beverages possessed or transported in violation of the Alcoholic Beverage Code and seized as evidence will be placed in the Property Unit Main Storage Facility and disposed of according to the instructions of the court having jurisdiction.
  6. Disposition of all opened and unopened containers must be documented in an offense report, arrest report, book-in sheet, or reverse side of an original citation.



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## 321.00 Evidence and Property

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- H. Prisoner's Personal Property - The handling of prisoner's personal property will be in accordance with the Detention Services S.O.P., which will be posted at applicable locations.
- I. Perishable Property
  - 1. Officers who arrest individuals with small amounts of perishable items in their personal possession, which is not evidence, will dispose of the perishable item in one of the following manners:
    - a. Permit the arrested person to release the perishable property (not evidence) to a responsible third party at the scene.
    - b. Leave the perishable item in the arrested person's vehicle if applicable.
    - c. If no other alternatives exist, the perishable item should be properly discarded in the field.
  - 2. Items of this nature should not be submitted to the Property Unit or taken to Lew Sterrett. Examples of perishable items include sandwiches, chips, and open beverage containers.
- J. Return of Driver License and Other Identification - Drivers licenses, other identification and insurance cards unintentionally retained by an officer as the result of a traffic stop, auto accident, or arrest will be returned to the owner as soon as possible.
  - 1. If the owner of the item resides within the city limits of Dallas, the item will be hand-carried to the owner.
  - 2. If the owner resides outside the city of Dallas, the item will be sent to the individual through registered mail by the officer who unintentionally retained the item.
- K. Handling Out-of-Town Found or Recovered Stolen Property
  - 1. The Property Unit will notify the unit with investigative follow-up responsibility when property is determined to be stolen property after it has been submitted to the Property Unit Storage Facility.
  - 2. The Property Unit will coordinate the return of stolen recovered firearms. Once the firearm is received, the Property Unit will notify the unit with investigative follow-up responsibility. That unit will have responsibility for supplementing the original offense report and authorizing the final disposition when appropriate.
  - 3. The Property Unit will coordinate the return of found firearms determined to be stolen out of other jurisdictions to the agency with investigative responsibility. Out of town stolen firearms used in a Dallas offense will only be returned to another agency after authorization has been received from the unit with follow-up investigative responsibility.
- L. Wet Items Contaminated with Biological Material
  - 1. Wet items contaminated with biological material pose a potential health risk when improperly handled. All precautions outlined in General Order 438 should be taken when handling potentially contaminated items and disposing of equipment used during the collection.
  - 2. Wet biologically contaminated evidence and property will be delivered to the Crime Scene Response Section by the seizing officer or Crime Scene Response Section personnel so that it can be properly dried.
  - 3. Wet biologically contaminated property or evidence will not be placed at patrol division temporary property lockers or the Lew Sterrett Criminal Justice Center.
  - 4. Clothing collected from sexual assault victims who are examined at Parkland Memorial Hospital (PMH) may be deposited in the temporary evidence drop box located at PMH once properly packaged.

### 321.03 Transporting Property/Evidence to Court (CALEA 84.1.1 G)

- A. Property Unit personnel will be responsible for releasing evidence to officers when requested by court.
- B. *Dallas Police Department Property Unit Receipt* will be given to officers when evidence is checked out for court.
- C. If the evidence is retained by the court, the appropriate section of the *Dallas Police Department Property Unit Receipt* must be completed by the proper court officer. The form must be returned to the Property Unit the same day.
- D. If the evidence is not retained by the court, along with the *Dallas Police Department Property Unit Receipt*, must be returned to the Property Unit the same day it was checked out.
- E. In all cases, the *Police Department Property Unit Receipt* must be returned to the Property Unit on the same day in which evidence is checked out for court.
- F. If multiple items are requested by the court and only some of the items are retained. The *Police Department Property Unit Receipt* should indicate which items were retained. All *Police Department Property Unit Receipts* and any items not retained by the court will be returned on the same day the items were checked out.

### 321.04 Processing of Narcotics/Drug Evidence and Narcotics/Drug Found Property (CALEA 84.1.1 G)

- A. Deposit Procedure
  - 1. Drug evidence may be deposited at the Lew Sterrett Criminal Justice Center drug lock box or the Property Unit only.
  - 2. Drug evidence too bulky to be placed in a heat sealed plastic bag will be delivered to the Property Unit.
  - 3. All items of drug evidence will be logged on the drug evidence log sheet.
  - 4. A complete description of all items contained in the drug evidence bag will be listed on the drug evidence tag.
  - 5. Officers will place the evidence in a heat sealed plastic bag and place in the drug lock box.
- B. Release of Drug Evidence for Court
  - 1. A Drug Evidence Team clerk will be responsible for releasing drug evidence for court and weighing the drugs before release. The weighing will be done in the presence of the officer and the total weight (including container or evidence bag) will be recorded on the bottom of form. The officer will initial to confirm the weight entered on the *Dallas Police Department Property Unit Receipt*.
  - 2. *Dallas Police Department Property Unit Receipt* from the Drug Evidence Team will be given to officers when drug evidence is checked out for court.
  - 3. If drug evidence is retained by the court, the appropriate section of the *Dallas Police Department Property Unit Receipt* must be completed by the proper court officer. The form must be returned to the Property Section the same day.

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4. Drug evidence not retained by the court, along with the *Dallas Police Department Property Unit Receipt*, must be returned to the Property Unit the same day it was checked out.
5. Evidence returned to the Property Unit from court must be weighed by the officer, and the total weight of the evidence (including container or drug evidence bag) recorded on the bottom of the *Dallas Police Department Property Unit Receipt*.
6. Evidence will be returned to the Drug Evidence Team or placed in the lock box at the Property Unit when the Drug Evidence Team is not open.
7. A Drug Evidence Team clerk will verify the incoming weight of the drug evidence before returning it to storage.
8. In all cases, the *Police Department Property Unit Receipt* must be returned to the Property Unit on the same day in which evidence is checked out for court.

### 321.05 Property and Evidence Placed at Division Temporary Storage Lockers (CALEA 84.1.1 B & D, 84.1.3, 84.1.6 A)

- A. A division temporary storage locker is a secure location where property and evidence can be temporarily stored until it can be transferred to the Department's main storage location operated by the Property Unit. Division temporary property/evidence storage lockers are located at the Love Field Unit, the Financial Investigations Unit and each patrol division, except the Central Division.
- B. It is the responsibility of every Division Commander to ensure that property and evidence temporarily stored at their division remain secure and is properly logged in the Division Evidence Inventory Log.
- C. Division Commanders will ensure that property is transferred from the division temporary property storage location to the Property Unit main storage location in a secure manner and within seven calendar days from the date it is submitted to the temporary storage locker. This transfer will follow current Property Unit S.O.P. A copy of the current transfer schedule will be posted in each division temporary storage locker.
- D. Items that can not be accepted by the Property Unit during a division property transfer due to substantial errors will be returned to the submitting division for correction. Corrections should be completed and the item(s) returned within seven calendar days.
- E. Prior to placing property or evidence in a division temporary storage locker, the submitting officer will have an on-duty supervisor review both the completed property tag and the item to be submitted. Once the supervisor verifies the tag is properly completed and the item is properly packaged, the supervisor will initial and place his or her badge number in the appropriate location on the property tag.
- F. Items placed at patrol division temporary storage lockers must be properly packaged as outlined by the Property/Evidence Packaging Manual. A manual will be maintained at each division temporary storage locker along with proper packaging materials.
- G. Division temporary property/evidence storage lockers will not be used to store division supplies and equipment.
- H. The temporary storage locker is to remain secure at all times except when items are being logged in or items are being prepared for transport to the Property Unit. The key to the locker is to be maintained in a limited access area and strict key control maintained.
- I. Under no circumstances is property or evidence to remain in division temporary property storage locations for longer than seven calendar days without specific written consent of the Division Commander. The specific written consent will be in memo format and is to be maintained at the division level with the file copy of Division Evidence Inventory Logs. This memo must be available for review during audits.
- J. Each Division Commander with a divisional temporary property/evidence storage locker within his or her command will ensure a semi-annual audit is conducted of the storage locker, property storage logs and transfer procedures. These audits are to be conducted by the 10<sup>th</sup> of January and July of each year. A separate audit will be conducted by Inspections Unit personnel on a routine basis.
  1. Property or evidence found to be missing or findings of non-compliance with this section will require an immediate Supervisory Review through the Bureau Command level. The Bureau Commander will determine if a full Control Number investigation is required to maintain the evidentiary integrity of the Department.
  2. All reports of missing property and/or evidence as well as any findings of internal investigations must be forwarded through the Bureau Commander to the Property Unit manager.
- K. The following property/evidence will not be placed in division temporary storage lockers and should be delivered to the Property Unit Main Storage Facility:
  1. Firearms
  2. Jewelry
  3. Property/evidence contaminated with a biohazard or other substance making it dangerous to handle
  4. Liquids not in its original container with an unbroken seal
  5. Drugs (allowed at the Lew Sterrett drug lock box, see General Order 321.04)
  6. Cash in excess of \$100
  7. Cash believed to be counterfeit regardless of amount
  8. Gas powered equipment – Officers may be required to transport gas powered equipment to the Auto Pound after it has been logged in and evaluated by Property Unit personnel.
  9. Items too large to be placed in the division temporary property storage locker except for bicycles. Bicycles placed at a patrol division must be made secure and protected from damage. See General Order 321.02A for bulk property handling procedures.

