

	<b>Houston Independent School District Police Department Directives</b>	<b>DIRECTIVE: 420-001</b>
		<b>EFFECTIVE DATE: November 18, 2020</b>
	<b>SUBJECT: Conduct and Authority</b>	<b>REVISED DATE: January 12, 2022</b>

## **POLICY**

Officers, regardless of rank or assignment, while in the State of Texas, are required to take prompt, effective, and appropriate police action concerning violations of the law coming to their attention. Officers shall adhere to this policy, whether they are on or off duty, unless doing so would compromise the safety of an employee or citizen.

Employees are held accountable for how they exercise the authority of their office or position. Reasonableness and sound judgment shall dictate the actions of all employees along with the boundaries of authority provided by federal, state, and local law and the policies and procedures of the Houston Independent School District Police Department. Violations of this policy may result in discipline up to and including indefinite suspension.

This directive applies to all employees.

## **CONDUCT AND BEHAVIOR**

### **Personal Conduct**

Employees shall always exhibit professional conduct and shall not engage in any activity, including unlawful activity, that would degrade or bring disrespect to the employee or the department.

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.

Employees shall not join, participate with, or frequent any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

### **Association with Criminals and Others**

Employees shall not knowingly commence or maintain a relationship with or associate with convicted criminals or any person who is under criminal investigation, indictment, arrest, or incarceration by any criminal justice agency, excluding traffic or municipal ordinance violations.

Employees shall avoid regular or continuous association with any person possessing a notorious reputation in the community. Exceptions to these rules are limited to employees performing their official duties or unavoidable familial relationships.

### **Respect for Others**

Employees shall respect the rights of individuals and shall not engage in discrimination, oppression, or favoritism whether by language, act, or act of omission. Employees shall

maintain a civil and impartial attitude towards both complainants and violators. Employees shall be courteous, civil, and respectful to all departmental employees and citizens and not use threatening or insulting language.

### **Use of Discretion**

When neither law nor policy provides clear guidance regarding a particular situation, employees shall exercise discretion in choosing the appropriate action. Employees shall make decisions based on sound judgment and the principles outlined in the policies and procedures of the department. Discretion shall be exercised in such a manner that employees can reasonably assume that upon review, their conduct shall be judged sound and reasonable by their supervisors. Employee conduct shall always be consistent with the department's mission, values, ethics, guiding principles, and any instructions given by the employee's supervisors.

### **Sound Judgment**

Employees are expected to exercise sound judgment at all times. Employees' behavior shall be limited to conduct that is reasonable and prudent. No employee shall commit any act on duty or off-duty in an official or private capacity that may bring the department reproach, discredit, or embarrassment.

### **Conflicts of Interest**

If an employee has a personal interest, direct or indirect, financial or otherwise, in any decision pending before such employee or a body or group of which the employee is a member, the employee shall not participate in consideration of the matter. If such an employee is in attendance at such meeting, they shall publicly disclose a conflict of interest to the body or group before determining the matter.

An employee shall not negotiate for or accept future employment or extra employment with any person, firm, association, or corporation that has a substantial interest in any proposed decision within such person's area of responsibility and upon which the employee may or must act or make a recommendation.

### **Disruptive Activities**

Employees shall not perform any action that may disrupt the performance of official duties or obligations of employees of the department or that tends to interfere with or subvert the reasonable supervision or proper discipline of employees of the department.

### **Investigative 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 government agencies.

Employees against whom a complaint has been made shall not attempt directly or indirectly, by threat, appeal, persuasion, payment of money, or other consideration, to secure the abandonment or withdrawal of the complaint, charges, or allegations. When directed by a competent authority, employees shall comply with the directive to

make a statement or furnish materials relevant to a department investigation.

### **Criticism of the Department**

Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or any of its policies, district officials, or other employees by speech, writing, or other expressions that is defamatory, obscene, or unlawful, or undermine the effectiveness of the department or interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

### **Giving Testimonials and Seeking Publicity**

Employees acting as an agent of or representing the department in any way shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees shall not seek personal publicity either directly or indirectly in their employment.

