



FULTON POLICE
DEPARTMENT POLICY

FULTON POLICE DEPARTMENT	
Policy 1.0 Effective Date and Severability	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference:	

Effective Date and Severability

This Policies, Procedure and Code of Conduct document will become effective April 15th, 2026, and may be amended or revised as directed by the Chief of Police.

If any section, sentence, clause or phrase of this Policies, Procedure and Code of Conduct document is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Code of Conduct.

Jonathon “Ty” Gerstenberger, Chief of Police

Date

FULTON POLICE DEPARTMENT	
Policy 1.1 Mission, Values, and Written Directive System, Chief's Expectations	
Effective Date: 4/15/2026	Replaces: Revised2013
Approved: _____ Chief of Police	
Reference: TBP 1.04	

I. POLICY

Law enforcement agencies provide essential services to foster safe communities through crime reduction and deterrence. Administrators of these law enforcement agencies are obligated to train, supervise, and guide personnel in performing the myriad tasks that are necessary for creating safe communities.

At the same time, these administrators must seek to improve employee confidence and competence in performing tasks while reducing vulnerability to liability. To meet these obligations, agencies must manage themselves according to written directives. A manual of policies and procedures guides the day-to-day legal and ethical functioning of a law enforcement agency.

To that end, this manual furnishes a blueprint for the performance of this agency's activities in accordance with established state and national standards. Providing all members of the department with an understanding of the department's mission and its values provides guidance for decision making when situations are not covered by direct policy or procedure.

II. PURPOSE

This document outlines the organization of the department, its *Policy and Procedure Manual*, and its authority. It also defines three kinds of statements that appear in these documents -- policy, rules, and procedures -- and states the department's mission and core values.

III. AGENCY MISSION AND VALUES

A. Mission:

The mission of the Fulton Police Department is to effectively and efficiently provide for the protection of lives and property, preserve the public peace, and provide needed community services with the highest level of professionalism and ethical standards.

B. Core Values

Integrity: The Fulton Police Department is built upon a foundation of ethical and professional conduct. We are committed to the highest level of moral principles and ethics. All members of the department will adhere to the Law Enforcement Code of Ethics, which is a part of this manual.

Honesty: We will always be truthful and trustworthy.

Fairness: We are committed to equal application of the law to offenders and members of the public as well as the equal application of rules and regulations to all members of the department.

Courage: We are dedicated to meeting all challenges with the courage needed to accomplish our mission.

Compassion: We understand our role as community caretakers and temper our application of the law with compassion and empathy.

IV. DEFINITIONS

A. Policy: A policy is a statement of the department's philosophy on a given issue.

1. Policy consists of principles and values that guide the performance of department employees.
2. Further, policy is based upon ethics, experience, the law, and the needs of the community.
3. Each section of the manual will begin with an agency policy statement.
4. Only the Chief of Police determines policy.

B. Rule: A rule is a specific prohibition or requirement governing the behavior of employees.

1. Rules permit little, if any, deviation. The violation of a rule normally results in discipline.
2. Rules appear in the *Policy and Procedure Manual* as well as other departmental documents.

C. Procedure: A procedure defines the acceptable method of performing an operation or activity. It differs from policy in that it directs employees' actions in performing specific tasks in a prescribed manner within the guidelines of policy.

1. Failure to follow a procedure may or may not result in disciplinary action, depending on the circumstances.
2. Procedures constitute the agency-approved guide for performing tasks.
3. Employees may depart from procedures only when, in their professional judgment, the situation warrants.
4. Employees must be prepared to justify their actions if they decide not to follow the defined procedure.

D. Memorandum: A memorandum provides useful, specific information to employees and may constitute a directive affecting specific behavior for a specific event or period of time and is usually self-canceling.

NOTE: Memoranda are not part of this manual; however, memoranda may be incorporated into future editions of the policy manual. Memoranda may be issued by the Chief of Police or by other personnel or agencies. Employees are advised that they may not alter components of this manual based on memoranda unless the memo was issued by the Chief of Police or a designee.

V. WRITTEN DIRECTIVES (TBP 1.04)

A. Departmental Policy Manual and Standard Operating Procedures.

1. The policy manual contains policy statements, rules, and procedures as defined above, and is a written directive governing organizational matters.
2. A standard operating procedure (SOP) primarily contains procedures, and is a written directive governing operational matters and routine daily tasks, such as how to respond to alarms, how to book a prisoner, etc.
 - a. Because they contain many procedural statements, SOPs permit some discretion. While SOPs are the preferred method of accomplishing a task, the agency recognizes that an employee may depart from procedures if unusual circumstances warrant, and supervisors approve. Employees must justify their actions and document any departure from a standard operating procedure.
 - b. While created by various offices within the department, the Chief of Police approves all SOPs.

B. No policy, rule, regulation, procedure, or memorandum is valid unless signed by the Chief of Police or a designee.

C. Within the context of any directive, the use of the word "shall" or "will" denotes an action or behavior that is mandatory and unequivocal. The words "may," "can," or "should" denote an action or behavior that is discretionary.

D. Any member of the department may suggest or recommend changes to the Chief of Police concerning the *Policy Manual* or an SOP by forwarding the suggestion through the chain of command.

E. The Chief of Police or a designee will completely review the policy manual and the standard operating procedures at least biennially to ensure continued compliance with Texas law and operations. Revisions may be made at any time. Once a revision is approved and published, each employee shall be deemed to be on notice with regards to the current version.

NOTE: The office of the Chief of Police is responsible for distribution of all material to the employees of the department. A system for ascertaining that each employee has received the material must be set up and maintained. It must include a method for determining that each employee has received the information.

VI. COMPLIANCE WITH DIRECTIVES

- A. All employees of this department shall read, adhere to, and are held accountable for all directives, policies, procedures, rules, and instructional training material that they have received and signed for.

- B. All employees are responsible for adherence to all written directives that they have signed for and that affect the employee and the employee's work status.

- C. All employees are responsible for maintenance of all directives that are distributed to that employee. Each employee of the department shall sign a statement acknowledging that the member has received, read, understands, and agrees to abide by the directive supplied to them in the appropriate manual(s), including revisions. If an employee does not understand the content of an order or directive or believes that an order or directive is illegal or in conflict with other orders or directives, he or she should immediately notify a supervisor who shall provide instruction or training as necessary.

- D. Copies of the statements of receipt (see above) shall be maintained in the written directive file.

- E. All employees shall comply with the provisions of these directives and with the Town Employee Handbook. If an issue is not addressed in the Employee Handbook, these directives shall apply. In the event a conflict exists between these directives and the Employee Handbook, the Employee Handbook shall control unless the Department Policy Manual is more restrictive.

- F. The policies in this manual and the standard operating procedures (SOPs) apply to all sworn officers and non-sworn employees of the police department both on and off duty.

VI. CHIEF'S EXPECTATIONS

- A. It is the Chief's expectations that all Fulton Officer's treat everyone with the upmost respect and to treat everyone as they would want to be treated or a family member to be treated. Fulton is fortunate enough to not have the large call volume as bigger agency's which allows officers to have quality time for calls and follow up investigations. I expect Fulton to be the superior law enforcement agency in Aransas County and to hold ourselves to a higher standard than other law enforcement agencies.

FULTON POLICE DEPARTMENT	
Policy 1.2 Jurisdiction, Organization, and Authority	
Effective Date: 4/16/2025	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: TBP 1.01, 1.05, 1.06, 1.07, 2.03, 3.07, 6.05, and 8.10.	

I. POLICY

The department is established by state law and local ordinance and consists of a Chief of Police and other full- and part-time officers and non-sworn employees as determined by the Town Mayor and Town Council. The Chief executive of the police department is the Chief of Police, who has been appointed by the Town Council. The Chief, in turn, appoints police officers who are charged with enforcing the laws of the State of Texas and all local ordinances. The jurisdiction of the police department is limited to the city limits, except in cases of pursuit of offenders who have committed a violation within the city limits and then flee outside the city limits, or when another department requests assistance, or when enforcing laws on property owned by the city but outside its boundaries. The organization of the police department shall support the effective and efficient accomplishment of departmental responsibilities and functions according to community-oriented policing principles.

II. PURPOSE

The purpose of this policy is to describe the jurisdiction and organization of the police department, outline its rank structure, and assign responsibilities, functions, and duties.

III. AUTHORITY AND AGENCY JURISDICTION

The jurisdiction of the Fulton Police Department is limited to inside the city limits of the city with certain exceptions. (TBP: 1.05, 1.06)

- A. Police officers appointed by the city have all the authority granted to them by the State of Texas as Peace Officers. Appointed officers have the responsibility to act within the law, preserve order, arrest offenders, and protect the residents and visitors to our city.
- B. Officers have arrest authority anywhere within the State of Texas; however, the exercise of that authority will be limited when outside the city limits to those situations involving a felony or the use of violence or threatened use of violence against a person, and then only to the extent that the officer is able to safely intervene. When off-duty or out of our primary jurisdiction, officers seldom have appropriate equipment, communications, or the assistance needed to properly intervene in dangerous situations. Intervention in these cases may be resolved by calling appropriate authorities and remaining on scene to provide witness information. (An official map of the city limits will be maintained in each patrol briefing room.)
- C. Officers have authority to enforce the law on property owned by the city but outside the city limits.
- D. Officers have authority to pursue offenders outside the city limits who have committed violations inside the city pursuant to the department's pursuit policy. When investigating a crime that occurred inside the city, officers may utilize their authority to conduct investigations, including interviewing witnesses, interrogating suspects, executing search and arrest warrants, and making lawful arrests without warrants anywhere in the State of Texas.
- E. Officers have authority to enforce the law in another jurisdiction pursuant to a properly executed mutual aid agreement.
- F. While officers have full authority to make arrests, issue summonses, and use force in enforcing the law, officers are also expected to use discretion and common sense in the application of this authority. Officers should always seek the least intrusive level of intervention appropriate to preserve peace and protect the public safety.

IV. ORGANIZATIONAL STRUCTURE, CHAIN OF COMMAND, AND AUTHORITY

- A. Organizational structure

1. The Town Council authorizes the creation of a police department to be headed by the Chief of Police. The Chief of Police is responsible for directing all activities of the department. This direction is accomplished through written and oral orders as well as by personal leadership. Written orders take the form of general orders, standard operating procedures, and other directives as needed.
2. The department consists of a police Chief, and as many police officers as the town council determines are required to protect and serve the community and otherwise support or carry out the department's objectives.

B. Chain of Command and Succession

1. The police Chief has full control over departmental activities. In the absence of the police Chief, a designated officer selected by the Chief of Police shall take command and notify the Chief of all major decisions that he or she may make. If the Chief and the designated officer are not available, then the Rockport Police Department shall make any necessary reports to the Chief.
2. Supervisors shall, without specific instructions, undertake the required details and assignments necessary to carry out the business of the department. Supervisors shall be guided in the assignment of personnel by the number of officers available for duty and the necessity to assign them where they will be most useful.
3. Plans for any event utilizing departmental personnel will clearly delineate the command structure and outline the span of control.

C. Authority and responsibility

1. At each rank within the department, personnel are given the authority to make necessary decisions for the effective performance of their responsibilities. The department is committed to fostering an organizational climate that rewards employees for initiative, innovation, community involvement, and problem solving.
2. Each employee shall be held accountable for the use of, or failure to use, delegated authority. Any employee with questions concerning his or her delegated authority shall refer the matter to the on-duty supervisor or the Chief of Police for prompt resolution.
3. Supervisors will be held accountable for the condition and preparedness of the personnel assigned to them.
4. Supervisors are responsible for the good order and sanitary condition of department offices, vehicles, and equipment.
5. Supervisors are responsible for the efficiency, discipline, and morale of employees under their charge. Supervisors shall investigate or cause to be investigated all allegations of employee misconduct.

6. Supervisors should ensure that employees have been supplied with all appropriate written orders and shall instruct them thoroughly on all oral and written orders. Supervisors shall regularly review and instruct subordinates in pertinent laws, ordinances, and necessary skills.

D. Authority of the Chief of the Department (TBP: 1.07)

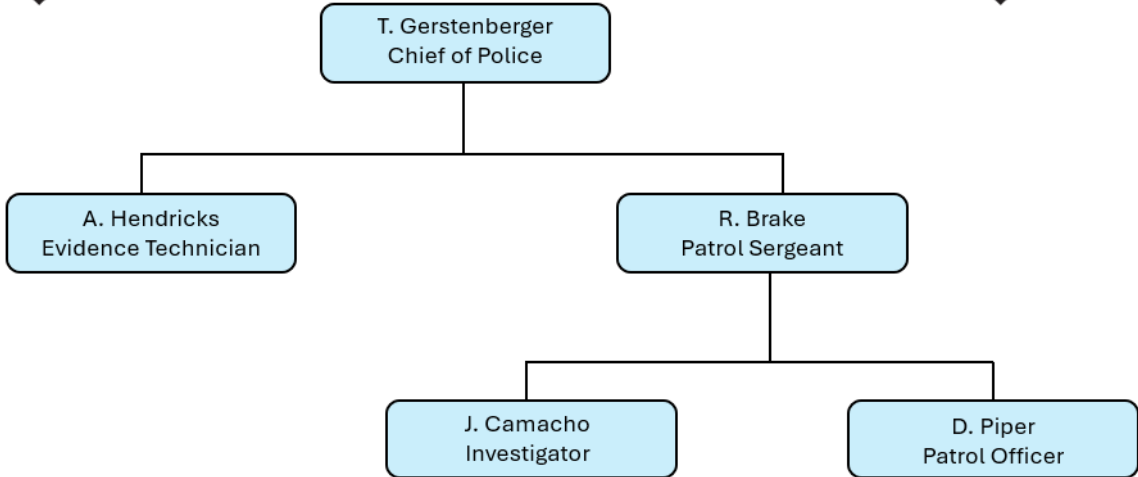
1. As the Chief executive of the department, the Chief of Police has full authority and responsibility for the management, direction, and control of the operation and administration of the department.
2. The Chief of Police shall attend the initial police training provided by the Law Enforcement Management Institute of Texas as required by the Texas Education Code within 12 months of appointment.
3. The Chief of Police is also the Departmental Homeland Security coordinator and will maintain relationships with the State Homeland Security office and other state and federal Homeland Security resources. (TBP: 8.10)

E. ORGANIZATIONAL CHART (TBP: 1.01)

1. The attached chart denotes chain of command and intra-department relationships.



Fulton Police Department



2. The organizational chart is reviewed annually and updated as necessary to illustrate the current functioning of the department.

F. OATH OF OFFICE REQUIRED (TBP: 2.03)

1. All sworn officers will swear or affirm any oath required by state law or city ordinance before assuming law enforcement duties. All sworn officers shall abide by the Law Enforcement Officer's Code of Ethics. A copy of the law enforcement Code of Ethics is provided to each sworn officer.
2. Such oath shall be witnessed by the city secretary or other notary who shall witness and record it on the form approved by the department. The oath shall be filed in the officer's personnel file.

G. AUTHORITY TO CARRY WEAPONS AND USE FORCE (TBP: 6.05)

1. Sworn officers who are licensed peace officers of the State of Texas are authorized to carry firearms and other weapons as identified in these directives, and to use force when necessary and to the extent authorized by these orders and state law in enforcing the law and protecting the public.
2. Sworn officers who are off duty are encouraged to carry firearms in order to take action when necessary to preserve life and property. When not in uniform, officers will not allow any weapon to be visible to the public unless it is carried in a holster and the officer's badge is displayed adjacent to the weapon.
3. Officers are not to carry any weapon when off duty if they have consumed or intend to consume any alcoholic beverages.

H. OFF-DUTY AUTHORITY

1. Liability Protection: Officers of this agency have liability protection for the on and off-duty performance of official duties. This protection does not extend to those actions that the police officer knew, or reasonably should have known, were in conflict with the law or the established policies of this department.

Authorized Off-Duty Arrests: When off duty and within the legal jurisdiction of this law enforcement agency, an officer may make an arrest only when all of the following occur:

- a. There is an immediate need to prevent a crime or apprehend a suspect.
- b. The crime would require a full custodial arrest.

- c. The arresting officer possesses appropriate police equipment and police identification.

2. Off-Duty Responsibilities

While off duty, the police officer is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities. When an officer is prohibited from taking off-duty enforcement actions under provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty personnel as soon as reasonably possible. Where an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.

3. Prohibitions of Off-Duty Arrests

Despite the fact that a police officer has police powers and responsibilities 24 hours a day throughout the jurisdiction, the off-duty officer generally should not attempt to make arrests or engage in other enforcement actions when the provisions of this section are not met or when any of the following circumstances exist:

- a. The officer is personally involved in the incident underlying the arrest.
 - b. The officer is engaged in off-duty employment of a non-police nature.
 - c. The officer's ability or judgment to use a firearm or take a person into custody has been impaired by use of alcohol, prescription drugs, or other medication, or by a physical ailment or injury.
 - d. A uniformed police officer is readily available to deal with the incident.
4. Off-duty officers in plain clothes shall follow all orders issued by uniformed officers without question or hesitation during enforcement encounters and shall identify themselves as law enforcement officers as prescribed by departmental training. The department's training authority shall establish protocols (including the use of signs and signals) for recognition of off-duty officers in plain clothes so as to reduce the potential of misidentification of such personnel during enforcement encounters. Such protocols shall be reviewed periodically during in-service training.

I. RESERVE OFFICERS

1. Reserve officers are authorized by the Town Council. Reserve officers have the same authority and responsibility as regular sworn officers when on duty and working for the department. They are bound by the same policies and standard operating procedures as regular officers.

2. Reserve officers are required to have the same level of both initial and in-service training as regular officers. (TBP: 3.07)
3. Reserve officers are armed in the same manner as regular officers when working on duty but do not carry weapons in an off-duty capacity.

FULTON POLICE DEPARTMENT	
Policy 1.3 Rules of Conduct	
Effective Date: 4/16/2025	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: TBP 1.08, 2.02, 2.12, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, and 2.22	

I. POLICY

The Fulton police department and the public expect all personnel to maintain high standards of appearance and conduct. The mission of the department is to work with all members of the community to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.

II. PURPOSE

The purpose of this policy is to define departmental expectations for on-duty and off-duty personal behavior. This order applies to all employees, both sworn and non-sworn. (TBP: 2.12)

III. CODE OF ETHICS (TBP: 2.02)

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

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or

disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

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

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

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

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

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

IV. DEFINITIONS

- A. Affirmative Duty: The personal responsibility and obligation of an employee to report wrongdoing rather than providing such information only when requested.
- B. False Report: A report that is not made in good faith, based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or made with the purpose of harassing or wrongly incriminating another employee.
- C. Good Faith: A report that provides allegations concerning an employee who is reasonably believed to have purposely committed a serious violation of departmental policy, procedures, rules, or laws.
- D. Retaliation: Retaliation of the following kinds is designed to serve as retribution against an employee who, in good faith, has filed a complaint against another employee. In the context of this policy, retaliation includes any deliberate, purposeful actions or failures to act, directed against employees that cause, or that could reasonably be expected to cause, physical harm, property damage, significant emotional stress, or otherwise negatively affect another employee's terms or conditions of employment or that could seriously impair the efficiency, safety or effectiveness of that employee, this department, or both. Such adverse actions may take many forms, including but not limited to, bullying; persistent offensive comments, threats, or intimidation; false accusations; isolating; ostracizing; or acts that malign or disparage an individual's reputation.
- E. Serious Acts of Misconduct: Deliberate acts or failures to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action would be reasonably likely to adversely affect that employee's terms or conditions of employment up to and including termination of service.
- F. Intervene: Taking some action that is appropriate based on the circumstances that intercedes a possible excessive use of force concern. "Intervention" is subject to the skill set, training, and duties of the individual. For example, a non-sworn employee does not have the same level of responsibility to intervene in a physical confrontation as a sworn police officer.

V. GENERAL DUTIES

- A. All officers shall, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, the laws of the State of Texas, and all local ordinances,

according to the rules, regulations, and general orders of the department. Officers must know that when they act under color of law, they are enforcing the law according to statutes, written administrative guidance in the department, ordinances, common usage, and custom. Further, officers shall exhibit good moral character in the administration of their duties according to departmental orders.

- B. The department maintains the right to establish oral and written orders to govern and control the efficiency, effectiveness, and safe operation of law enforcement. Officers shall be trained in the rules and expectations of professional conduct prior to assuming law enforcement duties.
- C. Management reserves the prerogative to discipline personnel for violations of the rules listed in this order as well as violations of all other departmental orders and directives. The decision to discipline and the measure of discipline employed depend on the rule or law violated, the consequences of the employee's actions, and the employee's prior history and experience.

D. Duty to Report

1. All employees of this department have an affirmative duty to report serious acts of misconduct or failures to perform actions, defined in departmental policy, procedures, and rules. Failure to report shall result in corrective or disciplinary action.
2. Acts of retaliation against employees who make good faith complaints or disclosures of misconduct against another employee are strictly forbidden. Such acts will form the basis for charges of misconduct resulting in serious disciplinary action.
3. All employees have an affirmative duty under this policy to cooperate fully during the investigation of any allegation of employee misconduct whether conducted by this department or another authorized authority. Protection from retaliation is extended under this policy to all employees who cooperate in good faith.
4. All complaints of retaliation shall be submitted to any supervisor. If the supervisor is the subject of or is involved in the complaint, an employee shall submit the complaint to the next higher-ranking employee in the chain of command.
5. In uncommon situations involving highly egregious offenses or illegality that may have departmental or governmental implications, a complaint may be made directly to the Human Resource officer. Examples include but are not limited to broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.

VI. PERFORMANCE PROHIBITIONS

A. As appropriate, disciplinary action may be taken for any of the following reasons:

1. Incompetent or inefficient performance or dereliction of duty.
2. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature that discredits or injures the public. (Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work.)
3. Mental or physical unfitness for the position that the employee holds.
4. Conviction of a felony or misdemeanor involving conduct amounting to moral turpitude (see III), or a pattern of misconduct as displayed by a series of misdemeanor convictions.
5. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of misconduct or negligence of which the employee has knowledge.
6. Failure of a supervisory employee to take corrective action regarding employees under his or her supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of the dereliction.

B. Nothing in these rules and regulations limits the charges against employees because the alleged act or omission does not specifically appear in this manual, other orders, or policies of the department, or in the laws or ordinances that the department has the responsibility to enforce.

C. No member of the department shall be a member of any organization that advocates the violent overthrow of the government of the United States, the State of Texas, or any unit of local government.

D. No department member shall participate in any organization that has as its purpose, aim, objective, or has any practices that are contrary to the obligations of a law-enforcement officer under these rules and regulations.

VII. Obedience to Rules of Conduct, laws, and orders

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

- A. Obedience to Laws. Employees shall abide by the laws of the United States and the State of Texas as well as the ordinances of the Town of Fulton.
- B. Adherence to Departmental Rules. Employees shall abide by the rules of the Town of Fulton Handbook, the Town Personnel Rules, and the Policy and Procedures Manual and other properly issued internal directives of the Police Department.
- C. Applicability of Rules. Certain rules may not apply in undercover police assignments specifically authorized by supervisors in accordance with this Policy Manual. Officers will be strictly accountable for justifying their actions.
- D. Insubordination. Employees shall promptly obey all lawful orders and directions given by supervisors and radio dispatchers. The failure or deliberate refusal of employees to obey such orders shall be deemed insubordination and is prohibited. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing his or her orders shall likewise be deemed insubordination. (TBP: 1.08)
- E. Issuance of Unlawful Orders. No commanding or supervisory employee shall knowingly or willfully issue an order that violates a federal or state law, a city ordinance, or a departmental rule or policy.
- F. Obedience to Unjust or Improper Orders. An employee who receives an order he/she believes is unjust or contrary to a departmental General Order or rule must first obey the order and then may appeal the order to the Chief of Police via the proper chain of command.
- G. Obedience to Unlawful Orders. No employee is required to obey an order that is contrary to the laws of the United States or the State of Texas or the ordinances of the Town of Fulton. An employee who receives an unlawful order shall report in writing the full facts of the incident and any action taken to the Chief of Police via the chain of command.

H. **Conflicting Orders.** If an employee receives an order that conflicts with one previously given by a supervisor, the employee receiving the order shall respectfully point this out to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the second order shall stand and shall be the responsibility of the second supervisor. If the second supervisor directs, the second order shall be obeyed first. Orders shall be countermanded only when necessary for the good of the department. (TBP: 1.08)

VIII. Attention to Duty

A. **Performance of Duty.** Employees shall always be attentive to their duties, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any departmental rules or procedures manual.

B. **Duty of Supervisors.** Supervisors will enforce the rules, regulations, and policies of the Fulton police department. They will not permit, or fail to prevent, violations of the law, departmental rules, policies, or procedures. They will report violations of departmental rules, policies, or procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.

C. **Conduct and Behavior.** Employees, whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department and shall at all times use sound judgment.

D. **Responsibility to Serve the Public.** Employees shall promptly serve the public by providing direction, counsel, and other assistance that does not interfere with the discharge of their duties. They shall make every attempt to respond personally to the inquiry or request for assistance.

E. Responsibility to Respect the Rights of Others. Employees shall respect the rights of individuals, and shall not engage in discrimination, oppression, or favoritism. Employees shall maintain a strictly impartial attitude toward all persons with whom they come into contact in an official capacity. (TBP: 2.17)

F. Truthfulness. Members shall be truthful in all official verbal and written communications and reports. Employees will be truthful in any court related testimony or agency investigations. (TBP: 2.14) Officers who are undercover or conducting interviews or interrogations may find it necessary to provide inaccurate information in order to maintain their cover or determine the truthfulness or veracity of a subject.

G. Officers Always Subject to Duty. Officers shall at all times respond to the lawful orders of supervisors, and to the call of individuals in need of police assistance. The fact that they may be off duty shall not relieve them from the responsibility of taking prompt and proper police action or from being recalled to duty as needed.

1. The above shall not be construed to include enforcement of laws of a Class "C" misdemeanor nature or traffic offenses except for breach of the peace, theft, or assault.

2. While off-duty, or in their personal vehicle, officers shall not enforce or take any police action to enforce Class "C" traffic offenses, unless the officer's personal vehicle is equipped with emergency lights, siren and body camera.

H. Officers Required to Take Action. Except where expressly prohibited, officers are required to take prompt and effective police action conforming to departmental policy with respect to violations of laws and ordinances coming to their attention or of which they have knowledge. Officers shall promptly and punctually perform all official duties. Officers shall render, or cause to be rendered, medical assistance to any injured person.

I. Reporting for Duty. Employees shall promptly report for duty properly prepared at the time and place required by assignments, training, subpoenas,

or orders. Line officers shall remain at their posts or place of assignment until properly relieved by another officer or dismissed by a supervisor. All other officers and employees shall promptly report for duty properly prepared at the time and place required by assignment and shall remain at their post, place of assignment, or otherwise engaged in their duty assignment until having completed their tour of duty as set by established procedures or dismissed by a supervisor. Employees are subject to emergency recall and shall report for duty during emergencies when so notified by a supervisor or the Chief of Police. (TBP: 2.16, 2.22)

- J. Exceptional leave. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible. If unable to report to work, employees shall notify the on-duty supervisor at least one hour before reporting time.

- K. Remaining Alert to Duty. While on duty or at training, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.

- L. Prohibition of Personal Business while on Duty. While on duty, officers shall not engage in any activity or personal business that would cause them to neglect their duty.

- M. Availability While on Duty. Employees while on duty shall not conceal themselves except for some authorized police purpose. Employees shall keep themselves immediately and readily available at all times while on duty.

- N. Assistance to Fellow Officers. An officer shall not display cowardice in the line of duty or in any situation where the public or another officer might be subjected to physical danger. Unless they actually incapacitated themselves, officers shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might be impending.

- O. Prompt Response to All Calls. Officers while on duty shall respond without delay to all calls for police service. Calls shall be answered in compliance with normal safety precautions, traffic laws, and departmental policy.

- P. Duty to Report All Crimes and Incidents. Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations, and police information that come to their attention. Employees shall not

conceal, ignore, or distort the facts of such crimes, violations, emergencies, incidents, and information.

- Q. Responsibility to Know Laws and Procedures. Employees shall know the laws and ordinances they are charged with enforcing, all departmental orders and rules, and the duties and procedures governing their specific assignments.
- R. Responsibility to Know Districts and Locations. Officers shall know the location and boundaries of their assigned areas. Officers also shall be familiar with the names and general locations of Fulton streets and highways and the names and locations of hospitals and major public buildings.
- S. Keeping Posted on Police Matters. Each day while on duty and immediately upon returning from an absence, employees shall study and become familiar with the contents of recently issued communications and directives.
- T. Sleeping On duty. Employees must be alert throughout their tours of duty. Sleeping while on duty is forbidden.
- U. Assisting Criminal Activity. Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.
- V. Reading On duty. Employees shall not read newspapers, books or magazines while on-duty and in the public view unless a supervisory officer has assigned such reading.
- W. Studying On duty. Employees shall not, during their regularly assigned working hours, engage in any studying activity that is not directly related to their current job assignments within public view.
- X. Maintaining Communications. While officers are on duty or officially on call, they shall be directly available by normal means of communication, or shall keep their office, headquarters, or supervisors informed of the means by which they may be reached when not immediately available.

Y. Reporting Accidents and Injuries. Employees shall immediately report the following accidents and injuries: all on-duty traffic accidents in which they are involved, all personal injuries received while on-duty, all personal injuries not received while on-duty but which are likely to interfere with performance of assigned duties, all property damage or injuries to other persons that resulted from the performance of assigned duties, and all accidents involving city equipment whether on or off-duty.

Z. Report Address and Telephone Number. Employees shall have a working telephone or other means of communication in case of emergency at their residence and shall register their correct residence address and telephone number with the department on the prescribed form. Any change in address or telephone number must be reported immediately.

AA. Testifying in Departmental Investigations. When directed by a competent authority to make a statement or furnish materials relevant to a departmental administrative investigation, officers shall comply with the directive.

BB. Carrying Firearms. Unless approved by the Chief of Police or established procedures, all officers are required to carry sidearms while on duty. While off-duty, officers may use their own discretion as to whether to carry sidearms.

CC. Registration of Firearms. All weapons carried and used by officers in the performance of their official duties must be registered with the department. Required registration information must be kept current.

IX. Cooperation with Fellow Employees and Agencies

A. Respect for Fellow Employees. Employees shall treat other members of the department with respect. They shall be courteous, civil, and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language whether spoken directly to a specific individual, a third party, or a social media, or other electronic format.

B. Interfering with Cases or Operations. Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the department or the work or operations of other governmental agencies. Employees against whom a complaint has been made

shall not directly or indirectly contact or attempt to contact for any reason, the complainant, witness or any other persons related to the case in an attempt to intimidate or to secure the abandonment or withdrawal of the complaint, charges, or allegations.

X. Restrictions on Behavior

A. Interfering with Private Business. Employees, during the course of their duties, shall not interfere with the lawful business of any person.

B. Use of Intimidation. Employees shall not use their official positions to intimidate persons.

C. Soliciting and Accepting Gifts and Gratuities. Unless approved by the Chief of Police, employees of the Fulton Police Department may not accept any reward, gratuity, gift, or other compensation for any service performed as a result of or in conjunction with their duties as employees of the department regardless of whether the service was performed while said persons were on or off duty. Employees also shall not solicit any gift, gratuity, loan, present, fee, or reward. (TBP: 2.21)

D. Soliciting and Accepting Gifts from Suspects and Prisoners. Employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee or other item of value, or from lending or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant or other person involved in any case, or other persons of ill repute, or professional bondsmen, or other persons whose vocations may profit from information obtained from the police department. (TBP: 2.21)

E. Reporting Bribe Offers. An officer who receives a bribe offer shall promptly make a written report to his/her commanding officer. (TBP: 2.21)

F. Accepting Gifts from Subordinates. Without approval from the Chief of Police, employees shall not receive or accept any gift or gratuity from

subordinates, other than customary celebratory times such as holidays or birthdays. (TBP: 2.21)

G. Soliciting Special Privileges. Employees shall not use their official positions or identification to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or free or discounted meals or refreshments. (TBP: 2.21)

H. Personal Use of Police Power. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.

I. Giving Testimonials and Seeking Publicity. Employees representing themselves as members of the Fulton Police Department shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees also shall not seek personal publicity either directly or indirectly in the course of their employment.

J. Soliciting Business. Employees shall not, while on duty, solicit subscriptions, sell books, papers, tickets, merchandise, or other items of value nor collect or receive money or items of value for any personal gain to themselves or others. Employees may solicit for projects related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the Chief of Police.