### 321.06 Property and Evidence Placed at the Lew Sterrett Property/Evidence Temporary Storage Locker

- A. The following property/evidence will not be placed in the temporary property storage locker at the Lew Sterrett Criminal Justice Center and should be delivered to the Property Unit Main Storage Facility:
  1. Firearms and other weapons
  2. Jewelry
  3. Property/evidence contaminated with a biohazard or other substance making it dangerous to handle

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4. Liquids not in its original container with an unbroken seal
  5. Bicycles (placement allowed at Patrol Divisions)
  6. Money (placement of up to \$100 allowed at Patrol Divisions)
  7. Gas powered equipment – Officers may be required to transport gas powered equipment to the Auto Pound after it has been logged in and evaluated by Property Unit personnel.
- B. Evidence stored at and removed from the Lew Sterrett Criminal Justice Center (DWI blood samples, general evidence, and narcotics/drugs) will be accomplished in accordance with the Detention Services S.O.P., the Property Unit S.O.P.s, and current procedures. These procedures are posted at the deposit sites and in the various logbooks at the Lew Sterrett Criminal Justice Center.
- C. Items placed at Lew Sterrett temporary storage locker must be properly packaged as outlined by the Property/Evidence Packaging Manual. A manual will be maintained at the temporary storage locker.

### **321.07 Auxiliary Division Evidence Lockers**

- A. Auxiliary division evidence lockers are secure locations where evidence is temporarily stored so that it is available for forensic testing or is physically required for investigative case filing.
- B. Auxiliary division evidence lockers are located at the Crime Scene Response Section of the Crimes Against Persons Division.
- C. Division commanders with auxiliary division evidence lockers are responsible for ensuring all CALEA standards regarding property and evidence storage and accountability are followed.
- D. Evidence will not be stored in an auxiliary division evidence locker until it has been entered into the Department's evidence inventory management system maintained by the Property Unit.
- E. If a division has determined a need for an auxiliary division evidence locker, written notification will be made to the Commander of the Support Services Division.

### **321.08 Conversion of Property (CALEA 84.1.1 G)**

Texas State Law allows a municipality to use unclaimed property which has come into its possession after certain requirements have been met. This process is known as conversion and is utilized by the Police Department to convert unclaimed property to Departmental use. The following are the procedures for property conversion:

- A. An organization unit requesting the conversion of property will submit a memo, signed by deputy chief or higher, to the Property Unit. The memo should include the following information:
  1. A brief description of the item(s) needed. The description does not have to be specific but should be descriptive enough to help Property Unit staff to identify items for potential conversion.
  2. The Departmental purpose for which the item(s) will be used. If multiple unrelated items are requested, a separate justification is needed for each unrelated item.
- B. The Property Unit will keep a list of requests and will notify the requesting unit once an item becomes available. If similar property is requested by multiple units, then a waiting list will be maintained based on the date the request memo is received. However, if an over riding Departmental need exist; the order of requests may be disregarded.
- C. The Property Unit will be responsible for forwarding all requests and a list of the requested items to the City Purchasing Agent for final approval. Once the Department receives approval, the requesting Division will be notified by the Property Unit. This notification is a requirement of City Ordinance Section 2-37.3.
- D. Once property has been converted, the requesting unit will be allowed to take possession. The Property Unit will forward a memo to the Quartermaster and Fleet Management Section notifying them of the item's conversion to Department use and which organizational unit took possession.
- E. Once property has been converted, it should not be returned to the Property Unit once it is no longer needed. It is the responsibility of organizational unit with possession of the item to dispose of it in accordance with current Department and City policy.



## Dallas Police Department General Order

### 322.00 Citizens Riding Observation

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 01/30/07

#### 322.00 CITIZENS RIDING OBSERVATION

##### 322.01 Authorization for Riding

- A. Watch Commanders may authorize the following persons to ride observation:
  - 1. Citizens.
  - 2. Other law enforcement officers.
  - 3. City of Dallas employees who are riding as part of their training (e.g., Police Dispatchers and P.T.O.s).
  - 4. Cadets, Explorers, and Interns.
  - 5. Assistant City Attorneys.
  - 6. Members of the Citizens Review Board.
- B. Conditions, Qualifications, and Exceptions
  - 1. Observers may be assigned to ride with either a one-officer or two-officer element.
  - 2. Citizens will generally be permitted to ride observation only once in a twelve-month period. Citizens will be required to submit their request to ride at least seven days in advance of the desired date.
  - 3. Watch Commanders may restrict the number of civilian observers riding during a given shift.
  - 4. Special consideration should be given to those persons currently being processed as police applicants and those interested in a law enforcement career.
  - 5. Civilians under the age of 18 will not be authorized to ride observation unless participating in a recognized program such as the Cadets, Explorers, or Interns. In addition to approval by a Captain or above, the participant's parent or legal guardian must also sign a waiver indicating their approval.
  - 6. With Watch Commander approval, other law enforcement officers, City of Dallas employees, Cadets, Explorers, interns, Assistant City Attorneys, members of the Citizens Review Board, and members of the Dallas Citizen Police Academy Alumni Association may ride more than once in a twelve-month period.
  - 7. No officer will be required to have an observer unless directed by a commander (rank of Captain or above).
- C. Special Circumstances
  - 1. Observers conducting a survey or study must be authorized by a Captain or above.
  - 2. A citizen who wishes to ride more than once in a twelve-month period must be authorized by a Captain or above.
  - 3. Requests from political office incumbents and candidates will be referred to the respective Assistant Chief/Executive Assistant Director for approval and coordination.
  - 4. Members of the News Media
    - a. The limitation on the number of times a citizen can ride observation will not apply to members of the news media.
    - b. Requests from the news media to ride observation must be approved by a Captain or above. Prior to authorization being granted, the approving authority will cause the Public Information Office to be consulted. If the request is made outside of normal business hours, the duty officer of the Public Information Office will be contacted. If the Public Information Office duty officer is unavailable, the Bureau Commander will be contacted.
  - 5. Captains and above have the discretion to authorize exceptions to the requirements of this policy when special circumstances indicate the approval would be in the best interests of the Dallas Police Department.