### **Recognition of Plainclothes Officers**

A uniformed officer shall neither acknowledge nor show recognition of another police officer in civilian clothes unless that officer first addresses the uniformed officer.

### **Surreptitious Recording**

To maintain a unified and productive working environment and keep the spirit of state Civil Service Law, the covert audio or video recording of employees by other employees is prohibited. This section does not apply when the recording is done pursuant to the Texas Local Government Code or conducted as a criminal investigation.

### **Truthfulness**

Employees shall not make false, untrue, or misleading statements (verbal or written, made directly by or authorized by the employee). Any statement or omission of pertinent information that intentionally, knowingly, or recklessly misrepresents facts or misleads others shall be considered a false statement. A violation of this policy may result in discipline up to and including indefinite suspension.

### **Knowledge of Obedience to Laws and Rules**

Employees shall know the laws and ordinances they are charged with enforcing and all department orders, rules, duties, and procedures governing their specific assignments. 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. Employees shall abide by the laws of the jurisdiction in which they are located. Employees shall also abide by the laws and rules of the various governmental entities that have jurisdiction over the employees' affairs (e.g., Texas Commission on Law Enforcement).

## **PERFORMANCE OF DUTY**

### **Attention to Duty**

Employees shall be attentive to their duties at all times. Employees shall perform all duties assigned to them. Officers, while on duty, shall not conceal themselves except for a police purpose. Employees shall keep themselves immediately and readily

available at all times while on duty. Sleeping on duty is prohibited.

Employees shall cooperate, support, and assist each other whenever necessary. Unless approved by a supervisor, employees shall not devote their on-duty time to any activity that is not directly related to their duties.

Employees shall promptly report for duty properly prepared at the time and place required by assignments, subpoenas, orders. Employees shall remain at their posts or place of assignment until properly relieved by another employee or officially dismissed by a supervisor.

### **Notes and Reports**

Employees shall maintain written notes on police matters such as calls for service, arrests, and investigations. The information contained in these notes shall be sufficient to the extent that it will assist with completing official reports and allow the employee to testify in official proceedings accurately. Employees shall retain these written notes (field notes) and make them available to the prosecutor upon request. Investigators shall include the written notes or notes taken during an investigation so the investigative division or the prosecution can retrieve them.

Unless otherwise directed, employees will ensure that all reports are correctly entered and uploaded in the department's records management system before going off duty. This requirement applies to each officer if riding a two-person unit.

### **Reporting Crashes and Injuries**

Employees shall immediately report all on-duty traffic crashes in which they are involved, all personal injuries received in the line of duty, and any illness or personal injury not received in the line of duty but that is likely to interfere with their performance official duties. Employees shall immediately report all property damage or injuries to other persons that resulted from the performance of their duties.

### **Reporting Address and Telephone Number**

Employees shall have a working personal telephone and register their correct residence address and telephone number with the department. Any change in address or telephone number must be reported immediately.

### **Firearms**

All officers are required to carry an approved primary weapon while on duty unless they have a physical ailment preventing them from doing so. All weapons carried by officers in their official duties must be registered with the department. Required registration information must be kept current.

### **Dealing with Citizens**

Employees having contact with the public shall promptly serve the public by providing direction, counsel, and assistance and shall not interfere with the lawful business of any person. Employees shall not use their official positions to intimidate persons engaged in a civil controversy. Employees shall attempt to respond to each inquiry or request assistance. They shall not refer any citizen to another department or person

when the employee can assist that citizen.

Officers shall give their names, badge numbers, and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a police assignment. Employees shall not engage in any form of speech likely to be construed as a racial or religious slur or joke.

### **Duty to Respond**

Employees shall respond to citizens' calls or other employees who need assistance. All employees shall perform their official duties promptly and thoroughly and respond without delay to calls for police service. 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, situations, and information.

### **OFF-DUTY INTERVENTION PROTOCOL**

In determining the appropriate police action to take, off-duty officers shall consider the totality of the situation. Off-duty officers shall consider the offense involved, the operational and tactical difficulties that being off duty presents, and any other factors observed by the off-duty officer.