K. Drinking On-Duty. Employees shall not drink any intoxicating beverages while on duty. (TBP: 2.19)

L. Intoxication. Employees shall not be under the influence of any intoxicating beverage or substance during their tour of duty or immediately prior to their tour of duty. Nor shall officers be intoxicated off duty while in the public view. While off-duty, officers that have consumed alcoholic beverages to the extent that their mental and physical faculties are impaired shall refrain from exercising any police authority. Officers assigned to special units, or assignments where they may consume alcoholic beverage during the performance of their duties, shall not do so to the extent that their mental and physical faculties are significantly impaired. (TBP: 2.19)

M. Drinking While in Uniform. At no time shall any officer consume alcoholic beverages while in uniform. (TBP: 2.19)

N. Liquor on Official Premises. Employees shall not bring containers of intoxicating beverages into a Police Department building or vehicle except as evidence. (TBP: 2.19)

O. Entering Bars, Taverns, and Liquor Stores. Officers on-duty or in uniform shall not enter or visit any bar, lounge, parlor, club, store or other establishment whose primary purpose is the sale and on-premise consumption of liquor unless for the purpose of official duties, and shall not otherwise enter, remain in, or frequent such places. Officers on-duty or in uniform also shall not purchase intoxicating beverages. (TBP: 2.19)

P. Drug Usage. While on or off duty, employees shall not use any illegal drug or any controlled drug not prescribed by a physician. Employees shall notify their supervisor if they are using any prescribed drug or any other medication or medical device that the employee believes (or has been informed by a physician or prescription label) might impair their driving or critical decision-making. (TBP: 2.20)

Q. Tobacco Use. Smoking is prohibited in all office and building areas under departmental control and occupied by department employees, except in designated smoking areas. Smoking and other tobacco use is prohibited in all department vehicles.

R. Public Tobacco Use Prohibited. Officers shall not smoke or otherwise use tobacco products while engaged in traffic control, or on an investigation within the public view.

S. Playing Games On-Duty. Officers on-duty or in uniform shall not engage in any games of cards, billiards, pool, dominoes, electronic arcade games.

T. Political Activity. While in uniform or on-duty, officers are not allowed to actively participate in political campaigns (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes). Civilian employees are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns while on duty. (TBP: 2.15)

U. Improper Release of Information. Employees shall not communicate to any person who is not an employee of this department any information concerning operations, activities, or matters of law-enforcement business, the release of which is prohibited by law, or which may have an adverse impact on law enforcement operations or officer safety.

V. Seeking Personal Preferment. Employees shall not solicit petitions or influence or seek the intervention of any person outside the department for purposes of personal preferment, advantage, transfer, advancement, promotion, or change of duty for themselves or for any other person.

W. Criticism of the Department. Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or its policies, town officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, bigoted, or unlawful, or if it undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

X. Disruptive Activities. Employees shall not perform any action that tends to disrupt the performance of official duties and obligations of employees of the department, or which tend to interfere with or subvert the reasonable supervision or proper discipline of employees of the department.

Y. Operation and Use of Police Radios. Operation and use of police radios is restricted to authorized and official police business. Personal conversations, or using vulgar, sarcastic, bigoted, or obscene language, or making unnecessary sounds are not permitted.

Z. Use of Racial or Religious Jokes and Slurs. No employee shall engage in any form of speech likely to be construed as a racial, ethnic, or religious slur or joke, whether in the presence of the public or of other employees.

AA. Use of Force. Officers shall use only that amount of force reasonably necessary to accomplish their police mission.

BB. Indebtedness to Subordinates. Supervisors shall not become indebted to their immediate subordinates.

CC. Personal Relationships Prohibited with Certain Persons. Employees shall not become personally involved or develop a personal or social relationship with a victim, suspect, witness, or defendant while any case is being investigated or prosecuted as a result of such investigation. (TBP: 2.18)

DD. Duty to be Kind, Courteous, and Patient. Employees shall at all times be courteous, kind, patient, and respectful in dealing with the public. Employees shall strive to win the respect of all members of the community in the discharge of their official duties. When addressed, employees shall avoid answering questions in a short or abrupt manner, and shall not use harsh, coarse, violent, profane, indecent, suggestive, sarcastic, bigoted, or insulting language.

EE. Duty to Intervene. Any officer or police employee that observes another employee using force that is clearly beyond what is reasonable and necessary,

has a duty to intervene by verbal and/or physical means, and as soon as practical, report the use of force, in writing, to a supervisor. This same standard applies even if the employee using force is a supervisor. This agency does not expect non-sworn personnel to physically intervene in an altercation; however, if a non-sworn employee observes what would reasonably be viewed as unreasonable force, the employee is expected to make a reasonable effort to contact a supervisor or other employee to report the occurrence.

1. It is important to remember that all reports of this nature must be reported in writing to the appropriate chain of command.

XI. Identification and Recognition

- A. Giving Name and Badge Number. Officers shall give their name, badge number and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a police assignment.
- B. Carrying Official Identification. Officers shall always carry their official identification on their persons. All employees will carry their official identification on or about their persons while on duty.
- C. Personal Cards. Employees are not permitted to have or use personal cards showing their connection to the department if such cards bear any information not directly pertaining to their work as police department employees.
- D. Exchange, Alteration, or Transfer of Badge. An employee's issued badge shall not be altered or exchanged between employees or transferred to another person except by order of the Chief of Police. Employees retiring or resigning will not be permitted to retain their badge when doing so will hamper normal operations of the department. All badges must be purchased unless exempted by the Chief of Police.
- E. Plainclothes Officers – Identification. A uniformed officer shall neither acknowledge nor show recognition of another police officer in civilian clothes unless that officer first addresses the uniformed officer.

XII. Maintenance of Property

- A. Use of City Property or Service. Officers shall not use or provide any town equipment or service other than for official city business.

- B. Responsibility for City Property. Employees shall be responsible for the proper care and use of department property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein.

- C. Departmental Vehicles. Employees shall operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator shall notify a supervisor immediately. Under no circumstances shall an officer investigate his or her own accident. The Department of Public Safety, Aransas County Sheriff's Office or Rockport Police Department will be requested to investigate police involved accidents.

- D. Reporting Damage. At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisors. Failure to report damage or defects creates the presumption that the employee inspected the vehicle and found no damage or defects. The employee, in this case, shall be held responsible for the damage.

- E. Responsibility for Private Property. Employees are responsible for protecting private property or equipment that has come into their possession because of their office against loss, damage, or destruction.

- F. Care of Quarters. Employees shall keep their offices, lockers, and desks neat, clean, and orderly.

- G. Property and Evidence. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be submitted to the property room prior to the end of shift.

- H. Alteration or Modification of Police Equipment. Officers shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no

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

XIII. Relationship with Courts and Attorneys

- A. Attendance in Court. Employees shall arrive on time for all required court appearances and be prepared to testify. Each member shall be familiar with the laws of evidence and shall testify truthfully on any matter.
- B. Recommending Attorneys or Bondsmen. Employees shall not suggest, recommend, advise or counsel the retention of a specific attorney or bondsmen to any person (except relatives) coming to their attention as a result of police business.
- C. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant or against the Town of Fulton or against the interests of the department in any hearing or trial shall immediately notify the Chief of Police through the chain of command.
- D. Interviews with Attorneys. Interviews between an officer and a complainant's attorney about a case arising from the officer's employment by the department shall be done in the presence of or with the knowledge and consent of the officer's commanding officer, department legal counsel, or prosecutor.
- E. Assisting and Testifying in Civil Cases. Officers shall not serve civil-process papers nor render assistance in civil cases except as required by law. No employee shall volunteer to testify in civil actions.
- F. Notice of Lawsuits against Officers. Employees who have had a suit filed against them because of an act performed in the line of duty shall immediately notify the Chief of Police in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question.
- G. Notice of Arrest or Citation. Employees who have become the subject of a citation (other than traffic citations) or arrest action in any other jurisdiction shall immediately notify the Chief of Police.

H. Arrest of Officer from Another Agency. An officer who arrests a sworn officer of another law enforcement agency shall immediately notify his or her own supervisor of the fact. Officers shall take whatever action is appropriate to the circumstances including issuance of summonses or making a physical arrest. That the person cited or arrested is a law-enforcement officer shall make no difference.

I. Arrest of Fulton Officer. If an officer has probable cause to arrest a sworn officer of our department, the officer shall first contact his or her immediate supervisor to review and confirm probable cause. In most cases, the officer may obtain a warrant against the suspect officer. Some occasions may demand an immediate custodial arrest.

XIV. Expectation of Privacy

A. Employees shall have no expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, filing cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational needs, internal investigatory requirements, or for other reasons, at the direction of the agency chief executive or his or her designee.

B. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.

FULTON POLICE DEPARTMENT	
Policy 1.4 Hiring Procedures	
Effective Date: 4/16/2025	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: TBP 2.01	

PURPOSE: To establish guidelines for hiring and background investigations for applicants for peace officer, telecommunicator, and county jailer appointments.

PERSONAL HISTORY STATEMENT AND WRITTEN CONSENT

1. Applicants for employment must submit a completed Personal History Statement (PHS). This agency shall obtain written consent from each applicant before reviewing information required in the background investigation.

2.BACKGROUND INVESTIGATION RECORDS

2.1 Before being hired, this agency shall conduct a thorough background investigation on each applicant which includes, at a minimum, the information referenced in this policy.

2.2 Personnel files, as described by Texas Occupations Code § 1701.4535, and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer.

2.3 Employment termination reports and misconduct investigation reports maintained by TCOLE.

2.4 Service records maintained by TCOLE.

2.5 Proof that the person meets the minimum qualifications for enrollment in a training program under Texas Occupations Code § 1701.251(a).

2.6 A military veteran's United States Department of Defense Form DD-214 or other military discharge record.

2.7 Criminal history record information.

2.8 Information on pending warrants as available through the Texas Crime Information Center and National Crime Information Center.

2.9 Evidence of financial responsibility as required by Texas Transportation Code §601.051.

2.10 A driving record from the Department of Public Safety.

2.11 Proof of United States citizenship or, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge, proof of legal permanent residence and proof that the person has applied for United States citizenship.

2.12 Information on the person's background from at least three personal references and at least two professional references.

2.13 Information on the person's law enforcement background as available through the National Decertification Index (NDI) maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST); and obtaining and reviewing records with entry agencies if a matching record exists.

2.14 If applicable, a file or record obtained by the commission under Texas Occupations Code § 1701.3035.

3.BACKGROUND INVESTIGATION

3.1 Files and records must be reviewed electronically (such as through the secure electronic file sharing system provided by TCOLE, which is strongly encouraged due to confidentiality purposes) or in person (if the previous law enforcement agency agrees). File review may not be done by phone.

3.2 The investigator will provide the other agency with a copy of the applicant's signed Release of Information before obtaining and reviewing all files and records.

3.3 Agencies in other states and federal agencies do not normally have access to the TCOLE file sharing system. If files from those agencies cannot be reviewed in person, other reasonable efforts should be made to review the files electronically. If the files cannot be reviewed, the investigator should document the reason why and the efforts that were made in the background investigation report.

3.4 If a Release of Information was provided and an agency does not respond to a file sharing request for records within ten business days and the investigator has made direct contact with the person from whom they are requesting files (such as phone or email), the investigator should contact their TCOLE Field Service Agent for assistance.

3.5 An investigator must contact each agency to determine if records still exist regardless of records retention schedules. Some agencies retain records long past those schedules and all available records must be reviewed.

3.6 If an agency no longer has records, most will upload a form letter to the file sharing system documenting the lack of records and the reason why. That letter should be added to the background investigation report.

3.7 If a previous agency no longer exists or is currently unmanned, the investigator should confirm and document the same in the background investigation report. The investigator should contact the governing body over a former or unstaffed agency to determine what records remain and how they can be accessed.

3.8 The background investigator shall document all findings pertinent to the background investigation in a background investigation report. A copy of the background investigation report shall be maintained in the employee's personnel file.

4. TCOLE FORMS

4.1 L-1: TCOLE Appointment Application form.

4.2 L-2: TCOLE Licensee Medical Condition Declaration form.

4.3 L-3: TCOLE Licensee Psychological and Emotional Health Declaration form.

4.4 L1-T: TCOLE Telecommunicator Appointment form.

4.5 During the appointment of any licensee, this agency will complete the appropriate background and appointment forms required by TCOLE. Such forms will document that all background investigation steps required by Texas Occupations Code § 1701.451 were completed prior to appointment and how those steps were completed. The information

certified on the forms shall be consistent with the process required in Section 3 of this policy.

5.MEDICAL EXAMINATION AND DRUG SCREENING

5.1 If there is a 180-day break in service, before being hired, each applicant must undergo a drug screening by a physician licensed by the Texas Medical Board designated by this agency.

5.2 Applicants for peace officer must also undergo a medical examination by a physician licensed by the Texas Medical Board designated by this agency if 180-day break in service. The physician must be familiar with the duties appropriate to the type of appointment to be made.

5.3 If the applicant successfully passes the medical examination and drug screening, the provider administering the exam shall sign L-2. The L-2 shall be included in the employee's personnel file.

5.4 If the applicant fails the medical examination or drug screening, this agency will report the failure to TCOLE on a form prescribed by TCOLE.

6.PSYCHOLOGICAL EXAMINATION

6.1 Before being hired, each applicant must undergo a psychological examination conducted by a psychologist licensed by the Texas Board of Examiners of Psychologists or a psychiatrist licensed by the Texas Medical Board and certified by the American Board of Psychiatry and Neurology, as designated by this agency if 180-day break Inservice.

6.2 The psychologist or psychiatrist must be familiar with the job duties of the position the applicant applied for.

6.3 The psychologist or psychiatrist must be given a copy of the applicant's PHS and background investigation report to review before the examination.

6.4 The psychological examination must be conducted according to professional standards and include: use of at least two instruments, one measuring personality traits, and one measuring psychopathology; and conducting an interview after the two instruments above are scored and a review of the PHS and background investigation report.

6.5 If the applicant successfully passes the psychological examination, the psychologist or psychiatrist shall sign the L-3. The L-3 shall be included in the employee's personnel file.

6.6 If the applicant fails the psychological examination, this agency will report the failure to TCOLE on a form prescribed by TCOLE.

7.FINGERPRINT CHECK RETURN

7.1 Before being appointed, each applicant must successfully complete a fingerprint search of local, state, and United States records and fingerprint files to disclose any criminal record if 180-day break in service. A copy of the fingerprint check return shall be maintained in the personnel file.

8.FIREARMS QUALIFICATION

8.1 If the applicant is a current Texas Peace Officer, the applicant must submit an official record of annual firearms qualification within the past 12 months or complete a firearms qualification prior to employment.

9.APPOINTMENT OF LICENSEE

9.1 Upon hiring, a complete and accurate L-1 or L1-T will be submitted to TCOLE.

9.2 A copy of the L-1 or L1-T will be notarized and maintained in the employee's personnel file.

10.PROVISIONAL HIRING PERIOD

10.1 Applicants hired while the subject of a misconduct investigation with a previous employing agency may initially be hired on a provisional basis of 90 days.

10.2 During that provisional period, this agency will obtain and review the completed misconduct investigation report from the previous employing agency or TCOLE and may choose to terminate the provisional employment based on those findings.

10.3 This provisional period is unrelated to any other probationary hiring periods used by this agency.

FULTON POLICE DEPARTMENT	
Policy 1.5. Basic Training Requirements	
Effective Date: 4/15/2026	Replaces:
Approved: _____ Chief of Police	
Reference: TBP 1.09, 3.05, 3.06, 3.07, 3.08, 3.09, 3.18, and 8.11.	

I. POLICY

Today's society is both multi-faceted and complex. To provide effective law enforcement services, it is imperative that officers as well as non-sworn employees have the training necessary to accomplish their mission. The Fulton Police Department is committed to providing the training necessary to meet Texas state requirements.

II. PURPOSE

The purpose of this policy is to provide members of the department with details of the training required by the department and their responsibilities with regard to maintaining that training.

III. REQUIRED TRAINING

A. Basic Training

1. Sworn members of the department are required to have a peace officer license issued by the Texas Commission on Law Enforcement. This license currently requires officers to attend a basic peace officers' course

and pass a commission licensing examination. If officers who are hired by the department are not already licensed, they must obtain their peace officer license within one year from their date of hire. Officers must possess their peace officer license prior to performing any law enforcement duty or function. (TBP: 1.09)

2. Previously licensed officers who apply for employment must have their license in good standing, all in-service training completed, or the ability to complete in-service requirements prior to the end of the Commission training cycle, which ends August 31 of odd-numbered years.
3. In addition to the training required for licensing, all sworn officers and reserves will complete the National Incident Management System training, appropriate for their rank, prior to completion of field training, or prior to completion of promotional probation in the event of promotion to a higher rank. (TBP: 8.11)

B. Field Training

1. All sworn members of the department are required to complete the department's field training program as outlined in Policy 4-2 within the time period specified.
2. Officers with prior experience may qualify for expedited field training if they are able to demonstrate proficiency in all required areas.

C. In-service training (TBP: 3.06)

1. All sworn personnel of the department shall, within each Commission training period as required by law, obtain at least 40 hours of in-service training. In-service instruction may include, but is not limited to, the following:
 - a. A review of changes or revisions in Texas state law
 - b. Training required by the legislature during each four-year training cycle
 - c. Specialized training required at the direction of the Chief of Police or the Commission based on assignment
 - d. Supervisory training
 - e. Policies and procedures
 - f. Firearms training and qualifications.
2. Sworn personnel are responsible for remaining current on the training necessary to maintain their license and any special certifications they may hold. The department will provide officers with the training or

provide the time and funding necessary to obtain the training, provided such certifications are deemed beneficial to the agency. Much of the required training can be obtained on-line from the Commission website.

3. Reserve officers will meet the same in-service training requirements as regular officers. (TBP: 3.07)

D. Supervisory training (TBP: 3.09)

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

E. Civilian personnel (TBP: 3.08)

1. All newly appointed civilian personnel will receive the following training from the Chief or his/her designee:
 - a. Orientation to the department's role, purpose, goals, policies, and procedures
 - b. Working conditions, rules, and regulations
 - c. Responsibilities and rights of employees.
2. Non-sworn communicators and communications supervisors will complete TCOLE's basic tele-communicators and TCIC/NCIC full operators training within
3. Records personnel or personnel assigned to records processing will complete a course in Texas state open records and records retention within 90 days of hire.
4. Any non-sworn personnel who have state-required or job-specific training will be provided that training either prior to job assignment or within 90 days of assignment

IV. TRAINING EXPECTATIONS

A. Attendance

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

B. Expenses

With the exception of paper and pencils or pens, all expenses incurred by department personnel as a result of required training will be reimbursed based on actual expenses (receipts must be provided). If personnel are required to use their personal vehicles they will be reimbursed at the current city mileage rate.

V. DEPARTMENTAL TRAINING

A. Performance-based training

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

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

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

B. Lesson plans

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

C. Instructors

1. Instructors for all department training programs shall:
 - a. Have a minimum of two years' law-enforcement experience, or
 - b. Have completed a TCOLE instructor's course and be certified as an instructor, or
 - c. Possess a demonstrated skill in an area of instruction, or
 - d. Have knowledge of teaching theories, methods, and practices along with some knowledge of law-enforcement practices.
 - e. Provide the department with a resume or CV setting forth the experience and qualifications of the instructor.
2. Instructors enlisted from outside the department shall be approved by the Chief or his/her designee. The instructor must have demonstrated skill in his/her area of instruction and comply with requirements for

lesson plans as previously stated. Any compensation will be determined by the Chief of Police.

3. Before being allowed to instruct any state-mandated courses at the department, instructors shall receive, at a minimum, training in:
 - a. Lesson plan development
 - b. Development of performance objectives
 - c. Instructional techniques
 - d. Learning theory
 - e. Testing and evaluation techniques
 - f. Resources.

VI. REMEDIAL TRAINING

- A. Remedial training is directed at solving a particular problem or improving performance in a particular area within a designated time and with clearly defined, expected results.

- B. Remedial training may be assigned as a result of discipline or counseling.

VII. TRAINING RECORDS (TBP: 3.05)

A. Training records

1. The Chief of Police, or his/her designee, shall maintain a training record for each employee that includes the following:
 - a. The date of training
 - b. The type and hours of training received
 - c. A copy of any certificate received.

Training records for non-sworn members will be maintained separately from those of sworn personnel.

2. The Chief, or designee, shall maintain files on all in-house training courses or presentations, including the following:
 - a. Course content (lesson plans)

- b. Personnel attending
- c. Any performance measures as ascertained through tests or demonstrations.
- d. Instructor resume or CV.

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FULTON POLICE DEPARTMENT	
Policy 1.6 Uniforms and Appearance	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____ Chief of Police	
Reference: TBP 12.2	

II. POLICY

The uniform policy of the Fulton Police Department is established to ensure that uniformed officers, special assignment officers, will be readily identifiable to the public through the proper use and wearing of Department uniforms

III. PURPOSE

The purpose of this policy is to establish an easily recognition of a Fulton Police Officer and to be looked upon as a professional looking department.

IV. WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

- A. Police employees wear uniforms to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other times of need.
 - A. Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed if the clothing type allows it.

- B. All sworn officers of this department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- C. Personnel shall wear only the uniform specified for their rank and assignment.
- D. Employees shall not loan any portion of the uniform to others.
- E. Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.
- F. If the uniform is worn in transit when driving other than a marked vehicle, an outer garment should be worn over the uniform shirt so as not to bring attention to the employee while off-duty.
- G. Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform.

B. UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

A. CLASS A UNIFORM

The Class A uniform is to be worn on special occasions, such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all certified officers. The Class A uniform includes the standard issue uniform with the following:

- a. Department issued long sleeve navy blue Blauer shirt with department issued navy blue tie
- b. The outer vest is not permitted with the Class A uniform, under vest only.

2. CLASS B UNIFORM

The Class B uniform will be normal everyday wear for patrol which as follows:

- a. Tan or navy blue department issued Blauer pants.
- b. Dark navy or French blue Blauer department issued shirts.
- c. A black outer vest is the acceptable body armor carrier for the Class B uniform.

3. CLASS C UNIFORM

a. The Class C uniform is to be worn by commissioned police department personnel during trainings or special events, natural disasters, etc...The Class C uniform consists of the the following:

b. Generally any type of clothing and gear the officer feels comfortable at that given time as long as the uniform is appropriate.

4. SPEICAL WEATHER

a. Optional and weather-appropriate items:

b. Black/Navy blue winter skull cap / Beanie with department logo or plain. (cold weather only)

c. Black/Navy face mask/Gator (cold weather only).

c. Jacket with patches

d. Duty gloves

e. Raincoat or other high visibility jacket/coat

f. Waders/rain boots for special weather events

5. FOOTWEAR

a. Black polishable boots for Class A and B uniforms-unless otherwise approved by the Chief of Police.

b. Class C Uniform, generally all footwear is acceptable as long as the footwear is appropriate at the time.

6. HEADWEAR

a. Caps- Navy blue, black or tan ball cap style hats- Forward facing, with some type of Fulton or police insignia.

b. Cowboy hats- Cowboy hats that do not have distracting colors, styles, feathers, or flare are not allowed unless approved by the Chief of Police. Velvet hats are allowed during the winter months.

7. DUTY BELTS

a. Black leather or nylon duty belt. The department will furnish the duty belt unless the officer wants to prove their own but will be

permitted by the Chief of Police. Duty belts are to be in good working condition and in good shape. Thigh holsters are not permitted.

IV APPEARANCE

a. Clothing should be clean and neat, free from stains, holes, and wrinkles. Clothing should not appear to be worn, faded or stretched out.

b. Employees are expected to maintain appropriate and professional hairstyles. Hair, beards, sideburns and mustaches must be clean and neatly groomed. Hair must be properly restrained for its length and job assignment. Hair coloring should be within the range of natural hair colors.

c. Visible tattoos on the face, neck, head, or ears are prohibited. Officers with tattoos that are considered inappropriate may be required to cover them.

FULTON POLICE DEPARTMENT	
Policy 2.2 Misconduct Allegations and Personnel Files	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: VA.04.29.2024	

MISCONDUCT ALLEGATIONS

PURPOSE: To establish guidelines for investigating allegations of misconduct.

1. DEFINITIONS AND REFERENCES

1.1 License Holder: A Texas County Jailer, Peace Officer, or Telecommunicator.

1.2 Allegation of Misconduct: A written complaint of misconduct, as defined in paragraph 1.3, and signed by the person making the complaint.

1.3 Misconduct: Violations of federal or state laws or local ordinances and alleged conduct including: use of excessive force, untruthfulness, unlawful search, unlawful arrest, civil rights violations, racially motivated police actions, discrimination, sexual harassment, or any conduct that seriously degrades the integrity or good order of the organization.

For purposes of this policy, allegations of untruthfulness shall include false, untrue, or misleading statements, either by overt means or by omission. Misconduct does not include minor rule violations of a less serious nature.

1.4 Summary Report: A report providing a description of each allegation of misconduct, the investigative findings of each allegation, including whether sustained or not sustained, and the final disposition of each allegation.

1.5 TCOLE: Texas Commission on Law Enforcement.

2.INVESTIGATION PROCEDURES

2.1 This agency shall investigate allegations of misconduct that may result in suspension, demotion, or termination at the time the agency becomes aware of the alleged misconduct.

2.2 Initiate an appropriate administrative or criminal investigation into alleged misconduct of a license holder employed by this agency at the time the agency becomes aware of the alleged misconduct.

2.3 Complete the investigation within 180 days, absent other applicable laws, provisions of collective bargaining, meet and confer, other agreements, or policies.

2.4 Report to TCOLE an investigation into alleged criminal misconduct for which criminal charges are filed against the license holder within 30 days after the investigation is completed.

2.5 Complete an administrative investigation of alleged misconduct. On a template provided by TCOLE, prepare and submit to TCOLE a summary report of the investigation in a timely manner, but not later than the 30th day after the date of the license holder's separation from the agency, if applicable.

2.6 Include documentation of the completed investigation in the license holder's personnel file maintained by the agency as described by Texas Occupations Code § 1701.4535, or § 1701.4522, as applicable.

2.7 Notify TCOLE if the matter is under appeal. The agency shall notify TCOLE of the disposition of an appeal within 30 days of receipt of the decision.

2.8 If a license holder separates from this agency during the pendency of an investigation of misconduct, the agency shall complete the investigation and submit a summary report to TCOLE regardless of the findings.

PERSONNEL FILES

PURPOSE: To provide guidelines for the compilation and retention of "personnel files" as defined by this model policy.

1.DEFINITIONS AND REFERENCES

1.1 Personnel File: (1) Any letter, memorandum, or document relating to accommodation, congratulation, or honor bestowed on the license holder by a member of the public or by this agency for an action, duty, or activity that relates to the license holder's official duties; (2) Any misconduct (as defined by section 1.3, Misconduct Allegations model policy) by the license holder if the letter, memorandum, or documents from the employing agency and resulted in disciplinary action; and (3) The periodic evaluation of the license holder by a supervisor. For reference, see Texas Local Government Code § 143.089(a); Texas Occupations Code § 1701.4535(a)(1).

1.2 Department File: Any information not included in the definition of Personnel File, section 1.1, and referenced in sections 3.1-3.2. For reference, see Texas Local Government Code § 143.089(g); Texas Occupations Code §§ 1701.4522 and .4535(c).

2.PERSONNEL FILE CONTENTS

2.1 This agency shall maintain a personnel file on each license holder employed by the agency.

2.2 If a negative letter, memorandum, document, or other notation of negative impact is included in a license holder's personnel file:

a) The agency head or the head's designee shall, not later than the 30th day after the date of the inclusion, notify the affected license holder by certified mail, or by departmental or personal email, or in person;

b) Notice is considered to be received electronically by the license holder, provided it is sent to the department or personal email address listed in the license holder's personnel file and the license holder confirms receipt;

c) If confirmation of receipt is not provided by the license holder within seven calendar days of being sent electronically, the agency head or the head's designee must send the notification by certified mail; and

d) The license holder may, on or before the 30th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation.

2.3 A license holder is entitled, on request, to a copy of any letter, memorandum, or document placed in the license holder's personnel file. This agency may charge the license holder a reasonable fee not to exceed the actual cost of any copies.

2.4 This agency may not release any information contained in a license holder's personnel file to any other agency or person requesting information relating to the license

holder without the license holder's written permission, unless the release is required by law. The agency shall refer the person or agency requesting the information to the agency head or the head's designee.

2.5 As provided by Texas Occupations Code § 1701.451, a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's personnel file.

2.6 This agency shall provide a license holder's personnel file to TCOLE not later than the 30th day after the date the license holder separates from the agency or on request by TCOLE as part of an ongoing investigation relating to the license holder.

3. DEPARTMENT FILE CONTENTS

3.1 Any letter, memorandum, or document relating to alleged misconduct by the license holder may not be placed in the license holder's personnel file if the agency determines that there is insufficient evidence to sustain the charge of misconduct.

3.2 Law enforcement agencies shall also maintain a file on a license holder employed by the agency for the agency's use including all information not referenced in section 1.1, Definitions and References of this policy. This file should be marked "Designated as Confidential for Statewide Employment Database under Texas Occupations Code §1701.168."

3.3 This agency may not release any information referenced in sections 3.1 and 3.2 to any other agency or person requesting information relating to the license holder without the license holder's written permission, unless the release is required by Texas Occupations Code § 1701.451. The agency shall refer the person or agency requesting the information to the agency head or the head's designee.

3.4 As provided by Texas Occupations Code § 1701.451, a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's department file.

FULTON POLICE DEPARTMENT	
Policy 2.0 Bias Based Policing	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: TBP 2.01	

I. POLICY

We are committed to respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate based on race, sex, gender, sexual orientation, national origin, ethnicity, age, or religion. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement consensual contacts between officers and the public.

II. PURPOSE

The purpose of this order is to inform officers that bias-based policing is prohibited by the department. Additionally, this order will assist officers in identifying key contexts in which bias may influence these actions and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

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

- A. Bias: Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased-based policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. Ethnicity: A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable cause: Specific facts and circumstances within an officer's knowledge that would lead a reasonable officer to believe that a specific offense has been or is being committed, and that the suspect has committed it. Probable cause will be determined by the courts reviewing the totality of the circumstances surrounding the arrest or search from an objective point of view.
- F. Race: A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from

ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.

- G. Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable suspicion: Specific facts and circumstances that would lead a reasonable officer to believe criminal activity is afoot and the person to be detained is somehow involved. Reasonable suspicion will be determined by the courts reviewing the totality of the circumstances surrounding the detention from an objective point of view.
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: An investigative detention of a person for a brief period of time, based on reasonable suspicion.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)
2. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity

in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
4. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
 - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
2. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
 - a. Personnel shall facilitate an individual's access to other governmental services whenever possible and shall actively provide referrals to other appropriate agencies.
 - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaint process and shall give copies of "How to Make a Complaint" when requested or when it is reasonable to assume.
3. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation undermines an investigation or jeopardize an officer's safety.
4. When concluding an encounter, personnel shall thank him or her for cooperating.
5. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.

6. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties and those of their subordinates. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are critical to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the law engenders not only mistrust of law enforcement, but increases safety risks to personnel as well as exposing the employee(s) and department to liability.
5. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates if the supervisor knew, or should have known, of the subordinate's actions.
6. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable. Any enforcement action that begins as a consensual encounter will also have the circumstances of the initial encounter documented.
7. Supervisors shall facilitate the filing of any complaints about law-enforcement service.
8. Supervisors will randomly review at least three video tapes per officer (either body camera and/or in-car camera video) per quarter. For this policy a "quarter" is defined as a 3-month period of time. Supervisors are not required to watch each incident of an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and law is required.

C. Disciplinary consequences

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

D. Training (TBP: 2.01)

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

II. COMPLAINTS

- A. The department shall publish “How to Make a Complaint” folders and make them available at all city facilities and other public locations throughout the town. The department’s complaint process and its bias-based profiling policy will be posted on the department’s website. The information shall include, but is not limited to, the email, physical address, and telephone contact information for making a complaint against an employee. Whenever possible, the media will be used to inform the public of the department’s policy and complaint process.
- B. Complaints alleging incidents of bias-based profiling will be fully investigated as described under Policy 2.4.
- C. Complainants will be notified of the results of the investigations when the investigation is completed.

III. RECORD KEEPING

- A. The department will maintain all required records on traffic stops where a citation or warning is issued or where an arrest is made subsequent to a traffic stop.
- B. The information collected above will be reported to the city council as required by law.
- C. The information will also be reported to TCOLE in the required format.

	FULTON POLICE DEPARTMENT	
	Policy 2.1 Off-Duty Employment	
	Effective Date: 4/15/2026	Replaces:
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

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

II. PURPOSE

The purpose of this policy is to define regulations governing off-duty employment and conduct for an officer who is employed in an off-duty capacity.

III. DEFINITIONS

- A. Off-Duty Employment: Work not done as part of regular employment by this department but which is performed or which provides services for compensation (a fee or otherwise), including self-employment. Volunteer charity work is excluded unless it involves law-enforcement duties.

