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RED OAK FIRE RESCUE
OFFICE of the FIRE MARSHAL
STANDARD OPERATING PROCEDURES

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ARTICLE 1 - ADMINISTRATION AND ORGANIZATION

Section 1 - Background

1. The Office of the Fire Marshal is created by the City of Red Oak Council passing City of Red Oak Ordinance 11-049 on September 12, 2011 adopting the 2009 International Fire Code. The Fire Marshal is hired by the Fire Chief, who is appointed by the City Manager.
2. The Red Oak Fire Marshal is compelled by City Ordinance to review the circumstances of any fire, explosion or other hazardous condition in Red Oak involving injury or loss of life or damage or destruction of property.
3. The Fire Marshal performs inspections of businesses to assist business owners in the elimination of hazards to create and maintain a safe workplace. The Fire Marshal is responsible for enforcing adopted codes and ordinances, conducting fire investigations, issuance of various permits, follow-up on citizen complaints regarding possible fire hazards, and maintenance of fire records for businesses in the City of Red Oak.
4. The ROFR LIFE SAFETY DIVISION or the Red Oak Police Department will request the Fire Marshal for the following situations:
 - a. Fire death.
 - b. Fire-related burn injury.
 - c. Structure fire of incendiary origin.
 - d. Structure fires where the cause cannot be determined.
 - e. Incendiary car fires where suspects, witnesses or physical evidence are present.
 - f. Any fire caused by a code violation that may need to be documented by photos or a detailed report.
 - g. Any fire code violation that creates an imminent hazard to life safety.
 - h. Any activation of an automatic extinguishing system.
 - i. Discovery of an incendiary device.
 - j. Any other situation in which the Officer in Charge or Incident Commander believes that the Fire Marshal should be notified.
5. Upon arriving at the fire scene the Fire Marshal will make contact with the Incident Commander to advise the IC of the Fire Marshal's presence, establish an Investigations Division and obtain any necessary information that may be pertinent to the investigation.
6. Fire Investigations and all aspects related to such investigations (e.g. evidence collection, scene documentation, etc.) shall be conducted in accordance with nationally recognized Procedures (i.e. NFPA 921) as references to the investigation process.
7. **Effective:** Articles 1 through 9 are hereby adopted as the Red Oak Fire Marshal Standard Operating Procedures. Article 3 establishes the "Professional Code of Conduct." The Red Oak Fire Marshal Standard Operating Procedures (FMSOP's) define the responsibility and authority of all Red Oak Fire Marshal Office personnel and provide the

operating standards for all members to follow. The FMSOP's replaces all previously issued policy manuals. The provisions herein remain in effect until amended or rescinded by the Fire Marshal, who may do so at any time.

8. The Fire Marshal shall hire or assign qualified personnel to the Fire Marshal's Office as necessary. Members of the Fire Marshal's Office (herein also referred to as "the Department") are also members of the ROFR LIFE SAFETY DIVISION and all applicable Standard Operating Procedures and Personnel Policies apply.
9. Part-time peace officers will be supervised consistent with full-time paid personnel.

Section 2 - Red Oak Fire Marshal Standard Operating Procedures

1. A Red Oak Fire Marshal Standard Operating Procedures book will be issued to each Fire Marshal's Office employee. It will be considered a permanent part of their equipment and must be maintained in good order.
2. The FMSOP will be divided into articles, sections and subsections and FMSOP numbers assigned. As an example, FMSOP 4.1.2 will be identified as Article 4, Section 1, and Subsection 2. All amendments, revisions and additions will be identified in the same manner.
3. Revision Policy: Whenever a revision or addition is published, the material will be distributed according to current policy on the Red Oak Fire Marshal format. The newly issued revised pages will replace the old material, which will be removed and destroyed. Revised, updated material will be placed in the manual according to the FMSOP number assigned.
4. A copy of the newly issued policy will be posted and each supervisor shall review the materials with the personnel assigned to their supervision.
5. These policies, rules, regulations and procedures are intended for the guidance of the members of the Red Oak Fire Marshal's Office. They cannot cover every specific act of commission or omission, nor can they cover every specific situation or problem which may confront members. The exercise of good judgment and the application of common sense, together with the highest degree of cooperation by those entrusted with service to the community, is essential to effective and efficient investigation work.
6. Each member of the ROFR LIFE SAFETY DIVISION should remember that, in the execution of his or her duties, that person acts not in his or her interests, but for the interests of The City of Red Oak. The development of a well disciplined and efficient Fire Marshal's Office, which has the confidence and respect of the community it serves, can only be accomplished when each member realizes that his and/or her every action, whether it is a part of their official duty or their private life, is closely observed by the community. It is essential that every member be familiar with all policies, rules, regulations and procedures and then adheres to them.