##### 322.02 Procedures

- A. If deemed appropriate by the approving authority, the following checks may be conducted on individuals wishing to ride observation prior to approval being granted:
  - 1. A criminal history check coordinated with the Records Section.
  - 2. An NCIC/TCIC/Regional check to determine if any warrants are outstanding.
  - 3. A driver's license check.
- B. Waiver of Liability
  - 1. A *Waiver of Liability* (Form 70-43R) must be completed by any person authorized to ride observation each time such a ride occurs. The date, watch, name of the officer with whom the person rides, and approving commander's signature will be noted on the form. The form will be maintained at the division in accordance with the Records Retention and Disposition Schedule.
  - 2. Participants in continuing department-sponsored programs will not be required to prepare a new *Waiver of Liability* form except when the status of data required on the form changes, such as reaching the majority age of 18 years. A *Waiver of Liability* form will be completed annually at the beginning of the year for participants in such continuing programs.
- C. A copy of all *Waiver of Liability* forms will be routed to the Patrol Bureau. A centralized log or database will be maintained to track the number and location of observation rides throughout the Department. The person acting as the approving authority on citizen observer requests may coordinate with the Patrol Bureau prior to granting approval.
- D. Any commander (rank of Captain or above) may prohibit an individual from riding observation. Such prohibition will be documented by memorandum and routed to the Patrol Bureau for log entry and subsequent distribution to divisions within the Patrol Bureau.
- E. Each division within the Patrol Bureau will maintain a log of observers previously approved to ride within that division. The log will also contain any memos distributed by the Patrol Bureau, prohibiting specific individuals from riding. This log may be consulted before approval is granted to a request.

**Dallas Police Department General Order**  
**322.00 Citizens Riding Observation**

Revised 01/30/07

**322.03 Responsibility of Citizens and Authority of Supervisors**

- A. Persons riding observation in police vehicles:
  - 1. Will not enter any house, building or other property, public or private, from which the general public would be excluded because of a police incident (e.g., a crime scene), or when the owner of the premises indicates that they cannot enter.
  - 2. Will not enter into any investigation or converse with any witness or prisoner concerning a police incident or investigation.
  - 3. Will not operate or use any police equipment or vehicle or anything in police custody, except in a case of emergency an officer may ask assistance as authorized by law.
  - 4. Will be appropriately dressed.
- B. Any interference with police duties or willful noncompliance with instructions, rules, or regulations on the part of observers will terminate the riding observation privilege.
- C. Any supervisor, at his/her discretion, may cause or permit termination of the privilege to ride observation regardless of the origin of the assignment authority when the effectiveness of police operations is deterred.
- D. No officer or supervisor's spouse will be allowed to ride observation with him/her. An officer's spouse must ride with a supervisor when riding observation and will be subject to the guidelines of this order.



## Dallas Police Department General Order

### 323.00 Press Relations

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 01/30/07

#### 323.00 PRESS RELATIONS

##### 323.01 News Media Requirements and Privileges

- A. Members of the media must display appropriate press credentials prior to being admitted to restricted areas.
- B. Members of the media may not resist, obstruct, or oppose an officer in the lawful execution of his/her duty. However, the mere presence of a newsperson, the taking of pictures, or the asking of questions does not constitute unlawful interference. Officers will refrain from making judgments on the relevancy of reporters' questions.
- C. Officers will not restrict movement of newspersons, unless their actions clearly and directly interfere with police operations or investigations.
- D. Members of the media are not exempt from any federal, state, or local law. They will be dealt with in the same manner as any other violator, if arrested.
  1. No member of the media shall have any property confiscated or threatened with confiscation without due process of law. This includes cameras, film, notes, etc.
  2. Officers who experience extreme difficulties in dealing with individual members of the media at the scenes of incidents should report such circumstances through their chain of command to the Public Information Office.

##### 323.02 Major Incidents

- A. Media representatives who possess employer issued identification, a Department of Public Safety press pass, or other form of valid media identification will be allowed immediate access to the area adjacent to the Department's Command Post. The ranking officer will determine further access, making every effort to accommodate the media's need to be as close as possible to the incident. The commanding officer will be especially aware of photographer's needs in regards to proximity to the incident. On more routine incidents where no Command Post is established, the ranking officer will not unduly restrict the movement of members of the media.
- B. In no case will members of the media be denied access to areas where the public is allowed to be present.
- C. At the scene of an incident in which the Dallas Fire Department has the primary responsibility, the ranking police officer at the scene will allow media representatives access to the Fire Department Command Post unless otherwise notified by the Fire Department. The Fire Department will determine further media access.
- D. The ranking officer at the scene of a police incident will provide timely *situation briefings* to members of the media. This responsibility may be delegated to a knowledgeable member of the ranking officer's staff. In extreme cases, personnel from the Public Information Office may be summoned to the scene to conduct the media briefings. If a member of the Public Information Office is summoned to the scene, he/she will assume the role of media coordinator and brief the media when requested by the officer in charge.

##### 323.03 Crime Scenes

Media members will be given guided access to crime scenes as soon as determined practical by the ranking investigative officer, except in the following situations:

- A. When the crime scene is on private property and the person responsible for the property requests the media to leave.
- B. When the presence of media members might adversely affect the preservation of the crime scene or interfere with an investigation.
- C. When the presence of the media members would interfere with an operation.

##### 323.04 Release of Information

- A. Upon request, the ranking officer at the scene of an incident will, as soon as possible, provide media members with factual information pertaining to any of the following:
  1. The facts and circumstances of arrest, including the time and place of arrest, resistance, pursuit, and any use of weapons. The race, sex, age, and occupation of the suspect also may be released but the name and address of the suspect must remain confidential until the suspect has been booked in a jail or formal charges have been filed. For the purposes of this order, the filing of charges is defined as that point when prosecution reports and other necessary paperwork have been forwarded to the Legal Services Section.
  2. The identity of the investigating and arresting officer, if such disclosure does not compromise an undercover operation, or unless conditions arising from the incident would expose the officer involved to a higher than normal risk of retaliation.
  3. A general description of the evidence seized. Officers will avoid providing specific descriptions of evidence that would tend to hinder or prejudice the investigation.
  4. The nature, substance or text of a charge, including a brief description of the offense or incident.
- B. Information will not be released pertaining to any of the following:
  1. The contents of a statement or even the mere existence of an admission or confession.
  2. Personal opinions about the suspect or evidence.
  3. Statements concerning anticipated testimony or the truthfulness of witnesses.
  4. The results of fingerprint, polygraph, ballistics, or laboratory tests.
  5. The names of victims until next of kin have been notified. This applies to both citizens and to Police Officers killed or injured.
  6. The fact that a member of the Department possesses, was wearing, or may be wearing a ballistic vest.

# Dallas Police Department General Order

## 323.00 Press Relations

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- C. Requests for information not released at the scene of an investigation will be directed to the supervisor of the officer assigned follow-up investigative responsibility.
- D. Only supervisors are authorized to release information not covered by this order.
- E. Media access to the working spaces of investigative sections must occasionally be limited during unusual circumstances where security and progress of major cases might be compromised by the presence of the media. This limitation of media access will be the prerogative of the Section Commander or acting commander and will be only for the duration necessary to achieve the specific work objective. During such circumstances, the Section Commander or representative will periodically brief media representatives at another convenient location. During such periods, the commanders of the sections involved will also keep the Public Information Office apprised of case progress. That unit can also be used as an information source by media personnel.

