
PPD POLICY – 100.006
LAW ENFORCEMENT OPERATIONS

EFFECTIVE DATE: January 3, 1977
REVIEW DATE:
AFFECTS: All Personnel

REVISION DATE: October 10, 2011

I. NATURE OF THE TASK

Law enforcement operations consist of many diverse activities which are directed toward the attainment of Department objectives. Activities such as patrolling, conducting field interviews and issuing traffic citations are not objectives in themselves; rather, they are methods of achieving the real objectives of preventing and deterring crime, arresting criminal offenders, and preventing traffic accidents.

Decisions in law enforcement operations frequently must be made in an instant, and the lives of officers and others may depend on the quality of those decisions. An officer is confronted in stressful situations with both criminal and non criminal behavior, and he/she must be capable of making a reasonable response in both cases. An officer must base his/her conduct and action in each instance upon the facts of the situation as they reasonably appear, relying upon his/her experience, training and judgment to be the guide toward morally justified and lawful decisions and actions.

II. POLICE ACTION BASED ON LEGAL JUSTIFICATION

What is reasonable in terms of appropriate police action or what constitutes probable cause varies with each situation, and different facts may justify an investigation, a detention, a search, an arrest, or no action at all. The requirement that legal justification be present imposes a limitation on an officer's action. In every case, an officer must act reasonably within the limits of his authority as defined by statute and judicial interpretation, thereby ensuring that the rights of both the individual and the public are protected.

III. ALTERNATIVES TO PHYSICAL ARREST, BOOKING, OR CONTINUED DETENTION

Once a violator has been identified, it is the function of the Department to initiate the criminal process; however, there are circumstances when a crime may occur and the Department will not make a physical arrest. There may be a report written and a summons issued or an application for a complaint made; or in some cases, when the offense is of a minor nature, a verbal warning or other direction may be given. The decision not to make an arrest will be guided by Department policy and the factual situation involved, not by the personal feelings of the officer.

IV. CALLS FOR SERVICE

Professional Standard of Service

The Department cannot be aware of each circumstance in the City where police action or assistance may be required. The Department is dependent upon members of the community for such information. The people, in return, expect the Department to respond to requests for police service within a reasonable time and to satisfactorily perform the necessary service. A person calling for police assistance expects, as a matter of right, to be provided with a service. As a practical matter, the extent of the service may necessarily be limited but, regardless of its extent, professional quality of service must be rendered in all cases.

V. PRELIMINARY INVESTIGATION

A. Scope of Preliminary Investigation

The scope of preliminary investigation by a uniformed officer may be very restricted or it may constitute the entire investigation of the crime. In a particular crime the scope of the preliminary investigation may be limited by an officer's assignment workload. Consistent with his/her other responsibilities, an officer should continue a preliminary investigation to the point where the delay in investigation caused by the report being processed will not materially jeopardize the investigation.

B. Follow-up Investigation by Uniformed Officers

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Uniformed officers may conduct a follow-up investigation when there is a reasonable chance of apprehending the suspect, when there is a need for obtaining additional information for the preliminary investigation report, or when there are other compelling circumstances. The uniformed officer must notify his supervisor as soon as practical.

VI. CIVIL DISPUTES

Officers are frequently called to the scene of civil disputes where no crime has been committed. The presence of officers at such scenes is primarily to preserve the peace and to prevent a crime from occurring; it is not to give legal advice. Officers should avoid becoming unnecessarily involved in civil disputes and may advise the parties to seek the advice of legal counsel or, if a City ordinance violation has occurred, the City Attorney's Office.

VII. FIELD SUPERVISION

Since emergency situations occur without warning, and their duration is often brief, officers must frequently make critical decisions without benefit of on-the-scene direction. In most police operations, however, supervision is available and necessary to provide guidance and training. Supervision gives coherence to the police task and directs the energies of the Department into an organized effort. Proper supervision is essential to maintain a professional level of competence in law enforcement operations.

A. Supervision in Field Operations

The Department is an organization with an assignment of responsibility and accountability throughout the rank structure. To the degree that a senior officer is responsible and accountable for the performance of his/her junior, he/she must be granted commensurate authority in order to properly discharge supervisory responsibility. Field supervision begins with the senior police officers of the Department, and it is upon them that the primary burden of training and supervising less experienced officers is placed. A field sergeant is the first level of full-time supervision, and it is his/her primary responsibility to guide, train, direct, and motivate those over whom he/she has control. Inherent in any supervisory position is the additional responsibility of serving as an example for subordinate officers and civilian employees. As a result, in both their personal and professional lives, the conduct of supervisory personnel must at all times remain exemplary.