7. All Fire Department personnel are bound by general City of Red Oak policies and ROFR LIFE SAFETY DIVISION Standard Operating Procedures. Should internal policies set forth in this manual conflict with any general City of Red Oak policy, the City of Red Oak policy will control. Neither internal policies nor general City of Red Oak policies and procedures, create any contractual employment rights.



ARTICLE 2 - DUTIES AND QUALIFICATIONS

Section 1 - Fire Marshal

Minimum Qualifications:

- High School Diploma or GED required;
- Associate Degree in Applied Science, Fire Protection Technology, or related degree, preferred.
- Fire Inspector and Basic Fire Investigator Certificates from Texas Commission on Fire Protection Personnel Standards and Education required.
- Basic Peace Officers Certificate from Texas Commission on Law Enforcement Officer Standards and Education and Arson Investigator from TCFPPSE preferred.
- Texas Driver's License, Class C required.
- ICS NIMS 100,200,300,400,700, and 800.

Brief Description

- The Fire Marshal provides overall management and supervision of the fire prevention division.
- Develops inspection and investigations policies, procedures, and priorities intended to improve fire and life safety conditions in the community.
- Responds to emergency incidents as necessary.
- Attends training sessions as required.
- Prepares and maintains accurate records as required.
- Must be able to administer the operation of the Fire Prevention Bureau, including the enforcement of all applicable federal, state and local fire and life safety codes.
- Develops and prepares amendments to fire and building codes reflecting solutions to latest trends and techniques in construction business.
- Organizes fire and life safety inspections of all applicable occupancies or fire protection systems and appliances and the investigation of all fires for cause.
- Compiles and manages retention of fire and life loss records, making reports as needed by public.
- Develops public relations and education programs for citizens of Red Oak in fire prevention and life safety information.
- Negotiates with building owners, architects and builders for the purpose of checking building plans, fire protection systems, and for general upgrading of structures and properties to meet fire and life safety codes.
- Reviews zoning changes.
- Develops and maintains fire management data processing techniques for the preservation of fire records and extension of fire prevention, training.
- May be requested to perform complex field inspections for conflict resolution in the areas of architectural, construction, hazardous materials, alarm systems and sprinkler systems as it relates to new or existing buildings.
- Performs other related work as required.