### 323.05 Information From Police Files

- A. Departmental employees will not give information from Police Department files to media members except the following:
  - 1. Accident Reports.
  - 2. Page One of Offense Reports.
  - 3. Page One of Arrest Reports.
  - 4. Mug shots where records reflect previous convictions or where defendants have recently been charged.
  - 5. Previous convictions.
- B. Media members requesting reports should contact the Records Section for applicable policy.
- C. Departmental employees will not give information from Police Department personnel files to media members except the following:
  - 1. Dates of employment of former officers and non-sworn employees.
  - 2. Date of employment, current assignment (unless assigned to the Special Services or Investigations Bureau and an undercover assignment could be jeopardized) and all previous assignments of current employees.
  - 3. All significant biographical information on officers killed or seriously wounded in the line of duty. The determination of such needed information will be made by the Commander of the Personnel and Development Division.
- D. Departmental employees will not release to any person the name, home address, or telephone number, or business address or telephone number of any Crime Watch Chairperson.

### 323.06 Photographs and Interviews

- A. Pictures may be taken in or from any area to which media members have been granted access. However, officers may restrict the use of flash, strobes and other high-intensity lighting when such use might hinder a police operation.
- B. Officers will not interfere with a photographer taking a picture of a prisoner.
- C. Visual reproductions of suspects or witnesses will not be permitted in the working areas of the Dallas Police Department's facilities. Photographs may be taken in the hallways and other areas that are open to the public.
- D. Officers will not deny media interviews with hostages who have been released or other crime or disaster victims when the victims have expressed no reluctance to being interviewed. Exceptions may be made by officers when victims are injured, emotionally out of control, or otherwise not capable of making sound decisions.

### 323.07 Internal Matters

- A. Internal personnel investigations involving criminal offenses are classified as *Secret* and requests for this information will be directed to the Internal Affairs Division or to the Public Information Office. The commander of the unit, section, or division in which the investigated personnel are assigned may not, under any circumstances, release this type of information.
- B. Requests for information regarding internal personnel investigations that are classified *Confidential* may be directed to the Internal Affairs Division or to the Public Information Office. If a representative of these offices is not available, the commander of the unit, section or division to which the personnel are assigned may release the nature of the allegations, names of officers, complainants involved, and the extent of departmental action taken, if any.
- C. In completed personnel investigations, regardless of classification, information may be released regarding the nature of the allegations, names of officers involved, and the extent of departmental action taken, if any.

### 323.08 News Information Service

- A. Reports concerning major crimes, fires (three-alarm or greater), major accidents, serious traffic tie-ups, and other newsworthy events will be transmitted on the News Information Service as soon as possible.
- B. The Communications Section Watch Commander will be responsible for transmitting basic facts.

### 323.09 Routine Newsworthy Matters

Routine newsworthy information should be released directly to the media by the departmental personnel involved.



## Dallas Police Department General Order

### 324.00 Security for Police Facilities

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 01/30/07

#### 324.00 SECURITY FOR POLICE FACILITIES

##### 324.01 General Policy

The Texas Penal Code, Section 30.05, Criminal Trespass, will apply to restricted areas in Police Department facilities. The Penal Code provides that "a person commits an offense if he enters or remains in a building without effective consent and he had notice that entry was forbidden or had received notice to depart but failed to do so. Notice includes (1) oral communication by someone with apparent authority to act for the owner of the building or (2) a sign or signs reasonably likely to come to the attention of intruders indicating that entry is forbidden."

##### 324.02 Restricted Areas

- A. A *RESTRICTED AREA* is a portion of a police facility that is marked by appropriate signs which state that access to the area is limited to employees and/or specified individuals.
- B. Any area, including restrooms (except those specifically designated for public use), in a police facility can be marked for use by employees only. Persons other than employees who enter these areas and refuse to leave after being requested to do so can be prosecuted for criminal trespass.
- C. Access to hallways and offices in all facilities may be limited by signs that restrict entry to persons conducting official business. Persons who are not present to conduct business in these areas and who refuse to leave after being requested to do so may be prosecuted for criminal trespass.
- D. The following persons have access to restricted areas:
  1. Any employee of the City engaged in the performance of official duties who complies with procedures set forth in administrative directives and other regulations regarding security.
  2. Persons who need to enter the restricted area to conduct business (repairmen, news media, etc.) may be granted temporary access to a specific office or location by the on-duty commander of that area.
  3. Persons on authorized visits or tours with departmental escort.
- E. Designation of Restricted Areas - The ranking supervisor in control of a departmental facility is responsible for designating restricted areas in that facility. Signs will be posted in areas deemed restricted.

##### 324.03 Procedures

- A. All personnel should be constantly alert for suspicious persons and activities in and around departmental facilities and take appropriate action when necessary to maintain security and safety. Appropriate action will depend on the circumstances of each situation. Some individuals, by their actions, indicate they probably do not have legitimate business to conduct at a police facility. If observed in a restricted area, these individuals should be identified and questioned regarding their purpose for being in the area. Individuals should be arrested when they refuse to leave after being instructed to do so or when they are in possession of illegal weapons or contraband.
- B. At buildings where police facilities are physically separate from other city facilities, Commanders will take appropriate actions to secure access to their areas. All combinations and codes regulating access to these areas will be changed annually or more frequently, if necessary, in order to maintain security.
- C. Non-sworn employees will advise security personnel or sworn personnel when they observe anything that places security in jeopardy.
- D. Dallas Security Officers have primary responsibility for security in the Police and Courts Building and Municipal Building Complex, but they have some limitations on their enforcement powers. All employees should cooperate with them in their efforts. Sworn personnel should, when necessary and proper, make arrests for Dallas Security Officers and either transport or arrange transportation of all prisoners.
- E. While in restricted areas, all non-sworn employees will wear their departmental or city identification card in a visible location on an outer garment.
- F. When not in uniform, all sworn employees may wear either their badge or city identification card on an outer garment. The badge or identification card must be visible while in restricted areas.
- G. Visitors will not be required to wear visitor passes while conducting business in multiple use buildings with common access to police and non-police facilities. At police facilities that are physically separate and when deemed necessary for security, Commanders may require visitors to wear passes.
- H. The provisions of this order are in effect twenty-four hours a day.





## Dallas Police Department General Order

### 325.00 Open Records Information

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 01/30/07

#### 325.00 OPEN RECORDS INFORMATION

##### 325.01 Release of Criminal History Information

- A. Criminal history information will not be released to any person or agency except those involved in criminal justice activities, except as provided below and in Section 323.04.
- B. Individuals desiring to review their own criminal records involving felony or misdemeanor charges filed in the county courts will be directed to the Records Division of the Dallas County Sheriff's Office.
- C. Individuals desiring to review their own arrest records involving city arrests only will be directed to the Records Section of the Dallas Police Department. There will be a \$10 fee for this review.
- D. Field officers will, if requested, provide to apartment managers or landlords a *Request for Information - Open Records* form. This form will assist managers and landlords in obtaining the data listed below regarding the arrest of an individual on the property controlled by the manager or landlord. Note restrictions to the release of information in paragraph E.
  1. Arrestee's name, race, sex and age.
  2. Location, date and time of arrest.
  3. Charge.
  4. Arrest number.
  5. The apartment number involved (if any).
- E. Special attention should be paid to situations involving sexual assault offenses and juvenile suspects. The name and address of the victims of sexual assault offenses are not considered Open Records and will not be released. Juvenile arrest data is not considered Open Records and will not be released.

##### 325.02 Release of Information on Offense/Incident Reports

- A. The Offense/Incident Report will be released as follows:
  1. Page 1 to any person upon request and payment of any required fees (except sexual offenses).
  2. Page 1 to the media via established distribution procedures (except sexual offenses). Additional copies or requests for offenses over 72 hours old will be handled in accordance with paragraph A.1 above.
  3. Upon subpoena, any document requested by the subpoena through the Legal Services Section (including sexual offenses).
  4. Sexual offenses are restricted to page 1 to the following:
    - a. The complainant.
    - b. The suspect.
    - c. The suspect's attorney.
  5. Other police agencies may obtain, without a fee, any Offense Report and its supplements. Other agencies have restricted access to sex offenses on a need to know basis. This will be determined by the on-duty supervisor in the Records Section at the time of the request.
- B. Copies of witness statements, confessions, lists of evidence, or laboratory reports will not be released in any case except with the approval of a Division Commander or higher.
- C. Release of Offense/Incident Reports will be made by the Records Section. Fees charged will be consistent with the Public Information Act.