VIII. COMMAND RESPONSIBILITY AT POLICE SITUATIONS

Command of Department resources at a police situation rests with the field commander or the assigned senior officer. Such person has the authority to direct the operation and is responsible for its outcome. A senior command officer may make suggestions; however, he may not actively direct the operation unless he properly relieves the subordinate of command. A senior command officer at an emergency scene who does not choose to take command may be held accountable for unfavorable developments which he could have prevented by assuming control. Appearance of a ranking officer at a scene by itself does not indicate he has assumed command, unless he makes an announcement indicating otherwise.

IX. CRIME SCENE SUPERVISION

A Criminal Investigation Division officer will be responsible for the crime scene upon arrival.

Nothing prevents an investigator or senior command officer from having a task he feels important to the case performed without taking command of the crime scene.

X. INFORMANTS

A. Use of Informants

Often, information from confidential sources is the investigative lead which solves a case and

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without which there could not be prosecution.

Information is received by the Department regarding criminal activities and suspects from persons in all walks of life. Many people who give information have been victims or witnesses of crime, or they may have a strong desire to aid law enforcement. There are others motivated purely by selfish interest. However, regardless of their motivation, the use of informants is a basic weapon in the fight against crime, and they are judicially recognized sources of information. An informant's motivation should be carefully evaluated in determining the extent upon which the information will be relied.

B. Informant's Immunity from Prosecution

Informants will sometimes offer to exchange information for immunity or for their release. Such immunity may properly be available; however, neither the Department nor any of its members may grant any person immunity from prosecution.

C. Individual Investigator's Informant Responsibilities

Officers should keep their supervisors informed of their relations and activities involving informants.

XI. CRIMINAL INTELLIGENCE

Information gathering is a fundamental and essential element in the all-encompassing duties of any law enforcement agency. When acquired, information is used to prevent crime, pursue and apprehend offenders, and obtain evidence necessary for conviction. It is the policy of this Department to gather information directed toward specific individuals or organizations reasonably suspected of criminal activity, to gather it with due respect for the rights of those involved, and to disseminate it only to authorized individuals. While criminal intelligence may be assigned to specific personnel within the Department, all members of this Department are responsible for reporting information that may help identify criminal conspirators and perpetrators.

XII. CONDUCT OF UNDERCOVER OFFICERS

In order to obtain information and evidence regarding criminal activities, it may be necessary that the Department utilize undercover operators. Such operators shall not become officer provocateurs or engage in entrapment.

XIII. RESPONSE TO IMPENDING CIVIL DISTURBANCE

When the city is confronted with a situation which may escalate into a civil disturbance, the Department must establish control of the situation by reacting quickly and committing sufficient resources to control the situation. The Department will not attempt to regain control of a civil disturbance situation unless and until sufficient resources have been massed to reasonably assume success and the safety of personnel.

XIV. POLICE ACTIONS CONCERNING DEMONSTRATIONS

The Department will expend whatever resources are necessary to protect the rights of any person or group to conduct a peaceful and lawful demonstration at any location within the City. However, unlawful activity, whatever its guise, requires prompt and effective action by the Department. The Department will take appropriate legal steps to discourage unlawful acts.

The tactics employed by dissidents engaged in disruptive activities frequently include efforts to draw the police and other public officials into responses likely to produce violence and injury to participants and thus garner support for their cause. It is therefore incumbent upon the Department to cope with disruptive situations in a professional manner which will minimize the potential for violent confrontations.

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XV. USE OF FORCE - GENERAL

In a complex society, law enforcement personnel are daily confronted with situations where control must be exercised to affect arrests and to protect public safety. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.

In no instance shall police officers of this Department use force other than that necessary to lawfully and properly neutralize an unlawful assault or that which is necessary to overcome resistance by a person being taken into custody.

Obviously, there are varying degrees of force that may be justified depending on the dynamics of the situation. For example, the justifiable force necessary in defense of the officer's life or in defense of the life of another person would be unlawful in most other circumstances.

In each individual event, lawful and proper force is restricted to only that force necessary to control and terminate unlawful resistance and to preclude any further physical attack against the police officer(s) or any other person.