Section 2 - Fire Investigator

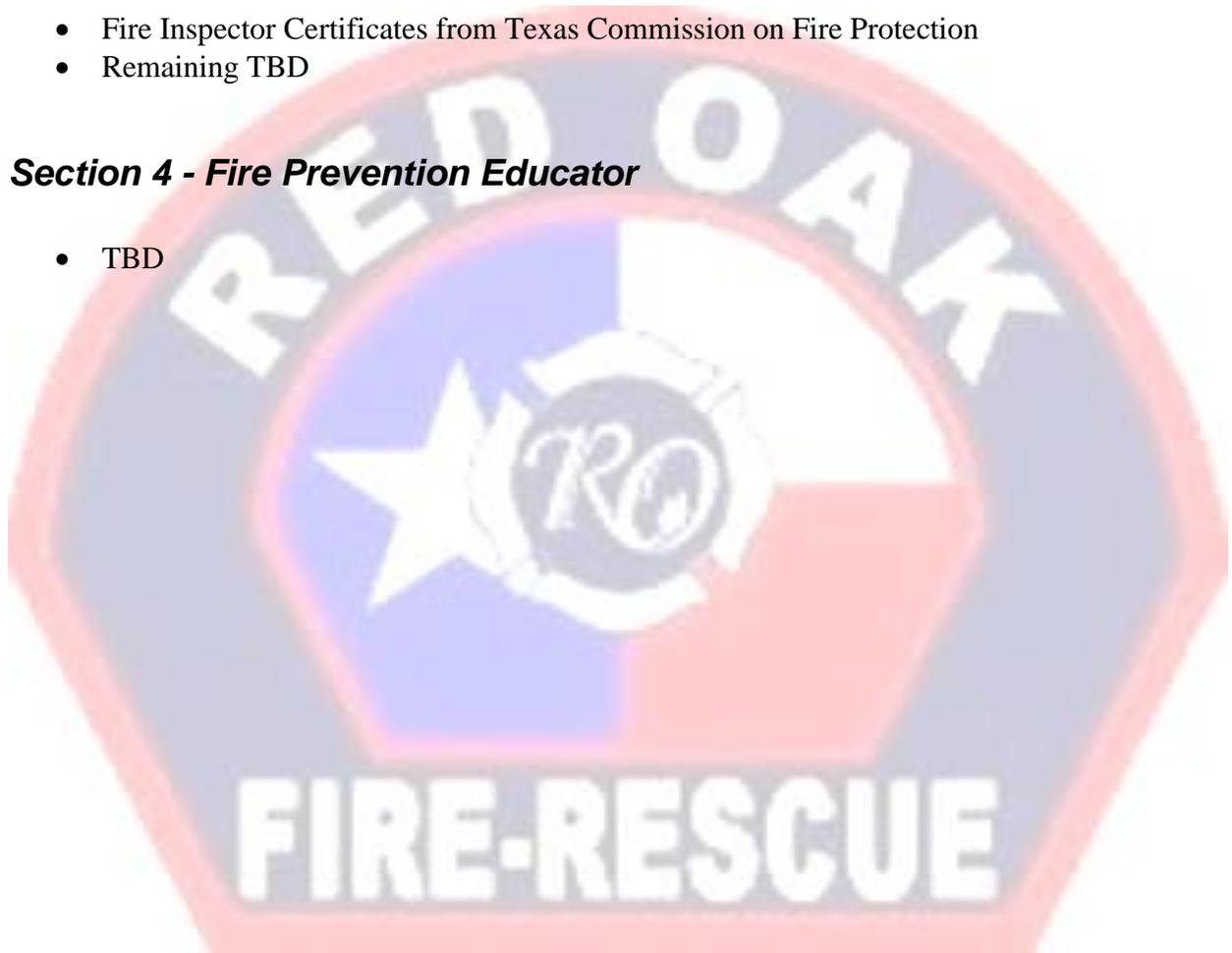
- Basic Peace Officers Certificate from Texas Commission on Law Enforcement Officer Standards and Education
- Fire Investigator from TCFPPSE preferred
- Remaining TBD

Section 3 - Fire Inspector

- Fire Inspector Certificates from Texas Commission on Fire Protection
- Remaining TBD