##### 325.03 Release of Other Written Records

- A. It is the responsibility of the Division Commander maintaining records other than criminal history and Offense/Incident Reports to respond to open record requests.
- B. In any case where a Division Commander has any doubt concerning an open records request, he/she should contact an attorney in the Criminal Law and Police Unit for advice.
- C. The Division Commander receiving a request for open records information from the Legal Services Section is responsible for ensuring that complete information is returned immediately (hand delivered) to the Open Records Team of the Records Section. This immediate processing requirement is due to the 10-day response time mandated by law.
- D. The Records Section will maintain an Open Records Control Log for all departmental open records requests. Division Commanders or their designee who process open records requests will maintain a similar log. The name of requestor, nature of the request, date received, and name of person responsible for processing will be logged in the Open Records Control Log. Upon completion of the request, all records will be hand delivered to the Open Records Team in the Criminal Documents office in the Records Section.

##### 325.04 Court Subpoenas

- A. It is the responsibility of the Division Commander maintaining records to respond to all lawful subpoenas for records maintained in his division.
- B. The Division Commander should contact the attorney in the Criminal Law and Police Unit office in any case where there is a legal question relative to a subpoena.

# Dallas Police Department General Order

## 325.00 Open Records Information

Revised 01/30/07

### 325.05 Expunction and Nondisclosure of Adult Criminal Records

- A. Expunctions
  - 1. A court-ordered expunction is usually a two-part process:
    - a. Petition for expunction: The responder copies all related records and delivers them to the Legal Services Unit within ten days. Do not destroy or remove records.
    - b. Order for expunction: The responder delivers all original and duplicate copies of related records to Legal Services or obliterates all electronically or photographically stored portions of records and expunges indexes within ninety days. Legal Services delivers all the gathered records to the District Court Clerk after reception.
  - 2. Any person may petition the court to expunge records of an arrest. The Criminal Law and Police Unit will challenge such petitions when appropriate and received before due date. Petitions cannot be challenged past due dates. An arrested person is entitled to have all records and files relating to the arrest expunged if they fall within the specific guidelines set forth in the Texas Code of Criminal Procedure, Section 55.01-55.06.
  - 3. Expunction orders include all records or files, or portions of records or files, (encompassing arrest, offense, and accident reports, PES supplements, IAD investigations, investigative notes, indexes, etc.) which document an arrest.
- B. Petitions for Expunction
  - 1. Legal Services receives petitions. Time is critical in responding to petitions.
  - 2. Legal Services will determine which organizational levels or other city departments are likely to maintain records subject to the petition and forward the petition with a cover memo.
  - 3. Organizational levels will thoroughly research their records and identify all records that are subject to petition before forwarding any copies to Legal Services. Additionally, Organizational Commanders desiring to challenge petitions will immediately submit a brief memo to the Criminal Law and Police Unit explaining why. Attach the memo to the forwarded documents and return by the requested due date.
  - 4. Organizational Commanders must submit a brief memo to Legal Services describing the content of any unprintable electronic information in lieu of submitting these records in printed form.
  - 5. Organizations possessing property/evidence belonging to petitioners will immediately notify Legal Services in writing of this fact, describing the property.
  - 6. Legal Services will compile the petitioned information and deliver it to the Criminal Law and Police Unit
- C. Order for Expunction
  - 1. Legal Services receives orders.
  - 2. Legal Services will determine which organizational levels or other city departments are likely to maintain records subject to the order and forward the order with a cover memo.
  - 3. Organizational levels with records or files that are impractical to return to the court (printouts, computer files, etc.) will print or copy all records or files pertaining to the expunction to show their existence. Then, erase or obliterate from the record or file everything pertaining to the expunction, and, finally, copy the entire record or file showing the records or files pertaining to the expunction erased or obliterated. Forward the copies to Legal Services.
  - 4. The organizational level will keep the original record or file, with expunged portions erased or obliterated, as its new record or file. Expunged portions of original records or files must not still be legible.
  - 5. Place a notation of expunction at the location of removal or obliteration. The notation will include the name of the person performing the expunction and the removal date. No information that can identify the petitioner (name, date of birth, address, etc.) or the court cause number will be included. If it is impractical to insert a notation at the expungement location, maintain an associate expunction notation file.
  - 6. The person researching records subject to an order for expunction will complete a memo of expunction and forward it, along with any records found, to Legal Services.
- D. Order of Nondisclosure
  - 1. Legal Services receives orders of nondisclosure.
  - 2. They prohibit public disclosure of criminal history information.
  - 3. They do not affect the Department's ability to retain and use our criminal records or investigative files.
  - 4. They do not constitute an order to destroy or obliterate the named records or files.
  - 5. The Department may disclose criminal history record information subject to an order of nondisclosure to: 1) other criminal justice agencies, 2) non-criminal justice agencies authorized by federal or state statute or by executive order to receive criminal history record information, and 3) the person who is the subject of the criminal history record information.
- E. Other Compliance Actions Required for Expunction/Nondisclosure Orders
  - 1. Legal Services will maintain a database on each expunction/nondisclosure order under process by referencing the cause number and date received. Legal Services will not maintain any expunction/nondisclosure order information after returning it to the District Court Clerk.
  - 2. Legal Services will destroy acquired records for dismissed or withdrawn expunction/nondisclosure petitions upon receiving a court order notifying Legal Services of such action. Legal Services will copy original court orders, file the copy for one year, and return the original to the issuing court.
  - 3. Organizations subject to expunction/nondisclosure orders will maintain Standard Operating Procedures describing their expunction/nondisclosure process.
  - 4. Any recommended process, record, file, or program designed to track crime information, or which includes reference to criminal suspects, will include a method for expunction/nondisclosure prior to its implementation.
  - 5. Historical, multi-generational, or associated electronic data that is subject to expunction/nondisclosure and overwritten according to accepted electronic information management practices will be due to Legal Services in ninety days. Current data subject to expungement/nondisclosure will be due in thirty days.
  - 6. Legal Services will compile all responses to an expunction/nondisclosure order and deliver them to the District Court Clerk along with a memo stating that the expunction/nondisclosure order is satisfied.

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7. Organizational levels will ensure compliance with expunction/ nondisclosure methods set forth in the Texas Code of Criminal Procedure and the Texas Government Code.
8. Refer procedural questions regarding expunctions/nondisclosures to the Legal Services Unit. Refer Legal questions regarding expunctions/nondisclosures to the Criminal Law and Police Unit.
9. Personnel will be mindful of the expungement/nondisclosure process and avoid creating and duplicating records not critical to the mission of the department.



## Dallas Police Department General Order

### 326.00 Interrogatories

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 01/30/07

#### 326.00 INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, AND DISCOVERY ORDERS

- A. The Legal Services Section will provide coordination of Interrogatories, Requests for Production of Documents, and Discovery Orders.
  - 1. Personnel receiving Interrogatories, Requests for Production of Documents, or Discovery Orders from any source other than Legal Services Section will notify the Legal Services Section Commander as soon as possible during administrative hours.
  - 2. If time constraints will not allow coordination through the Legal Services Section during administrative hours, the duty legal officer will be called and all action taken will be documented in a memorandum to the Legal Services Section.
- B. The Legal Services Section will provide initial analysis, specific instructions, and distribution to ensure compliance with legal requirements. The requests will then be routed to the appropriate Division Commanders.
- C. Division Commanders will:
  - 1. Return the requested information or material promptly to the Legal Services Section.
  - 2. Ensure all material provided is labeled according to the corresponding question it answers.
  - 3. Ensure that the cover memorandum transmitting a requested document back to the Legal Services Section is initialed by all persons reviewing it, including the Division Commander.
- D. The Legal Services Section will:
  - 1. Review returned material for compliance.
  - 2. Schedule conferences when necessary to clarify answers.
  - 3. Keep files of cover memoranda on returned information.