XVI. USE OF FIREARMS

As long as members of the public are victims of violent crimes, and officers in the performance of their duties may be confronted with deadly force, it will remain necessary for police officers to be properly armed for the protection of society and themselves.

The general policy of this Department regarding the use of firearms or other deadly force by police officers, on or off duty, is that an officer will discharge his weapon at another person only when he is legally justified; when the need to do so is strong and compelling; and only as a last resort. The following specific guidelines are set forth as a means of assisting police officers in reaching the proper decision when faced with such decisions.

XVII. POLICE VEHICLE

Police officers of this Department shall drive Department vehicles in a lawful and proper manner at all times with due regard for the safety of all persons and with due regard for the condition of the vehicle itself. Officers shall take into consideration the risks to the public (and themselves) in any high speed pursuit, as balanced against the nature of the offense for which a subject is being pursued, the danger to the public if the subject is not apprehended, and possible alternative methods of apprehension. In any instance where an officer drives in a manner that requires violation of speed laws and/or violation of any other traffic laws emergency lights and siren will be used.

Police officers of this Department will not pursue a motor vehicle based solely on any traffic offense or Class C misdemeanor with the exception that a person/vehicle suspected of DUI may be pursued consistent with Use of Force Policy. Good judgment and common sense shall be used in every vehicle pursuit engaged in by members of this Department.

High speed vehicle pursuits of known dangerous felons would generally allow the officer to drive at higher speeds. Officers are reminded, however, that the higher the speed the higher the risk becomes for loss of vehicle control and an accident.

Supervisors have the authority to terminate a pursuit by an officer at any time. Each individual instance must be considered separately and the successful apprehension of the subject must be weighed against the real and present danger involved in a high speed pursuit.

Plano police officers shall not attempt to deliberately collide with other vehicles or to use the police

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vehicle to force any other vehicle off a roadway. The only exception to this policy occurs when an officer is in pursuit of known and extremely dangerous fleeing felons who, if allowed to escape, would create a substantial risk of another person being killed or seriously injured.

XVIII. USE OF CHEMICAL AGENTS IN CROWD CONTROL/BARRICADED SUBJECTS

To minimize injury to suspects, officers, and others or to avoid property damage, the use of a chemical agent, such as tear gas, may be necessary in circumstances where a serious danger to life and property exists and other methods of control or apprehension would be ineffective or more dangerous.

The field supervisor at a police situation has the responsibility for determining the need for the use of a chemical agent and the authority to direct its deployment.

***Authorization for the use of a chemical agent may not ordinarily be given by an officer below the rank of sergeant; and the use of chemical agents for crowd or riot control must ordinarily be authorized by an officer of the rank of lieutenant or higher, except: In the event of a dire emergency where the officer in charge of a field situation cannot reasonably contact higher authority, the officer in charge of such situation may authorize the use of a chemical agent in the circumstance hereinabove indicated.**

Prior to the deployment of a chemical agent, due regard shall be exercised for the safety of the subject, police officers and innocent citizens. Proper scene cordon and evacuation techniques shall be utilized. Only the minimal amount of chemical agent shall be deployed and consideration of a fire hazard shall be undertaken, with Fire Department personnel on scene prior to the deployment of tear gas whenever possible.

XIX. HOSTAGES

Criminals who use hostages to affect their escape are desperate individuals who, if allowed to escape, will pose a continuing threat to their hostage and to the public at large. Assurance that a hostage will be released unharmed is a meaningless promise. The Department does not have the ability to protect the safety of a hostage who is allowed to be removed from the presence of officers. The safety of hostages can be best assured by keeping them in the presence of officers and by preventing their removal by the suspect. Officers should use every verbal and tactical tool at their disposal to secure the arrest of the suspect without harming the hostage. However, officers should realize that exceptional situations could arise where considered judgment might dictate allowing removal of a hostage, such as where there is imminent and probable danger to a large group of persons.

XX. OFFICERS SURRENDERING WEAPON

An officer or his partner may find himself at the mercy of a suspect who has the advantage. Experience has shown that the danger to an officer is not reduced by his giving up his gun on demand. Surrendering his weapon might mean giving away his only chance of survival; therefore, officers shall not surrender their weapon(s) except as a last resort when they are convinced the act of giving up the weapon will save their life or the lives of other persons.

XXI. BARRICADED SUSPECTS

A. Tactical Plan

A barricaded suspect poses an extreme danger not only to police officers who seek to arrest him, but to other persons as well. Good judgment demands that a tactical plan be developed rather than immediately rushing a barricaded suspect.