Section 4 - Fire Prevention Educator

- TBD



ARTICLE 3 - PROFESSIONAL CODE OF CONDUCT

Section 1 - General Rules and Duties

1. Members of the Department, while in uniform or on duty, shall be quiet, civil, respectful and orderly at all times, and shall refrain from coarse, profane or insolent language, demeaning gestures or inflammatory slang expressions when dealing with the public and answering questions.
2. It shall be the duty of every member of the Department to promote good public relations by giving assistance when it is required, by ensuring the impartial administration of the law, and by exhibiting clean, sober and orderly habits.
3. A member shall courteously and promptly accept any allegation or complaint against any member of the Department and direct the complainant to the on-duty supervisor. The receipt and processing of all complaints shall be in conformance with established procedures and laws.
4. A member shall conduct himself or herself at all times, both on and off duty, in a manner as to reflect favorably on the Department. Conduct unbecoming an employee shall include that which tends to bring the Department into disrepute or reflects poorly upon the employee as a representative of the Department, or that which tends to impair the efficient operation of the Department, the employee or other employees.
5. Any member of the Fire Marshal's Office summoned by a law enforcement organization, concerning any matter in which the member of the Department may become a defendant, must, at once, report this fact and all related facts to his or her supervisor immediately. This rule is not intended to abridge the member's right to counsel in any way.
6. A member who is arrested or is required to appear before any court or regulatory agency to answer a charge, or to appear as a witness, arising out of any incident in which he or she has been involved while on or off duty, must immediately notify the Fire Marshal or his designate as soon as possible, giving the facts of the incident, or, if unable to comply personally, he or she shall have a responsible person make this immediate notification.
7. A member shall report for duty at the time and place specified by his or her superior and shall be physically and mentally fit to perform the assigned duties. The member shall be properly equipped and cognizant of information required for the proper performance of duty so that he or she may immediately assume duty.
8. A member shall be punctual in reporting for duty and in maintaining assigned work schedules, attendance to all calls, requirements of duty, court appointments and other circumstances where time is specified.

9. Sworn peace officers shall carry their badge of authority and identification credential at all times while on or off duty, and shall furnish their name and badge number to any person upon request.

Section 2 - Internal Relations

1. No member shall, at any time, be insubordinate or disrespectful to a superior ranking officer.
2. Members will obey all orders from their superior, whether written or oral, except when compliance with such orders would require the commission of an illegal act. No member, without adequate justification, will intentionally issue an order that is contrary to any order issued by his or her superior. Members to whom conflicting orders are issued will call immediate attention to such conflicts. However, if the conflict is not resolved, the last order will be obeyed.
3. An order may be countermanded in case of emergency. Any member countermanding a prior order will immediately report the reason to his or her supervisor or a superior ranking officer. Responsibility for all prudent and reasonable actions necessary for compliance with orders will remain with the supervisor issuing the order. Accountability for all action taken in compliance with orders remains with the personnel taking such action.
4. A member shall, unless otherwise directed by competent authority, transact all official business with those of superior rank or classification only through the official chain of command.
5. No superior ranking officer or supervisor shall injure or discredit a subordinate through unreasonable, unjust or arbitrary conduct, or by abusive language.
6. No member of the Department shall maliciously threaten strike or assault any other member of the Department. Members who aid, abet or incite any altercation between members of the Department shall be held responsible along with those actually involved.
7. Any attempt to bring influence to bear upon the Fire Marshal or designee for the purpose of securing promotion or transfer, or to avoid the penalties for reprehensible action or conduct, shall be considered equivalent to insubordination and treated accordingly.
8. Any member who, being present at or having cognizance of any mutinous, seditious, rebellious or reactionary movement within the Department, must use his or her utmost effort to suppress the same, or knowing or having reason to believe that such movement is to take place, must give information thereof to his or her shift supervisor, supervisor, or superior ranking officer without delay.
9. A member shall not frequent other duty posts or offices while on duty, except as duty requires or upon order.

10. An employee has the right to join labor or fraternal organizations, but nothing shall compel the Department or the City of Red Oak to recognize or to engage in collective bargaining with any such labor or fraternal organization, except as provided by law.
11. A member shall not engage in any strike or job action. Strike or job action includes, but for purposes of this rule is not limited to, the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by physician's statement, stoppage of work, or the abstinence, in whole or in part, from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.
12. A member shall not interfere with cases assigned to other members for investigation without consent, nor shall they interfere with any other civilian or Fire Department function.
13. A member might occasionally wish to tape a conversation between himself or herself and another member or members. This may happen when a record is needed for future reference or report preparation. If not handled properly, this can create distrust and hostility between employees. Therefore, a member wishing to tape any conversation between himself or herself and another member will inform the other person that they wish to tape the conversation. The conversation will not be taped if the employee involved in the conversation indicates they do not wish to be recorded.