## Dallas Police Department General Order

### 327.00 Affidavits for Suspension or Revocation of CHL

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 01/30/07

#### 327.00 AFFIDAVITS FOR SUSPENSION OR REVOCATION OF CONCEALED HANDGUN LICENSES

- A. The Texas Concealed Handgun Law requires officers to prepare the appropriate state-supplied affidavit when they believe a reason exists for the suspension or revocation of a handgun license. Officers will complete the appropriate suspension/revocation affidavit when they:
1. Arrest a handgun licensee and believe a suspension/revocation factor is applicable.
  2. Are assigned investigative responsibility for a case they believe a suspension/revocation factor is applicable to the licensee/suspect, and the report does not indicate a suspension/revocation affidavit has been filed.
  3. Obtain any other information they believe could result in the suspension or revocation of a handgun license.
- B. When a handgun licensee is arrested, the arresting officer will seize the handgun license and weapon and place the weapon in the Property Room. If a suspension/revocation affidavit is not completed, the license will be placed in the Property Room; however, if one is completed, the handgun license will be attached to the affidavit. Refer to 327.00 F.
- C. *Revocation of Handgun License Affidavit* (CR-88)
1. Officers will complete a *Revocation of Handgun License Affidavit* (CR-88) when they arrest a handgun licensee for any of the following:
    - a. Unlawful Carrying of Handgun by License Holder (PC Sect. 46.035).
    - b. Unlawful Carrying of Weapons (46.02 PC) - carrying a weapon of a category for which the subject has no valid license.
    - c. Fails or Refuses to Display Their Handgun License (VRCS Art 4413(29ee), Sec. 6 (g) or (h).
    - d. Class C Family Violence (22.01 PC).
    - e. Class C Disorderly Conduct.
    - f. Any Class A or B Misdemeanor.
    - g. Any Felony.
  2. Officers will also complete a *Revocation of Handgun License Affidavit* (CR-88) when filing an at large case for those charges listed in C.1.d-g against a handgun licensee.
- D. *Suspension of Handgun License Affidavit* (CR-81) - Officers will complete a *Suspension of Handgun License Affidavit* (CR-81) when they believe the licensee failed to:
1. Notify the DPS of a change of address or name within 30 days after the change.
  2. Return a previously issued license upon receipt of a modified license that allowed the licensee to carry a handgun of a different category than indicated on the original license.
- E. The state-supplied affidavit forms (CR-81) and (CR-88) and instructions will be maintained at the Detention Services Section, all Patrol Operations Divisions, and all investigative units.
- F. On the day officers learn a reason exists for the suspension or revocation of a handgun license, they will do the following:
1. Complete the appropriate affidavit.
  2. Attach to the affidavit a copy of supporting public information (Page 1 of the Offense/Incident Report and Arrest Report, except sexual assault victim identifying information), a photocopy of the front of any citation, and the original handgun license (if the license and handgun were seized as evidence).
  3. Request a supervisor within their work unit to review the affidavit packet prior to notarization of the affidavit.
- G. Officers will reference the handgun license number in any arrest report, offense report, or other document related to the licensee.
- H. If a service number is not normally generated for the incident, the officer submitting the affidavit will request a service number and prepare a Miscellaneous Incident Report. Officers will include the service number in the upper right hand corner of the affidavit
- I. Within four working days, the supervisor will:
1. Review the packet and ensure the submitting officer has the affidavit notarized.
  2. Send the original notarized affidavit, along with attachments, to:  
  
Texas Department of Public Safety  
Concealed Handgun Licensing Unit  
P.O. Box 4143  
Austin, Texas 78765-4143
  3. Prepare a brief cover letter for the signature of the Unit/Watch, Section, or Division Commander advising the license holder that the packet has been forwarded to the Texas Department of Public Safety.
  4. Send the cover letter and a copy of the notarized affidavit and attachments to the license holder.
  5. Forward a copy of the notarized affidavit to the Records Section for retention. The Supervisor will ensure the service number is written in the upper right corner of the affidavit copy.



## Dallas Police Department General Order

# 328.00 Digital Video Recorder Program

DAVID M. KUNKLE  
CHIEF OF POLICE

Revised 06/19/09

### 328.00 DIGITAL VIDEO RECORDER (DVR) PROGRAM

#### 328.01 Program objectives

- A. It is the intention of the Dallas Police Department to utilize Digital Video Recorder systems in a manner that is fair and equitable toward employees and citizens.
- B. The Dallas Police Department has adopted the use of in-car video/audio recording systems in order to accomplish several objectives. These objectives include, but are not limited to:
  1. Enhancement of officer safety.
  2. Enhancement of officer reporting, evidence collection, and court testimony.
  3. Protection from false claims of impropriety,
  4. Officer evaluation and training, and
  5. Compliance with Texas State Law regarding Racial Profiling data collection.

#### 328.02 Definitions

- A. DVR- Digital Video Recorder system provided by the Dallas Police Department.
- B. Division DVR Administrator – The supervisor assigned primary responsibility for the DVR program at the Division level.
- C. DVR Coordinator – A supervisor on any watch trained to handle DVR responsibilities. Includes the Division DVR Administrator.
- D. DVR System Administrator- Individual with Department – wide responsibility for the DVR program.
- E. DVR Resource Manual- The department's Standard Operating Procedure for the DVR program.
- F. Division- When used in this General Order includes any Division, Section, or Unit, operating DVR systems.
- G. Enforcement Activity- Law Enforcement activity including: issuing a citation or giving a warning, questioning, arresting, detaining, frisking, or searching a person or vehicle.

#### 328.03 General Procedures

- A. The Dallas Police Department DVR Resource Manual will be used as the Standard Operating Procedure (SOP) by all Divisions/Sections/Units operating DVR systems. If a discrepancy exists between the DVR Resource Manual and the General Order, the General Order shall take precedence. The Police Technology Unit in cooperation with the Patrol Bureau will update the DVR Resource Manual as needed.
- B. Division Responsibility
  1. Each Division/Section/Unit utilizing DVRs will designate a Supervisor as the Division DVR Administrator. The Division DVR Administrator is responsible for the overall operation of the DVR program at their level. This Supervisor has primary responsibility for DVR security, operation, video handling, and training.
  2. Each Division will train supervisors on each watch who will serve as DVR Coordinators. DVR Coordinators will be responsible for maintaining DVR security, reporting malfunctioning equipment, transferring video to writeable compact disks, and providing training to DVR users.
  3. In-car video will be uploaded and retained on DVR servers located at each respective Divisional station; Central, Northeast, Southeast, Southwest, Northwest, North Central and South Central. Vehicles from the Central Business District and any Division/Section/Unit assigned to 1400 S. Lamar St will upload video to a DVR server located at the Jack Evans Police Headquarters.
  4. All video will be maintained for a minimum of 90 days in accordance with TX77RSB 1074. If the video has not been identified as one which is to be retained it will automatically be deleted from the server after 90 days.
  5. Supervisors will conduct regular reviews of video of officers under their command as required by TX77RSB 1074. At a minimum, these reviews will be conducted at least semi-monthly on each officer assigned, and documented by the supervisor in the officer's performance plan.
- C. Officer Responsibilities
  1. Officers will obtain training on the use of DVR systems, and will request additional instruction from a supervisor if they are unsure of the proper operation of the DVR equipment.
  2. At the beginning of each shift, officers operating a DVR equipped vehicle will determine whether the DVR equipment is working properly. Officers will ensure:
    - a. The DVR is powered on and is positioned and adjusted to record events,
    - b. All previously recorded video has been uploaded.
    - c. The wireless microphone and receiver are working properly in order to provide audio recording, and
    - d. The wireless microphone is properly worn and the power switch is turned on.
  3. At the beginning of each shift, officers will start the Record mode by turning on the vehicle's red lights and will leave them on to record an audio/video sample for one minute. After one minute, the "Time Remaining" display will show the remaining time in hours and minutes. Stop recording by pushing the Stop button.
    - a. In the "tagging dialog" box the badge number of the officer performing the function check will be entered into the "officer i.d." field.
    - b. Officers will type the words "Equipment Check" into the "Incident number" field.
    - c. Officers will note the time remaining on the equipment check sheet.
  4. Officers will verify that the video and audio sample was successfully recorded by clicking on the "Locate File" or "Playback" button, selecting the last recorded file and clicking the Play button. Any problem with the DVR equipment at this or any other time during the shift will be immediately reported to a supervisor.