- B. Employment related to law enforcement: Off-duty employment that may entail the use of law-enforcement powers granted by the State of Texas or the City of Fulton.
- C. Probationary year: The period of time measured by six months beginning with the date of hire for non-sworn personnel and the date of completing field training for sworn officers.
- D. Secondary employment: Any off-duty work for pay that is not related to law enforcement. Secondary employment that does not require sworn enforcement powers as a condition of employment and the work does not provide implied law-enforcement service.

IV. PROCEDURES (TBP: 4.05)

A. General.

1. All employees are eligible to work off-duty employment subject to the requirements of this policy. .
2. Employees on medical or sick leave, temporary disability, or light duty due to injury are ineligible for off-duty employment.
4. An employee engaged in any off-duty employment may be called to duty in an emergency.

B. Secondary employment restrictions: conflict of interest.

Employment shall not in and of itself constitute a conflict of interest. A conflict of interest, as determined by the Chief of Police, is any activity that is inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of police department employment.

C. Restriction on off-duty employment that is law-enforcement related.

1. Employment related to law enforcement shall not exceed 16 hours per day, including on-duty time. For example, an employee working a 10-hour tour may work six hours of off-duty employment on the same day, and an officer on a day off may work 16 hours. For the purpose of computing allowable work time, court appearances constitute on-duty time.
2. Officers will not work any off-duty employment on the same calendar day they call in sick to on-duty employment.
3. Employment related to law enforcement is restricted to the city boundaries unless the officer is working in conjunction with another jurisdiction's regular law-enforcement agency and after having been requested to do so by the Chief of Police or a command level law-enforcement officer in that jurisdiction.
4. Serving as a recruiter and receiving compensation for procurement of law-enforcement related jobs for other department employees is prohibited.
5. No employee shall solicit any person or business for the purpose of gaining law-enforcement related off-duty employment, and, while on duty, shall not solicit any person or business for the purpose of gaining secondary employment.
6. Except for public school security activities and other employment specifically authorized by the Chief of Police, city-owned vehicles, radios, or other equipment shall not be used while traveling to and from or engaging in law-enforcement related off-duty employment.
7. Officers engaged in law-enforcement related employment shall be subject to the orders of the on-duty law-enforcement supervisor.

D. Administration.

1. Employees must submit a written request to the Chief of Police through the chain of command for any off-duty employment. Employees shall not begin any off-duty work until approval has been granted. The request shall be filed in the employee's personnel file.
 - a. The approved request is subject to periodic review by the Chief of Police. Officers shall communicate any changes in information contained on the form to the Chief of Police as soon as possible.
 - b. The Chief of Police may revoke permission to work off duty if the officer fails to perform adequately on duty or receives disciplinary action. To be eligible for permission to work off duty, officers must be in good standing with the department. Continued permission to work off duty is contingent upon remaining in good standing.
2. The Chief of Police shall disapprove any employment that demeans the status or dignity of the law-enforcement profession or otherwise

represents a conflict of interest. Examples of such employment include the following:

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



	FULTON POLICE DEPARTMENT	
	Policy 2.2 Sexual or Other Illegal Harassment	
	Effective Date: 4/16/2026	Replaces: Revised 2013
	Approved: _____	
	Chief of Police	
Reference: TBP 2.11		

I. POLICY

The department's policy is to provide a professional, businesslike work environment free from all forms of employee discrimination, including incidents of sexual or other forms of illegal harassment, which include color, race, religion, age, and national origin.

No employee shall be subjected to unsolicited or unwelcomed sexual overtures or conduct, either verbal or physical. The harassing behavior, to be subject to this order, need not occur only during work hours on agency premises, but may occur before or after work and at other locations. Sexual or other unlawful harassment, regardless of the type, is misconduct and the department shall apply appropriate disciplinary sanctions.

Two kinds of sexual harassment apply: quid pro quo harassment and hostile work environment harassment, defined below. The two forms of harassment may overlap.

II. PURPOSE

The purpose of this policy is to define and give examples of sexual and other unlawful harassment, outline prohibited behavior, and describe reporting procedures. (TBP: 2.11)

III. DEFINITIONS

A. Sexual harassment

The Civil Rights Act of 1964 prohibits discrimination based on color, race, religion, age, national origin, and sex. Sexual harassment is a form of sex discrimination. It is defined as follows:

1. Unwelcome sexual advances
2. Requests for favors
3. Verbal or physical conduct that enters into employment decisions
4. Conduct that unreasonably interferes with an employee's work performance
5. Conduct that creates an intimidating, hostile, or offensive working environment.

B. Quid pro quo harassment. ("Quid pro quo" means "something for something.")

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

Examples of this form of harassment include the following:

- A request for sexual favors, accompanied by implied or overt threats concerning a person's employment status.
- Promise of preferential treatment in terms of benefits or status.
- Granting job favors to those who participate in consensual sexual activity or penalizing those who refuse to participate.
- Unwanted, intentional touching (patting, massaging, rubbing, hugging, pinching).
- Telephoning or following an employee, during work hours or not, and harassing the employee by requesting sexual favors or in other ways.

C. Hostile work environment harassment

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

- The employee tolerates unwelcome, pervasive conduct including sexual comments of a provocative or suggestive nature.
- One employee makes jokes or suggestive remarks intended for and directed to another employee.
- An employee leaves sexually explicit books, magazines, photographs, or other items where employees will find them.
- An employee makes unwelcome, demeaning comments (such as talking about physical attributes) to another employee.

- Ridicule, offensive language, propositions, or other similar actions are directed toward an employee, or more than one employee.
- An employee makes unwanted, unwarranted, unsolicited off-duty telephone calls and/or contact.
- An employee leaves signed or anonymous notes or drawings on or in desks, on bulletin boards, in lockers or others places.
- An employee deliberately singles out women in front of men co-workers (or vice versa) and subjects them to demeaning or derogatory remarks.

IV. PROHIBITED CONDUCT

- A. Employees shall not commit or participate in any form of sexual or other illegal harassment.

- B. The department considers romantic relationships between supervisors and subordinates potentially non-consensual. Personal relationships between supervisors and subordinates should be brought to the attention of the Chief of Police at the earliest point so that a proper course of action can be determined. Failure to do so may result in discipline.

- C. Supervisors shall ensure that pornographic, demeaning, intimidating, or suggestive photographs, illustrations, cartoons or any other form of suggestive material are not posted or kept in any area of the department, including locker rooms, desks, offices or other locations. Materials of this kind used for investigative purposes shall be properly secured according to evidentiary standards. The material in question may be sexual in nature or insulting to a person based on race, religion, national origin, color, or age.

- D. Supervisors shall order employees on department premises who are making sexually hostile comments or degrading or demeaning remarks about other persons of the same or opposite sex to cease doing so or face discipline.
- E. Employees shall avoid inappropriate physical contact with one another unless required by a training situation or police procedure. Actions such as kissing, back rubbing, embracing, and any other unnecessary touching are prohibited on department premises or while on duty.
- F. Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in the investigation. Retaliation in any form shall result in discipline.

V. PROCEDURES

A. Employee Responsibilities

1. An employee who believes he or she has been sexually harassed should first tell the offender to cease the inappropriate behavior, although circumstances may not always allow the complainant to make this request. If the conduct does not stop, or if the complainant is unable to confront the offender, the complainant shall contact his or her own immediate supervisor. The employee or supervisor shall immediately submit a memorandum to the Chief of Police through the chain of command detailing circumstances. Employees may also report incidents of harassment directly to the City Secretary.
If a supervisor learns of an incident of harassment, he or she shall report the matter to the Chief of Police even if the victim did not submit a complaint.
2. If the complainant is not an employee of the department, the complaint itself is considered no less valid and shall be investigated according to the procedures set forth in this order and in Policy 2.4.
3. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking, assault, and sexual assault shall be handled immediately as criminal investigations.
4. Each employee of this agency is responsible for assisting in the prevention of harassment and discrimination by:
 - a. refraining from participation in or encouragement of action that could be perceived as harassment and/or discrimination.
 - b. reporting observed acts of harassment and discrimination to a supervisor, and
 - c. encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.

5. Failure of any employee to carry out these responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

B. Supervisor's Responsibilities:

1. Although all employees shall be responsible for preventing harassment and/or discrimination, supervisors shall be responsible for:
 - a. advising employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment and discrimination.
 - b. monitoring the work environment daily for signs that harassment and discrimination may be occurring.
 - c. stopping any observed acts that may be considered harassment and discrimination.
 - d. taking appropriate steps to intervene, whether the employees involved are within his/her line of supervision.
 - e. utilizing all reasonable means to prevent a prohibited act from occurring when he or she knows or should know that an employee will or may perform such an activity.
 - f. taking immediate action to prevent retaliation towards the complaining party.
 - g. eliminating the hostile work environment where there has been a complaint of harassment and/or discrimination.
 2. No supervisor shall make any employment decision that affects the terms, conditions, privileges, or responsibilities of an individual's employment based on that person's race, sex, religion, national origin, color, sexual orientation, age, or disability.
 3. If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant.
 4. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporarily pending the outcome of the investigation.
 5. Any proscribed conduct covered by this policy that comes to the attention of a supervisor shall result in an investigation.
 6. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment and discrimination in documenting and filing a complaint.
- C. When an employee reports an allegation of sexual harassment, a confidential internal investigation shall begin immediately.

1. The Chief of Police shall immediately take action to limit the employee(s) involved from any further work contact with the alleged offender.
2. The Chief of Police shall conduct an investigation pursuant to the provisions of Policy 2.4.
3. If the sexual harassment allegation is not resolved to the satisfaction of the complainant, eligible employees may invoke the departmental grievance procedure.

D. The Chief of Police shall report such allegations to the City Secretary without delay.

VI. TRAINING

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

FULTON POLICE DEPARTMENT	
Policy 2.3 Court Appearance	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference:	

VII. POLICY

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

VIII. PURPOSE

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

IX. PROCEDURES

A. Subpoenas

1. All officers shall accept subpoenas and shall appear in the designated place at the time required. Avoidance of service is strictly prohibited, and offending officers are subject to disciplinary action. This agency shall establish a system of accountability for subpoenas from the point of receipt

from the court to the point of officer testimony. This includes but is not limited to:

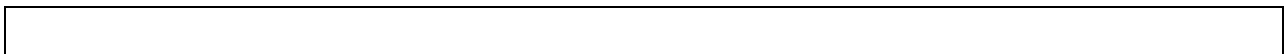
- a. recording the receipt of subpoenas to include date received, court date and time, defendant's name, officer's name, and date executed and returned to the court.
 - b. recording the service of subpoenas to named officers by shift supervisors or other designated personnel noting dates received, dates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

B. Preparation for Trial

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

C. Appearance in Court

1. Officers shall receive COMP time for appearance in court during off-duty hours at the rate designated by this agency and in accordance with established means of calculation.
2. Officers who are late for or unable to appear on a court date shall notify the appropriate court authority as soon as possible, providing name, defendant's name, court designation, and reason for absence or tardiness. The reason for absence or tardiness shall be reviewed by the officer's commander and may be referred to for disciplinary review.
3. Officers' physical appearance, personal conduct, and manners shall conform to the highest professional police standards.
 - a. Officers will wear a class A type uniform with a tie or slacks with a dress shirt and tie or a suit. Jeans are not allowed in any courtroom when testifying.
4. When testifying, officers shall:
 - a. restrict remarks to that which is known or believed to be the truth
 - b. speak naturally and calmly in a clear audible tone of voice
 - c. use plain, clearly understood language and avoid using police terminology, slang, or technical terms
 - d. display a courteous attitude and maintain self-control and composure.



FULTON POLICE DEPARTMENT	
Policy 2.4 Use of social media	
Effective Date: 4/15/2026	Replaces: Revised 2025
Approved: _____	
Chief of Police	
Reference:	

I. POLICY

Social media platforms provide a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem solving, investigations, crime prevention, and other related objectives. The department supports and utilizes the secure and appropriate use of social media to enhance communication, collaboration, and information exchange.

The department also recognizes the role that these tools play in the personal lives of department personnel. Because the improper use of social media platforms by employees may impact department operations, the department provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

These policies and procedures apply to all personnel including sworn and non-sworn employees, reserve officers, and any volunteers working with the department.

II. PURPOSE

The purpose of this policy is to establish guidance for management, administration, and oversight of social media. This policy is not meant to address one particular form of social

media but social media in general, as advances in technology will occur and new tools will emerge.

III. DEFINITIONS

A. Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “web log.”

B. Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

C. Post: Content an individual share on a social media site or the act of publishing content on a site.

D. Profile: Personal information that a user provides on a social networking site.

E. Social media: A category of internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flicker, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

F. Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

G. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

H. Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

- I. Wiki: Web page(s) that can be edited collaboratively.

IV. DEPARTMENT SPONSORED SOCIAL MEDIA

A. Requirements for Department Sponsored Public Social Media Sites

1. The department's Designee is responsible for the management, posting, and monitoring of the department's public social media network sites. Other members of the department may post and monitor specific social media sites as approved by the Chief of Police.
2. The Chief of Police, with input from departmental members, will determine the extent of the department's official use of social media platforms. No social media platform will be utilized by the department without the express approval of the Chief of Police and Town Mayor.
3. Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
4. Where possible, the page(s) should link to the department's official website.
5. Social media pages shall clearly indicate that they are maintained by the department and shall have department contact information prominently displayed.
6. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
7. Content is subject to open government laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and retrieved to comply with open government laws, records retention laws, and e-discovery laws and policies.
8. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
9. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove any posting.
10. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

B. Operation of Department Sponsored Public Social Media Sites

Department personnel approved by the department to post to social media outlets shall do the following:

1. Always conduct themselves as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
2. Identify themselves as a member of the department.
3. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
4. Not conduct political activities or private business.
5. Department personnel's use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express written permission.
6. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

C. Uses of Departmental Sponsored Social Media Sites

1. Social media can be used to make time-sensitive notifications related to:
 - a. road closures,
 - b. special events,
 - c. weather emergencies, and
 - d. missing or endangered persons.
2. Social media is a valuable investigative tool and may be used to seek evidence or information about the following:
 - a. missing persons,
 - b. wanted persons,
 - c. gang participation,
 - d. crimes perpetrated online,
 - e. photos or videos of a crime posted by a participant or observer.
3. Social media can be used for community outreach and engagement for the following purposes:
 - a. providing crime prevention tips,
 - b. offering online-reporting opportunities,
 - c. sharing crime maps and data

d.soliciting tips about unsolved crimes (e.g., Crime Stoppers, text-a-tip).

4. Social media can be a valuable recruitment mechanism, since many people seeking employment and volunteer positions use the internet to search for opportunities.
5. Background investigations.
 - a. This department has an obligation to include internet-based content when conducting background investigations of job candidates.
 - b. Search methods shall not involve techniques that are a violation of existing law.
 - c. Vetting techniques shall be applied uniformly to all candidates.
 - d. Every effort must be made to validate internet-based information that is considered during the hiring process.

D. Use of Covert Social Media Sites for Investigative Operations

1. Covert or undercover social media sites are exempt from the requirements of sections 1, 2, and 3 above.
2. Only the Chief of Police may approve of the use of any covert or undercover social media site or postings to other social media sites for undercover investigative operations. A supervisor will be assigned to monitor the operation of the investigation.
3. Prior to operating any covert or investigative social media site or posting to other social media sites for purposes of a covert or undercover investigation, the supervisor shall make contact with the prosecuting attorney and the city attorney to determine the admissibility and requirements of the law regarding preservation of information for both prosecution and open government as well as records retention requirements.

V. PERSONAL USE OF SOCIAL MEDIA

A. Precautions and Prohibitions

Department personnel shall abide by the following rules when using social media:

1. Members of the department may not access social networking or social media sites through the use of departmentally provided information systems unless authorized to do so on behalf of the department or during the course of an investigation.

2. Due to concerns for officer safety and to preserve tactical advantage, the posting of information related to any police response by any officer or an assisting agency is absolutely prohibited without the approval of the Chief of Police.

3. All matters of, by, within, and about department details regarding calls for service and the customers we interact with are generally considered confidential information that may not be released, blogged about, posted, or otherwise shared outside the department without prior authorization that has been obtained through an official open- records request, or without the information already being in the public realm [already otherwise released officially].

4. Display of departmental logos, uniforms, uniform patches, or departmental badges on their own or other social media sites is prohibited without approval of the Chief of Police.

6. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.

7. As public employees, department personnel are cautioned that speech, whether on or off-duty, made pursuant to their official duties—that is, speech which owes its existence to the employee’s professional duties and responsibilities—may not be protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department.

8. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.

9. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police.

a. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department, nor shall they post information pertaining to any other member of the department without that member’s permission. In relation to this, department personnel are cautioned not to post personal photographs or provide similar means of personal recognition that may cause them to be

identified as a police officer of this department. Officers who are working, or who may reasonably be expected to work, in undercover operations shall not post any form of visual or personal identification.

b. Personnel are reminded that many individuals that we contact in our profession become angry and on occasion seek revenge for official actions taken. Employees are encouraged not to post any information that could be used to identify an employee's residence, vehicle, or the identity of family members.

10. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Employees are required to be credible witnesses in criminal prosecutions and that credibility can be attacked using inappropriate posts on social media sites. Therefore, adherence to the department's code of conduct is required in the personal use of social media. Department personnel are prohibited from the following:

- a. Speech containing obscene or sexually explicit language, images, acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
- b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
- c. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
- d. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
- e. Department personnel should be aware that they may be subject to civil litigation for the following:
 - i. publishing or posting false information that harms the reputation of another person, group, or organization (defamation).
 - ii. Publishing or posting private facts and personal information about someone without that person's permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.

- iii. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose.
- iv. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

11. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

12. Department personnel should be aware that privacy settings and social media sites are constantly in flux and never assume that personal information posed on such sites is protected.

13. Department personnel are reminded that the department policies and Code of Conduct apply to on-line activities.

14. There should be no expectation of privacy for items or activities conducted online.

B. Monitoring of Social Media

1. Supervisors within the department may make random investigations into the postings of employees for purposes of protecting the integrity and reputation of the department, protecting the integrity of investigations, and ensuring privacy and security of departmental records and information.
2. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.
3. No supervisor or member of the department below the rank of Chief of Police is authorized to cancel, modify, or make exceptions to the contents of this order at any time.

FULTON POLICE DEPARTMENT	
Policy 3.0 Use of Force	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____ <p style="text-align: center;">Chief of Police</p>	
Reference: 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, and 6.10.	

I. POLICY

This department values the sanctity of human life. It is, therefore, the policy of this department that officers use only the force that is reasonably necessary to effectively bring an incident under control while protecting the lives of the officer and others.

The use of force must be objectively reasonable. The officer must use only the force that a reasonably prudent officer would use under the same or similar circumstances.

The officer's actions will be reviewed based upon the information known to the officer at the time the force was used. Information discovered after the facts will not be considered when assessing the reasonableness of the use of force.

Officers are prohibited from using any force as a means of punishment or in the process of interrogation.

II. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for the use of deadly and non-deadly force. Nothing in this policy is intended to create any benefit for third parties, nor does this policy set forth a higher standard of care with respect to third party claims.

III. DEFINITIONS

- A. **Deadly force:** Any use of force that creates a substantial risk of causing death or serious bodily injury.

- B. Non-deadly force: Any use of force other than that which is considered deadly force. Non-deadly force includes but is not limited to handcuffing and any physical force, effort or technique used against another.
- C. Serious Bodily Injury: “Serious bodily injury” means 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.
- D. Objectively reasonable:
 1. “Objectively reasonable” means officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to themselves and the community when determining the necessity for force and the appropriate level of force.
 2. In evaluating the reasonable application of force, officers may consider their own age, size, strength, skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

IV. PROCEDURES

A. Use of non-deadly force

1. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable and necessary to bring an incident under control. (TBP: 6.01)
2. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment when one or more of the following apply:
 - a. To protect the officer or others from physical harm.
 - b. To restrain or arrest an individual who is resisting a lawful arrest or detention.
 - c. To bring an unlawful situation safely and effectively under control.

B. Use of deadly force

Law enforcement officers are authorized to use deadly force when one or both of the following apply:

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

C. Deadly Force Restrictions

1. Warning shots shall not be fired. (TBP: 6.09)
2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. Officers threatened by an oncoming vehicle shall make a reasonable effort to attempt to move out of its path, if possible, instead of discharging a firearm at it or any of its occupants. However, if an officer reasonably believes that a person is immediately threatening the officer or another person with deadly force by

means of a vehicle, an officer may use deadly force against the driver of the vehicle.

4. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure if the animal is seriously injured and the officer reasonably believes that deadly force can be used without harm to the officer or others. In these circumstances, a supervisor shall be contacted prior to the use of deadly force if time permits.

V. LIMITATIONS ON FORCE

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

- A. Application of a chokehold or carotid-control holds, except when the officer reasonably believes such holds are the only means of protecting himself or herself or another person from an imminent threat of serious physical injury or death and the use of deadly force would be authorized.
- B. Use of flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon only to defend himself or herself or another from imminent serious bodily injury or death and then only if departmentally sanctioned methods are not available or are impractical. The use of a flashlight or other alternative weapon under such circumstances, depending on the manner of use, may be deemed an application of deadly force.

VI. TRAINING

- A. All officers shall receive training in the use of their firearms and all non-lethal weapons authorized by the department, hands-on arrest and defensive tactics, as well as the “Use of Force” policy prior to performing any law enforcement duties.
- B. All officers shall be trained and qualified with their firearms at least annually. (TBP: 3.01, 3.02)
- C. All officers shall receive training in the department’s “Use of Force” policy at least annually. (TBP: 3.02)
- D. All officers shall receive hands-on arrest and defensive-tactics training at least every two years. (TBP: 3.06)
- E. Officers shall receive training in all non-lethal weapons issued or used by the department and demonstrate proficiency with those weapons at least every two years. (TBP: 3.04)
- F. All use-of-force training shall, at a minimum, comply with the standards established by TCOLE.

VII. REPORTING USE OF FORCE (TBP: 6.03, 6.06)

- A. Officers shall document any application of force except for those arising in training, departmental demonstrations, or off-duty recreational activities.
- B. If officers have employed any use of physical force (other than the routine use of handcuffs or use of a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, or pointed or discharged any firearm, they shall first provide for appropriate medical aid for the subject (TBP: 6.07) and then they will do the following:

1. Immediately notify the on-duty supervisor or the Chief of Police (if the on-duty supervisor is unavailable) of any use of force or discharge of a weapon. The supervisor or Chief of Police shall determine if an immediate investigation is required.
2. Photographs of the subject will be taken as soon as possible after the use of force to document any injury or lack of injury.
3. Submit a use-of-force form to the Chief of Police prior to the end of shift describing the incident, the force used, and any medical aid rendered. The use of force form shall be in addition to any other required reports.

VIII. Unauthorized Use of Force

- A. The Fulton Police Department does not allow any of its employees and officers to use choke holds or carotid artery neck restraints. The only exception to the use of a choke hold or a carotid artery neck restraint could be when the officer involved is justified in the use of deadly force. Any officer using such force will cease immediately upon control of the subject (normally when the person has been handcuffed or no longer actively resisting) and begin the application of an appropriate medical response if needed. Officers are required to report these incidents through the process outlined in this agency's use of force reporting policy.

IX. DEPARTMENTAL REVIEW

A. Review

1. The officer's supervisors and the Chief of Police shall review all reported uses of force to determine the following:
 - a. If there was a violation of law or departmental orders were violated.
 - b. If the relevant departmental policy was clearly understandable and effective enough to cover the situation.
 - c. If departmental training was adequate.
 - d. If departmental equipment operated properly.
2. At least annually, the Chief of Police shall review all use of force incidents and determine if additional training, equipment, or policy modifications may be necessary. (TBP: 6.10.)
3. The department shall comply with all state-mandated reporting requirements.

B. Internal Investigations

1. An internal investigation will be conducted on any firearms discharge (other than training), and any other use of deadly force by any member of the department. An internal investigation may be conducted on other use-of-force incidents if a violation of law or department policy is suspected. In addition to the internal investigation, a criminal investigation shall also be conducted of any incident involving the discharge of firearms or any other use of force incident where an officer or other person is injured or killed and in any other circumstances where a violation of law is suspected. The criminal investigation may be conducted by another law-enforcement agency with concurrent jurisdiction, and the results may be presented to the grand jury for review. The results of the investigation shall be submitted to the office of the District Attorney.

2. Procedures for officer-involved-shooting investigations are covered in Policy 6.6.
 - C. Assignment

Pending administrative review, any officer whose actions have resulted in the death or serious bodily injury of another person, either through the intentional use of force or by accident involving a use-of-force weapon or action or a vehicle accident, shall be removed from line-duty assignment. This action protects both the interests of both the officer and the community until the situation is resolved. This re-assignment is not considered punitive in nature. (TBP: 6.08)

FULTON POLICE DEPARTMENT	
Policy 3.1 Firearms and Qualification	
Effective Date: 4/15/2026	Replaces: Revised 2025
Approved: _____	
Chief of Police	
Reference: 3.01, 3.02, 3.03, and 6.04.	

I. POLICY

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

II. PURPOSE

The purpose of this policy is to establish policy and procedures governing the care and maintenance of issued weapons and ammunition, the selection and use of holsters, off-duty weapons, firearms training, and qualifications.

III. PROCEDURES

A. Authority

1. Sworn police officers who have the authority to make arrests and maintain the peace, are authorized to carry and use firearms as necessary in the performance of their duty, subject to the restrictions and guidelines of this order, the department's use-of-force policy, and state and federal law.

2. Off-duty, sworn officers of this department are encouraged to carry firearms, subject to the guidelines of this order, to protect themselves or others from imminent death or serious bodily injury in the event they must intervene in an incident off-duty before the arrival of on-duty officers.

B. On-Duty Weapons, Issuance and Use (TBP: 6.04)

1. Only weapons issued by the department or approved by the Chief of Police will be carried or used while on duty. The department currently issues the Sig P320 9mm as the standard duty firearm for officers. Officers can carry their personal firearms but must be approved by the Chief of Police and the officer is responsible for purchasing their own ammunition and whatever maintenance is needed for the weapon.
2. Department firearms and ammunition are determined by the Chief of Police based on the needs of the agency.

C. Shotguns

Shotguns are assigned to patrol cars and individual officers as appropriate.

1. All shotguns shall be carried with the magazine fully loaded with approved ammunition, chamber empty, trigger released, and safety off.
2. A minimum of five extra rounds of approved ammunition shall be carried with each shotgun.
3. All shotguns left at the police department shall be unloaded, with chamber open, and stored in gun vault or other designated locations.

D. Patrol Rifles

Patrol rifles, the AR-15 or AR-10 may be issued or used by officers and supervisors who have received appropriate training and have maintained their required qualifications.

E. Off-duty and/or secondary weapons

1. Off-duty and/or secondary weapons, either revolvers or semi-automatic pistols, and their ammunition, are purchased at the officer's expense. The firearms instructor or firearms proficiency officer shall inspect and certify the off-duty or secondary weapon before it may be carried.
 - a. Officers using off-duty or secondary weapons shall qualify with the off-duty or secondary weapons at the annual qualification.
 - b. The firearms instructor or firearms proficiency officer shall maintain a record of all weapons used by each officer.
2. While off duty, officers may carry either an issued weapon or one purchased at officer expense, subject to the terms of this policy.
3. Officers will not carry weapons when consuming alcoholic beverages.
4. Off-duty weapons shall be carried safely and concealed from public view.
5. Officers shall carry the departmental badge and identification any time that they are carrying an off-duty weapon.

F. Departmental Ammunition (TBP: 6.04)

1. No reloaded ammunition will be used except for practice. The department will select and purchase on-duty ammunition for each qualification and old ammunition will be fired during qualification to ensure fresh ammunition is carried in on-duty firearms.
2. Officers are responsible for the purchase of ammunition for their off-duty weapon.

G. Security of weapons

1. Officers are responsible for the care, cleaning, and security of departmental weapons issued to them, whether on-duty or off-duty.
2. Officers shall report any weapon malfunction to the Chief of Police via the armorer.
3. Officers are responsible for the safe and secure storage of issued weapons when off duty in a manner that prevents theft or unauthorized access or use.

H. Department Firearms Proficiency Officer and Armorer

1. The Chief of Police shall appoint at least one sworn member of the department to be the departmental firearms proficiency officer. The firearms proficiency officer can be designated by the Chief of Police who holds a firearms instructor certified by the Texas Commission on Law Enforcement.
2. The duties are as follows:

- a. Schedule, supervise, and maintain records on all firearms qualifications required by the department.
 - b. Maintain non-issued departmental weapons and associated equipment.
 - c. Repair or submit to a qualified gunsmith for repair all departmentally owned malfunctioning weapons.
 - d. Maintain records of issuance, care, and maintenance of departmental and personally owned weapons and associated items used on duty.
 - e. Issue departmental ammunition.
 - f. Annually inspect and certify as serviceable both departmental and personally owned firearms that are authorized for on-duty and off-duty use.
3. The firearms proficiency officer shall maintain a record that includes identification of all firearms that have been certified as safe, and identification of those officers who have qualified with each of the firearms. This record shall include the following:
 - a. Officer's name and identification number.
 - b. Make and model of weapon.
 - c. Serial number of weapon.

I. Modification of weapons: Departmental weapons shall not be modified or altered without the written approval of the Chief of Police except as outlined below.

1. Substitution of grips
 - a. Grips shall be of high-quality wood, rubber, polyurethane or other approved material.
 - b. Grips shall be the color of the natural wood, or plain black or brown.
 - c. Target-style grips, or any grips that interfere with the operation of the weapon, are not authorized.
2. Modification of privately-owned weapons designated by officers as duty weapons.
 - a. Substitution of grips as outlined in 2.b above is authorized.
 - b. Trigger shoes are prohibited.

J. Firearms inspections

1. Annually, either the firearms instructor or the firearms proficiency officer shall thoroughly inspect each weapon during qualification on the range. Documentation of this inspection will be maintained by the department firearms instructor. (TBP: 3.03)
2. When feeling necessary, supervisors shall inspect subordinate officers issued firearms to ensure that they are maintained in a clean and serviceable condition.

- a. Firearms inspections shall include side arms, shotguns, authorized rifles, ammunition pouches, and holsters.
- b. Ammunition shall be inspected to ensure that it is of departmental issue, of correct quantity, and in serviceable condition.
- c. Upon completion of monthly inspections, the supervisor shall forward a memorandum to the Chief of Police that documents the following information:
 - i. The date the inspection was held.
 - ii. The name of each officer inspected.
 - iii. The findings of the inspection.

IV. PROCEDURES FOR QUALIFICATION

A. Qualification rules

1. Officers must qualify at least annually with any weapon they carry or use on duty or when they change weapons.
2. The firearms instructor or firearms proficiency officer shall be in charge at all times when officers are on the firing range for qualification.
3. Officers using departmentally issued weapons must qualify with ammunition issued by the department.
4. Every officer shall fire the regular firearms course approved by the Texas Commission on Law Enforcement.
5. Officers who fail to qualify on their first attempt shall immediately attempt qualification a second time. Officers who fail to qualify on the second attempt shall be placed in remedial training as soon as practicable and shall be removed from patrol or investigative duties until the standards expressed herein are met. Officers who cannot qualify within fifteen days of the original qualification shall be subject to termination. Officers who are unable to qualify are also not authorized to carry their sidearms while off duty.
6. The Firearms instructor or firearms proficiency officer will maintain records of each officer's firearms qualifications including:
 - a. The officer's name and identification number
 - b. The date of qualification
 - c. The weapons(s) used during qualification
 - d. Description of the course of fire and score.
7. The firearms proficiency officer or firearms instructor shall inspect all weapons before firing to (1) ascertain that the weapons are safe and (2) ensure that the weapons have been properly maintained.

B. Shotgun

1. Every officer must pass the shotgun qualification course before carrying a department-issued shotgun.
2. The qualification course shall include the following:
 - a. Knowing how to load and unload the shotgun combat style.
 - b. Firing at least 10 shots, not all from the same position.
3. Officers shall qualify with the shotgun at least annually.

C. Patrol Rifle

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

D. Firearms and Use of Force Instruction

1. All department personnel whose duties require the carrying of firearms shall receive familiarization instruction on their firearms before range qualification.
2. At least annually, personnel whose duties require the carrying of firearms shall receive training in the mechanics of the weapon (stripping, lubricating, nomenclature, troubleshooting, and misfires), and sound safety practices.
3. At least annually and in connection with firearms training, personnel whose duties require the carrying of firearms will receive training in the department's use-of-force policy.
4. Use-of-force and use-of-deadly force training will be conducted at least annually in conjunction with firearms use and firearms qualification.

	FULTON POLICE DEPARTMENT	
	Policy 3.2 Less-than-Lethal Weapons	
	Effective Date: 4/15/2026	Replaces: Revised 2013
	Approved: _____	
	Chief of Police	
Reference: 3.04		

I. POLICY

In the interest of public safety, the department provides officers with a range of less lethal options. The department's policy intends to ensure that officers are properly trained in the use of less lethal weapons, and that they will adhere to the department's policy for the circumstances of their use.