Section 3 - Prohibited Activities

1. No member shall criticize or ridicule the City of Red Oak, its policies or its employees by speech, writing or by expression in any other manner, when such speech, writing or other expression is defamatory, obscene, unlawful, exhibits a reckless disregard for truthfulness, or tends to undermine the Department or the City by impairing their efficiency or by interfering with their operation or maintenance of discipline.
2. No member of the Department shall compound any offense committed against his or her person or property or withdraw any complaint in relation thereto, without the consent of the Fire Marshal.
3. No member of the Department shall, in any manner, affiliate himself or herself with any organization, association, movement, group or combination of persons which advocates the overthrow of our constitutional form of government, which has adopted the philosophy of advocating or approving the commission of acts of force or violence to deny any person his or her rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.
4. A member shall avoid associations or dealings with persons whom he or she knows, or should know, are racketeers, gamblers, felons or persons under criminal investigation or

indictment, or others who have a reputation in the community for felonious or criminal behavior, except as directed otherwise by a superior.

5. A member is prohibited from using his or her official position or official identification card or badge for personal or financial gain, or as a means of obtaining privileges not otherwise available to him or her, or for avoiding the consequences of illegal acts, this includes traffic violations. A member may not lend his or her identification card or badge to another member, or permit it to be photographed or reproduced without the prior written approval of the Fire Marshal.
6. A member shall not permit or authorize the use of his or her name, photograph or official title identifying him or her as a member of the ROFR LIFE SAFETY DIVISION in connection with testimonials or advertisements without the prior written approval of the Fire Marshal.
7. A member shall not acknowledge another Fire Marshal Office or Police employee who is in civilian clothing and assigned as an investigator or otherwise involved in covert activities unless such member acknowledges him or her first.
8. Members of the Department acting in an official capacity will not recommend or suggest to any person the name of any person, firm or corporation as attorney, counsel or bondsman.
9. A member of the Department will not accept a witness fee or reimbursement for expenses incurred in connection with their official duties without the written permission of the Fire Marshal or designated subordinate. This includes payment in connection with a subpoena or similar document.
10. A member shall not address a public gathering, appear on radio or television, prepare any article for publication, or act as a correspondent to a newspaper or a periodical for the purpose of releasing or divulging investigative information or any other matters of the Department, either in an official or unofficial capacity, without first having obtained permission from the Fire Marshal or designated subordinate.
11. A peace officer has the same rights to engage in political activity as are afforded to any citizen. This right to engage in political activity shall not apply to any peace officer when he or she is on duty or when he or she is acting in his or her official capacity.
12. No member shall sign a petition, without the authority of the Fire Marshal, when his or her signature implies or indicates that he or she is an employee of the ROFR LIFE SAFETY DIVISION, nor shall any employee sign any petition that has any unlawful purpose. However, any employee may sign a lawful petition as a private citizen and cannot be prohibited from doing so while off-duty.
13. A member in uniform or partial uniform shall not enter bars, taverns or liquor establishments while on or off duty, except in the proper performance of duty.

14. No member shall, without proper authority, release any prisoner in his or her charge.
15. A member shall not interfere with any lawful arrest or any prosecution brought by any other member of Department or by any other agency or person.
16. A peace officer shall not undertake any investigation or other peace officer action not a part of their regular duties without first obtaining permission from a supervisor, unless the situation requires immediate peace officer action.