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5. Supervisors will review videos regularly to ensure that the beginning of shift audio/video sample test procedure is properly conducted.
6. Throughout the shift, the officer will monitor the operation of the DVR system to ensure it continues to work properly. Officers using DVR equipped vehicles are responsible for the proper use and security of the systems.
7. One Officer in each DVR equipped vehicle will wear the wireless microphone and ensure that the receiver is working properly during the shift.
8. When interacting only with other police personnel, outside of the presence of civilians, officers will inform other police personnel if a DVR system is recording.
9. Officers will enter their badge number into the "officer i.d." field at the conclusion of all recorded citizen interactions.

### **328.04 Use of the Digital Video Recording system (CALEA 41.3.8 A / 83.2.2)**

- A. General use of equipment
  1. DVR systems are programmed to record automatically when the vehicle's emergency lights or siren are turned on.
  2. DVR equipment may be manually activated by pushing the Record button on the control panel, or by pushing the remote Record button on the top of the wireless microphone.
  3. Only pushing the Stop button on the laptop software interface can stop the recording phase.
  4. The On/Off slide switch on the side of the wireless microphone will serve as a temporary mute button during recording.
  5. Under no circumstances are officers to erase, reuse, or in any manner alter DVR recordings except as provided under our Records Retention Policy. Such activities may subject officers to disciplinary action and criminal sanctions as these recordings may be considered evidence and/or government records.
  6. Officers will not duplicate DVR video recordings without authorization or tamper with DVR equipment or settings.
  7. Only authorized personnel may service (program, repair, adjust, dismantle, or relocate) DVR equipment. Specific service procedures are contained in the DVR Resource Manual.
- B. DVR equipment will be used:
  1. When interacting with citizens during traffic/pedestrian stops normally requiring the use of emergency lights.
  2. During pursuits and Code-3 operation, and
  3. During other activity normally requiring activation of the vehicle's emergency equipment except when deactivation of the DVR systems is authorized.
- C. DVR equipment may be used:
  1. To record probable cause/suspicious activity prior to activating the vehicle's emergency lights.
  2. To record the actions of individuals during calls for service or other contacts,
  3. To document crime scenes or other incidents where documentation of actions or events may be essential for court.
- D. DVR equipment deactivation (Stop recording):
  1. DVR recording may be stopped when authorized by a Supervisor who determines that continued recording is not required to meet the objectives of the DVR program, or
  2. DVR recordings may be stopped by an officer during non-enforcement activities with limited citizen interaction, such as; when protecting a crime scene or motor vehicle collision scene or waiting for a wrecker to impound a vehicle.
  3. Officers may stop DVR recordings of a Traffic/Pedestrian stop only after contact with the citizen has ended.
  4. Officers may temporarily deactivate the Audio portion of DVR recordings from the wireless microphone only, by engaging the On/Off slide switch on the side of the wireless transmitter, under the following circumstances when no citizen contact is taking place:
    - a. To exchange NCIC/TCIC, DPS, or other law enforcement sensitive data either in person or via the police radio or MDC,
    - b. To facilitate the discussion of training issues or to discuss operational strategy,
    - c. To share information that is not subject to the Public Information Act, telephone numbers, or to exchange personal information (telephone number, home address, etc.) with another officer.
    - d. To discuss an issue with a supervisor or investigator.
  5. Officers will not deactivate DVR equipment (including the DVR wireless microphone or receiver) at any time during the recording of enforcement activity for which recording has begun.
  6. Once activated for any reason while a pursuit or assist officer is occurring in the division, the DVR will not be deactivated until the incident has been completed.

### **328.05 Handling, Duplication and Storage of Videos (CALEA 41.3.8 B)**

- A. Uploading video from vehicles – The DVR Resource Manual will outline specific operational procedures to be followed.
  1. Video will be uploaded at the end of every shift by the individual officer.
  2. If an officer cannot upload the DVR due to a Download Port failure, the officer will notify a supervisor immediately, who will then notify the Division DVR Administrator.
  3. The Division DVR Administrator will conduct semi-monthly checks to ensure the Download Ports and cables are working properly.
  4. If the Division DVR Administrator is unable to correct the Download Port problem, he/she will notify the City HELP desk at (214) 670-1234 for repair.
  5. The handling of DVR video will be done in accordance with instructions contained in the DVR Resource Manual.

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6. All offense and arrest actions recorded with a Dallas Police Department DVR will be documented either in an offense, arrest or miscellaneous incident report.
7. The Police squad car number capturing the video recorded incident and all additional DVR equipped vehicles will be referenced in all related reports.
- B. Duplication and handling of DVR recordings
  1. If a recording documents a police incident involving serious injury or death, or if the Special Investigations Unit (SIU)/Crimes Against Persons Division, the Public Integrity Section, the Internal Affairs Division, the Office of the Chief, or the Crime Scene Response Unit requests that a video be seized immediately:
    - a. As soon as it is practical, the vehicle will be brought to its Division station and a DVR Coordinator will upload the video to the DVR server.
    - b. The Division DVR Administrator, DVR Coordinator, or patrol supervisor will provide a copy of the requested video.
    - c. A Personal Computer converted video or portion of the video will be made. The PC converted copy will be transferred to a compact disk and provided to, and be maintained by the requesting Division/Section for the required 90-day retention period. Only compact disks will be used for video copy transfers. DVD's are prohibited.
    - d. The DVR Administrator, DVR Coordinator or patrol supervisor will then search for the incident and "mark for non-deletion".
    - e. The request to release a hold must be submitted to the Police Technology unit when it is determined that the original video recording is no longer needed.
    - f. The PC converted copy will be labeled and handled as outlined in the DVR Resource Manual.
    - g. If the vehicle cannot be brought to the station a DVR Coordinator or patrol supervisor will contact the on duty Watch Commander who will determine if the video will be processed during administrative hours or contact On-Call Police Technology Unit personnel.
  2. If a video recording documents an offense or arrest, the original video recording will be marked for non-deletion and documented in the appropriate offense/incident or supplemental report.
  3. Officers will submit a Vehicle Evidence Request form to a supervisor under the following conditions:
    - a. To request a video recording be marked for non-deletion
    - b. To request a PC converted copy of the video recording for court or administrative investigations
  4. If a recording documents an incident for which a copy is requested, the procedure to be followed is outlined in General Order section 328.06 (Public Information Act) and in the DVR Resource Manual.
  5. Original recordings are not to leave the possession of the Dallas Police Department unless authorized by this policy.
  6. The Division DVR Administrator, DVR Coordinator, patrol supervisor or other person designated by the Division Commander or higher authority, is responsible for the proper conversion or reproduction of DVR recordings.
- C. Officers who believe that a DVR recording contains usable evidence or important information will notify their supervisor by submitting a Video Evidence Request form. Supervisors will follow the procedures set out in the DVR Resource Manual for obtaining PC converted copies of recordings.
- D. DVR recordings will be duplicated only for official reasons, including the following:
  1. Criminal evidence
  2. Public Information Act (Open Records) requests
  3. Internal Affairs Division requests
  4. Training Section requests
  5. Other if approved by the Division Commander
- E. DVR recordings will not be provided to anyone outside of the Dallas Police Department unless the recording is requested through the proper Public Information Act request process or through a Criminal Justice request received on a completed and approved Request for DVR Video Duplication/ Review form.
- F. As required by Texas Senate Bill 1074 – On the commencement of an internal investigation of a complaint described by SB 1074, Subsection (b) (3) (related to Racial Profiling) in which a video or audio recording of the occurrence on which the complaint is based was made, a copy of the recording shall be provided to the peace officer who is the subject of the complaint upon written request by the officer. This duplicate video shall be requested by the person conducting the investigation who shall document compliance with SB 1074.
- G. During any internal investigation not covered by Senate Bill 1074, the person conducting the investigation shall inquire as to whether the incident was documented by a DVR system. If audio or video documentation exists, the person conducting the investigation will review it and, if the incident is documented by the recording, obtain a copy of the incident for the investigation. Upon written request, they will provide a copy to the accused officer and document compliance with this policy.
- H. Copies of recordings not involving pending criminal action, civil litigation, or internal investigations may be used for training purposes with the approval of the Training Section Commander.