All sworn personnel shall be qualified before using any less lethal weapons. Officers shall not carry or use any less lethal weapon if they have not received training and been qualified. Officers will carry only those less lethal weapons that have been approved by the department.

II. PURPOSE

The purpose of this policy is to establish procedures governing the issuance, training, care and maintenance, and proper use of less-lethal weapons as well as the standards that officers must meet to qualify for carrying and using such weapons.

III. GENERAL PROCEDURES

A. Approved Weapons

1. Less Lethal weapons currently approved by the department include:
 - a. ASP baton
 - b. Pepper spray
 - c. Shotgun with bean-bag rounds
 - d. Conducted energy device (CED)
 - e. 40mm Weapon System
2. Based on the needs of the agency, the Chief of Police determines which less lethal weapons will be used by the department.
3. Officers will not carry or use any weapon that has not been approved by the Chief of Police.
4. Officers will not carry or use any weapon that they have not been qualified for by the department.

B. Security of weapons

1. Officers are responsible for the care and security of departmental weapons issued to them.
2. Officers shall make a written report of any weapon loss or malfunction to the Chief of Police or firearms proficiency officer.
3. Officers shall not use a weapon after it has malfunctioned until it has been repaired and approved for use by the Chief of Police or firearms proficiency officer.

C. Modification and maintenance of weapons

1. Departmental weapons shall not be modified or altered without written approval of the Chief of Police.
2. Any modification or alteration shall be in accordance with the manufacturer's recommendation.
3. Officers are responsible for cleaning and maintenance of the non-lethal or less-than-lethal weapons issued to them.
4. All less lethal weapons shall be plainly distinguishable from lethal weapons.

D. Weapon inspections

1. Officers should inspect issued weapons at the beginning of each duty assignment to ensure that they are in proper order.
2. Supervisors shall inspect issued weapons when felt necessary and shall document the inspections in a memorandum to the Chief of Police indicating which officers' weapons were inspected and the results of the inspection.

3. Weapons that fail inspection shall be returned and not reissued to the officer until repairs are made.

IV. QUALIFICATION REQUIREMENTS

A. Required instruction and qualification

1. All department personnel shall receive training with any less lethal weapons that they will carry.
2. Training shall cover the mechanics of the weapon, sound safety practices, and departmental policy governing the use of the weapon and the use-of-force.
3. Tactical considerations shall be a part of this training.
4. Officers will receive training and demonstrate proficiency (qualify) at least annually on all less lethal weapons systems. Failure to qualify will be cause for remedial training. The officer will not carry or utilize the weapon until properly trained and qualified. Instructors for any less lethal weapon where the manufacturer recommends the instructors be certified before providing initial or refresher training shall be certified before providing the said training. (TBP: 3.04)

B. Qualification rules

1. The firearms instructor or firearms proficiency officer shall be in charge at all times when officers are qualifying with non-lethal or less-than-lethal weapons.
2. The firearms instructor or firearms proficiency officer will maintain records of each officer's qualifications with non-lethal and less-than-lethal weapons including:
 - a. The officer's name and identification number
 - b. The date of qualification and the name of the weapon system.

V. ASP BATON

- A. The department authorizes the carrying and use of the ASP baton as the only striking weapon for officers. All other forms of striking or punching weapons are prohibited, including but not limited to saps, blackjacks, brass knuckles, slapjacks, nunchaku, and similar sticks.

- B. Flashlights carried by officers are not to be used as striking instruments, unless and to the degree that, the officer reasonably believes its use is immediately necessary to protect the officer from injury.

- C. Officers who carry the ASP shall be trained and demonstrate proficiency in its use. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate and lesser levels are inappropriate or ineffective.
 - 1. The ASP should not be used to strike handcuffed individuals or to threaten or intimidate people.
 - 2. Officers shall not raise the ASP above the head to strike a blow to a person's head.

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

VI. OC PEPPER SPRAY

A. Authorization

- 1. Only officers who have completed the prescribed course of instruction on the use of OC are authorized to carry the device.
- 2. Officers whose normal duties/assignments may require them to make arrests or supervise arrestees shall be required to qualify for and to carry departmentally authorized OC while on duty.

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

C. Usage

Criteria

- 1. OC spray is considered a “use of force” and shall be employed in a manner consistent with this agency’s use-of-force policy.
- 2. OC may be used in the following circumstances:
 - a. When verbal dialogue has failed to bring about the subject’s compliance
 - b. When the subject is actively resisting or has signaled his/her intention to actively resist the officer’s efforts to make the arrest.

3. Whenever practical and reasonable, officers should issue a verbal warning prior to using OC against a suspect.
4. Once a suspect is incapacitated or restrained, use of OC is no longer justified.

D. Usage

Procedures

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

E. Effects of OC and Officer Response

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

F. Reporting

Procedures

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

G. Replacement

1. All OC spray devices shall be maintained in an operational and charged state by assigned personnel.
2. Replacements for damaged, inoperable, or empty devices are the responsibility of officers to whom they are issued.
3. Replacements of OC spray canisters shall occur when the canister is less than half full, which can be determined by weighing the canister.
4. OC canisters shall be inspected and weighed at the firing range during firearms qualification. A record of the results of this inspection and weighing shall be maintained by the appropriate agency authority.
5. Unexplained depletion of OC from any canister issued to an officer shall require an investigation and written report by the officer's supervisor to the commanding officer.

VII. NON-LETHAL SHOTGUN

A. Authorization

1. Less-lethal shotguns may be issued to members of the department who have been trained and who demonstrate proficiency in the use of the weapon.
2. These shotguns are identified by the orange tape around the barrel and stock of the weapon. Care should be used in ensuring the appropriate weapon is selected for use.
3. The less-lethal shotgun may be loaded with any number of less-lethal munitions, including bean-bag rounds, rubber batons, and rubber pellets.
4. Officers must be qualified by the department in the use of all munitions approved for this weapon in order to be allowed to carry the weapon.
5. Officers will not handle lethal shotgun ammunition around a less-lethal shotgun.

6. Officers will load only less-lethal munitions into the less-lethal shotgun at the time of need to ensure the use of proper munitions.
7. Departmentally approved less-lethal munitions will be carried in the munitions carrier on the stock of the weapon.

B. Less-Lethal Shotgun Use

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

VIII. CONDUCTED ENERGY DEVICE

A. Conducted Energy Device

1. A conducted energy device (CED) is used to electrically disrupt muscular control. It allows officers to quickly subdue a resisting subject without having to resort to the use of deadly force.
2. As with any other weapon, precautions must be observed in the use of CEDs. Any subject who has been controlled with the CED must be monitored for any medical problems.
3. The duties of supervisors of officers issued the CED include active supervision, maintaining managerial controls, and ensuring that officers are in compliance with this order.

B. Training and Qualification Procedures

1. Only personnel who successfully complete the department's training course and demonstrate the required proficiency in the use of the CED shall be certified and allowed to carry the CED.
2. All training and qualification for the CED shall be conducted by certified instructors.
3. It shall be the responsibility of the firearms instructor that all officers using a CED are trained and certified on the proper techniques for using the CED.
4. The firearms instructor shall be responsible for compiling and analyzing data from incidents involving the use of the CED to identify training related needs and issues.
5. In order to maintain proficiency in the use of the CED, all officers certified to carry the weapon shall receive mandatory in-service training at least annually.

C. Carrying the CED

1. Certified officers may carry the CED on their duty belts or elsewhere approved by the chief of police.
2. The CED shall never be left unsecured.
3. Only holsters approved by the training unit will be utilized.
4. The CED shall always be carried on the side opposite the duty handgun.
5. Personnel issued the CED shall be responsible for the proper maintenance and care of the weapon. This shall include periodically checking battery life and the expiration date of air cartridges, wiping away dirt and dust, and insuring the rubber stopper is secured on the data port.

D. Authorized Use of the CED

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

E. Prohibited Use. Use of the CED is strictly prohibited under the following circumstances.

- a. When flammable gases or liquids are known to be in close proximity to the subject.

- b. One at a time: No more than one officer at a time should activate a CED against any person.
- c. Where the suspect is at an elevated location and there exists risk of serious injury or death from a fall. This includes proximity to deep water or other similar locations.
- d. On higher risk populations unless the situation would justify a high level of force, including deadly force, and the use of the CED is an effort to avoid using the higher level of force. The phrase “higher risk populations” means visibly pregnant females; young children or juveniles; the visibly frail or infirm; elderly (over 65); those who appear to weigh less than 100 pounds.
- e. Handcuffed prisoners, without the expressed authority of a supervisor. Exigent circumstances must exist, such as to prevent the subject from injuring himself or others and other means of control are ineffective or unavailable.
- f. On a subject who is confined to a wheelchair unless it is reasonably believed that CED is needed to prevent serious injury to the individual and/or if deadly force is justified.
- g. On a subject in control of a vehicle.
- h. On individuals with known neuromuscular disorders, such as muscular sclerosis, muscular dystrophy, or epilepsy.
- i. On persons known to be wearing pacemakers or other biomedical devices sensitive to electrical current.
- j. On a person known to have a heart condition.

F. CED Deployment

1. Prior to deploying the CED, whenever reasonable and practical, verbal warnings shall be issued to the subject, which will allow the subject the opportunity to comply with the officer’s commands.
2. In situations where CED use is a possibility, officers should consider requesting EMS before use.
3. Prior to deploying the CED, the deploying officer shall announce the word “CED” or “Taser” (a verbal notification consistent with the training received by the officer deploying the weapon) to alert others of the impending use of the weapon, unless other circumstances arise during the incident that can be explained why the verbal notification was not pronounced.
4. “Clear” or some type of notification shall be announced by the deploying officer subsequent to the use of the CED and prior to affecting the arrest, so as to alert others that the weapon is no longer being deployed, unless other circumstances arise during the incident that can be explained why the verbal notification was not pronounced.

5. When activating a CED, the officers should use it for one standard cycle and stop to evaluate the situation. (A standard cycle is five seconds.) If subsequent cycles are necessary, only the number and duration of cycles necessary to place the subject in custody will be used.
6. Officers should consider that CED exposure lasting longer than 15 seconds (whether due to continuous or multiple cycles) may increase risk of death or serious bodily injury.
7. Applications of more than 15 seconds should be weighed against other force options.
8. Officers will be particularly alert for medical distress of the subject.
9. Officers should make every effort to avoid firing darts or directing the contact stun method at a subject's head, neck, front chest area, or genitalia. Preferred targeting is the center mass of the subject's back. Where back targeting is not possible.
10. The CED direct contact stun method may be utilized as an alternative deployment method when both probes fail to make contact with the subject and its effectiveness is reduced or the regular deployment method is either not possible or likely to be ineffective.
11. The CED shall not be used in any manner that constitutes torture or torment.
12. It shall not be used to elicit statements, awaken an intoxicated subject, or punish any individual.

G. Post Deployment

1. Immediate Restraint: The subject will be restrained immediately to prevent additional resistance or injury. The subject will not be restrained in a manner that impairs respiration. Other than initially securing the subject, the subject shall not be left in a face-down prone position. If other restraints are unavailable, the subject may be handcuffed in front using a belt or strap to secure the cuffs to the body.
2. Medical Monitoring. Emergency medical services (EMS) shall be requested to respond to all instances where the CED has been deployed. The requesting officer shall monitor the subject until EMS personnel have arrived.
3. Supervisor Response. The on-duty supervisor or command officer will immediately respond to the scene of any CED use. The supervisor will review the circumstances of the use and conduct a preliminary investigation.
4. Removal of Probes. CED probes shall be removed as soon as possible. CED probes that are imbedded in a subject's skin (as opposed to just clothing) shall be removed only by EMS personnel, other medical personnel, or police personnel who are trained in the removal of the probes.
5. Police personnel shall not remove CED probes that have struck a subject's head, throat, groin, or any other sensitive area.
6. A CED probe that has penetrated a person's skin shall be considered a biological hazard and shall be handled with the appropriate care.

7. All persons who have been subjected to a CED activation should be monitored regularly while in police custody even if they received medical care.
8. Anyone subject to CED deployment showing any signs of physical distress shall be transported immediately to a medical facility.

H. Reporting and Investigation

1. A use-of-force report shall be completed on all CED incidents. Personnel must clearly articulate the reasons for the initial use and all subsequent cycle(s) in the use-of-force report. This includes the actual or threatened use of the CED by an officer.
2. The supervisor responding to the scene shall conduct an immediate preliminary investigation that shall include the following:
 - a. Location and interview of witnesses (including other officers)
 - b. Photographs of subject and officer injuries;
 - c. Photographs of cartridges/darts;
 - d. Collection of CED cartridges, darts/prongs, data downloads, car video, body camera video, confetti ID tags, and copies of the device data download.
3. Photographs of the subject shall be taken in all instances involving a subject who is injured or complains of being injured as a result of the use of the CED. Photographs should depict overall condition of the suspect, any injuries, and the locations where the probes made contact. All CED deployments or discharges, including test firings, shall be recorded in a CED log. A supervisor must sign the CED log verifying that the information contained therein is accurate. The presence of a supervisor during testing is not required.
4. Expended CED cartridges shall be submitted to the property unit as evidence. After showing the property clerk a completed CED report signed by a supervisor, the officer shall be provided with a replacement cartridge.
5. The Chief of Police may request an outside investigation by the sheriff's department or Department of Public Safety when any of the following factors are involved:
 - a. A subject experiences death or serious injury;
 - b. A person experiences prolonged CED activation;
 - c. The CED appears to have been used in a punitive or abusive manner;
 - d. There appears to be a substantial deviation from training;
 - e. A person in a high-risk population category has been subjected to activation (see list above)
 - f. Any other activation as determined by a supervisor.

I. Inspection

Supervisors shall, on a case-by-case basis, inspect their officer's CED log and data port to determine if there have been any discharges since the previous inspection. Any undocumented discharges shall require the officer to prepare a memorandum to the Chief of Police explaining the circumstances surrounding the discharge.

J. General Considerations

1. Officers should be aware that multiple activations and continuous cycling of a CED appear to increase the risk of death or serious injury and should be avoided whenever possible.
2. Officers must be aware of the limitations of the CED and be prepared to transition to other force options as needed.
3. Officers should be aware that there is a higher risk of sudden death in people under the influence of drugs and/or symptoms associated with excited delirium.
4. Officers should also be aware that CED cartridges have experienced firing problems in extremely cold weather.

K. Defense Against CED Use

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

	FULTON POLICE DEPARTMENT	
	Policy 3.3 Eyewitness Identification	
	Effective Date: 4/15/2026	Replaces:
	Approved: _____	
	Chief of Police	
Reference: 7.32		

I. POLICY

This policy is designed to maximize the reliability of identifications and to minimize unjust accusations of innocent persons.

II. PURPOSE

The purpose of this policy is to establish department guidelines for a live line-up, a photographic line-up, and field identification procedures. The procedures in this policy are applicable when a person is known to an investigator and is suspected of criminal involvement in an incident under investigation.

III. DEFINITIONS

- A. Administrator: The person charged with presenting a photographic line-up or a live line-up to a witness.
- B. Assigned Investigator: The officer primarily responsible for investigating an incident.

- C. **Blind Administrator:** An administrator who does not know the identity of the suspect or the suspect's position in a photographic line-up or a live line-up.
- D. **Blinded Administrator:** An administrator who may know the identity of the suspect, but does not know the suspect's position in the photographic line-up or the live line-up.
- E. **Blind Manner:** The presentation of a photographic line-up by either a blind administrator or a blinded administrator.
- F. **Field Identification:** The presentation of a suspect to a witness following the commission of a crime for the purpose of identifying and/or eliminating a possible suspect.
- G. **Fillers:** The photographs of persons used in a photographic line-up whose race, sex, age, height, weight, hair style, and general appearance resemble the suspect.
- H. **Folder Method:** A photographic line-up that places the photographs in separate folders or envelopes that are randomly shuffled prior to presentation so that the assigned investigator does not know which photograph the witness is viewing.
- I. **Illiterate Person:** An individual who speaks and understands English but cannot read and write English.
- J. **Interpreters:** Individuals with the skills necessary to enable them to communicate with an illiterate person or a person with limited English proficiency to the degree that ensures the person clearly understands all instructions given them that pertain to viewing a suspect in any identification procedure. These instructions are given prior to the line-up.
- K. **Live Line-up:** The presentation of individuals, including a suspect, in person to a witness, usually in a manner preventing the individuals from seeing or identifying the witness, for the purpose of identifying or eliminating suspects.

- L. Person with Limited English Proficiency: An individual who is unable to communicate effectively in English with a level of fluency expected of a native English speaker. Such a person may have difficulty speaking, reading, or writing in English. The definition includes persons who can comprehend English but are physically unable to write.

- M. Photographic Line-up: A collection of photographs that includes one of the suspect and filler photographs. The photographs are placed in random order and shown to a witness for the purpose of identifying and eliminating suspects.

- N. Sequential Viewing: An identification procedure in which photographs are shown one at a time to a witness.

- O. Simultaneous Viewing: An identification procedure in which all photographs are shown at the same time to a witness.

- P. Suspect: An individual who has been specifically identified by the investigation as possibly being the person who committed the crime.

- Q. Witness: An individual who has witnessed an incident or some part of an incident who might be a complainant, a victim, an eyewitness, or any other form of witness to an incident.

IV. GENERAL PROCEDURES FOR LINE-UPS

- A. Live line-ups will not normally be used due to the difficulty of administering them and the difficulty of obtaining a sufficient number of individuals with similar physical characteristics. An investigator who determines that a live line-up is needed should contact the district attorney for procedural and technical assistance, and the line-up should be carried out with the principles of this policy in mind.

- B. Photographic line-ups are approved for use by this department if the procedures listed below are followed. Photographic identification of suspects by witnesses should supplement other investigative actions and/or evidence.

V. PREPARING PHOTOGRAPHIC LINE-UPS

A. The assigned investigator is responsible for the following:

1. Preparing the photographic line-up, including the selection of fillers, and ensuring each of the photographs is numbered or lettered for later reference.
2. Determining before any presentation if the witness is deaf, illiterate, or has limited English proficiency. If the witness is deaf, illiterate, or non-English speaking, or has limited English proficiency, the investigator will arrange for assistance to translate the photographic line-up form in the language of the witness or otherwise assist the witness in understanding the instructions before proceeding. The identification of the assisting individual will be documented as well as the assistance provided.
3. Obtaining a sworn law-enforcement officer who is familiar with the contents of this policy and understands the line-up presentation process to act as a blind administrator of the line-up.
4. The assigned investigator should prepare the photographic line-up according to the following guidelines:
 - a. Include only one suspect in each identification procedure.
 - b. Select fillers that generally fit the witness's description of the perpetrator. Fillers should be selected where no person stands out from the others.
 - c. Use photographs of individuals who are reasonably similar in age, height, weight, and general appearance and of the same sex and race. Avoid use of fillers that so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
 - d. If multiple photos of the suspect are available to the investigator, select a photo that resembles the suspect's description or appearance at the time of the incident.
 - e. Include a minimum of five fillers per identification procedure.
 - f. Avoid reusing fillers in line-ups shown to the same witness if showing a new suspect.
 - g. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness.
 - h. Do not mix color and black and white photos.
 - i. Use photos of the same size and basic composition.
 - j. Mug shots should not be mixed with other photos.

- k. If mug shots are to be used, cover any portions that provide identifying information about the subject.
- l. All individuals in the photographic line-up and/or the origin of the photos should be known to the investigator, if possible.
- m. Photos should be reasonably contemporary.
- n. Do not use more than one photo of the same suspect.
- o. View the array, once completed, to ensure that the suspect does not unduly stand out.

B. The administrator or investigator is responsible for the following:

- 1. Ensuring that everyone connected with the line-up is familiar with the contents of this policy and the line-up presentation process.
- 2. Ensuring the photographic line-up is presented in a manner consistent with this policy.
- 3. Documenting the conduct and results of the line-up presentation in the manner approved within this policy.
- 4. Returning all line-up materials and documentation to the assigned investigator.

VI. PRESENTING PHOTOGRAPHIC LINE-UPS

- A. It is the intent of this department to present all photographic line-ups to witnesses in a blind manner and using a sequential presentation of the photographs.

- B. If a sworn member of the department is not available to conduct the line-up, a blind administrator or a sworn member of another local agency may be used. The assigned investigator preparing the line-up should ensure the assisting officer is aware of the procedures prior to presenting a line-up to a witness.

- C. If another sworn officer is not available within a reasonable period of time the assigned investigator may present the line-up to a witness using the folder method. The witness is shown only one folder at a time. The photographic line-up form is changed to indicate the procedure used and the same presentation procedures are used (see below) and the process used thoroughly documented. The investigator should also document the reasons for not being able to use a blind administrator.

- D. Police personnel attending the line-up presentation should not make any suggestive statements or take any other action that may influence the judgment or perception of the witness.
- E. Prior to beginning the presentation, the person conducting the line-up must determine if the witness has seen the suspect at any time since the crime occurred, whether in person or in newspaper or television reports, etc. If so, he/she must contact the assigned investigator to determine if the identification process should continue, and document this action in the supplement report.
- F. The administrator arranging the line-up must provide the witness with a photographic line-up form and explain the instructions for the line-up. Instructions given the witness prior to viewing a photographic line-up can facilitate an identification or non-identification based on the witness's memory. The officer conducting the line-up should (1) read the instructions and admonitions verbatim from the form, (2) ensure that the witness understands the instructions before proceeding, (3) obtain the witness's signature indicating he/she understands the procedure, and (4) sign the form as "administrator." Any instruction given to the witness prior to the procedure shall include a statement that the person who committed the offense may or may not be present in the procedure.
- G. The administrator must show the witness the photographs in a random order, one at a time, and document the order shown. Remove each photograph from the witness prior to providing a new one. Allow the witness to see only one photograph at a time.
- H. If the witness identifies a suspect, the administrator must record the number or other identification of the photograph. A witness who makes an identification based on a photograph or live lineup identification procedure shall be asked immediately after the procedure to state, in the witness's own words, how confident the witness is in making the identification. No person shall suggest wording of any kind to the witness. If the witness seeks clarification an officer shall only reply that the statute requires the statement of confidence to be in the witness's own words.
- I. All photographs must be shown.

- J. The administrator must complete the statement-of-witness portion of the form, including documenting the witness's confidence statement in his/her own words, regarding the relative certainty of any identification. The witness must complete and sign the appropriate portion of the form. The administrator must return all files, photographs, and forms to the assigned investigator and complete an offense supplement on the identification procedure.
- K. The administrator shall not provide any feedback of any kind to the witness during the procedure, including whether or not the suspect was picked.

VII. DOCUMENTATION OF PHOTOGRAPHIC LINE-UPS

- A. All presentations of photographic line-ups to witnesses will be video and audio recorded unless the issues described below prevail. Upon completion of the presentation process, the video/audio recording will be (Options) (copied electronically into the case file) (copied onto DVD and placed into evidence) (placed into evidence). The administrator will also complete a detailed supplement report that describes the line-up presentation process and the results. The recording, supplement report, the original of all photographs, and the photographic line-up form will be returned to the assigned investigator.
 - 1. If the witness is afraid or refuses to be recorded, or if the identification process might put the witness in danger if subsequently identified, a detailed written report in an offense supplement outlining the line-up presentation process and result will substitute for the video and audio taping.
 - 2. Information should be included in the report as to why the recording process was not used.
 - 3. The recording device will be turned on prior to entering the room and all parties will be identified.

VIII. FIELD IDENTIFICATION PROCEDURES

The use of field identification should be avoided whenever possible in preference for the use of a photographic or live line-up. If there is some question regarding whether an individual stopped in the field may be the right suspect, an attempt at field identification may prevent the arrest of an innocent person. Therefore, when circumstances require the use of field identification the guidelines listed below should be followed.

A. Procedures for Using Field Identifications

1. Supervisory approval should be obtained prior to any field identification. The officer is responsible for ensuring the witness is able to understand the instructions given by officers. If the witness is deaf, illiterate, or has limited English proficiency, the officer will either provide for an interpreter or other assistance or not continue with the field identification.
2. Single-suspect field identification shall not be used if there is adequate probable cause to arrest the suspect.
3. A complete description of the suspect should be obtained from the witness prior to conducting a field identification.
4. No field identification will be done if the witness is unsure of his/her ability to identify the suspected individual.
5. Whenever possible, the witness should be transported to the location of the suspect rather than bringing the suspect to the witness.
6. Field identifications should not be attempted more than two hours after the commission of a crime.
7. Field identification should not be conducted when the suspect is in a patrol car, handcuffed, or physically restrained by police officers unless such protective measures are necessary to ensure safety.
8. Field identification should be conducted with only one witness present at a time. If there is more than one witness a separate field identification should be conducted for each one. If one witness positively identifies the individual, the field administrator should consider making an arrest and using the above photographic line-up procedures for other witnesses.
9. The same suspect should not be presented to the same witness more than once in either field or photographic line-ups.
10. Field identification suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator, or to perform other actions of the perpetrator.

11. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator will be avoided.
12. These restrictions apply not only to civilian field identifications, but to field identifications in which an officer is the witness.

B. Documentation of Field Identifications

1. The officer conducting a field identification, after supervisory approval, should use the field identification form to inform the witness of the procedure and obtain evidence that he/she understands the procedure.
2. The officer will video/audio tape the witness viewing the suspect using the squad car video and audio recording system and will document on the field-identification form the witness's comments regarding the suspect. The form will be given to the assigned investigating officer who will include the form in the original case report. The video/audio recording will be pulled and placed in evidence and the evidence number included in the offense or supplement report.

FULTON POLICE DEPARTMENT
Photographic Line-up Form

Case Number: _____

Admonition. Read the following to the witness:

1. You will be shown a number of photographs.
2. I have been asked to show these photographs to you, but I do not know the identity of the perpetrator.
3. These photographs are numbered, and I will show them one at a time, in a random order.
Please take as much time as you need before moving to the next photograph.
4. All of the photographs will be shown even if you make an identification.
5. The person who committed the crime *may or may not* be in this line-up and you should not feel compelled to choose anyone.
6. Regardless of whether you make an identification, we will continue to investigate this incident.
7. If you recognize anyone, please tell me which photograph you recognize and how or why you recognize the individual.
8. You should not discuss the identification procedure or its results with other eyewitnesses involved in the case and should not speak with the media regarding any identification you may make.
9. If you make an identification, I am required to ask you to state in your own words how certain you are of the identification.

I, _____, understand the above information.

Line-up administrator: _____

Order of photographs shown: ____

Statement of Victim/Witness:

On the ____ day of _____, 20____, at ____ o'clock __m), I viewed a photo line-up. This line-up contained photographs of _____ persons.

I did identify the person with the number ____.

Identification comments / Level of certainty:

_____.

Viewer's signature: _____

I was unable to positively identify any of the persons in the line-up.

Viewer's signature: _____

Other persons in attendance during line-up, including any translator if used:

Name and address: _____

Name and address: _____

FULTON POLICE DEPARTMENT
Field Identification Form

Case Number: _____

Read the following to the witness:

1. You will be advised of the procedures for viewing in a field identification.
2. The fact that an individual is being shown to you should not cause you to believe or guess that the guilty person(s) has been identified or arrested.
3. This *may or may not* be the person who committed the crime.
4. You are in no way obligated to identify anyone. It is as important to clear the innocent as it is to identify the guilty.
5. Regardless of whether you make an identification, the police will continue to investigate this incident.
6. If you recognize anyone, please tell me how you recognize the individual.
7. We are required to ask you to state in your own words how certain you are of any identification.

I, _____, understand the above information.

I understand the need to describe my level of certainty regarding identification and after viewing the person(s) shown have identified him/her/them as _____-

Viewer's Signature: _____

Officer's printed name: _____

Officer's signature: _____

Other persons in attendance during field identification.

Name and Address: _____

Name and Address: _____

FULTON POLICE DEPARTMENT	
Policy 4.0 Prisoner Restraints	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: TBP 10.01e	

I. POLICY

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

II. PURPOSE

The purpose of this policy is to establish guidelines for the use of handcuffs and other restraining devices.

III. PROCEDURES - Arrested Persons

A. General

1. Officers shall handcuff all arrested adults unless the application of handcuffs will aggravate or cause injury due to age, infirmity, physical condition or prior injury.

2. Officers must be able to justify any exception they make to the policy that all arrested adults must be handcuffed, with particular attention to safety issues.

3. A prisoner who is not handcuffed shall be transported in a vehicle with a prisoner cage, and two officers shall conduct the transport.

4. Juveniles should not be handcuffed unless they have been taken into custody for a violent offense, poses an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or the officer.

B. Handcuffs

1. In most circumstances safety concerns mandate that arrested subjects should be handcuffed. Officers must be able to justify exceptions with particular attention to the risks involved when no handcuffs are used. Listed below are some possible exceptions:

- a. Children under 10 years of age
- b. Pregnant females
- c. Handicapped or disabled suspects
- d. Elderly suspects

2. Normally, officers shall handcuff a subject with the hands in back, but they may choose to handcuff hands in front if the suspect is handicapped or disabled. If the suspect is handcuffed in front, officers should secure the handcuffs to the body by using a belt if possible.

3. Officers shall double lock the handcuffs. This will help ensure prisoners and officers' safety. Double locking reduces the chance of having the lock picked or that the handcuff will accidentally tighten, which could restrict circulation.

4. Officers shall apply the handcuffs without utilizing hard strikes to the wrist and no overtightening of the handcuffs.

5. Individuals will not be handcuffed to any portion of a police vehicle during transport.

C. Body Belt: The body belt allows the officer to handcuff the prisoner in front while still restricting the movement of the prisoner's arms and hands. The body belt will be used when the officer deems it appropriate.

D. Ankle Shackles: Ankle shackles shall be used by officers when transporting any prisoner, they have reason to believe might be an escape risk or when circumstances deem it appropriate in accordance with training.

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

F. Hobble Technique

1. The hobble technique refers to the use of a hobble device to secure a prisoner's feet while in transport in a police car. It involves looping a rope around the prisoner's ankles and then extending the other end of the device onto the door jam and then shutting the door, thus holding the prisoner's feet in place.

2. The hobble device should be applied only to a prisoner's legs when the officer feels that the prisoner poses an imminent threat of physical harm to himself/herself or another with the use of his/her feet or legs, or when the prisoner attempts to damage the inside of the patrol car during transport.

3. Two officers are required to transport a prisoner restrained by the hobble device. One officer monitors the status of the prisoner while in transport to prevent the prisoner from harming himself/herself, for example, by head strikes against window.

IV. PROCEDURES -- Persons not arrested

A. If officers have a reasonable suspicion that an individual has been involved in a violent offense, handcuffs may be applied to such individuals while officers investigate the incident. This restraint is only lawful for safety reasons, and the officers shall articulate the reasons for their safety concern.

B. Persons not arrested but who are subject to detention may be restrained under the following circumstances:

1. Suspects shall be handcuffed only as long as necessary.
2. Handcuffing of suspects shall be accomplished with minimal discomfort to the suspect.
3. Officers shall limit the number and type of restraints used on the suspect to what is reasonably necessary.
4. If an individual is handcuffed or otherwise restrained for officer safety reasons during an investigation and later released, officers shall document their actions in an offense or incident report and include the reasons officers handcuffed the individual, the approximate length of time of the restraint, and the results of the investigation.

V. SPECIAL CIRCUMSTANCES -- Restraint prohibitions

- A. Officers shall not place subjects in a prone position with their hands and ankles bound behind with handcuffs, belts, or other devices.
- B. As soon as any suspect who is lying on his or her stomach has been handcuffed, officers shall roll the suspect onto his or her side or place the suspect in a sitting position.
- C. Suspects shall never be transported in a prone, face-down position.
- D. All suspects will be monitored during custody and transport for indications of medical problems, and medical treatment will be obtained if the officer believes it is needed.
- E. Officers should be aware that intoxication, recent use of drugs or alcohol, the presence of a head injury, obesity, physical disability, and recent exertion are all circumstances that can increase difficulty breathing when a person is restrained.

FULTON POLICE DEPARTMENT	
Policy 4.1 Prisoner Transportation	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: TBP 10.01, 10.10, and 10.12	

I. POLICY

Transportation of persons in custody is a constant requirement and frequent activity. Transportation usually occurs in two instances. The first is immediately after arrest when the arrestee is taken by the arresting officer for booking and holding or transferring to another facility. The second concerns the movement of prisoners from the detention facility for various reasons, such as to the county jail, to a hospital or other medical facility, to court, and for other reasons. Transporting prisoners is a potentially dangerous function. Therefore, it is the policy of this law-enforcement agency to take the precautions necessary while transporting prisoners to protect the lives and safety of officers, the public, and the person in custody.