Section 4 - Firearms and Their Use

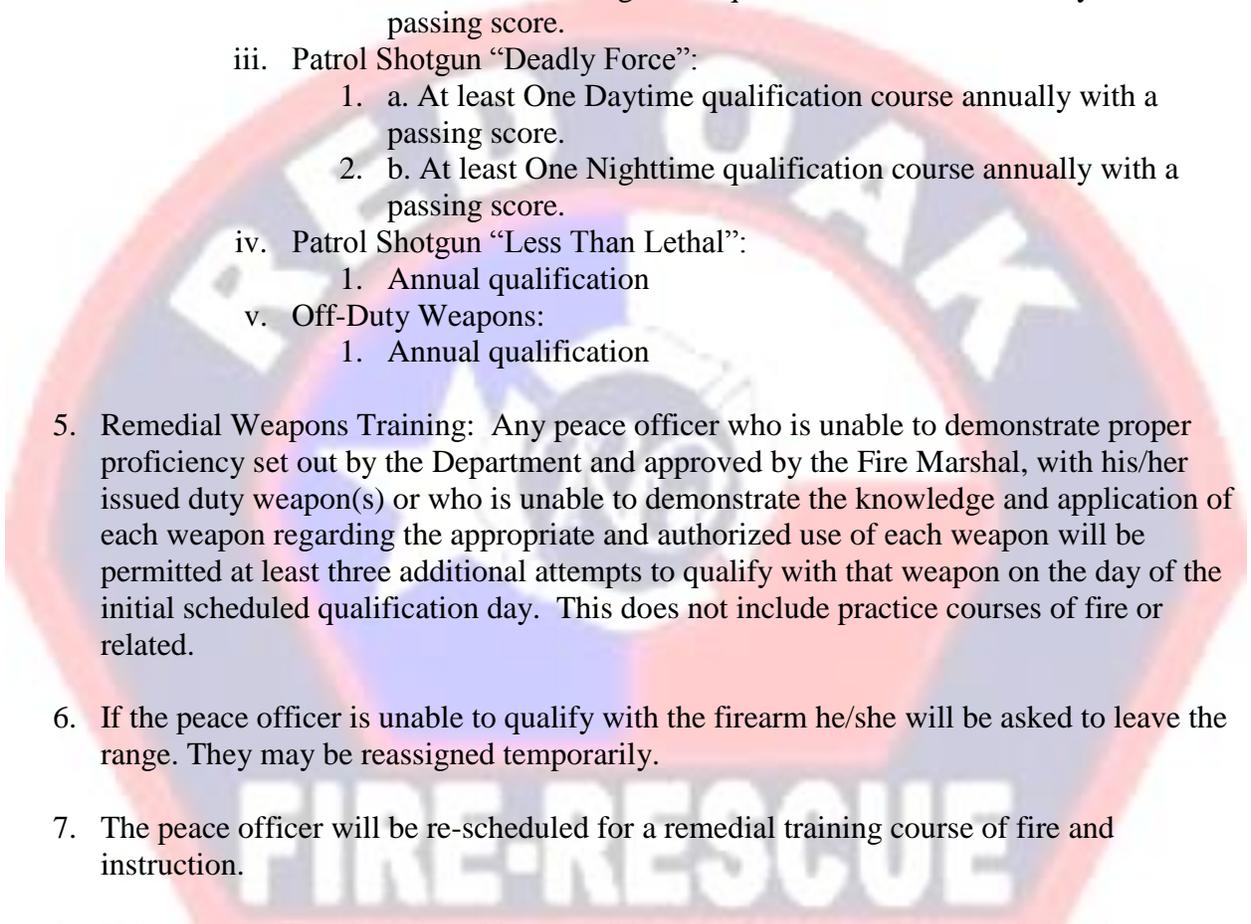
1. Firearms, as used in this section, shall mean all Department issued or approved weapons and approved secondary weapons which may be owned by the individual peace officer.
2. Each peace officer authorized to carry a firearm, and who has been issued a Department owned firearm, and/or is authorized to carry a personal firearm off duty, shall fulfill all qualification requirements set forth by TCLEOSE. In the event a peace officer does not demonstrate adequate proficiency with a firearm under such TCLEOSE standards, the individual shall not be permitted to carry a firearm.
3. When on duty, ROFR LIFE SAFETY DIVISION peace officers may be armed with their approved firearm and shall carry with them their badge and identification. The Fire Marshal shall approve all firearms for carry. The Fire Marshal shall designate when it is appropriate to openly carry approved firearms.
4. When openly carrying or in possession of firearms on duty, peace officers shall display the badge of office in plain view so as not to invite unfavorable comment from the public and others. Peace officers shall use prudence and good judgment while carrying firearms and must be aware that the unauthorized or illegal display of a weapon (i.e. quick drawing, pointing a gun indiscriminately at others, etc.) in public or other places may cause public concern and could direct unfavorable comment toward the Department. Peace officers will refrain from any horseplay or other irresponsible behavior with firearms.
5. Peace officers shall carry or use, while on duty, only those firearms and ammunition which have been specifically approved by or issued by the Department. An off-duty peace officer may carry his or her own personal firearm, if such firearm and ammunition have been authorized by the Fire Marshal, and the peace officer has qualified with that firearm at least annually under the direction of a Department range master.
6. A peace officer, regardless of the intent of the Texas Code of Criminal Procedure and affiliated statutes to the contrary, is prohibited from using, in any manner, a weapon issued by the Department in any situation of employment other than for official and approved Department business.
7. Peace officers who are authorized to carry firearms and have been issued firearms shall not leave the firearm in a location or under any circumstance that might allow casual loss, theft or unauthorized use by third parties.