### **328.06 Retention of Recordings and Logs (CALEA 41.3.8 C)**

- A. DVR recordings will be maintained as outlined in 328.03 B.4 for a minimum period of 90 days before automatic deletion from the respective server. (required by TX77RSB 1074).
- B. DVR recordings are subject to Public Information Act requests as any other police departmental record.
  1. Each Division outlined in General Orders section 328.03 B.3 shall be designated as the custodian of record for the video recordings residing on their respective DVR servers.
  2. Only a PC converted copy of the material requested will be transferred onto compact disk, and forwarded to the Open Records Unit. The responding Division will maintain the original video.
  3. Public Information Act requests for videos will be handled in accordance with Chapter 552 of the Texas Government Code and departmental procedures.



**Dallas Police Department General Order  
328.00 Digital Video Recorder Program**

Revised 06/19/09

4. The Open Records/Records Management Unit will set charges for duplication of videos for Public Information Act requests.



## Dallas Police Department General Order

### 329.00 Environmental Management

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CHIEF OF POLICE

Revised 01/30/07

#### 329.00 Environmental Management

#### 329.01 Environmental Management Policy and Procedure for the Dallas Police Department

#### 329.02 Definitions

- A. Environmental Maintenance: Environmental pollution at a police facility that can be contained by on-site personnel and equipment with regularly scheduled clean-ups.
- B. Environmental Impact: Environmental pollution at a police facility that can be contained by on-site personnel and equipment, but that must be immediately addressed to avoid further damage.
- C. Hazardous Spill: Environmental pollution at any location requiring an immediate response by DFD or Storm Water Management personnel and equipment to contain and eradicate.
- D. Incident: An environmental impact or hazardous spill.
  - 1. Non-Preventable Incident: Incidents that do not meet any part of the definition of a preventable incident.
  - 2. Preventable Incident: Incident in which an employee:
    - a. Failed to take reasonable action, which may have avoided or prevented the incident.
    - b. Failed to respond to directions for mitigating the effects of, or cleaning up, the incident.
    - c. Violated a City or departmental rule, policy, or procedure, which contributed to the incident.

#### 329.03 Policy

The Dallas Police Department is committed to the prevention of pollution in the City of Dallas. This will be accomplished by educating employees on the importance of complying with the environmental policies, regulations, and procedures set forth by the City and Department. The Dallas Police Department will strive to conduct its daily operations in an environmentally responsible manner to reduce and mitigate the risks of environmental contamination, and will take corrective action to prevent the reoccurrence of any preventable environmental incident. All employees will be held accountable for their actions and for the environmental compliance of their work area.

#### 329.04 Purpose

- A. To increase environmental awareness by instituting and maintaining an orderly and effective pollution prevention program.
- B. To eliminate or minimize environmental incidents and assign responsibility in cases where the incident was preventable.

#### 329.05 Organization

- A. The Department's Environment Coordinator will be assigned to the Facility Management Team.
- B. Division Commanders will appoint Environment Representatives who will:
  - 1. Assume daily environmental management responsibilities, as set forth by the Office of Environmental Quality and Administrative Directives 3-73 and 3-74, and follow the City of Dallas Environmental Quality Best Management Practices (BMP) as presented to them by the Environmental Coordinator.
  - 2. Prevent environmental pollution by training all division personnel in methods of avoiding, containing, and cleaning up environmental contamination.
  - 3. Properly investigate and report on-site incidents and recommend changes to prevent reoccurrence.
  - 4. Train sufficient division personnel to handle, investigate, and report incidents.
  - 5. Train sufficient division personnel to perform environmental maintenance.
  - 6. Accept responsibility for the environmental compliance of their work areas.
  - 7. Conduct periodic compliance inspections.
  - 8. Acquire and require the use of appropriate equipment.
  - 9. Enforce environmental rules and regulations, correct actual violations, and prevent potential violations.
  - 10. Maintain and submit individual and weekly environmental incident reports.

#### 329.06 Procedures for Environmental Impact Occurrences

- A. All police personnel will be aware of the operational condition of city vehicles that are assigned to them and their personal vehicles that are parked on city property. Personnel aware of vehicles causing an environmental impact by leaking fluid will immediately:
  - 1. Take their city vehicle to a service center for repair.
  - 2. Remove their personal vehicle from city property.
  - 3. Report the environmental impact to their Environment Representative, or, in the absence of their Environment Representative, a supervisor. The Environment Representative or supervisor will insure that the following guidelines are followed:
    - a. Immediately apply absorbent to the fluid. For large spills, use Oil Spill Kit Sock Net tubing to protect storm water drains during clean up
    - b. Sweep up the absorbent once the spill is contained and place it in barrels marked as storage for such contaminants.

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## 329.00 Environmental Management

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- c. Assure that any collection of absorbent containing battery acid is stored separately from any other collected fluids.
  - d. Notify the Environment Representative of all environmental impacts.
  - e. Contact the Office of Environmental Quality (214-670-1200) to report the environmental impact.
  - f. Complete the Environmental Incident Report, AD 3-73, Attachment A (available online on City Intranet) and land mail or email it to the Environment Coordinator before the end of duty.
- B. All police personnel will be observant of the overall environmental condition of their police facility. They will:
- 1. Assure that all outside waste dispensers are covered.
  - 2. Assure that car washing is done in a designated car wash.
  - 3. Notify their Environment Representative of obstructions in storm water drains. The Representative will contact Storm Water Management and insure that drains are cleared.

### **329.07 Procedures for Hazardous Spills**

Procedures for hazardous spills will be followed as outlined in the Emergency Operations Procedure (EOP) Hazardous Material Incidents section.

### **329.08 Reporting**

- A. All employees must immediately report environmental concerns to their Environment Representative or a supervisor.
- B. Environment Representatives or supervisors will report incidents in compliance with AD 3-74 and send a copy to the department Environment Coordinator before their end of duty.
- C. Each Environment Representative will maintain copies of incident reports.
- D. Environment Representatives will submit weekly reports as directed by the Environment Coordinator.
- E. The Environment Coordinator will submit a monthly report summarizing the department's environment incidents.

### **329.09 Classifying Preventability, Assigning Points and Disciplinary Action**

- A. Incidents will be reviewed by the City's Environmental Compliance Committee. The employee's immediate supervisor will recommend classification, points, and discipline after considering any recommendations made by the City's Environmental Compliance Committee, and forward them up to the employee's Bureau Commander whose decision is final.
- B. The employee may appeal as provided by City of Dallas Personnel Rules.
- C. For the classification of preventability, assignment of points and disciplinary action refer to the policies outlined in AD 3-73