II. PURPOSE

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

III. PROCEDURES (TBP: 10.01)

A. General

1. All prisoners shall be transported in secure, caged vehicles, unless such a vehicle is not available.
2. In no case shall a juvenile known or believed to be under the age of 17 years be transported with adults suspected of or charged with criminal acts.

3. When picking up a prisoner from any facility, the officer shall verify the identity of the prisoner.
4. The transporting officer shall obtain from the custodian of the prisoner any paperwork, property, or medical records that should accompany the transfer of the prisoner.

B. Searching the prisoner

1. The transport officer shall always search a prisoner before placing him or her into the vehicle.
2. Officers must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner.
3. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer.
4. When handling and searching prisoners, officers shall remain mindful of the department's plan for the control of infectious diseases and shall use personal protective equipment when necessary.
5. Any items removed from the prisoner prior to transport will be securely maintained and returned to the prisoner or turned into the booking officer upon arrival at the location of detention for placement in the prisoner's property. (TBP: 10.10)

C. Searching the police vehicle

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

D. Transport equipment

1. Most marked vehicles are equipped with a metal or plastic screen to separate the front and rear compartments. Normally, these vehicles will be used in all prisoner transport to prevent prisoner access to the driver's compartment.

2. All vehicles equipped with metal or plastic screen barriers and used in transporting prisoners will have the rear interior door and window handles removed to minimize the risk of escape by prisoners being transported.
3. At the beginning of each shift and before transporting prisoners, officers shall check their vehicles for proper security measures and any contraband.

E. Positioning of prisoners in the transport vehicle

1. When an officer transports a prisoner in a caged vehicle, the prisoner shall be positioned in the rear seat and secured with a seat belt. Further, the prisoners shall be handcuffed with their hands behind their backs, palms outward, except for the exceptions detailed in Policy 7.10.
2. When a single officer transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with his or her hands behind the back and palms outward.
3. A single officer shall never transport two or more suspects in a non-caged vehicle unless directed to do so by the on-duty supervisor.
4. If more than one officer transports prisoners in a non-caged vehicle, the following procedures shall be observed:
 - a. One officer shall sit at the rear of the transporting vehicle behind the driver with the prisoner on the rear passenger side with the seat belt fastened.
 - b. When more than one prisoner is transported by two officers in the same vehicle, the prisoners shall be positioned on the front and rear passenger sides (seat belted) and the assisting officer shall sit behind the driver to protect the driver and to be able to always see the prisoners.
5. Officers shall not transport prisoners who are restrained in a prone position. Doing so increases the risks of medical complications.

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

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

4. The transporting officer shall advise the receiving officer or deputy of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's physical or mental health.
5. Prisoners shall not be left unattended at any time during transport with the exception of situations in section G. below.

G. Stopping to provide law-enforcement services while transporting

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

H. Escape: **If** a prisoner escapes while being transported, the transporting officer shall observe the following procedures:

1. Request assistance immediately from the jurisdiction the officer is in at the time of the escape.
2. Provide dispatch with the following information:
 - a. Location.
 - b. Direction and method of travel and means of escape.
 - c. Name and physical description of escapee.
 - d. Possible weapons possessed by the escapee.
 - e. Pending charges.
3. Try to recapture the escapee as soon as possible.
4. Submit a written report to the Chief of Police as soon as practicable explaining the circumstances of the escape.

I. Prisoner Communication: **The** transporting officer shall not allow prisoners to communicate with other people while in transit unless, in the judgment of the officer, the situation requires it.

J. Arrival at Destination: Upon arriving at the destination, the transporting officer shall observe the following procedures:

1. Firearms shall be secured in the designated place at the facility being entered. If there is no designated place, the firearms shall be locked inside the trunk of the police vehicle.
2. Restraining devices shall be removed only when the officer is directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
3. The proper paperwork (booking sheet, arrest report, property for, etc..) shall be submitted to the receiving facility and, in situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the department.

K. Sick/injured prisoners and medical facilities

1. Any time -- before, during, or after an arrest -- that the prisoner is injured or becomes sick, the officer shall seek medical attention immediately. Medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before they arrive at the jail.
2. The transporting officer shall use discretion in the use of restraining devices on sick or injured prisoners.
3. As a rule, do not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.
4. If the prisoner refuses treatment, the prisoner shall be asked to sign a medical refusal form or notation of such on a hospital release form. An attending physician or a nurse should sign the form as witnesses. If the prisoner refuses to sign the form, the officer should obtain two witnesses to the refusal, for example, a hospital staff member, another officer, or fire/rescue personnel). The form must be given to the jail during booking.
5. If the prisoner must be admitted to the hospital, the officer shall release the prisoner to the hospital only after consulting the on-duty supervisor. The supervisor, in turn, shall consult the magistrate or the city judge.
6. The prisoner shall be always kept under observation and, normally, restraining devices shall be used. Officers shall consult with medical personnel concerning the use of restraining devices
7. The supervisor shall observe the following procedures to ensure control of the prisoner:
 - a. If the prisoner is admitted and the prisoner is arrested for a felony, arrange for guards.
 - b. Request the presence of a magistrate and arrange for the magistrate's transportation to the hospital so that bail can be set.

- c. Assist the magistrate in arranging the prisoner, if necessary, or stand by while the magistrate issues a warrant.
- d. Serve the warrant if one has been issued.
- e. Arrange for a guard to be maintained until the prisoner makes bond or the case is filed if the magistrate will not release the arrestee on personal recognizance.
- f. When the case is filed, responsibility will be transferred to the sheriff's office.
- g. Brief every officer on the duties of guards and ensure that guards have radios.
- h. Ensure that guards are checked periodically and relieved as necessary until sheriff's deputies relieve them.

L. Special transport problems:

1. Transport of prisoner by officer of different sex than prisoner.

a. When transporting a prisoner of one sex by an officer of another sex, an additional officer may be requested to accompany the transport.

b. At a minimum the transport officer shall do the following:

i. Contact the dispatcher by radio and request that the time and odometer mileage be logged.

ii. Go directly to the destination by using the shortest practical route.

iii. Upon arrival at the destination, contact the dispatcher by radio and request that the time and the odometer reading be logged.

2. Prisoner with disabilities

a. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport safely for both the prisoner and the officer.

b. The officer may request the dispatcher to contact the fire department or ambulance for assistance in transporting.

c. The transport officer shall take whatever special equipment or medicine is necessary for the prisoner.

d. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists, restraining devices may be inappropriate.

e. Any wheelchairs, crutches, and medication shall be transported with, but not in the possession of, the prisoner.

f. Department personnel have an obligation to provide a “reasonable accommodation” for disabled prisoners. This obligation requires officers to ensure disabled prisoners are not subjected to the possibility of injury or handling of a disrespectful nature during arrest and transportation procedures.

3. Dangerous/security-risk prisoners. When a prisoner is considered dangerous or a security hazard, the receiving agency or the sheriff’s courtroom security personnel shall be notified before the transport takes place in order to plan how best to minimize any chance of escape or of injury to the prisoner or anyone else.

M. Restraining devices: When prisoners are restrained during transport, the following procedures shall be followed unless circumstances require an alternate method:

1. Single prisoner shall be handcuffed with both hands behind his or her back.
2. Leg and waist belt restraints may also be used to minimize the risk of injury or escape.
3. Under no circumstances shall a prisoner be handcuffed to a part of the transport vehicle itself, such as the floor post, protective screen barrier, etc.
4. Officers shall use ankle shackles or plastic handcuffs to immobilize legs when transporting any prisoner that might pose an escape risk.

N. Documentation:

1. Officers shall document all prisoner transport and shall note any unusual circumstances or events in the arrest report.
2. Officers shall document the circumstances of any apparently ill or injured prisoners and their medical treatment.
3. Officers will give names (and badge numbers, as appropriate) of personnel
4. from and to whom the prisoner was released or transferred.

FULTON POLICE DEPARTMENT	
Policy 5.0 Domestic Violence and Protective Orders	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: TBP: 7.08	

I. POLICY

The department assigns domestic or family violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Law enforcement agencies must exercise leadership in the community in responding to domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to a domestic disturbance call shall (1) restore order, (2) arrest persons when probable cause exists that a crime has been committed, (3) provide safety and security for the crime victim(s), and (4) help participants contact appropriate agencies that might help prevent future occurrences.

II. PURPOSE

To define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, and describe measures that can be taken to end violence and protect victims.

III. DEFINITIONS

- A. Assault: An act by an assailant who intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse. A threat to cause imminent bodily injury to another, including the person's spouse, is also an assault. This definition

is not all-inclusive as family violence may also entail aggravated circumstances, sexual assault, and other offenses. The assault definition also extends to intimate partner violence (IPV) that includes unmarried couples. See Chapter 22 and 25 of the Texas Penal Code.

- B. Domestic violence shelters/programs: Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escorts to court, food, clothing, and transportation. Some shelters also provide information pertaining to jobs, social security services, restraining orders, and various other items of information that is needed if the victim does not wish to return to the previous situation.
- C. Family violence: An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.
- D. Abuse: as defined by Sections 261.001 by a member of a family or household toward a member of the family or household.
- E. Dating Violence: as defined by Section 71.0021.
- F. Family or household member:
 - 1. Spouses, whether or not residing in the same home.
 - 2. Former spouses, whether or not residing in the same home.
 - 3. Persons who have a child in common, whether or not they have ever been married or resided together.
 - 4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters, half-brothers and half-sisters regardless of whether they reside in the same home with the suspect.
 - 5. Parents-in-law, children-in-law, brothers- and sisters-in-law regardless of whether they reside in the same home with the suspect.
 - 6. Persons, whether or not related, who cohabit or who previously cohabited with the suspect, and any children of either who then resided in the same home as the suspect.
 - 7. See Sections 71.003, 71.004, and 71.005 of the Family Code.

- G. Protective order, sometimes referred to as a “restraining order:” A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, plus other measures. A protective order may be valid for up to two years.

Types of protective orders:

1. Emergency protective order: A protective order issued by a magistrate to a defendant following his or her arrest for an act of family violence. The EPO may be applied for by the victim, a police officer, or may be issued on the magistrate’s own motion. The victim may request the EPO at the scene of a domestic violence incident.
2. Protective order: A protective order that is requested by a victim of family violence at any time other than at the scene of a domestic violence incident.
3. Temporary Ex Parte Orders: an order that is issued without the person who committed family violence present. A person subject to an order (the actor) who violates an ex parte order may not be arrested unless it is established that the actor has been served with the order prior to the commission of the act(s) violating the order. In the event that an officer arrives, and the actor is not aware of the order, the officer may assist the protected person in informing the actor of the existence of the order. The protected person should provide the actor with a copy of the order if possible. The officer shall then remain at the scene until the actor has complied with any wording that requires him or her to leave the residence. If the order does not require the actor to leave, the officer shall remain at the scene while the protected person gathers necessary items to leave. See Texas Family Code Chapter 83 for additional information.

IV. PROCEDURES: General responsibilities

- A. Department personnel shall refer victims of domestic violence or serious bodily injury crimes to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs), and shall provide victims with the name, address, and telephone numbers of the district attorney and the investigating law enforcement agency. Where possible, officers shall help victims directly access referral agencies.
- B. Department personnel shall be trained in domestic violence and its impact. Officers are encouraged to consult community resources, such as the local domestic violence shelter and the local victim/witness advocacy program.

- C. Personnel must be well trained in how to confront unexpected violence. Disturbance calls can be dangerous to responding officers.

V. PROCEDURES - Dispatcher (communications center) responsibilities. – Policy is set by the Rockport Communications Supervisor.

VI. PROCEDURES - Patrol responsibilities

- A. Before arrival at the scene officers should do the following:
 - 1. Obtain all available information from the dispatcher before arrival.
 - 2. When possible, officers should wait for back-up help, discuss a strategy, and approach the dispute scene in pairs.
- B. In the vicinity of the scene officers should avoid the use of sirens and other alarms. The suspect might be dangerous and could turn a weapon on arriving officers.
- C. At the scene the officer should observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.
- D. Before knocking on the door, officers should listen, and they should look in windows to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
- E. Officers must be concerned for their own safety as well as that of the disputants. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.
 - 1. Initial contact with occupant(s).
 - a. Identify themselves as law enforcement officers by name, give an explanation of your presence, and request entry into the home (when conditions permit). Ascertain identity of complainant and ask to see him or her and any other person at the home.

- b. Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further.
 - c. Officers shall make every reasonable effort to interview the complainant and remain on scene to assess welfare and safety as required by training and experience.
 - d. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.
 - e. Refusal of entry or no response to a knock at the door will require a forced entrance only if officers have a reasonable belief that person(s) inside are at risk of imminent death or serious bodily injury.
 - f. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent. However, the other, if present, may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.
 - g. A spouse or cohabitant can consent to the search of premises used jointly by both husband and wife or by unmarried cohabitants. However, if both are present, either one may legally object. Once either party refuses consent, officers must obtain a warrant to search or articulate an exception to the warrant requirement.
- F. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist. For example, if officers believe that someone, perhaps a child or spouse, is in need of emergency assistance they may search the premises without a warrant.
- 1. Officers shall evaluate the following elements when considering a warrantless entry:
 - a. The degree of urgency involved, and the time required to get a warrant.
 - b. The possibility of danger to occupants of the house or others, including officers guarding the site.
 - c. Whether the suspected offense is serious and involves violence.
 - d. Whether officers reasonably believe that persons may be armed.
 - 2. Once inside, establish control by:
 - a. Inquiring about the nature of the dispute.
 - b. Identifying disputants.
 - c. Being aware of potential weapons in surroundings.
 - d. Determining if persons are in other rooms, whether children or adults, and the extent of any injuries. (These persons should be separated from

- the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised.)
- e. Protect the victim from further abuse. Separate the victim from the suspect and arrange for medical attention if the victim is hurt. If the victim appears injured and refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph the victim's injuries if possible.
 - f. Ascertain whether a protective order has been violated.
 - g. If weapons -- firearms, knives, or any other object that could be used as a weapon-- are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If appropriate, seize weapons for evidence.
 - h. Transporting family/household members to a hospital, a safe shelter, or a magistrate.
3. Officers shall transport victims to a safe location as they wish or as the circumstances require.
 4. If a complainant seeks officers' help in entering his or her residence to obtain personal property, the officers must determine that the complainant has lawful authority to do so; must advise all parties that they are accompanying the complainant to obtain items for immediate personal (or children's) use; that the officers' function is to maintain order; that any dispute over property is a matter for the courts to decide.

G. Interviewing all disputants

1. Ensure safety and privacy by interviewing the victim in a place separate from the suspect, assuming the suspect has been identified.
2. Critical to the success of the interview is the officer's manner. Officers must listen, show interest in the disputants and their problems, and remain aware of nonverbal communications signals.
3. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.
4. If possible, separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.) Although the disputants are to be separated, officers shall remain within sight and hearing of each other.
5. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts, giving the parties an opportunity to point out anything that might be misrepresented.
6. Officers should be aware that verbal statements made by parties have evidentiary value. All verbal statements should be recorded, when practicable, and should be noted in reports of the incident.

7. Interviewing the victim. Get answers to the following questions from the victim:
 - a. What happened?
 - b. Were there any injuries and who caused them?
 - c. What weapons or objects were used?
 - d. What is the relationship to suspect?
 - e. Were threats made against the victim or others?
 - f. Was there forced sexual contact.
 - g. Are there any court cases pending against suspects?
 - h. Are any protective orders in effect.
 - i. Is suspect on probation or parole?
 - j. Did the suspect threaten or hurt others, particularly children or pets.
 - k. Was property damaged and if so, what was the damage?

H. Interviewing witnesses

1. Interview any witnesses to the incident--children, other family members, neighbors--as soon as possible.
2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. If witnesses provide information about prior assaults, document them to help establish a pattern.
4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

I. Collection of Evidence

Officers should treat a family violence offense with the same seriousness as other criminal offenses, and conduct a preliminary investigation in the same manner to include:

1. Collecting any physical evidence or calling crime scene personnel to do so.
2. Photographing any damages or injuries received by any party involved in the incident.

VII. PROCEDURES - Arrests

- A. Officers shall make an arrest without a warrant if they have probable cause to believe that the individual has committed an assault resulting in bodily injury to a member of the person's family or household. Officers may arrest persons who the peace officer

has probable cause to believe have committed an offense involving family violence which did not result in at least bodily injury.

- B. If officers cannot identify a predominant physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident.
- C. Officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.
- D. If the victim claims that a protective order has been violated, officers shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") have been violated the officer shall arrest the violator, assuming probable cause exists.
- E. Officers making arrests for family violence may petition for an emergency protective order if so requested by the victim or if the officer believes there is a significant danger of future assaults.
- F. Officers shall contact the on-call Child Protective Services worker if a child is abused or if neither parent can reasonably look after the child's safety and well-being. (Child neglect is a separate, reportable offense.)
- G. In determining probable cause, the officer shall NOT consider:
 - 1. Race, sex, ethnicity, social class, or sexual orientation.
 - 2. Whether the complainant has not sought or obtained a protective order.
 - 3. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
 - 4. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
 - 5. That the complainant has not begun divorce proceedings.
 - 6. Assurances of either or both disputants that violence will stop.
 - 7. The lack of visible bruises or injuries.
- H. Factors favoring the decision to arrest based upon probable cause that an offense has been committed
 - 1. Arrest is the most appropriate response when these factors are present:

- a. Serious, intense conflict.
- b. Use of a weapon.
- c. Previous injury or damage.
- d. Previous court appearance against the offending party.
- e. Previous attempt to sever the relationship.
- f. Previous calls for law enforcement help.
- g. When a felony has occurred.
- h. Evidence of drugs or alcohol use at the assault.
- i. Offenses committed with the officer present.
- j. Valid warrants on file for other crimes.
- k. Officers shall arrest for a violation of a protective order committed in the officer's presence or view.
- l. Aggressive behavior toward any person or pets, or any other threatening behavior.

I. If the abusive person is to be arrested, the officer should use the following procedure:

1. If the suspect is present, arrest him/her, apply handcuffs, inform him/her that the decision to arrest is a law-enforcement one, and transport securely to the jail/magistrate.
2. If the suspect is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a "be-on-the-lookout" message describing the suspect, if necessary, and arrange for an arrest warrant.
3. If an arrest must be made because a protective order has been violated, verify its validity by:
 - a. Examining the victim's copy, if available.
 - b. Having communications search TCIC or contact the jurisdiction that issued the order to confirm its currency.

J. If the abusive person is not arrested, the officer should use the following procedure:

1. Complete an incident report and give a copy or arrange to have a copy given to the victim.
2. Inform the victim that the department will begin action to procure a warrant for the offender if an offense occurred.
3. Advise the victim of the importance of preserving evidence.
4. Explain to the victim about protective orders and how to obtain them and offer to help the victim obtain them later.
5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items

plus important papers, such as a marriage license or divorce decree, health insurance cards, and if children are involved their school records, proof of vaccination, and health information.

6. Regardless of whether an arrest is made, the officer shall provide the “Notice to Adult Victims of Family Violence” to the victim, which explains legal and community resources available, including the name, address, and telephone number of the district attorney and the investigating law enforcement agency
7. Assure the victim that [Fulton Police] shall assist in future emergencies and explain measures for enhancing his/her own safety.

K. Gathering evidence. Physical evidence takes three forms in domestic violence cases: the injuries sustained by the victim, evidentiary articles that substantiate an attack, and the crime scene itself. The on-the-scene officer should take the following actions:

1. If possible, have a physician corroborate the victim's account of injuries sustained. Since choking is one of the most serious forms of violence but is sometimes hardest to detect, the officer and/or the physician should take particular note of that.
2. When feasible, take photographs of injuries.
3. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
4. Collect evidence according to the same principles applied to any other crime scene.
5. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime
6. Obtain statements from all witnesses, particularly noting any verbal statements that bear on the incident. Officers shall note the emotional state of the person making the verbal statement.

L. Documenting the incident. All incident reports on domestic violence shall follow general reporting procedures. Officers should include the following in their reports:

1. Facts and circumstances of domestic violence include a description of why one disputant was deemed the predominant physical aggressor.
2. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
3. The victim's statements as to the number of prior calls for law enforcement assistance.

M. The disposition of the investigation. Officers involved in an incident should do the following:

1. Thoroughly document probable causes arrest.

2. If an arrest is not made for domestic violence, the incident must still be documented, stating that either no probable cause for arrest existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
 - a. What referral information was given.
 - b. The name of any counselor contacted.
 - c. Why was no arrest made, nor any warrant issued.
3. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services.
4. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the district attorney and the investigating law enforcement agency.

N. Arrests of agency personnel

1. If the predominant physical aggressor or abuser is an employee of this agency, the responding officer shall summon the patrol supervisor, if applicable. If no patrol supervisor is available, the officer who shall in turn notify his/ her chain of command.
2. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's departmental weapon may be evidence of an offense.
3. The on-call investigator shall be summoned who shall begin an internal criminal investigation
 - a. If probable cause to arrest exists, the investigator shall arrest and gather evidence (including taking photographs) consistent with this general order.
 - b. The assigned investigator shall work with the responding patrol officer to ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken. The responding patrol officer shall assist in obtaining an emergency protective order.
 - c. The investigator shall speedily present the case to the district attorney.
4. Upon termination of the criminal investigation, the Chief of Police may assign an officer to undertake an internal administrative investigation into the incident. The chief may suspend the employee pending the outcome of the investigation.
 - a. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and identification to the property officer.
 - b. If the internal administrative investigation supports a violation of agency policy, the Chief of Police shall take appropriate action. Further, if the investigation confirms that domestic violence occurred,

the sheriff may require that the officer receive counseling, psychological evaluation, demotion, or termination of employment.

- c. Federal law states that any person (including a law-enforcement officer) convicted under any state or federal law for a misdemeanor involving the use of, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons or threats of force may, therefore, be unable to maintain their certification.
- d. Note that officers who are the subject of a protective order shall not carry firearms. Officers who are the subject of a protective order shall turn in all agency-issued weapons.

VIII. PROCEDURES - Issuing an emergency protective order

A. Emergency protective orders (EPO) (domestic violence)

1. The EPO aims to protect the health or safety of a victim of domestic violence. It is issued only if the offender is arrested. The judge or magistrate who arraigns the offender after the arrest may issue the EPO on the magistrate's own initiative, upon request of the victim, the guardian of the victim, a peace officer, or an attorney representing the state. If an officer has at least a reasonable belief that an assault has occurred and there exists probable danger of further abuse, the officer shall request the judge or magistrate to issue an EPO.
 - a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he/ she can request an EPO directly from a magistrate or the district attorney.
 - b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.
 - c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, or deny the abuser the right to possess a firearm, and provide other relief.
2. An officer can petition for an EPO by telephone or in person.
3. The EPO remains in effect for up to 61 days but not less than 31 days. The victim can petition for a permanent protective order before the expiration of an EPO.
4. The offender is served with a copy of the order at the time of arraignment. The victim will be contacted and informed that an EPO has been issued and will be provided with a copy and informed of its requirements.

5. A copy is also delivered to the Chief of Police and the communications center for the jurisdiction where the victim resides.

B. Protective Orders from Other States

Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in Texas. This applies to all orders in which the respondent has received notice and opportunity to attend a protective order hearing. Enforcement of out-of-state protective orders does not require that they be registered in Texas. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.

FULTON POLICE DEPARTMENT	
Policy 5.1 Vehicle Operation	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: TBP: 7.15, 7.20, and 7.24	

I. POLICY

All personnel operating department vehicles shall exercise due regard for the safety of all persons. Protection of life is the paramount goal of the department. No task, call, or incident justifies disregard of public safety. Further, the public expects its law-enforcement officers to demonstrate exemplary driving skills. All department personnel who operate department vehicles will comply with the safe-driving procedures outlined in this policy with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be used consistent with both legal requirements and the safety of the public and department personnel.

II. PURPOSE

The purpose of this policy is to establish procedures governing the operation of police vehicles.

III. DEFINITIONS

- A. **Emergency driving.** Driving in response to a life-threatening or other serious incident (based on available information) that requires emergency equipment. Emergency driving -- with emergency lights and siren activated -- allows an officer to disregard certain traffic regulations, but officers must still drive with due regard for the safety of the officer and others.

- B. **Emergency equipment.** Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that has this emergency equipment installed.

- C. **Normal or routine driving.** Driving that dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, and adherence to commonly understood "rules of the road."

IV. GENERAL PROCEDURES FOR ALL RESPONSES (TBP: 7.15)

a. General

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets, and many people observe an officer's actions. Each officer must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the Transportation Code authorizes officers to disregard traffic regulations. Both the operator and the department, however, are not released from civil liability for failure to use reasonable care in such operations.

b. Routine operation

1. In case of accident or damage to any department vehicle, the driver shall immediately request the on-duty supervisor to conduct an investigation.
2. Accidents involving members of this department will be investigated by the sheriff's department, DPS, or some other neighboring police agency.
3. A driver involved in an accident shall write a memorandum detailing the circumstances.
4. Drivers shall report any found damage or other non-accident damage to their supervisor immediately and document the damage in an incident report.
5. Unmarked cars that are provided with emergency lights and a siren may be used to stop vehicles.
6. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights, and alley (side) lights on the rooftop light bar.
 1. Hazardous warning lights may be used at any time the department vehicle is parked where other moving vehicles may be endangered.
 2. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and

shall not be used in a manner that will blind or interfere with the vision of operators of approaching vehicles.

7. Seat belts and shoulder straps shall be worn by the driver and all passengers during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible. (TBP: 7.20)

1. Exception: When approaching an incident scene or a call where the officer believes that a rapid exit from the vehicle may be required, the officer may release his/her seat belt.

8. Any young children transported in a police vehicle will be transported in the manner prescribed by the Transportation Code using infant/child car seats when necessary.

c. Inspection (TBP: 7.24)

1. Before each duty assignment, officers shall check their vehicles for cleanliness, operability, and all required equipment.
2. Officers shall also ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and gas. Any deficiencies should be reported to the supervisor.
3. Officers shall check the safety features of the vehicle before assuming duty. The check shall include, but is not limited to, all lights, brakes, siren, horn, and steering.
4. Officers shall also check tires for tread wear and proper inflation.
5. Officers shall examine their vehicles at the beginning and the end of their shifts for damage. Officers shall report any damage immediately to the on-duty supervisor.
6. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others. Rear seats shall be thoroughly checked.
7. Officers who discover a department vehicle in need of repairs shall immediately inform the on-duty supervisor.
8. If, in the opinion of the Chief of Police, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.
9. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle that affects its operation.
10. Officers are responsible for maintaining the cleanliness of the interior and exterior of their assigned vehicle. During periods of inclement weather when department vehicles cannot be washed regularly, the driver must ensure that headlight and taillight lenses are kept clean, insofar as circumstances permit.
11. No officer or employee shall operate any department vehicle that he or she believes is unsafe.

d. Driving rules

1. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.
2. A department vehicle shall not be left unattended with the engine running nor shall the vehicle be left unlocked when the officer has left it to handle other business not related to Fulton PD.
3. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle and shall govern the operation of the vehicle accordingly.
4. Officers responding to certain crimes-in-progress may discontinue the use of the siren upon approaching the location of the occurrence. While this is allowed by Texas law and this policy, officers shall understand that to do so means that they are no longer operating in a manner that would warn other traffic and should remember that they still have a duty to drive with due regard for other motorists and pedestrians.
5. Emergency driving to the scene of a motor vehicle accident is permissible only when an emergency exists, when specific information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.
6. Upon approaching a controlled intersection or other location where there is possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal or stop sign, the officer shall stop his or her vehicle and ensure by careful observation that the way is clear before proceeding through the intersection.
7. Regardless of the seriousness of the situation to which the officer is responding and excepting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which he or she operates the vehicle.
8. At the scene of a crime, a motor vehicle crash, or other incident, a department vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the emergency lights and four-way flashing lights shall be used to warn other drivers approaching the location.
9. Operators of department vehicles must bear in mind that the traffic regulation requiring other vehicles to yield the right of way to any emergency vehicle does not relieve emergency vehicle operators from the duty to drive with due regard for the safety of all persons using the highways. Nor does this traffic regulation protect the driver from the consequences of arbitrary use of this right-of-way regulation.

V. PROCEDURES FOR EMERGENCY DRIVING

a. General

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him/her to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified.
2. Section 546.005 of the Transportation Code states that the exemptions to driving laws granted to emergency vehicle operators "does not relieve the operator from the duty to drive with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others." Recognizing that protection of human life is paramount, responding officers must remember that their objective is to get to the location of the occurrence as soon as possible--safely--without danger to themselves or to others.

b. Response codes: Calls for service are classified as Code 1 or Code 3, depending on circumstances. The codes are defined as follows:

1. Code 1 responses are utilized for any situation regardless of apparent urgency where the preservation of life is not a consideration. Units responding to Code 1 calls shall respond to the location without delay, complying with all traffic regulations, and shall not use emergency warning devices.
2. Code 3 responses are authorized for any emergency where the preservation of life is a consideration. Primary and support units responding to Code 3 calls shall proceed rapidly to the location of the emergency by the most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers. Code 3 calls are authorized by the dispatcher, a field supervisor, or the patrol officer, subject to the considerations discussed below. Field supervisors shall closely monitor all Code 3 calls and shall respond if necessary.

NOTE: Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade assigned response codes.

c. Dispatcher assignments

1. It will be on the discretion of the officer or field supervisor. Code 3 classification to any call that suggests the preservation of life is a consideration. (See B. 2, above.) Examples include a call that indicates a crime involving violence is in progress, or one where the suspect is armed, and any other requests alleging an implied or immediate threat to the safety of a person.
2. Some felonies-in-progress that do not apparently involve violence are dispatched as Code 3.
3. Examples of Code 3 calls (not all inclusive) include:
 1. An officer who needs urgent help.
 2. A burglary in progress.
 3. A robbery in progress.
 4. A serious-injury or fatal- accident or hit/run.
 5. A riot or large disturbance with fighting or injuries or damages occurring.
 6. An apparent homicide.
 7. A fight or an assault-in-progress.
 8. A sex offense in progress.
 9. Domestic dispute with an assault in progress, or where the assault has just occurred with a suspect still present.
 10. An in-progress suicide attempt.

d. Officer's response to call

1. Upon arrival at the scene of a call, the responding officer shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 3 can be slowed or cancelled.
2. All units responding to robbery-in-progress and burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights. Officers are reminded that upon deactivation of a siren and flashing lights, their response ceases to be an emergency and they must comply with all posted speeds and traffic control devices.
3. In situations requiring a silent response, e.g., alarms and prowler calls, officers shall respond as rapidly as possible, obeying all traffic laws and signs.
4. Officer-initiated response.
 1. When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary enforcement, the department authorizes an emergency response.
 2. Examples include the following:

- a. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents, or disasters).
- b. As a visual signal to attract the attention of motorists being stopped for traffic violations, or to warn motorists of imminent dangers.
- c. Responding to Code 1 calls, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as Code 3.
- d. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate response.
- e. In response to an officer's emergency request for assistance.
- f. For pursuit. (See Policy 7.15)

e. Use of emergency warning devices in non-emergencies

- 1. Officers shall activate emergency equipment to notify drivers that they must stop, and to provide a safe environment for the driver, officer, and the public.
- 2. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists or when department vehicles are used as protective barriers.

FULTON POLICE DEPARTMENT	
Policy 5.2 Vehicle Pursuits	
Effective Date: 4/15/2026	Replaces: Revised 2025
Approved: _____	
Chief of Police	
Reference: TBP: 7.13, 7.14, 7.18, and 7.19.	

III. POLICY

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, they must continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

Officers shall comply with all applicable portions of Policy 7.15 when they are involved in vehicle pursuits.

IV. PURPOSE

The purpose of this policy is to establish procedures governing the operation of police vehicles, with special attention to emergencies and pursuits.

V. DEFINITIONS

- A. Boxing in: A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction or to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.

- B. Caravanning: Direct participation in pursuit by department vehicles other than the primary and authorized support vehicles.
- C. Emergency driving: Driving in response to a life-threatening or other serious incident (based on available information) that requires emergency equipment in operation.
- D. Emergency equipment: Emergency lights and a siren, whistle, air horn or any other equipment designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.
- E. Normal or routine driving: Driving that dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly understood "rules of the road."
- F. Primary pursuit vehicle: Normally the department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.
- G. Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect who is fleeing or evading apprehension, provided the officer reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high-speed driving or other evasive maneuvers. Pursuits shall be conducted only with activated emergency equipment and under circumstances outlined in this order.
- H. Not a pursuit: An attempt to stop a vehicle that is not fleeing, or an attempt to stop a vehicle that is refusing to stop while still obeying traffic-control devices and not exceeding the speed limit by more than ten miles per hour is not a pursuit.
- I. Risk: The degree of danger or hazard to the public or officers.
- J. Roadblock: Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.
- K. Support vehicles: The second or additional department vehicles participating in the pursuit that follow the primary pursuit vehicle at a safe distance. Once the vehicles have stopped, officers in the support vehicles can provide help for the officer in the primary vehicle or they can assume the primary role if circumstances dictate.