Off-duty officers who do not intervene in a situation shall try to be a good witness in their best efforts unless exigent circumstances exist if off-duty officers dressed in plain clothes see a criminal act in progress and intervene. In that case, officers shall identify themselves as Houston Independent School District Police Department officers and communicate their intent to stop the criminal act. At the moment of intervention, any action taken by the officer shall be governed as if the officer is on duty.

When off-duty officers are outside the limits of their jurisdiction, but within the State of Texas, they shall assist any law enforcement officer who appears to need immediate assistance by providing any action necessary to stop criminal activity or to stop a suspect trying to escape during a crime against a person.

When officers are outside the State of Texas, they do not have police authority or status, and therefore have only the rights and obligations of a private citizen of that state.

### **CHAIN OF COMMAND**

Each employee shall be under the direct control of one supervisor at a time. Employees are responsible for knowing their chain of command and shall operate within that chain of command. Employees initiating official correspondence to any supervisor must forward such correspondence through the appropriate chain of command.

Employees receiving correspondence from subordinates or supervisors shall sign and date the communication to indicate it was received, attach any appropriate comments, and forward the communication to the next level in the employee's chain of command. Correspondence must be forwarded to the addressee.

If an issue is resolved to the author's satisfaction before reaching the addressee, the facts must be documented in official correspondence and forwarded to the addressee. If the issue cannot be resolved, each employee in the chain of command shall attach correspondence explaining what, if any, action was taken at their level and why the issue was not resolved.

Written communication shall be returned to the author if it does not conform to the department's correspondence guidelines or other applicable policy.

Employees must obtain their captain's approval to use official district or departmental stationery to communicate with others outside the department.

Employees must have their captain's approval before communicating with others outside the department if the communication could be construed to represent the official position or policy of the Police Department.

Employees must obtain the Chief of Police's approval before engaging in department-related communication with elected officials unless the communication is part of the employee's assigned duties.

## **OBEDIENCE TO ORDERS**

### **Insubordination**

Employees shall promptly and respectfully obey all lawful orders and directions by supervisors, Internal Affairs, or dispatch. Failure to obey an order is insubordination. Employees shall not flout the authority of a supervisor by displaying disrespect or disputing a supervisor's order.

### **Conflicting and Unjust Orders**

Employees receiving an order that they believe is unjust or contrary to department policy or that appears to conflict with a previous order shall respectfully notify the supervisor that a conflict exists. If the supervisor does not change the order, employees shall obey it to the best of their ability. Employees may then appeal the order up through their chain of command to the Chief of Police if necessary.

Orders shall be revoked only when necessary for the safe and lawful completion of the police mission.

### **Unlawful Orders**

No employee shall obey an order contrary to law. Employees receiving such orders shall notify the supervisor issuing the order that compliance with the order as issued. Supervisors shall contact their immediate supervisor and request that person's presence at the scene. Employees receiving an unlawful order shall report the incident in writing to the Chief of Police through their chain of command.

### **Supervisory Conduct**

Supervisors shall actively enforce the law and policies and procedures of the Houston Independent School District and its Police Department. Supervisors shall not permit or

otherwise fail to prevent violations of the laws or the rules, regulations, policies, and procedures of the Houston Independent School District Police Department by any employee.

Supervisors who fail to take appropriate action when they are aware or should have been aware an employee violated the law or department policy shall be held accountable. Supervisors shall report law and department policy violations as required by 420-002 **Investigation of Employee Misconduct**.

Supervisors shall make appropriate scheduling and assignment decisions that reflect an understanding of the staffing needs and their subordinates' performance capabilities. Supervisors shall keep thorough documentation of their subordinates' performance and their unit or squad's performance.

No supervisor shall issue an order that violates the law or department policy. While on duty, supervisors shall be readily available to their subordinates and supervisors. Supervisors shall not express personal opinions regarding department policy or other department employees while they are on duty or acting in their official capacity in the presence of subordinate employees.

Supervisors who delegate tasks to subordinate employees are ultimately accountable for completing the task.

Approved By

  
Pedro Lopez Jr., Chief of Police