Upon contact with a barricaded suspect, the immediate area must be cordoned off to seal avenues of escape. Innocent bystanders must be evacuated from the area. A command post

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must be established from which operations will be directed. A traffic control perimeter will be established to control traffic in the area. Attempts to establish communication with the barricaded subject shall be made in an attempt to persuade the subject to surrender.

B. Supervision at Scene of Barricaded subject

In situations which develop from radio calls or spontaneous activities, the senior uniformed officer present is in command, and shall immediately request a senior supervisor who, upon arrival, shall assume command.

XXII. DEPLOYMENT IN ANTICIPATION OF THE COMMISSION OF A CRIME

The purpose of deploying agents at the scene of an anticipated crime is to arrest the perpetrator of the attempted or consummated crime; however, since that objective is subordinate to the protection of life, officers should not subject themselves or other innocent persons to unreasonable risk.

XXIII. TRAFFIC ENFORCEMENT

A. Traffic Enforcement Objective

The traffic enforcement objective of the Department is to reduce traffic accidents, injuries, and deaths and to facilitate the safe and expeditious flow of vehicular and pedestrian traffic through the public's voluntary compliance with traffic regulations. The Department seeks to achieve this objective through a combination of education, enforcement, and community partnership.

Traffic enforcement, must allow for police discretion within reasonable limits. This Department follows the Golden Rule of all good police departments use good judgment and common sense and, equally important, discretion considering all factors existing at that particular time and place.

The Department will take enforcement action upon the detection of an illegal and potentially hazardous act without regard for such factors as attitude, intent, or frivolous excuse. Enforcement action may consist of a warning, citation, or physical arrest.

B. Violator Contact

Traffic violation enforcement is one of the many routine tasks performed by officers, but for violators it frequently is an emotionally traumatic experience. In many cases, this is the only contact that a person has with our Department. Officers should be aware of these conditions and should strive to make each contact educational and to leave the violator with the impression that the officer has performed a necessary task in a professional and friendly manner.

C. Non-resident Violators

Since the Uniform Vehicle Code is now being followed by a majority of the states, including Texas, nonresidents are rarely subjected to unfamiliar traffic signs or inconsistent regulations. Therefore, unless the traffic regulation violated is one unique to the Plano area, no immunity should be granted because a person is a nonresident. Non-residency is not sufficient in itself to require detention of the posting of bail bond to assure appearance in court.

D. Enforcement of Parking Regulations

Street parking is restricted in various areas of the City to ensure fair access to parking and to expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the City.

E. Deployment for Traffic Enforcement

1. Selective Enforcement

The Department conducts statistical surveys to determine by location, time, and day of week

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which violations are causing accidents. Based upon the information thus obtained, the Department deploys its personnel to those specific areas to observe violations and to take enforcement action. In addition, when the Department receives complaints of a specific traffic problem in a particular area, it specifically assigns personnel to investigate and take necessary enforcement action.

2. Visible Patrol

Any tendency of motorists to knowingly violate traffic laws is deterred by open and visible patrol, and the number of traffic accidents is correspondingly reduced. However, when there is an unusual or continuing enforcement problem at a particular location, officers may park in a conspicuous location and observe traffic.

F. Accident Investigation

The investigation of traffic accidents is necessary not only to determine traffic law violations, but also to obtain engineering data, to protect the rights of the individuals involved, and to assist in traffic education. Enforcement actions should be considered when traffic law violations are detected through accident investigation.

XXIV. VICE ENFORCEMENT

The people, through their elected representatives, have decided that criminal sanctions should be imposed against certain behavior which has been traditionally labeled as vice. The Department is charged with the enforcement of all criminal statutes, including those defining vice offenses. Where vice conditions are allowed to continue, they are soon exploited by organized crime and the money thus obtained is often used to finance other criminal ventures or attempts to corrupt public officials. The Department will take aggressive enforcement action against all commercialized vice activities and conditions which appear anywhere in the City.

XXV. NARCOTIC ENFORCEMENT

It is the objective of the Department to enforce all local, state and federal statutes which prohibit the possession of, use, or traffic in narcotics, nonprescription dangerous drugs, and other restricted or prohibited substances. The Department seeks to prevent and deter the use and possession of, and traffic in all such substances within the City. Our primary concern is drug traffic and use within the City of Plano and most investigative activities will be confined to the City.