VI. PROCEDURES FOR PURSUITS (TBP: 7.13)

A. Justification for pursuit:

B. Least restrictive – may pursue for any violation.

1. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to escape, would present a danger to human life or cause serious injury.
2. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
3. In deciding whether to initiate pursuit, the officer shall take into consideration:
 - a. road, weather, and environmental conditions.
 - b. risk of harm to the public as assessed by population density and vehicular and pedestrian traffic.
 - c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued.
 - d. the seriousness of the offense.
 - e. the presence of other persons in the police vehicle.

C. Primary officer responsibilities

1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. Unmarked vehicles with emergency equipment may pursue, however, a marked unit shall take over the pursuit once available to do so.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment.
3. The officer shall notify the dispatcher of the following:
 - a. The location of the officer and the suspect's vehicle.
 - b. The direction of travel.
 - c. The license number (and state) of the suspect's vehicle.
 - d. Description of the suspect's vehicle.
 - e. The reason for the pursuit.

4. The officers will, to the best of their ability, keep the dispatcher informed of the location and direction of travel.
5. Whenever the risk to the public or to the officer outweighs the immediate need to apprehend the suspect, the officer will terminate the pursuit.

D. Supervisor's responsibilities

1. The on-duty supervisor shall monitor the pursuit and has the responsibility to ensure that it is conducted in compliance with department policy, and includes directing officers to join or abandon pursuit, re-designating primary and support pursuing vehicles if necessary, approving or directing pursuit tactics, and terminating the pursuit.
2. The on-duty patrol supervisor shall monitor the pursuit and may respond to the location of the suspect stopped. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.
3. No more than two department vehicles may pursue a fleeing suspect without the specific authorization of the on-duty supervisor. In authorizing additional department vehicles to pursue, the supervisor shall consider:
 - a. The nature of the offense.
 - b. The number of suspects.
 - c. The number of officers currently participating as primary or support vehicles.
 - d. Any injuries or property damage already sustained as a result of the pursuit.
 - e. Any other clear, articulated facts that would justify the assignment of additional department vehicles.
4. After the incident, the supervisor shall critique the pursuit with all the officers involved and direct participants to submit reports.
5. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit.
6. The on-duty supervisor may direct the use of tire-deflation devices, as appropriate. See paragraph J.12 below.

E. Supporting officers' responsibilities.

1. Normally the first back-up unit to respond shall help the primary officer in pursuing the suspect and making the arrest.
2. The secondary pursuing officer is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. Without being tasked with these communications responsibilities, the primary officer can focus attention on the pursuit driving.

F. Dispatcher's responsibilities- Will follow Rockport Communications SOP

G. Rules of pursuits

1. Officers shall not intentionally ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
2. Boxing-in shall be performed only at low speeds and under the direct authorization of the on-duty supervisor and then only if the participating officers have been trained in the technique.
3. Caravanning is prohibited. Only two department vehicles (excluding the supervisor) shall participate in a pursuit at any time unless specifically authorized by a supervisor.
4. Officers shall not fire their weapons from a moving department vehicle.
5. If the on-duty supervisor orders the pursuit to end, the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.
6. The use of a stationary or rolling roadblock is prohibited unless the stationary roadblock can be articulated depending on the severity of the situation. (TBP: 7.18)
7. When accompanied by civilian passengers, officers shall not pursue unless approved by the Chief of Police or field supervisor.
8. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall use a different siren-sound selection, if circumstances and safety permit. The use of different siren-sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.
9. Should the suspect drive in a direction opposite to the flow of traffic, the pursuing officer shall not follow the suspect in the wrong direction, unless the circumstance is unavoidable and can be corrected as soon as possible, but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel. The pursuing officer may be able to follow the suspect on a parallel road.
10. Officers involved in a pursuit shall not try to overtake or pass the suspect's vehicle unless the situation calls for other circumstances that can be done in a safe manner.
11. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, officers shall:
 - a. Slow and enter the intersection at a reduced speed and only when safe, when all other vehicles are aware of the officer's presence.

- b. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and does not absolutely have the right to run a red traffic light or stop sign.
12. Tire Deflation Devices (TBP: 7.19)
- a. Officers who have been trained in the use of tire deflation devices are authorized to deploy the devices when approved by a supervisor.
 - b. Deployment must be done in safety and in an area that is free of obstructions for at least 100 yards in each direction.
 - c. Deployment is made per manufacturer's instructions, always keeping the deploying officer safe from possible vehicular danger.
 - d. The devices must be retracted prior to departmental vehicles running over them.
 - e. Officers deploying the device will notify on-coming departmental vehicles of the deployment location so that they may slow down and avoid running over the devices.

H. Out-of-jurisdiction pursuits

1. Pursuits beyond the local jurisdiction require the direct approval of the on-duty supervisor and, if approved, shall be conducted according to this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request help.
2. Once the pursuit has entered another jurisdiction, if officers from that jurisdiction enter the pursuit, department officers shall cease their emergency driving (unless circumstances require their continued pursuit), turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices.
3. If officers from another jurisdiction pursue a suspect into our jurisdiction, department officers shall enter the pursuit only if the other agency specifically requests help and the on-duty supervisor approves the participation. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.
4. A fleeing suspect when arrested shall be taken before a judicial officer of the jurisdiction in which he/she was arrested regardless of where the pursuit began. The pursuing officers from the original jurisdiction shall then go before their local magistrate to obtain a warrant and ensure that a teletype is sent to the apprehending jurisdiction as soon as possible, acting as a detainer.
5. When a fleeing suspect from another jurisdiction is apprehended within the county, the apprehending officer shall take the arrested person before the city judge. The on-duty supervisor shall confer with the other jurisdiction to determine which shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective magistrate.

I. TERMINATING PURSUITS

1. This order has noted the necessity for a pursuing officer to continuously evaluate the risks and goals of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.
2. Officers shall discontinue pursuit under the following circumstances:
 - a. The on-duty supervisor orders it.
 - b. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.
 - c. The pursued vehicle has outdistanced the pursuing officer such that its location is not known.
 - d. A person has been injured during the pursuit and no medical or department personnel are able to provide help.
 - e. The pursuing officer perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect at the time.
3. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and preceded on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing officer should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing officers. Should the individual stop and remain in the vehicle, officers will not rush the vehicle. Appropriate felony stop procedures should be used.

VII. FOLLOW-UP REQUIREMENTS (TBP: 7.14)

- A. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit whether or not the suspect was stopped. The initiating officer will complete a departmental Pursuit Report. Other officers involved will prepare a supplemental report documenting their participation. Reports shall be completed before the end of the officer's tour of duty.
- B. The supervisor shall collect and secure all video of the pursuit and shall review the pursuit for compliance with policy and forward all documentation to the Chief of Police for review.

- C. The pursuit report with supervisory review will be forwarded to the Chief of Police. The Chief will also review the report and determine compliance with policy. The Chief of Police will inform the supervisor of his findings. Should a policy violation be identified, the Chief will direct that an investigation be conducted as necessary.

- D. Annually, the Chief of Police will cause an analysis of all vehicle pursuits occurring during the previous year to be conducted. The analysis will be designed to determine if the current policy is being followed, whether any changes are needed in the current policy, and any training needs of the department.

	FULTON POLICE DEPARTMENT	
	Policy 5.3 Vehicle Impoundment and Inventory	
	Effective Date: 4/15/2026	Replaces: Revised 2013
	Approved: _____	
	Chief of Police	
Reference:		

VII. POLICY

A motor vehicle is an important piece of personal property that must be properly managed and supervised if the police take it into custody. Because abandoned vehicles constitute a public nuisance and a hazard to traffic, members of our community view their removal as an essential police service. Also, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes. When towing is performed at an owner's request, dispatch will use the rotation wrecker service. Officers will also specify a tow company if there is a traffic hazard and the tow company selected by an individual cannot arrive in a timely manner.

VIII. PURPOSE

The purpose of this policy is to establish procedures for towing and for keeping an inventory of vehicles.

IX. AUTHORITY TO TOW

A. Accident

1. Any vehicle involved in an accident shall be removed to the shoulder of the road or some other place out of the way of traffic as soon as possible after officers have obtained necessary investigative information.
2. Vehicles shall be removed from the shoulder without unnecessary delay.
3. The only departmental vehicles that can be used to push cars are ones that are equipped with push bars. The officer driving must have been trained in their use.
4. If the procedure above is not possible and a traffic hazard results, the officer may order towing of the vehicle at the owner's expense.

5. Vehicles may be impounded if the vehicle is needed for purposes of the investigation following a vehicle crash. Such cases may but do not necessarily involve custody of the operator.
6. Following vehicle crashes, an officer may request impoundment under one or more of the following circumstances:
 - a. The operator is unwilling or unable to take charge of the vehicle.
 - b. The vehicle cannot be legally parked and sufficiently secured at the scene.
 - c. There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.

B. Emergency

Any vehicle found illegally parked in the vicinity of a fire, a traffic accident or an area of emergency that creates a traffic hazard or interferes with the necessary work of police, fire, or other rescue workers may be towed on an officer's orders at the owner's expense. Vehicles being used by radio, T.V., and press are exempt unless they obstruct police, fire, or rescue operations, or create an unreasonable traffic hazard.

C. Impeding/danger to traffic

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others except in cases of mechanical breakdown or accident. If a disabled vehicle is not promptly removed and creates a traffic hazard, the officer may order the vehicle towed at the owner's expense.

D. State/county/municipal vehicles

Paragraphs A, B, and C above shall not apply to any vehicle owned or controlled by the state or a local unit of government while actually engaged in construction or highway maintenance.

E. Blocking driveway or parking area

Any officer discovering or having report of any motor vehicle, or a trailer, or other vehicle blocking a driveway or parking area, or obstructing or interfering with the movement on any driveway or parking area without the landowner's permission may order the vehicle towed at the owner's expense.

F. Unattended traffic hazard/violation of law

Officers may call for the tow of any unattended motor vehicle found on a public street or grounds that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law.

G. Unattended vehicle

Any motor vehicle left unattended for more than 48 hours upon any public street is subject to towing at the owner's expense.

H. Abandoned vehicle

1. Any motor vehicle abandoned on public property is subject to towing at the owner's expense.
2. A vehicle may be presumed to be abandoned if it lacks either a current license plate, a current county, city, or town tag or sticker, and has been left unattended on public property (other than an interstate or primary highway) for more than 48 hours.

I. Removal from private property

- 1.No removal shall be ordered from private property.
- 2.Property or business owners may act immediately to have vehicles towed that are occupying a lot, area, space, building, or part thereof without permission of the owner.

J. Evidence/crime involvement

- 1.Upon supervisory approval, vehicles that are of evidentiary value or have been used in the commission of a crime shall be towed at the request of the investigating officer to the officer's discretion at department expense.
- 2.Impoundment of stolen vehicles or those suspected of being stolen is appropriate under the following circumstances:
 - a. The owner cannot be contacted.
 - b. The owner is contacted and cannot or will not respond in a reasonable amount of time.
 - c. Immediate removal is necessary for safety reasons or for safekeeping.

NOTE: Towing of a vehicle that has been reported stolen is at the owner's expense.

NOTE: Officers should document reasonable efforts to contact owners with means readily available.

A. Prisoner's vehicles

1. Vehicles belonging to arrested persons that are left at the scene of the arrest may be at substantial risk of theft or of damage to the vehicle or to personal property contained in the vehicle. It is, therefore, the policy of this department to tow all prisoners' vehicles to an impound lot at the owner's expense for protection of the vehicle except in the following situations:
 - a. A friend or relative of the prisoner is at the scene, and the arrestee wishes to release the vehicle to that person provided the person possesses a current driver's license, and the arrestee consents to the release either in writing or on the audio/video in-car recording system.
 - b. The arrestee agrees to lock and leave the vehicle in a legal parking space where a parking violation will not occur before arrangements can be made to recover the car.

2. The officer may have the vehicle towed if he or she believes the above methods of vehicle release would not properly protect the vehicle or its contents.
3. A vehicle shall be towed if a subject is arrested and one of the following circumstances exists:
 - a. The vehicle was used in a crime.
 - b. The vehicle contains evidence of a crime that cannot be processed at the scene.
4. Officers should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.
5. A “hold” may be placed on any vehicle impounded for evidence for the period of time necessary to complete evidence collection.
6. Holds on vehicles must be approved by an agency supervisor.
7. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.

B. Impoundment for Forfeiture

1. As specified by state law, officers may impound a motor vehicle with the intent of initiating forfeiture proceedings when the vehicle is used in the commission of a crime.
2. Officers should contact a supervisor before initiating forfeiture proceedings and shall follow forfeiture procedures as provided by this agency.

X. TOWING PROCEDURES

- A. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance. For example, vehicles cannot be impounded as a form of punishment, or as a means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained.
- B. When an impoundment is ordered, the operator of the vehicle and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided with transportation.
- C. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the appropriate reporting document.

- D. Officers shall know under which provisions (subparagraphs A-J above) and laws the vehicle is to be towed.
- E. If possible and practical, the officer should use the vehicle owner's or operator's choice of towing company.
- F. If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the officer shall ask the dispatcher to send a wrecker.
- G. In an emergency involving major traffic congestion owing to a disabled vehicle, the officer shall notify the dispatcher and request a wrecker.
- H. If the vehicle involved in an emergency is larger than the normal passenger vehicle or pickup size, the officer shall so advise the dispatcher, who has a separate list of specially equipped wrecker services.
- I. Dispatchers shall log each instance of calling a tow service, including the time he or she called the tow service.
- J. When the wrecker arrives on the scene, the officer shall advise the dispatcher of time of arrival and any subsequent problems.
- K. Dispatchers shall be notified of all requests to tow vehicles by officers or owners of private property and shall record date, time, place towed from and to, license number, make or model, and color of vehicle in the towed-vehicle log.
- L. Contracted towing companies agree to respond to scenes within 30 minutes of a call. If a called wrecker does not arrive within the allotted time, the officer may ask the dispatcher to cancel the original wrecker and order a wrecker from another company.

XI. INVENTORY

A. Authority and purpose:

1. Motor vehicle inventory is an administrative procedure designed to protect vehicles and their contents while in departmental custody.

2. The purpose of the inventory is to protect the owner's property and to protect the department against claims and possible dangers.
3. Inventories may be conducted without a warrant or probable cause in the following situations:
 - a. The vehicle has been lawfully seized or impounded.
 - b. Before towing the vehicle for violations, safety reasons, or other purposes as defined by law.

B. Inventory vs. search

1. An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory but a vehicle search and as such is governed by Policies 7.4 and 7.5.
2. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked shall not be inventoried.
3. Officers are reminded of the "plain view doctrine" and the limitations upon the authority to search for an incidental to a lawful arrest.
4. A vehicle inventory report shall be completed whenever an officer assumes responsibility for towing a vehicle and shall complete an inventory at the location where the vehicle was seized unless reasons of safety or practicality require the inventory to take place later or at a different location.
5. Before the vehicle is removed, officers shall obtain the signature of the tow-truck driver on the inventory report and provide the tow driver with a duplicate copy of the report.
6. These inventories are further designed to protect the department from false claims of loss by others.

C. Inventory procedures

1. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature.
2. The scope of the inventory includes all open and closed containers and compartments and any locked containers or compartments as long as the officer has a key. Locked or sealed areas shall not be forcibly entered if doing so will damage them. Locked areas that are not searched will be noted on the impound report. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may reasonably be found.
3. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents if a key is not available.

4. Any evidence, contraband, fruits of a crime, or instrumentalities of a crime discovered during an inventory shall be handled in accordance with evidence procedures.

FULTON POLICE DEPARTMENT	
Policy 5.4 Traffic Enforcement	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: TBP: 7.21, 7.22, and 7.28	

I. POLICY

Traffic law enforcement involves all activities or operations which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. It is the policy of this department that motor vehicle stops shall be performed professionally and courteously, and with a view towards educating the public about proper driving procedures while recognizing and taking steps to minimize the dangers involved in this activity for the officer, the motorist, and other users of the highway.

Overzealous enforcement, however, without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic. (TBP: 7.28a)

II. PURPOSE

It is the purpose of this policy to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist.

III. PROCEDURES

A. Legal Basis for Stopping Motor Vehicles

1. Officers must have reasonable suspicion or probable cause for stopping a motor vehicle as provided by the Fourth Amendment to the U.S. Constitution. Officers are prohibited from stopping vehicles under the guise of legal authority when in fact the stop is based solely on the officer's prejudice concerning a person's race, ethnicity, sex, or similar distinction.
2. A motor vehicle may be stopped only for a period of time that is reasonable to issue a citation or conduct other legitimate police business.
3. Officers should avoid arrests solely for minor vehicle infractions even if permitted by law when a citation in lieu of arrest is a reasonable alternative.
4. Officers are reminded that they have full discretionary authority in the type of enforcement actions to be taken, subject to the guidelines contained herein. (TBP: 7.28b)

B. Types of enforcement actions

1. Warnings

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. In their discretion, officers must recognize that a properly administered warning can be more effective than any other type of enforcement.

2. Traffic Citation

A traffic citation shall be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

NOTE: A violator may not be physically arrested but must be issued a citation for the offenses of speeding or violation of the open container law.

3. Physical Arrest (TBP: 7.28d)

- a. In compliance with Transportation Code 543.002, and other applicable state law, officers shall make a physical arrest and take the violator

before a magistrate when the officer has probable cause to believe that the violator

1. has committed a felony
 2. has failed to stop at the scene of an accident involving property damage or committed any other violation where the punishment is greater than a fine only
 3. refuses to give a written promise to appear under TRC 543.005 (Promise to Appear).
- b. If the violator refuses to sign the citation, the officer may write “Refused to Sign” in the signature block and issue the citation to the subject. Physical arrests for refusal to sign may be made by this agency.

C. Handling special categories of violators

1. Juveniles

Juvenile traffic offenders are prosecuted in municipal court. Juveniles over the age of 14 may be issued citations for offenses committed in cars. Juveniles over the age of 10 may be issued citations for offenses on motorcycles, motorized scooters, or ATVs. Officers issuing traffic citations to juvenile offenders shall advise them that a parent or guardian must accompany them when they appear before the court. Juveniles must appear in court with their parents or other responsible adult. No prepayment is allowed.

2. Foreign diplomatic or other consular officials

- a. Diplomatic immunity is granted by the United States Government. Generally, immunity may apply to diplomats, members of their families, and employees of diplomatic missions concerning acts performed in the course of their official duties.
- b. Different levels of immunity exist. The burden is on the diplomat to claim immunity and show the appropriate U.S. State Department-issued credentials.
- c. If the offense is a felony or one that involves bodily injury, serious bodily injury or death to an individual the State Department shall be contacted as soon as possible.

3. Members of Congress

- a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.
- b. If a member of Congress is stopped for a traffic infraction, upon presentation of valid credentials, he or she shall be released immediately. The officer may then obtain a summons for the member of Congress covering the observed violation and make arrangements to serve the

summons at a time when the member of Congress is not in transit to or from Congress or on official business.

D. Information regarding traffic summons

A citation shall be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following:

1. The court appearance schedule and contact information. (TBP: 7.21)
2. Whether the court appearance by the motorist is mandatory
3. Whether the motorist may be allowed to pay the fine before court and enter a guilty plea
4. Answers to the motorist's questions about the summons being as thorough as possible.

IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

A. Speed violations

1. On public streets within the city that have a speed limit of 25 miles per hour or higher, officers shall not write citations for 4 miles per hour over the posted speed limit unless specifically approved for a particular operation or problem-solving activity.
2. In school zones where the speed limit is 20 miles per hour, citations may be written for any vehicle traveling 25 miles per hour or greater.
3. Officers shall use common sense and good judgement and understand that each stop should be taken at its own merit. These uniform traffic enforcement guidelines are not intended to detract or diminish an officer's judgement and discretion. The goal of traffic enforcement is to correct a driver's behavior and that corrective action can be accomplished in more ways than simply issuing a traffic summons.

B. Other hazardous violations

Citations may be issued for any hazardous violation which in the officer's experience has caused accidents at the specific location.

C. Equipment violations

With only annual registration required of vehicles, citations may be issued for any essential equipment defects which create a danger or hazard to the driver or others or for expired registration. Officers shall not issue a expired registration citation until after the 5th day of the first of the new month.

D. Public carrier/commercial vehicle violations

In issuing a summons, consider traffic congestion, lack of parking, and carrier needs for delivery access. Repetitive violators shall be cited.

E. Multiple violations

Officers may issue summonses for all appropriate violations. In the event of multiple violations, officers may issue multiple citations for the most serious violations and warn others if appropriate.

F. Newly enacted laws

The law usually does not provide for a grace period when new laws take effect. Officers, though, may use discretion in observing a reasonable grace period before issuing a summons for the following:

1. A violation of a newly enacted traffic law.
2. Speeding violations in an area which the speed limit has been reduced.
3. Expired state registration tags for after the 5th day of the new month after their expiration.

V. TRAFFIC LAW ENFORCEMENT PRACTICES - General

Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their duties.

- A. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
- B. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
- C. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
- D. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location.
- E. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind other drivers to comply with traffic laws.
- F. Objectives of traffic stops
 - 1. The two primary objectives of any traffic stop are
 - a. to take proper and appropriate enforcement action; and
 - b. to favorably alter the violator's future driving behavior.
 - 2. Achievement of these objectives requires the officer to evaluate the violator's mental and physical condition when assessing the facts of the violation itself. In achieving these objectives, officers must exhibit flexibility to minimize conflict or argument with the violator.
- G. Stopping a Violator / Issuing a Citation (TBP: 7.28 c)
 - 1. Rules to be followed in all traffic stops:
 - a. Be alert at all times for the unexpected.
 - b. Be absolutely certain that the observations of the traffic violation were accurate. The reasonable suspicion standard shall be met.
 - c. Present a professional image in dress, grooming, language, bearing, and emotional stability.
 - d. Be prepared for the contact by having the necessary equipment and forms immediately available.
 - 2. Before making a vehicle stop:

- a. Maintain a reasonable distance between the violator and the patrol vehicle.
 - b. Locate a safe spot to stop the vehicle.
 - c. Activate the emergency lights and, when necessary, the siren to signal the vehicle to stop.
 - d. Advise the dispatcher of the intention to stop the particular vehicle, and give the following information:
 1. The location of the stop.
 2. The vehicle's license tag number and a description when necessary.
 - e. The officer shall position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle shall be positioned so that it will offer the officer some protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle.
3. Additionally, when stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, perform the following actions.
 - a. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before making the actual stop.
 - b. Train the unit's auxiliary lights (spotlight) on the occupant(s) of the vehicle when applicable.
 - c. When necessary, use the vehicle's public address system to give instructions to the occupant(s) of the violator's vehicle.
 4. Hazards
 - a. On multi-lane roadways, the officer shall ensure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
 - b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer shall direct him or her to move to a safer location. Officers shall use the public address system to instruct violators to move to a safer location. If the officer's oral directions and gestures are misunderstood, the officer shall quickly leave the patrol vehicle and instruct the violator.
 - c. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop. Once the violator has stopped, to maximize officer safety, use the spotlight, and set the head lights for high beam, and employ emergency bar lights and emergency flashers.
 5. Approaching the violator:
 - a. It will be the responsibility of the officer's discretion on how to approach the vehicle. The officer shall approach in the manner where the officer feels is the safest or most appropriate at the time.
 6. Communicating with the violator

In transacting business with the violator, the officer shall observe the following rules:

- a. Greet the violator courteously with an appropriate title.
 - b. Inform the violator what traffic law he or she has violated and the intended enforcement action (do not keep the violator in suspense).
 - c. Ask for and accept only the violator's driver license and vehicle's Insurance information. If the driver offers money, the officer shall refuse it and advise the driver of the illegality of the offer.
 - d. If the driver has no driver's license, obtain another document of identification.
 - e. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise verbally abuse the violator.
 - f. Complete the forms required for the enforcement action or give an oral warning, if appropriate.
 - g. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
 - h. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated, or the violator may need to calm down before resuming driving.
 - i. Officers should note if there is any information from dispatch or on the vehicle's license plate that indicates the driver has difficulty in communicating with the police.
7. Conducting the transaction
- a. Return the violator's driver's license, registration, and a copy of the citation or warning, if given.
 - b. Release the defendant after he or she signs the summons and receives a copy of the summons.
 - c. Assist the violator in safely re-entering the traffic flow.
 - d. Do not follow the violator.

VI. CITATION ACCOUNTABILITY

A. Citation Book Security (TBP: 7.22)

- 1. Citation issuing information, records, and storage of citations is the responsibility of the Municipal Court Clerk. The Chief will notify the court clerk when new citations are needed.

B. Citation Accountability

1. Officers are directly accountable for each citation issued to them. Audit will now be performed quarterly and all missing citations must be accounted for. Failure to be able to account for each citation issue may result in disciplinary action as appropriate.
2. Officers will turn citations and warnings into the County Clerk.
3. Officers who make errors on citations and chose not to use a citation form will write "VOID" and the reason for the voiding on all copies of the citation, staple all copies and forms together, and turn in the remaining copies to their supervisor at the end of shift. (Violator's copy must be attached.) The supervisor will note "Approved" followed by their initials and forward the citation to court clerk.
4. Officers who discover errors after citations have been sent to court clerk must prepare a memorandum for Request for Dismissal, or a request that the violations be amended including any pertinent information regarding said changes and send the request through their supervisor to the Chief of Police for approval and forwarding to court.
5. It is permissible for one officer to use a citation out of another officer's assigned book; however, the assigned officer should not loan the entire book to a fellow officer. The assigned officer is still responsible for the citations issued.

C. Voided Citations

Citations marked "Void" will be received by municipal court and entered into a voided document system so that those citations will not show up as missing. Quarterly audits will be necessary to account for missing citations.

VII. DUI/DUI ENFORCEMENT PROCEDURES

A. Laws

It is unlawful for any person to drive or operate any motor vehicle, watercraft or airplane while under the influence of alcohol or while under the influence of any narcotic drug of any nature to the extent the driver has lost the normal use of his or her mental or physical faculties.

B. Responsibilities

Officers shall be alert for suspected DUI offenders. Officers shall use and document standardized roadside sobriety tests. Officers must carefully document the behavior of the DUI beginning with observations of driving. Once the violator has been stopped, the officer shall note the suspect's appearance, responses to stimuli, speech, admission of drinking, or drug ingestion.

C. Breathalyzer

1. The security, care, and maintenance of the breathalyzer and all physical evidence obtained from it are every officer's responsibility.
2. The breathalyzer is located at [name location].

D. Sobriety tests

1. Officers shall administer a minimum of three field sobriety tests from the following list, which names the most commonly administered tests.
 - a. Gaze nystagmus (only if properly certified).
 - b. Walk and turn.
 - c. One-leg stand.
 - d. Reciting of alphabet.
 - e. Ten count.
 - f. Nose find.
 - g. Coin lift.
 - h. Officers may employ additional tests, but they must be performed in the same order and manner every time.
2. If an officer suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, he may require the operator to have a blood test performed in addition to testing for alcohol. Blood samples shall be analyzed a certified for evidence of alcohol and for various illegal, prescription, and over-the-counter drugs.
3. The officer shall make a full written report of the circumstances of the DUI arrest, formation of probable cause, and witnesses' observations.

E. Arrest

1. The arresting officer shall perform the following:

- a. Advise the arrestee that any person, whether or not licensed by Texas, who operates a motor vehicle in this state gives implied consent to have a sample of his blood or breath taken for a chemical test to determine the alcoholic content of this blood or for the presence of drugs if such person is arrested for DUI.
- b. Advise the arrestee that he/she may elect to have either a breath or blood sample taken, when available, but not both unless the officer suspects the presence of drugs. It is not a matter of defense for the driver in court that neither test was available.
- c. If the arrestee refuses the available test, advise him/her that unreasonable refusal of the test constitutes grounds for the revocation of the driver's license.
- d. If the arrestee refuses to sign a declaration of refusal, which shall be presented to the arrestee at this point, then the magistrate may sign the form certifying the refusal.

F. Blood test procedure

1. The arresting officer may ask the arrested person for consent for a blood draw. If the arrestee refuses, the officer shall prepare a search warrant to obtain the blood sample.
2. Take the arrested person to a physician, registered professional nurse, , phlebotomist, chemist, qualified EMT or Paramedic authorized by state law or other technician designated by order of the court who shall withdraw blood for the purpose of determining its alcoholic content and drugs.
3. The arresting officer shall also witness the taking of the blood sample and ensure that an alcohol solvent is not used to cleanse the withdrawal location. The officer shall initial the vial labels (on two vials) before the doctor or technician seals the vials in their containers. The initial shall be placed on the label where it does not interfere with the date written by the doctor or technician who took the blood sample.
 - a. The medical person taking the sample shall place his or her name and the name of the accused on the label of each vial with the date and time the blood was taken.
 - b. The arresting officer shall take possession of the two vials and seal them in two containers designed to hold them.
 - c. The arresting officer shall further perform the following:
 1. Place the name of the arrested person, officer's name, date and time of arrest on each of the containers.
 2. Mail the container to the laboratory.

G. Breath analysis

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Division of Forensic Science. This may include the arresting officer or anyone participating in the arrest. In the event the breathalyzer is inoperable, or a licensed operator is not available, this test is deemed not available.
2. The type of equipment and the methods used to perform breath analysis shall accord with the regulations of the Division of Forensic Science.
3. The testing officer shall issue a certificate of breath alcohol analysis that indicates that the test was conducted per the manufacturers' specifications, the equipment on which the test was conducted has been tested in the last six months and was found to be accurate, the name of the accused, the date, the time the sample was taken from the accused, the alcohol content of the sample, and by whom the sample was examined.

H. Accident investigation

If the DUI suspect has been involved in a traffic accident, officers shall also undertake the following:

1. Identify any witnesses who saw the suspect operating a motor vehicle.
2. Question the witness about the suspect's condition, actions, and statements immediately after the accident.
3. Establish a time lapse from the time of the accident to the time of arrest.
4. Question the witnesses and the suspect about what, if anything, the suspect ingested between the time of the accident and the officer's arrival.

VIII. SPECIAL TRAFFIC PROBLEMS

A. Identification and referral of driver recommended for reexamination to the Department of Public Safety (DPS). During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement he or she may take, the officer shall notify DMV of these findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description of the disability noted. A driver deficiency report may be used for this purpose.

B. Pedestrian and bicycle safety

The Chief of Police shall review the traffic accident records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program. The Chief may recommend enforcement measures including steps to:

1. Reduce or eliminate human environmental factors leading to accidents.
2. Reduce or eliminate the behavior, decisions, and events that lead to accidents.

C. Off-road vehicles (including dirt bikes, motorized scooters, and ATVs)

1. Accidents involving off-road vehicles that do not occur on a public highway do not require a traffic accident report. If the responding officer finds it convenient, he or she may complete an accident report and attach it to the offense report.
2. Any officer observing an unlicensed off-road vehicle on highways that cannot be operated legally on public highways shall order it removed and enforce appropriate laws.
3. Officers shall enforce compliance with vehicle registration laws as they pertain to off-road vehicles.
4. Officers shall enforce laws, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property.

IX. ESCORTS

A. General rules

1. Officers shall not provide emergency or non-emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned.
2. Officers may provide escorts of vehicles with oversize or hazardous loads. These escort duties shall be conducted under the authorization of the Chief of Police or the on-duty supervisor. The Chief shall coordinate the escort with the authority having control over the escorted vehicles. Further, the escort shall take place only per a plan approved by the Chief.
3. Officers may provide funeral escorts with marked vehicles. The escort duty shall be conducted under the authorization of the on-duty supervisor only. Further, the escort shall take place per an articulated plan approved by the on-duty supervisor.

B. Funeral escorts

1. Before conducting a funeral escort, officers shall confer with the funeral home director to:
 - a. Plan the route to be taken to account for the most direct method, expected traffic density and anticipated obstacles.
 - b. Determine the circumstances of the escort to include which traffic lanes to use, speed of travel to the destination, and how to handle adverse weather.
2. Officers shall not lead funeral processions into an intersection on a red light. Once the procession has entered an intersection on a green light, the escorting officer shall take reasonable measures to allow the entire procession to continue even though the light changes.
3. No escorts shall be provided if the body of the deceased is not in the procession.

FULTON POLICE DEPARTMENT	
Policy 6.0 Crime Scene Processing	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: TBP: 12.02	

I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories often provide the key to a successful investigation and prosecution. Through evidence located at the scene, a list of suspects might be developed or suspects may be eliminated. Investigative leads can be established, and theories concerning the crime are substantiated or disproved. It is imperative, therefore, that each officer carefully process a crime scene, being sure not to overlook or contaminate or destroy evidence. Physical evidence appears in many shapes, sizes, and forms, thereby necessitating various recovery, preservation, and submission techniques. The investigating officer shall be prepared to collect, identify, and package the evidence so that it will not be changed in form and value when it reaches the laboratory. The officer collecting the evidence shall maintain a chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law.

II. PURPOSE

The purpose of this policy is to establish responsibilities for officers who are investigating crime scenes and to establish guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory.

III. DEFINITIONS

- A. Chain of custody: The chain of custody is the series of documented links between the time the evidence was obtained and the time it is presented in court. The links are documented by officers who handle the evidence, showing where and when they did so.
- B. Exclusionary rule: A rule of law that states that evidence seized or discovered in violation of the suspect's fourth, fifth, and sixth amendment rights cannot be admitted in court.
- C. Evidence: Any substance or material found or recovered in connection with a criminal investigation.
- D. Evidence custodian: The employee designated by the Chief of Police to have administrative oversight of all found or confiscated property that comes into departmental possession.

IV. PROCEDURES. General crime scene processing

- A. Depending on the nature of the crime and the type of evidence present, patrol officers will normally collect and submit physical evidence to the extent they have been trained and have the equipment to do so. Normally patrol officers will collect and submit evidence on misdemeanor offenses and some felony offenses where document or video evidence is the only physical evidence present.
- B. Officer's will contact Rockport PD or the Texas Ranger's where the evidence present is beyond the capabilities of the officer's training or equipment.
- C. The officer/investigator who is called to a crime scene shall make a determination of the equipment needed for processing. The department maintains a complete evidence-collection kit to include a camera, film, sketching equipment, fingerprint recovery tools, blood recovery materials, tweezers, scissors, boxes, bags, envelopes, tape, marking tools, evidence tags, and materials for lifting impressions (footprints or tire tracks, for example).
- D. The property and evidence form shall be used to document all property and evidence coming into custody of the department.

E. Officers and investigators shall use the following general order of processing a crime scene unless reason dictates otherwise.

1. Before moving objects or collecting evidence at major crime scenes (except when it is necessary to help a victim, apply first aid, or handle a suspect), officers will photograph the scene. Photographs should start at the edge of the property and progress into the scene as needed to show the scene and its relationship to the evidence present. Close-up photographs of each piece of evidence will be taken with and without a measuring device in the picture.
2. At major crime scenes, officers will also prepare a sketch of the scene. Sketches of any crime scene will be done if it will show relationships or locations of where evidence is collected.
3. Before collecting any item of evidence, measurements using triangulation or the coordinate method should be taken and recorded.
4. Perishable evidence should be collected first. Perishable evidence -- such as fresh blood, blood-stained objects, physiological stains and tissue or biological material -- shall be collected only by a trained evidence technician who shall arrange to submit the material to a lab.
5. If the immediate destruction of evidence is not a concern, the investigating officer should work through the scene systematically, collecting in a logical sequence and trying to avoid disrupting other items of evidence.
6. The officer should collect comparison samples, since the forensic laboratory can only compare known items with those showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items as hairs, fibers, paint, glass, soil, and tool marks.
7. Once perishable and other evidence has been collected, fingerprints shall be identified and lifted where possible. If transporting evidence may damage or destroy the latent prints on an object, the evidence shall be processed for prints at the scene.
8. Taking overall measurements -- that is wall, room, and building measurements -- is one of the last operations to be performed in processing the crime scene. The overall measurements are vital for the production of the final crime-scene sketch but must be obtained last so as not to damage or destroy items of evidence.
9. One or more officers should conduct a final organized search in case evidence has been overlooked. If possible the final search should be conducted by officers who have not participated in processing the scene.
10. The officer processing the crime scene shall enter each item collected on the evidence recovery log. The following information that should be recorded for each item:
 - a. A complete description of the item (including make, model, and serial numbers, if any);
 - b. The source (from whom and/or the location from which the item was obtained);

- c. The name of the person collecting the item.
11. The officer/investigator processing a crime/incident scene shall prepare a report giving an accurate account of events. This information shall be placed in a supplement to the offense/incident report.
12. All evidence shall be properly and prominently tagged or otherwise identified.
13. The recovering officer shall complete a chain-of-custody form for the property custodian.
14. Officers shall observe legal principles regarding the use of physical evidence. Officers shall rigorously maintain the chain of custody of all evidence and shall always remain mindful of constitutional safeguards. If officers are not scrupulous in observing these safeguards, the exclusionary rule may prohibit key evidence from being introduced at trial and the case may be lost or dismissed.

V. PROCEDURES. Evidence Handling & Storage SOP

PURPOSE:

To ensure all evidence collected by the Town of Fulton Police Department is properly documented, preserved, secured, and admissible in court.

SCOPE:

This SOP applies to all sworn officers, reserve officers, and any personnel handling evidence for the Town of Fulton Police Department.

DEFINITIONS:

- **Physical evidence:** any tangible object, thing, or substance relating to a criminal action. (Texas Code of Criminal Procedure, Chapter 38.35 (a) (5))
- **Found Property:** Non-evidentiary property whose owner is unknown or who has not made themselves known.
- **Abandoned Property:** Property, including property initially submitted as evidence but is no longer evidentiary, whose owner failed to claim the property after sufficient notification. (CCP 18.17)
- **Safe Keeping:** Non-evidentiary property in custody for temporary protection on behalf of the owner.
- **Chain of Custody:** A documented record showing the identity of all persons who had physical custody of an item of evidence from the time of collection to final disposition.
- **Evidence Technician:** The designated person responsible for the management and control of the evidence storage room.

- **Bio-Hazard**

- **Biological:** Any property that contains any type of body fluids or excretions to include, but not limited to, blood, urine, feces and mucus

- **Chemical:** Any property that contains any type of chemical agents

- **Environmental:** Any property that contains any type of hazardous materials to include, but not limited to property from junkyards, dirty homes and construction sites

POLICY:

All evidence shall be collected, packaged, logged, stored, transferred, and disposed of in a manner that preserves integrity, prevents cross-contamination, and maintains an unbroken chain of custody.

PROCEDURE:

1. Preparation

- Put on gloves (to prevent contamination and protect yourself).

- Gather correct packaging materials (paper bags, boxes, envelopes, plastic, Faraday bags, etc.).

- Prepare evidence/property labels and seals.

2. Item Handling

- Handle each item as little as possible.

- Keep items separate (never package multiple pieces in the same bag/box).

- Document condition of item before packaging (notes or photos).

3. Packaging by Item Type

- Documents/Paper → Place in paper envelope or folder; avoid plastic.

- Biological Evidence → Air-dry first; package in paper bags/boxes only.

- Firearms → Make safe; secure in gun box with zip ties.

- Drugs/Narcotics → Seal in evidence envelope or heat-sealed plastic; mark as hazardous.

- Sharp Objects → Place in puncture-proof container or rigid box; label 'Sharp.'

- Electronics → Use Faraday or static-proof bag; pad if needed.

Large Items → Tag directly; use tamper-evident seals if possible

4. Sealing

Seal with tamper-evident tape or heat seal (depending on packaging).

Sign and date across the seal.

5. Labeling

Each package must have:

Case/Incident number

Item number

Date & time collected

Location of collection

Collector's name & ID/badge

Description of item

Hazard warning (if applicable) Evidence Submission / Logging

Report Requirement

- **No evidence may be submitted into RMS or placed into the evidence lockers without an associated report.**
- The submitting officer must complete the incident/offense report prior to placing the evidence into the evidence locker.
- The case number in the report must match the case number on the evidence packaging and RMS entry.
- If evidence is recovered before the full report is completed (ex: scene is still active), the officer must complete at minimum a preliminary report before submission, and the full report must be completed by end of shift.

Evidence shall be entered into the RMS system.

- All evidence shall be placed in a designated secured evidence locker/temporary drop location **before the end of the collecting officer's shift.**
- Officers shall not store evidence in vehicles, offices, or personal property.

Evidence Storage

- Only the Evidence Technician may access the evidence room.
- Evidence shall only be removed or released with proper legal authority and documentation.

Chain of Custody

- Every transfer of evidence (person-to-person) must be documented in RMS with date, time, reason, and receiving party.

Disposal / Return

- Evidence may only be disposed of, destroyed, returned to owner, or released with proper legal authorization (court order, prosecutor authorization, etc.)
1. Establish Time Limits (CCP 12)
 2. Identify items that may be released
 3. Obtain authorization to release.
 - Investigator/submitting officer
 - Prosecutor
 - Courts

DISPOSITION OF ABANDONED OR UNCLAIMED PROPERTY(ART.18.17)

- A. All unclaimed or abandoned personal property of every kind, other than contraband subject to forfeiture under Chapter 59 and whiskey, wine and malt beverages, seized by any peace officer in the State of Texas which is not held as evidence to be used in any pending case and has not been ordered destroyed or returned to the person entitled to possession of the same by a magistrate, which shall remain unclaimed for a period of 30 days shall be delivered for disposition to a person designated by the municipality or the purchasing agent of the county in which the property was seized. If a peace officer of a municipality seizes the property, the peace officer shall deliver the property to a person designated by the municipality. If any other peace officer seizes the property, the peace officer shall deliver the property to the purchasing agent of the county. If the county has no purchasing agent, then such property shall be disposed of by the sheriff of the county.
- B. The county purchasing agent, the person designated by the municipality, or the sheriff of the county, as the case may be, shall mail a notice to the last known address of the owner of such property by certified mail. Such notice shall describe the property being held, give the name and address of the officer holding such property, and shall state that if the owner does not claim such property within 90 days from the date of the notice such property will be disposed of and the proceeds, after deducting the reasonable expense of

keeping such property and the costs of the disposition, placed in the treasury of the municipality or county giving the notice.

- C. If the property has a fair market value of \$500 or more and the owner or the address of the owner is unknown, the person designated by the municipality, the county purchasing agent, or the sheriff, as the case may be, shall cause to be published once in a paper of general circulation in the municipality or county a notice containing a general description of the property held, the name of the owner if known, the name and address of the officer holding such property, and a statement that if the owner does not claim such property within 90 days from the date of the publication such property will be disposed of and the proceeds, after deducting the reasonable expense of keeping such property and the costs of the disposition, placed in the treasury of the municipality or county disposing of the property. If the property has a fair market value of less than \$500 and the owner or the address of the owner is unknown, the person designated by the municipality, the county purchasing agent, or the sheriff may sell or donate the property. The person designated by the municipality, the purchasing agent, or the sheriff shall deposit the sale proceeds, after deducting the reasonable expense of keeping the property and costs of the sale, in the treasury of the municipality or county selling or donating the property.
- D. The sale under this article of any property that has a fair market value of \$500 or more shall be preceded by a notice published once at least 14 days prior to the date of such sale in a newspaper of general circulation in the municipality or county where the sale is to take place, stating the general description of the property, the names of the owner if known, and the date and place that such sale will occur. This article does not require disposition by sale.
- E. **The real owner of any property disposed of shall have the right to file a claim to the proceeds with the commissioners court of the county or with the governing body of the municipality in which the disposition took place. A claim by the real owner must be filed not later than the 30th day after the date of disposition. If the claim is allowed by the commissioners court or the governing body of the municipality, the municipal or county treasurer shall pay the owner such funds as were paid into the treasury of the municipality or county as proceeds of the disposition. If the claim is denied by the commissioners court or the governing body or if said court or body fails to act upon such claim within 90 days, the claimant may sue the municipal or county treasurer in a court of competent jurisdiction in the county, and upon sufficient proof of ownership,**

recover judgment against such municipality or county for the recovery **of the proceeds of the disposition.**

F. For the purposes of this article:

(1) "Person designated by a municipality" means an officer or employee of a municipality who is designated by the municipality to be primarily responsible for the disposition of property under this article.

(2) "Property held as evidence" means property related to a charge that has been filed or to a matter that is being investigated for the filing of a charge.

G. If the provisions of this section have been met and the property is scheduled for disposition, the municipal or county law enforcement agency that originally seized the property may request and have the property converted to agency use. The agency at any time may transfer the property to another municipal or county law enforcement agency for the use of that agency. The agency last using the property shall return the property to the person designated by the municipality, county purchasing agent, or sheriff, as the case may be, for disposition when the agency has completed the intended use of the property.

H. If the abandoned or unclaimed personal property is money, the person designated by the municipality, the county purchasing agent, or the sheriff of the county, as appropriate, may, after giving notice under Subsection (b) or (c) of this article, deposit the money in the treasury of the municipality or county giving notice without conducting the sale as required by Subsection (d) of this article.

I. While offering the property for sale under this article, if a person designated by a municipality, county purchasing agent, or sheriff considers any bid as insufficient, the person, agent, or sheriff may decline the bid and reoffer the property for sale.

J. Chapters 72, 74, 75, and 76, Property Code, do not apply to unclaimed or abandoned property to which this article applies.

DESTRUCTION OF CONTROLLED SUBSTANCE

- (1) More than one person to witness the destruction of the property or plants;
- (2) The preparation of an inventory of the property or plants destroyed; and
- (3) The preparation of a statement that contains the names of the persons who witness the destruction and the details of the destruction.

§13.158. Manner of Destruction – Security Control

Destruction by anyone. A person may accomplish routine destruction of an item under this subchapter by burning in a suitable incinerator or by another method as long as the person performs the destruction in:

- (1) A safe and responsible manner;
- (2) Compliance with all relevant federal, state, and local laws; and
- (3) Compliance with all requirements of the Texas Commission on Environmental Quality and the EPA.

Private contract. If a laboratory, law enforcement agency, or peace officer contracts with a private entity to destroy the item, the private contractor must:

- (1) Hold a controlled substances registration number from the director and DEA; and
- (2) Obtain full permitting from the EPA as a hazardous waste transportation, storage, or disposal facility, as appropriate.

Destruction by officer. The director recommends but does not require that an individual peace officer should not destroy hazardous material, unless that officer possesses the special expertise required to handle the material safely and lawfully.

Destruction by anyone. A laboratory, law enforcement agency, or peace officer may not destroy an item under this subchapter without at least two individuals present to witness the actual destruction. One witness must be:

- (1) A supervisor; or
- (2) Another individual expressly designated by a supervisor to witness that specific destruction incident.

Destruction by laboratory. If a laboratory destroys the item, destruction must comply with:

- (1) The security provisions of this chapter for a controlled substances registrant; and
- (2) The documentation and security provisions of this subchapter that reference a laboratory.

Destruction by agency or officer. If a law enforcement agency or peace officer destroys the item:

- (1) No two individuals may serve as the sole witnesses to consecutive destruction incidents; and
- (2) The director recommends but does not require both of the two witnesses should be peace officers from different law enforcement agencies.

Generally. For purposes of accountability, at least two of the witnesses to a destruction under this subchapter must, during a process conducted immediately before the physical destruction of an item:

- (1) Examine each item in a manner sufficient to complete the destruction inventory required by this subchapter;
- (2) Compare that destruction inventory with each previous inventory of the item, including one that may have been made as part of an evidence submission form, a laboratory analysis, or as part of the destruction authorization;
- (3) Examine each package for the integrity or breach of the package or seal;
- (4) Refuse to destroy an item that reasonably appears to have been tampered with or to be at variance with its purported count or weight; and
- (5) Ensure destruction of each item as soon as reasonably possible.

Suspicious incident. Each witness must:

- (1) Investigate a suspicious incident or probable breach of security, including a discrepancy, loss, theft, or other potential diversion of an item to be destroyed; or
- (2) Report the incident or breach to an appropriate law enforcement agency or peace officer for investigation.

Registrant security provisions may also apply. The registrant security provisions of this chapter apply if a witness to destruction under this subchapter is also registered individually as a controlled substances registrant or employed by a registrant. If so, the witness is responsible for making a written report to the director through the Narcotics Regulation Bureau of a probable breach of security under those provisions.

Contemporaneous written statement. At or immediately after the time of a destruction under this subchapter, one of the witnesses to destruction must complete a written statement containing a detailed description of the destruction of the item, including all the relevant information required by this subchapter.

Private contract. If a laboratory, law enforcement agency, or peace officer contracts with a private entity to destroy the item, the witnesses need not be present during the actual physical destruction of each item by the private contractor. A written statement under this subsection must document the status and handling of the item up to the point the laboratory, agency, or officer turned it over to the private contractor for destruction under the contract.

Contents of statement. A statement may incorporate other documents by reference and must contain:

- (1) Relevant seizure information, including the seizing law enforcement agency or peace officer, the date and location of seizure, and the authority for seizure;
- (2) The destruction authority, including the name, position, and reason given by the individual authorizing destruction;
- (3) The manner of transportation to the destruction site, including the names of each individual transporting an item;
- (4) An inventory of the items destroyed, including the nature, kind, and quantity of the item;
- (5) The witnesses, including the name, title, agency, and signature of each witness;
- (6) The date and location of destruction;
- (7) Manner of destruction; and
- (8) Each unusual or suspicious event that occurred during the destruction incident.

Auction Eligibility (Market Value Requirement)

- Property seized or held by the Town of Fulton Police Department must have a documented fair market value of more than \$100 to be disposed of by public auction.
- Items with a fair market value of \$100 or less shall be disposed of through destruction or other department-approved disposal methods.
- The fair market value shall be determined by the Evidence Technician using reasonable proof of value (ex: retail value, online sales history, MSRP, or similar/equivalent item sale listings).
- This determination must be documented in RMS before the item is cleared for auction.

Found Property (Finders Keepers 90-Day Rule)

- When a citizen turns in found property, it shall be booked into evidence as “Found Property.”
- If the rightful owner cannot be identified, or no one claims/identifies the property within **90 days**, the item shall be eligible to be returned to the person who turned it in.
- The returning officer must document the return in RMS, including the date returned and the full name/contact of the finder receiving the property back.
- The Evidence Technician will verify the finder’s identification before releasing the property.

SPECIAL HANDLING:

Wet Items

Use a Clean, Secure Room (Temporary Drying Area)

- Designate a locked room with good airflow, separate from other evidence.
- Place the item on clean paper or hang it on a drying rack (never use plastic or metal that could rust/contaminate).
- Use fans for airflow if needed but avoid direct blowing on evidence.
- Cover the floor with butcher paper or clean sheets to collect any debris (trace evidence).

Paper Bag Method

- Place damp evidence inside a large, clean paper bag.
- Roll the top loosely to allow some air circulation.
- Store in a secure, climate-controlled room until dry.
- This is slower but helps prevent contamination and cross-contact.

Evidence Drying Tents / DIY Setups

- Some agencies use portable mesh evidence tents or garment racks with coverings.
- Items can be suspended with hangers or clips, with paper beneath to catch falling debris.

CURRENCY

“Rule of Two”

- Count by denomination
- Sealed in tamper proof bag
- Keep a log, either manual or automated
- Keep segregated from general storage
- Can be deposited into interest bearing account

Firearms

- Firearms should have their serial numbers recorded and checked via TLETS for any wants or stolen status.

- Firearms should be checked when they are submitted and when they are disposed.
- Firearms should be checked to make sure they are not loaded and made safe with either a nylon zip tie or barrel plug.

Narcotics

- Narcotics should be submitted separately from paraphernalia and different types of narcotics should not be packaged together.
- Gloves should be worn if you must directly handle narcotics or narcotic paraphernalia.
- Narcotics should be stored in a location that is separate from general evidence items and that is limited to the number of people who have access.

LITHIUM BATTERIES

- Remove lithium batteries PRIOR to submission to the property room.
- Lithium and lithium-ion (or Li-ion) batteries are commonly used to power computers, cellphones, digital cameras, watches, and other electronics. Lithium-ion batteries are often rechargeable, while regular lithium batteries are usually single use.
- Unlike alkaline batteries, lithium batteries are reactive and contain hazardous materials.
- For this reason, you should not put them in the trash.
- To dispose of lithium batteries, you'll need to take them to a recycling center.

SEXUAL ASSAULT KITS

- Keep Separate
- Never Combine Items
- No Sunlight
- DPS Track-Kit
- 30 days to submit to the lab

Explosive Weapons and Chemical Dispensing Devices

After seizure of an explosive weapon or chemical dispensing device, as these terms are defined in Section 46.01, Penal Code, a peace officer or a person acting at the direction of a peace officer shall:

- (1) Photograph the weapon in the position where it is recovered before touching or moving it;
- (2) Record the identification designations printed on a weapon if the markings are intact;
- (3) If the weapon can be moved, move it to an isolated area in order to lessen the danger to the public;
- (4) If possible, retain a portion of a wrapper or other packaging materials connected to the weapon;
- (5) Retain a small portion of the explosive material and submit the material to a laboratory for chemical analysis;
- (6) Separate and retain components associated with the weapon such as fusing and triggering mechanisms if those mechanisms are not hazardous in themselves;
- (7) Destroy the remainder of the weapon in a safe manner;
- (8) At the time of destruction, photograph the destruction process and make careful observations of the characteristics of the destruction;
- (9) After destruction, inspect the disposal site and photograph the site to record the destructive characteristics of the weapon; and
- (10) Retain components of the weapon and records of the destruction for use as evidence in court proceedings.

Representative samples, photographs, and records made pursuant to this article are admissible in civil or criminal proceedings in the same manner and to the same extent as if the explosive weapon were offered in evidence, regardless of whether or not the remainder of the weapon has been destroyed. No inference or presumption of spoliation applies to weapons destroyed pursuant to this article.

RIGHT OF REFUSAL

Property and Evidence Room personnel shall have the “Right of Refusal” of any item of property/evidence not properly packaged, tagged, sealed or marked by the submitting employee.

When exercising the “Right of Refusal”, Property and Evidence Room personnel shall leave the property/evidence in question secured in the Temporary Evidence Locker used to submit the property/evidence to the Property and Evidence Room Unit. Any property/evidence improperly packaged, tagged, sealed, marked or found to be missing, will be reported immediately to the submitting employee’s supervisor.

- Before submitting any property or evidence, ensure that it is:
 - Properly packaged

- Properly tagged
- Properly sealed
- Properly marked
- Evidence Room personnel may refuse any item not meeting the above standards.
- Refused items will remain in the Temporary Evidence Locker until corrected.
- Any deficiencies (improper packaging, missing tags/seals, unmarked items, or missing property) will be immediately reported to the submitting employee's supervisor.

LAWS

Limitations Ch. 12

(1) No limitation:

(A) Murder and manslaughter;

(B) Sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code;

(C) Sexual assault, if:

(i) During the investigation of the offense biological matter is collected and the matter:

(a) Has not yet been subjected to forensic DNA testing; or

(b) Has been subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained; or

(ii) Probable cause exists to believe that the defendant has committed the same or a similar sex offense against five or more victims;

(D) Continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code;

(E) Indecency with a child under Section 21.11, Penal Code;

(F) An offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person;

(G) Trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code;

(H) Continuous trafficking of persons under Section 20A.03, Penal Code; or

(I) Compelling prostitution under Section 43.05(a)(2), Penal Code;

(2) Ten years from the date of the commission of the offense:

(A) Theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;

(B) Theft by a public servant of government property over which the public servant exercises control in the public servant's official capacity;

(C) Forgery or the uttering, using or passing of forged instruments;

(D) Injury to an elderly or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;

(E) Sexual assault, except as provided by Subdivision (1) or (7);

(F) Arson;

(G) Trafficking of persons under Section 20A.02(a)(1), (2), (3), or (4), Penal Code; or

(H) Compelling prostitution under Section 43.05(a)(1), Penal Code;

(3) Seven years from the date of the commission of the offense:

(A) Misapplication of fiduciary property or property of a financial institution;

(B) Fraudulent securing of document execution;

(C) A felony violation under Chapter 162, Tax Code;

(D) False statement to obtain property or credit under Section 32.32, Penal Code;

(E) Money laundering;

(F) Credit card or debit card abuse under Section 32.31, Penal Code;

(G) Fraudulent use or possession of identifying information under Section 32.51, Penal Code;

(H) Exploitation of a child, elderly individual, or disabled individual under Section 32.53, Penal Code;

(I) Health care fraud under Section 35A.02, Penal Code; or

(J) Bigamy under Section 25.01, Penal Code, except as provided by Subdivision (6);

(4) Five years from the date of the commission of the offense:

(A) Theft or robbery;

(B) Except as provided by Subdivision (5), kidnapping or burglary;

(C) Injury to an elderly or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;

(D) Abandoning or endangering a child; or

(E) Insurance fraud;

(5) If the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of one of the following offenses:

(A) Sexual performance by a child under Section 43.25, Penal Code;

(B) Aggravated kidnapping under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or

(C) Burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit an offense described by Subdivision (1)(B) or (D) of this article or Paragraph (B) of this subdivision;

(6) Ten years from the 18th birthday of the victim of the offense:

(A) Trafficking of persons under Section 20A.02(a)(5) or (6), Penal Code;

(B) Injury to a child under Section 22.04, Penal Code; or

(C) Bigamy under Section 25.01, Penal Code, if the investigation of the offense shows that the person, other than the legal spouse of the defendant, whom the defendant marries or purports to marry or with whom the defendant lives under the appearance of being married is younger than 18 years of age at the time the offense is committed;

(7) Two years from the date the offense was discovered:

Sexual assault punishable as a state jail felony under Section 22.011(f)(2), Penal Code; or

(8) Three years from the date of the commission of the offense:

All other felonies.

Sec. 12.02. Misdemeanors

- (a) An indictment or information for any Class A or Class B misdemeanor may be presented within two years from the date of the commission of the offense, and not afterward.

Sec. 37.09. Tampering With or Fabricating Physical Evidence

(a) A person commits an offense if, knowing that an investigation or official proceeding is pending or in progress, he:

- (1) alters, destroys, or conceals any record, document, or thing with intent to impair its verity, legibility, or availability as evidence in the investigation or official proceeding; or

(2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent to affect the course or outcome of the investigation or official proceeding.

(b) This section shall not apply if the record, document, or thing concealed is privileged or is the work product of the parties to the investigation or official proceeding.

(c) An offense under Subsection (a) or Subsection (d)(1) is a felony of the third degree, unless the thing altered, destroyed, or concealed is a human corpse, in which case the offense is a felony of the second degree. An offense under Subsection (d)(2) is a Class A misdemeanor.

(c-1) It is a defense to prosecution under Subsection (a) or (d)(1) that the record, document, or thing was visual material prohibited under Section 43.261 that was destroyed as described by Subsection (f)(3) of that section.

(d) A person commits an offense if the person:

(1) knowing that an offense has been committed, alters, destroys, or conceals any record, document, or thing with intent to impair its verity, legibility, or availability as evidence in any subsequent investigation of or official proceeding related to the offense; or

(2) observes a human corpse under circumstances in which a reasonable person would believe that an offense had been committed, knows or reasonably should know that a law enforcement agency is not aware of the existence of or location of the corpse, and fails to report the existence of and location of the corpse to a law enforcement agency.

(e) In this section, "human corpse" has the meaning assigned by Section 42.08

REFERENCES

TAC Title 37, Part 1, Chapter 13, Subchapter G

§13.151 - **Subchapter Definitions**

§13.152 - Summary Forfeiture

§13.153 - Item Legally Worthless as Criminal Evidence

§13.154 - **Destruction Authority - Controlled Substance Property or Plant**

§13.155 - **Destruction Authority - Other Item**

§13.156 - **Destruction Authority - Court Order**

§13.157 - **SOP for Destruction by Laboratory or Agency - Security Control**

§13.158 - **Manner of Destruction - Security Control**

§13.159 - **Two-Witness Rule - Security Control**

§13.160 - Destruction Inventory - Security Control

§13.161 - **Witness Responsibility - Security Control**

§13.162 - Laboratory Retesting for Possible Tampering - Security Control

§13.163 - **Destruction Documentation - Security Control**

§13.164 - **Document Maintenance, Inspection, and Transmittal - Security Control**

§13.165 - Communication with Director (Crime Lab Service)

TEXAS PENAL CODE (PC)

Chapter 12. Punishments

Sec. 12.01. Punishment In Accordance With Code

Sec. 12.02. Classification of Offenses

Sec. 12.03. Classification of Misdemeanors

Sec. 12.04. Classification of Felonies

Sec. 12.21. Class A Misdemeanor

Sec. 12.22. Class B Misdemeanor

Sec. 12.23. Class C Misdemeanor

Sec. 12.31. Capital Felony

Sec. 12.32. First Degree Felony

Sec. 12.33. Second Degree Felony

Sec. 12.34. Third Degree Felony

Sec. 12.35. State Jail Felony

Subchapter D. Exceptional Sentences

Chapter 37 Perjury and Other Falsification

- Sec. 37.09 -Tampering with or Fabricating Physical Evidence

Chapter 48 Offenses Affecting Public Health

- Sec. 48.05 -Prohibited Camping

TEXAS CODE OF CRIMINAL PROCEDURE (CCP)

Chapter 18

- Art.18.17 -Disposition of Abandoned Or Unclaimed Property

- Art.18.18 -Disposition of Gambling Paraphernalia, Prohibited Weapon, Criminal Instruments and Other Contraband

- Art.18.181 -Disposition of Explosive Weapons and Chemical Dispensing Devices

- Art.18.182 -Disposition of Item Bearing Counterfeit Mark

- Art.18.183 -Disposition of Money Pending Disposition

- Art.18.19 -Disposition of Seized Weapons

- Art.18.191 -Disposition of Firearm Seized From Certain Persons with Mental Illness

Chapter 38

- Art.38.34 -Photographic Evidence in Theft Cases

- Art.38.43 -Biological Evidence

- Art.38.50 -DWI Evidence

Chapter 47

- Art.47.01 -Subject to Order of Court

- Art.47.01a-Restoration When No Trials Pending

- Art.47.06 -Property Sold
- Art.47.07 -Owner May Recover

Chapter 56A•

Art.56A.306 -Procedures for Transfer and Preservation of Evidence

Chapter 59

- Art.59.06 -Disposition of Forfeited Property

Chapter 64

- Art.64.01 -Motion for Forensic DNA Testing
- Art.64.03 -Requirements and Testing

TEXAS GOVERNMENT CODE

Chapter 420

- Sec. 402.033 -Chain of Custody
- Sec. 420.036 -Duty to Enter Certain Information in VICAP
- Sec. 420.042 -Analysis of Evidence
- Sec. 420.0432-SurvivorNotification Concerning Database DNA Match

Texas Health and Safety Code (HSC)

Chapter 481

- Sec. 481.152 -Seizure and Summary Forfeiture and Destruction of Controlled Substances
- Sec. 481.153 -Seizure and Summary Forfeiture and Destruction of Controlled Substance Property
- Sec. 481.154 -Rules
- Sec. 481.159 -Disposition of Controlled Substance Property or Plant
- Sec. 481.160 -Destruction of Excess Quantities
- Sec. 481.161 –Disposition of Controlled Substance Property or Plant in Lieu of Destruction

A. Special circumstances

1. Weapons

- a. No officer shall, under any circumstances, personally retain custody of any found or confiscated weapon.
- b. Officers bringing weapons into custody shall inspect them to ensure their safe storage. All firearms shall be unloaded before storage. (If the firearm is evidence, only the evidence technician is allowed to unload it. See V, A, IV above.)

- c. The recovering officer or investigator shall check all confiscated or found weapons against NCIC/TCIC files.
2. Drugs and narcotics. See Policy 12.1.
3. Alcohol. NOTE: The only alcoholic beverages that are considered contraband are those seized from underage persons whose possession is, in itself, illegal.
 - a. All containers of alcoholic beverages shall be sealed or contained to avoid any chance of leakage.
 - b. If not destroyed at the scene on video, the contraband alcoholic beverages shall be destroyed upon conclusion of legal proceedings.
 - c. Alcoholic beverages seized or recovered that are not contraband or evidence shall be returned to the owner. Before agencies destroy any evidence in this or any other manner – make sure a destruction order has been signed by a magistrate.

B. Preservation and submission of evidence to the forensic laboratory

1. Under normal circumstances, the officer or investigator who processed the crime scene is responsible for submitting evidence to the forensic laboratory.
2. Where more than one officer processed the scene, the on-duty supervisor shall choose an officer to take custody of all collected evidence and submit it to the laboratory for analysis.

C. Preservation of perishable or deteriorating items

1. When a rapidly deteriorating item of evidence has been collected (for example, a liquid sample of semen, a blood-soaked shirt), it shall be transported to the forensic laboratory the same day, if at all possible.
2. Any time an officer transports a perishable item to the laboratory for immediate analysis, the laboratory shall be called first so someone with authority to receive it will be available.
3. In cases where immediate transport to the forensic lab is not possible, it should be air dried for no more than one week and transported to the lab as soon as possible.
4. Where appropriate, submit known specimens of evidence so that comparisons can be made. The investigating officer shall be responsible for obtaining any required known specimens and submitting them, along with the items of evidence, to the forensic lab for analysis and comparison.

FULTON POLICE DEPARTMENT	
Policy 6.1 Unusual Occurrences and Special Events	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: TBP: 2.22, 8.07, 8.08, 8.09, and 8.11	

I. POLICY

Unusual occurrences include emergencies resulting from natural or man-made disasters or civil disturbances, such as riots, disorders, spontaneous violence, or labor disputes. While these occurrences are uncommon, the department must always be prepared to deploy personnel in the field and to coordinate with the responses of other law-enforcement agencies and other public service agencies that might become involved. Department personnel must act quickly, decisively, and knowledgeably to mitigate disorder or disaster by restoring order and control, and by protecting lives and property.

II. PURPOSE

The purpose of this policy is to establish general guidelines for planning and deploying personnel for unusual occurrences.

III. DEFINITIONS

- A. Unusual Occurrences: Natural or man-made disasters, civil disturbances, unusual police situations, such as hostage taking or barricaded persons, and even planned or unplanned major incidents. (TBP 8.08)

- B. After-Action Reports: A report outlining the department's planning and response to an unusual occurrence, providing a critical look at operations and developing suggestions for future planning and policy issues.
- C. Emergency Response Plan: A county or regional emergency response plan that outlines the responsibilities of all public agencies in time of natural or man-made disasters or any other unusual occurrence that requires special action by this agency.
- D. **Major Incident:** In this context - An unplanned major event of significant public or community interest that requires an extraordinary response by the police. Typically, these are unexpected mass gatherings fueled by a common concern or theme that result in multiple arrests and/or property damage. Examples include, but are not limited to: unplanned or unpermitted gatherings that lead to civil disobedience and are focused on the action(s) of police personnel (e.g.: a controversial officer-involved use of force incident), or an unexpected celebratory crowd that turns riotous or destructive (e.g.: a crowd celebrating a sports event that degrades to property damage and mass arrest.)

IV. PROCEDURES

A. Administration

1. The Chief of Police is responsible for the overall planning of the law-enforcement response to unusual occurrences and for department participation in the regional emergency operation plan.
2. The Chief of Police is responsible for coordinating all law-enforcement plans with the municipal, county, or state officials charged with emergency activities.
3. A copy of the emergency operations plan will be maintained in the office of the Chief, the communications division, the supervisor's office, and in the patrol briefing room. (TBP: 8.07)
4. At least once annually, the department shall conduct training for all personnel on their roles and responsibilities under the county emergency response plan.
5. At least annually, the Chief of Police will require an internal review of the law-enforcement appendix to the emergency response plan and other departmental procedures for unusual occurrences. (TBP: 8.09)

B. Special events

1. The Chief of Police is responsible for the proper planning of the law-enforcement operations for any special event held within the city.
2. At a minimum, special event plans shall include the following:
 - a. Anticipated personnel needs and assignments.
 - b. Special qualification requirements, if any.
 - c. Command structure.
 - d. Written estimates of traffic, crowd, or crime problems anticipated.
 - e. Clearly written traffic flow plans.
 - f. Logistics requirements.
 - g. Coordination with outside agencies.
3. Handling of Civil Disturbances is covered in Policy 8.2.

C. Unusual Police Incidents

1. Unusual police incidents include the following:
 - a. Bomb threats or incidents where an evacuation is performed or a device is located.
 - b. Hostage taking where the victim is held after police arrival.
 - c. Barricaded persons with ERT callout.
 - d. Hazardous warrant service.
 - e. Other major incidents where more than three units and a supervisor are utilized.
2. The Chief of Police is notified immediately if any unusual police event occurs.
3. Patrol standard operating procedures provide officers direction in handling many unusual police incidents.

D. Use of National Incident Management System (NIMS)

1. The department trains all personnel in their appropriate level of NIMS courses for understanding of their role in the management of an incident. (TBP: 8.11)
2. The NIMS process of incident command will be utilized in handling all unusual occurrences where more than three units are utilized.

E. Mobilization of Additional Resources

1. In any emergency or special operation where law-enforcement resources in addition to regular duty personnel are required, the Chief of Police may take one or more of the following actions:
 - a. Hold over the shift due to go off so that personnel from two shifts are available.

- b. Call back additional personnel.
 - c. Request assistance through mutual aid.
 - d. Request that the mayor ask for state assistance through the governor's office.
2. Some special operations are planned weeks in advance and, where possible, additional personnel required will be given advance notification of time, place, uniform, duties, etc. For other operations, such as raids, security considerations may limit advanced notification to minutes.
3. All members of the department are subject to immediate recall in the event of an emergency.
4. Failure to respond to an order to report to work shall be grounds for termination. (TBP: 2.22)
5. The Chief of Police shall assign personnel called back as required, using the skills, knowledge, and abilities of individual recalled officers as needed.
6. Call-back time is paid time and will be strictly controlled and accounted for, minimizing expenditure where feasible.

F. After Action Reports (TBP: 8.08)

1. After-action reports are required at the conclusion of any unusual occurrence within 10 days of end of the event.
2. Unless otherwise assigned, the supervisor in charge of the event is responsible for the preparation of the report.
3. The after-action report should include the following:
 - a. A detailed, chronological description of the event.
 - b. A description of the prior planning for the event, if any.
 - c. The number and identity of personnel assigned.
 - d. A discussion of the event with focus on the problems encountered or successes accomplished;
 - e. A critical review of operations and what policy, equipment, or procedures need to be changed so that the department can improve its response to a similar problem or event in the future.
4. The after-action report should be prepared in memorandum format and forwarded to the Chief of Police for review.

	FULTON POLICE DEPARTMENT	
	Policy 6.2 Response to Missing Person/ Kidnapping / Attempted Child Abductions	
	Effective Date: 4/15/2026	Replaces: Revised
	Approved: _____ Chief of Police	
	Reference:	

Policy

A. l) Missing Persons / Kidnapping / Attempted Child Abductions

1. Reporting/Classification of Missing Persons

- a. Officers receiving a report of a possible kidnapping or child abduction will immediate cause notification of a supervisor and the Chief of Police. In cases of a potential kidnapping or child abduction, time is of the essence and the department may initiate preplanned protocols for handling these events.
- b. Reports of unsuccessful attempted child abductions will require a field unit response and offense report as well as immediate Tlets notification of the Texas Clearinghouse.
- c. There is no waiting period for reporting a missing person. Missing person reports shall be taken in-person or by telephone in conformance with the criteria of this policy and the criticality of the incident.

- d. A person may be declared “missing” when his/her whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans or routines.
- e. An individual may be considered “missing-critical” who meets the foregoing criteria and among other possible circumstances:
 - i. A reasonable suspicion the individual may be the subject of foul play,
 - ii. Under 13 or over 65 and may be unable to properly safeguard or care for himself/herself,
 - iii. suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended;
 - iv. is a patient of a mental institution and is considered potentially dangerous to himself or others;
 - v. has demonstrated the potential for suicide; or
 - vi. may have been involved in a boating, swimming or other sporting accident or natural disaster.
- f. On any Critical Missing, the department will continue active investigation by assigning personnel full time in attempting to locate the missing person.
- g. Reports of juveniles who have voluntarily left home (i.e., “runaways”) should be classified as such only after thorough investigation. The number of incidents where a child has left home voluntarily should be determined and whether the child is in a natural or foster home. This information is needed for data entry into NCIC and TCIC.

FULTON POLICE DEPARTMENT	
Policy 6.3 Civil Disturbances and Mass Arrests	
Effective Date: 4/15/2026	Replaces: Revised 2013
Approved: _____	
Chief of Police	
Reference: TBP: 8.07	

I. POLICY

How law-enforcement officers interact with crowds in civil actions, whether in demonstrations or civil disturbances, has direct bearing on their ability to prevent property damage, injury, or loss of life, and to minimize disruption to persons who are uninvolved. Officers confronting civil disturbances and those called upon to assist in these incidents shall follow the procedures as enumerated in this policy to protect life, property, and first amendment rights.

In rare circumstances resulting from man-made or natural emergencies, and in widespread, highly volatile civil unrest with the potential for widespread violence, the incident commander may temporarily deviate from any policy, provision, or guideline contained herein when such action is determined to be the only reasonable alternative for the prevention of loss of life or major property damage.

It is critical to remember that the Constitution of the United States (and other important, binding documents and court decisions) afford the right of the people to express themselves in a variety of ways and for an almost infinite number of reasons. It is the policy of this police department that all human rights are respected and supported.

Further, this department will not provoke or incite demonstrators through any unnecessary show of force. Incident commanders will rely on their training and experience when faced

with hostile crowds and will consult (when they're able) with the Chief of Police or appropriate commanders.

It is the policy of this department to avoid making mass arrests of persons when arrest avoidance is reasonable in the interests of safety and security. In addition, this department is committed to working with demonstrators to explore a peaceful and reasonable solution to prevailing concerns.

II. PURPOSE

The purpose of this policy is to establish guidelines for managing crowds and preserving the peace during demonstrations and civil disturbances.

III. DEFINITIONS

- A. **Civil Disturbance:** An unlawful assembly, as defined by state statutes and local ordinances. Normally, a gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. These are typically, but not always, spontaneous occurrences requiring the emergency mobilization of police forces and related emergency services.

- B. **Demonstration:** A legal assembly of persons organized primarily to express a political position or other doctrinal view. These are typically scheduled events that allow for police planning. They include but are not limited to marches, protests, and other assemblies that are largely designed to attract the attention of onlookers, media, and others. Demonstrations can evolve into civil disturbances that necessitate enforcement actions. Although crowd control may be necessary at sporting events, festivals, concerts, celebratory gatherings, and related events, these are not defined as demonstrations.

- C. **Crowd Control:** Techniques used to address unlawful public assemblies, to include a show of force, crowd containment, dispersal equipment, and strategies, and preparations for multiple arrests.

- D. **Crowd Management:** Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining their lawful status as

accomplished through event planning, pre-event contact with group leaders, issuance of permits, intelligence gathering, personnel training, and other means.

- E. Skip-Fired Projectiles: Weapons that are discharged toward the ground in front of a target in order to bounce to the target.

IV. PROCEDURES: General Management and Organization Principles

- A. By law, this municipality may impose reasonable restrictions on the time, place, and manner of expressing first amendment rights. This department shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order and, to the degree possible, allow uninhibited commerce and freedom of movement for uninvolved persons. If at all possible, any planned constraints of first amendment rights will be reviewed by city legal prior to implementation.
- B. The on-duty supervisor will assume the role of incident commander (IC) at the scene of mass demonstrations and civil disturbances until relieved by a higher-ranking supervisor or the Chief of Police.
- C. Emergency Operations Plan (TBP 8.07) – will be made available to all command staff and communications staff, and will at a minimum include provisions for the following:
 - 1. Civil disturbance
 - 2. Mass arrest
 - 3. Response to natural and manmade disasters
 - 4. Uniform and equipment usage
 - 5. Use of less-lethal weapons
 - 6. Use of canine and horses
 - 7. Overall goal of incident management
- D. The commander of the emergency response team shall be responsible for preparing any tactical plans and management details associated with planned demonstrations.
- E. If at all possible, a member of the department should be detailed to conduct a video recording of the incident and the department's response to it, including any interactions involving use of force.

- F. The incident-command system shall be used in crowd management and civil disturbances to ensure control and unified command. The incident commander shall do the following:
1. Assume responsibility for issuing and disseminating all orders to members of his or her command and for determining the resources that are necessary and the extent to which they will be used.
 2. Direct the establishment and organization of an incident command post.
 3. Call for any necessary assistance.
 4. Authorize such use of force and engagement with the crowd as deemed necessary to resolve unlawful actions.
 5. Authorize the use of arrest as a means of curtailing unlawful behavior.
 6. Designate a liaison officer to coordinate with other city or county emergency service providers as well as government offices, agencies, and departments.
 7. Ensure that officers at the staging area are briefed on the type of crowd being monitored. They will be told what to expect from participants and what types of responses and force can be employed. They shall also be informed that the incident commander will order the response deemed appropriate and that the unit will act in concert with and follow the direction of the incident commander.

V. USE OF FORCE

- A. The department's use-of-force policy is equally applicable to enforcement actions in the context of both mass demonstrations and civil disturbances. Officers may use only such force as reasonably appears necessary to protect themselves or others from physical harm, to restrain or subdue a resistant individual, or to bring an unlawful situation safely and effectively under control.
- B. Unity of action, command, and control are key to effective handling of demonstrations and civil disturbances. Thus, unless exigent circumstances require immediate action, officers shall not independently make arrests or employ force without command authorization. In exigent circumstances, supervisors shall independently authorize the use of force or such other tactics in accordance with the agency's use-of-force policy and this policy.
- C. All officers providing assistance to this agency through mutual aid agreements, contracts, or other means shall be briefed on the mutually agreed upon provisions of those agreements relating to the use of force and protocols for crowd control prior to deployment.

D. The following restrictions and limitations on the use of force shall be observed during mass demonstrations and civil disturbances:

1. Canine teams may respond as backup as appropriate, but officers shall not deploy dogs for crowd control. Canines shall remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of the view of demonstrators. Canines may be deployed in isolated circumstances related to pursuit of suspects in buildings and related environments.
2. Horses may be used to surround and control groups in nonviolent demonstrations as appropriate. They shall not be used against passively resistant demonstrators who are sitting or lying down. Horses shall not be deployed when the use of chemical agents is anticipated or deployed, nor shall they be used in icy or snow conditions.
3. Fire hoses shall not be used for crowd containment or dispersal.
4. Motor vehicles may be used to surround and move persons as appropriate but shall not be brought into contact with them for purposes of containment or dispersion.
5. Less lethal projectiles shall not be fired indiscriminately into crowds. Skip-fired projectiles and munitions or similar devices designed for non-directional, non-target-specific use may be used in civil disturbances where life is in jeopardy.
6. Direct-fired impact munitions, to include beanbag and related projectiles, shall not be used for crowd control or management during demonstrations.
7. Direct-fire munitions may be used where reasonable during civil disorders against specific individuals who are engaged in conduct that poses a threat of death, great bodily harm, or serious property damage, when the individual can be properly targeted.
8. When reasonably possible, a verbal warning shall be issued prior to the use of impact munitions.
9. Electronic control weapons (ECW) shall be used during civil disturbances only for purposes of restraint or arrest of individuals who are actively resisting and when alternative, lesser means of control are not available or are unsuitable and only when an individual can be accurately targeted. ECWs may not be fired indiscriminately into crowds.
10. Officer-issued aerosol restraint spray (OC) may be used against specific individuals who are engaged in unlawful acts or conduct or are actively resisting arrest, or as necessary in a defensive capacity when other alternatives would likely be inadequate or are unavailable. It shall not be used indiscriminately against groups of people, in demonstrations or crowds where bystanders would be unreasonably affected, or against passively resistant individuals.
11. High-volume OC delivery systems, such as MK-9 and MK-46, are designed for use against groups of people engaged in unlawful acts or ones who are endangering public safety and security. These may be used only with the

approval of the incident commander. Whenever reasonably possible, a warning shall be issued prior to the use of these systems.

12. CS chemical agents are primarily offensive weapons that shall be used with the utmost caution. CS may be deployed defensively to prevent injury when lesser force options are either not available or would likely be ineffective. Such munitions shall be carried and deployed only by trained and authorized officers at the direction of the incident commander or field commander and only when avenues of escape are available to the crowd and, where possible, announced to the crowd in advance. Whenever reasonably possible, a warning shall be issued prior to the dispersal of chemical munitions. CN may not be used in any instance.
13. The riot baton shall be used primarily as a defensive weapon or as a means of overcoming active resistance. It is used in the two-hand horizontal thrust on a police line, as a show of force, or as a means to contain or disperse a crowd.

E. Use-of-Force Reporting and Investigation

Established use-of-force reporting requirements of this department are equally applicable to policing mass demonstrations and civil disturbances. However, reporting, documenting, and recording uses of force in the context of civil disturbances and mass demonstrations can be hampered by logistical and safety concerns. Officers will complete use-of-force forms as soon as practical after the event.

VI. DEMONSTRATIONS

- A. Preparation for responding to a demonstration is the responsibility of the Chief of Police. The incident commander shall ensure that a written incident-action plan is developed for approval by the Chief or his or her designee.
- B. Every effort shall be made to identify the leaders of the demonstration and to make contact with these leaders in advance of the demonstration. A decision on personnel, resources, and related needs shall be based in part on information obtained from leaders, department intelligence, and other sources. In addition, answers to the following questions shall be collected:
 1. What type of event is involved?
 2. When is it planned?
 3. Is outside opposition to the event expected?

4. How many participants are expected?
 5. What are the assembly areas and movement routes?
 6. What actions, activities, or tactics does the department anticipate the demonstrators will use, including devices designed to thwart arrest?
 7. Have permits been issued?
 8. Have other agencies, such as fire and EMS, been notified?
 9. Is there a need to request mutual aid?
 10. Will off-duty personnel be required?
 11. Have demonstration leaders been identified, and, if so, what is their past history of conduct at such events?
 12. Is it possible to meet with group leaders?
- C. Based on this and related information, the department will develop an action plan together with outside agencies where necessary. The plan shall address provisions for the following and be distributed to all affected command and supervisory officers.
1. Command assignments and responsibilities
 2. Manpower, unit structure, and deployment
 3. Liaison with demonstration leaders
 4. Liaison with outside agencies
 5. Release of information to the news media
 6. Transportation, feeding, and relief of personnel
 7. Traffic management
 8. Demonstrator devices, extrication teams, and equipment
 9. First aid stations
 10. Transportation of prisoners
 11. Prisoner detention areas
 12. Any intelligence information
- D. Officers shall monitor crowd activity. Sufficient resources to make multiple simultaneous arrests should be available, depending on the fluidity of the situation and degree of actual or likely disruption.
- E. Assigned officers shall always wear their badges and nameplates or other personal identification on the outside of their uniforms or on their helmets.
- F. Officers shall be positioned in such a manner as to minimize contact with the assembly.

- G. Officers shall not engage in conversations related to the demonstration or react to comments from demonstrators.
- H. Officers shall maintain a courteous and neutral demeanor.
- I. Persons who reside, are employed, or have business of an emergency nature in the area marked off by a police line shall not normally be barred from entering the demonstration area unless circumstances suggest that their safety would be jeopardized or their entry would interfere with police operations.
- J. Unit commanders shall establish and maintain communication with demonstration leaders and relay information on crowd mood and intent to the incident commander. Supervisors shall maintain close contact with officers under their charge to ensure their compliance with orders, to monitor their behavior and disposition, and to ensure that they are aware of any changes in crowd attitude or intent.
- K. Before ordering forced dispersal of demonstrators, the incident commander shall determine whether lesser alternatives may be effective. These alternatives include the use of containment and dialogue, as follows:
 - 1. Establish contact with crowd leaders to assess their intentions and motivations and develop a mutually acceptable plan for de-escalation and dispersal
 - 2. Communicate to the participants that their assembly is in violation of the law, that the department wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively
 - 3. Negotiate with crowd leaders for voluntary dispersal or target specific violent or disruptive individuals for arrest. Prior to issuing dispersal orders, the incident commander shall ensure that all potentially necessary law enforcement, fire, and EMS equipment and personnel are on hand to successfully carry out tactical requirements for all contingencies, and that logistical requirements related to the potential for making mass arrests are in place.
 - 4. When the incident commander has made a determination that crowd dispersal is required, he or she shall direct unit commanders to issue warnings prior to taking physical actions to disperse the crowd if time and circumstances permit,
 - 5. The warnings shall be issued loudly enough and often enough to be heard by the crowd from stationary vantage points or with the use of public address devices in moving patrol vehicles.

6. The warning shall consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes. A second and a third warning shall be issued at reasonable time intervals before designated actions are taken to disperse the crowd. Where possible, the warnings shall be audio- or video-recorded at a point to the rear of the crowd, and the time and the names of the issuing officers recorded in the Incident Commander's event log.
7. Specific crowd-dispersal tactics shall be ordered as necessary when the crowd does not heed warnings. These include any one or any combination of the following:
 - a. Display of forceful presence to include police lines, combined with motorcycles, police vehicles, and mobile field forces.
 - b. Crowd encirclement
 - c. Multiple simultaneous arrests
 - d. Use of aerosol crowd-control chemical agents
 - e. Police formations and use of batons for forcing crowd movement

VII. SPONTANEOUS DEMONSTRATIONS AND CIVIL DISTURBANCES

- A. Demonstrations or large gatherings of any kind that escalate into disturbances are governed by the policies and regulations concerning crowd management, control, and dispersal as identified here with respect to civil disturbances. The first officer to arrive on the scene of a spontaneous demonstration or civil disturbance shall do the following:
 1. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent
 2. Notify the communications center of the nature and seriousness of the disturbance, particularly the availability of improvised or deadly weapons, its location and estimated number of participants, current activities (such as blocking traffic), direction of movement, and ingress and egress routes for emergency vehicles
 3. Request the assistance of a supervisor and any necessary backup, and advise as to the present course of action
 4. If approaching the crowd would not present unnecessary risk, instruct the gathering to disperse
 5. Attempt to identify crowd leaders and agitators and anyone engaged in criminal acts
- B. The first field supervisor in charge at the scene shall assess the situation and request sufficient personnel and related resources to perform the following tasks:
 1. Deploy officers to the best vantage points to observe and report on crowd actions

2. Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area
3. Ensure that, to the degree possible, uninvolved civilians are evacuated from the immediate area of the disturbance
4. Establish a temporary command post based on proximity to the scene, availability of communications, space, and security from crowd participants
5. Continually assess the situation and advise communications of any change in status and any additional needs
6. Ensure that surveillance points are established to identify agitators, leaders, and individuals committing crimes, and to document and report on events as they happen
7. Where illegal gatherings engaged in civil disturbances cannot be controlled with available field personnel within a reasonable period of time, the agency CEO or his or her designee shall serve as or appoint an IC to direct operations.
8. The primary objectives of the IC will be as follows:
 - a. Protect persons, including nonparticipants and participants alike, and property at risk
 - b. Disperse disorderly or threatening crowds in order to eliminate the immediate risks of continued escalation and further violence
 - c. Effect the arrest of those individual law violators and the removal or isolation of those persons inciting violent behavior
 - d. To achieve the foregoing objectives, the IC shall employ tactical operations that include but are not necessarily limited to approaches previously identified in this policy
 - e. In the area outside the perimeter surrounding the disorder site, the IC shall ensure that the following actions are taken:
 - f. Move and reroute pedestrian and vehicular traffic around the disorder
 - g. Limit access to the disorder to those persons approved by the IC or other commanders
 - h. Control unauthorized egress from the disorder by participants
 - i. Repulse attempts to assist or reinforce the incident participants from outside the area
9. The IC shall also ensure the following matters are addressed where indicated:
 - a. Ensure that adequate security is provided to fire and EMS personnel in the performance of emergency tasks
 - b. Ensure that feeding and relief requirements of personnel have been addressed

- c. Ensure the adequacy and security of the incident command post and designate a staging area for emergency responders and equipment
- d. Establish liaison and staging point for media representatives and, to the degree possible, provide them with available information
- e. Ensure that the IC's event log is staffed for documenting activities and actions taken during the course of the incident
- f. Take photographs and make video-recordings of event proceedings
- g. Take photographs of any injuries sustained by police officers or the public
- h. Determine the need for full mobilization of sworn officers and the recall of off-duty officers.

VIII. MASS ARRESTS

- A. During the course of civil disturbances, it may be necessary to make arrests of numerous individuals over a relatively short period of time. In order for this process to be handled efficiently, safely, and legally, the following shall be observed:
 - 1. Except for felony offenses, officers shall not pursue demonstrators into buildings for the purpose of making arrests unless specifically instructed to do so by a supervisor. Supervisors shall accompany and exercise control over members under their command who go on private property or enter buildings to make arrests.
 - 2. Designated, supervised squads of officers shall perform mass arrests.
 - 3. If required, an adequate secure area shall be designated for holding prisoners after initial booking and while awaiting transportation.
 - 4. Arrest teams shall be advised of the basic charges to be recorded in all arrests.
 - 5. Arrestees who are sitting or lying down but agree to walk shall be escorted to the transportation vehicle for processing. Two or more officers shall carry those who refuse to walk.
 - 6. At the transport vehicle, the arrestee shall be advised of the charges. The prisoner shall be searched for weapons, evidence, and contraband, and where possible, by an officer of the same sex. Such items shall be secured and identified prior to transportation.
 - 7. Photographs shall be taken of the arrestee with the arresting officer, and of the prisoner and any property that is turned over to the transporting officer. Transporting officers shall not accept prisoners without a properly prepared field arrest form and photographs and shall ensure that all property is placed in a container that is legibly marked with the arrest-form number.

8. Upon arrival at the detention facility, the transporting officer shall deliver the prisoner together with the arrest form and personal property.
9. All injured prisoners and those who request medical attention shall be provided medical attention prior to transportation to the detention facility.
10. Photographs shall be taken of all injuries.

B. All arrested juveniles shall be handled in accordance with this department's procedures for the arrest, transportation, and detention of juveniles.

IX. DEACTIVATION

- A. When the disturbance has been brought under control, the IC shall ensure that the following measures are taken:
1. All law-enforcement officers engaged in the incident shall be accounted for, and an assessment and documentation made of personal injuries.
 2. Witnesses, suspects, and others shall be interviewed or interrogated.
 3. All necessary personnel shall be debriefed as required.
- B. All written reports shall be completed as soon as possible after the incident. They will include a comprehensive documentation of the basis for the incident, the department's response to the incident, and a statement of impact that includes the cost of equipment, personnel, and other expenses related to the incident.

	FULTON POLICE DEPARTMENT	
	Policy 6.4 Active Shooter Response	
	Effective Date: 4/15/2026	Replaces: Revised 2013
	Approved: _____	
	Chief of Police	
Reference: 6.01, 6.02, 6.07, 7.34, and 8.07		

V. POLICY

An active shooter is defined as one or more subjects who participate in a random or systematic homicidal spree by demonstrating their intent to continuously harm others. The subject’s overriding objective appears to be mass murder rather than other criminal conduct, such as robbery or kidnapping.

It is the policy of this agency to respond, contain, and stop the threats and to administer aid to the victims.

VI. PURPOSE

To establish policy and procedures governing the response and activities associated with an active-shooter event that will mitigate any further risk of injury or death to civilian or law enforcement personnel.

VII. PROCEDURES

A. Notifications

The ranking supervisor or officer will notify the chain of command to include the Chief of Police or his/her designee of any active shooter event. Fire and EMS should be notified and requested to stand by in accordance with their protocols.

B. Mutual Aid

Upon arriving at the scene of an active shooter event and after assessing the crime scene, the agency should implement its mutual aid agreements with other police agencies if necessary, and with fire and rescue agencies. Additionally, it may be necessary after the incident to collaborate with recovery agencies to assist with the scene and any victims.

VIII. ACTIVE SHOOTER RESPONSE

The first two to five responding officers should form a single team and enter the structure. (A single officer entering a structure must understand the inherent risk assumed in taking such an action.) The first officers entering the structure should recognize that their primary objective is to stop further violence. Officers should identify and communicate locations of victims needing medical attention. If practical, and absent continued shooting, officers should treat any massive hemorrhaging that may result in the immediate loss of life.

A. Concepts and Principles

Safe, effective responses to active shooters are designed around concepts and principles. The first responding officers should:

1. Stay together as much as possible and enter the involved structure quickly.
2. Maximize communication by staying in close contact with other first responders.
3. Maximize threat coverage by addressing all angles.
4. Visually search involved areas using 540 degrees of coverage around and above the team.
5. Evaluate rooms from the threshold (commonly referred to as slicing the pie).
6. Differentiate between deliberate and direct-to-threat speeds and use the appropriate speed for the circumstances.
7. Use cover-contact principles when taking suspects into custody.

B. Follow-On Responders

Follow-on responders should be directed to victim locations if there is no active threat. Follow-on responders should:

1. Establish and maintain security in the area that follow-on responders occupy.
2. Consider the involved structure as unsearched.
3. Not enter a hallway unannounced if it is occupied by other officers.
4. Unless what other officers want accomplished is very clear, move to them after notifications and conduct a face-to-face meeting.
5. Direct victims to safety by utilizing either shelter-in-place or evacuation. If evacuating, establish a cordon of first responders to the desired exit point to ensure safety of victims.
6. Establish a casualty collection point (CCP) for injured persons. The CCP should be a room or open area (if outside of the structure) capable of holding all victims with injuries that require medical treatment. A series of rooms next to each other can be considered if casualties exceed available space.
7. Communicate with all involved responders to ensure the area remains secure while facilitating victim treatment.

C. Post-Event

Responses to an active-shooter event must include the aftermath of the incident. Officers should apply the SIM model (Security / Immediate Action Plan / Medical).

- a. Security should take priority. Responding officers must ensure that the immediate environment they are working in remains secure, particularly if the active shooter remains a threat.
- b. After officers address known threats, they should formulate an immediate action plan as quickly as possible. This plan should be quick and simple and address: “if / then” – the fluid variables of the situation.
- c. Responding officers should address medical issues as soon as they establish security and have an immediate action plan in place.

D. OIS Investigations

Should there be an exchange of gunfire the agency will implement its officer-involved-shooting policy and respond accordingly.

IX. Media Inquiry

All requests for information should be funneled through the public information officer (PIO) or the incident commander (IC) for vetting and coordination. Consideration should be given to establishing a media staging location that is not within the immediate vicinity of the active-shooter event.

	FULTON POLICE DEPARTMENT	
	Policy 6.5 Use of 40mm Weapon System	
	Effective Date: 4/15/2026	Replaces: Revised 2013
	Approved: _____	
	Chief of Police	
Reference:		

Policy

1) Impact Munitions:

- a. All Officers shall be trained and qualified in the use of 40mm Impact Munitions weapon control system by office approved training prior to the use of the weapon control system. All Officers are only approved to use the Fulton Police Department owned 40mm Weapon System,
- b. 40mm Impact Muniton Weapon System shall be used in accordance with the Fulton Police Department use of force policy and in accordance with State and Federal Law. 40mm Impact Muniton Weapon Systems are intended to encourage compliance, overcome resistance or preclude the use of deadly force without significant potential for causing death.
- c. Before deploying 40mm Impact Muniton Weapon System, officers shall always have a backup officer providing lethal force cover.
- d. Prior to deploying the 40mm Impact Muniton Weapon System, Officer deploying the 40mm Impact Muniton Weapon System shall inform all officers on scene of the intended use of the 40mm Impact Muniton Weapon System being deployed.
- e. Impact Munitions Rounds:
 - i. See attached product specifications for each 40mm Impact Muniton Round

I. 40mm Exact Impact (Part No 6325)

2. 40mm Direct Impact OC (Part No 6320)

ii. If practical, under the totality of the circumstances, officers should target areas with the least potential for injury before targeting areas where potential injury is increased. Officers shall remember the person's size, their clothing, and distance from which the 40mm Impact Munition rounds are being fired may affect the potential for injury. Impact areas include:

1. Green: the primary impact area should be buttocks, thighs, and

calves,

2. Yellow: the secondary impact area should be the abdominal

/arms area

3. Red: should be considered when maximum effectiveness is desired a level of threat escalating to deadly force:

a. Chest (center mass)

b. Spine

c. Head and neck

2) Chemicals Agent rounds

a. All Officers shall be trained and qualified in the use of 40mm Chemical Agent weapon control system by office approved training prior to the use of the weapon control system. All Officers are only approved to use Fulton Police Department owned 40mm Weapon System.

b. 40mm Chemical Agent Weapon System shall be used in accordance with the Aransas County Sheriffs Office use of force policy and in accordance with State and Federal Law.

c. Before deploying 40mm Chemical Agent Weapon System, officers shall always have a backup officer providing lethal force cover.

d. Prior to deploying the 40mm Chemical Agent Weapon System, Officer deploying the 40mm Chemical Agent Weapon System shall inform all officers on scene of the intended use of the 40mm Chemical Agent Weapon System being deployed.

e. 40mm Ferret OC/CS Powder round (Part no 2290 and Part no 2292)

i. See attachment specifications

3) Loading procedure:

a. There should always be two officers present during loading procedure (officer loading and officer verifying round). Prior to loading both officer loading and verifying officer will verify the chamber is empty. Prior to loading the designated 40mm rounds (Impact Munition rounds or Chemical Agent rounds), both loading officer and verifying officer will verify which designated round is being loaded for the round's intended use.

4) After firing:

a. Officers will comply with Fulton Police Department reporting and investigation requirements in any case of causing bodily injury, serious bodily injury, and/or death:

i. Officers will request EMS and when practical and/or without delay notify their immediate supervisor (Officers will follow chain of command if their immediate supervisor is not available)

ii. If applicable, Officers will have anyone who is struck by less lethal rounds taken to a medical facility for evaluations

iii. Supervisors will notify the Chief of Police when practical and/or without delay If applicable, Officers shall collect the less lethal round and/or discharged shell for evidence and will be processed as such,

v. If applicable, CID will respond to the scene to process for evidence v1. Officers will use of force form and will complete appropriate offense

or incident reports before the end of shift and shall download any and all available body camera and dash camera footage if applicable.

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