8. A Department owned and/or issued firearm must be cleaned periodically and after each time it is discharged. The exception to this would be if a peace officer is involved in a shooting incident. In that case the integrity of the weapon must be maintained pending investigation. Personally owned firearms approved for use must be cleaned and maintained in good working order.
9. Peace officers may not carry or use any item reasonably considered to be a weapon unless the peace officer has received prior written authorization from the Fire Marshal, and the peace officer has received appropriate certified TCLEOSE training with the weapon.
10. All peace officers must report to the person so named by the Fire Marshal any loss, theft, damage or malfunction of his or her issued firearm or ammunition. Only the weapons custodian is authorized to have Department owned firearms repaired or modified in any manner. Modification includes any work that permanently changes the internal or external features of the firearm.
11. Firearms may only be discharged by a peace officer when used in the following circumstances:
 - A. Where deadly force is authorized, as provided in 5.2.2 (Article 5, Section 2 Subsection 2).
 - B. Where the discharge is otherwise approved by the Fire Marshal or designated authority.
12. Firing at a moving vehicle, firing from a moving vehicle, and/or recklessly displaying a firearm are all prohibited actions unless performed in self defense, under life-threatening situations. Warning shots will NEVER be fired and are prohibited.
13. Any time a peace officer discharges a firearm, whether on or off duty, for any reason other than at an approved range, the peace officer will submit a written report to the Fire Marshal. The report shall adequately explain the circumstances. Each peace officer present at the scene when the weapon was discharged will also submit a written report to the Fire Marshal fully explaining the circumstances.
14. Whenever a peace officer discharges a weapon in the line of duty or accidentally while on or off duty, the peace officer must immediately notify the Fire Marshal. Discharging a firearm on duty shall be followed by an internal investigation, with all gravity and substance provided for a criminal investigation. The Red Oak Police Department shall initiate a case number and file and shall be responsible for investigating each weapons discharge incident.
15. The investigating officer shall locate the firing position or positions, the location where rounds impacted, record damage, take statements from witnesses, prepare necessary diagrams, take photographs and prepare a report.

16. A hearing shall be convened to review the details of the incident. A peace officer found to have discharged a firearm not in conformance with Department policy will be subject to disciplinary procedures.
17. The peace officer who discharged the weapon shall immediately surrender it to the first responding supervisor, unless an emergency situation exists at the scene, and then as soon thereafter as practical under the existing circumstances.
18. A peace officer who discharges a weapon in the line of duty may be required to submit to a psychological interview or assessment; as well as a drug/alcohol screen.
19. The peace officer who discharged the weapon will be held accountable for having given forethought to surrounding persons, structures, etc., and for not having discharged the weapon carelessly or in a manner that would endanger other persons or property.
20. For further reference, refer to Article 5 - Use of Force Policy.

Section 5 - Firearms Qualifications and Related

1. Purpose: To outline the requirements related to the demonstration of weapons proficiency and general knowledge regarding issued weapons by the Red Oak Fire Marshal's Office. This section will also cover personally owned weapons, to be carried off duty.
2. Guideline: Each peace officer who has been issued a Department weapon shall be required to complete a prescribed course of fire pertaining to each issued weapon. All peace officers shall be required to achieve a passing score on each course of fire for each issued weapon as outlined by the Department and approved by the Fire Marshal or designee and/or governed by TCLEOSE.
3. Course Requirements: The Department course of fire for each weapon will be demonstrated by the Department designated Range Officer as approved by the Fire Marshal or designee. Prior to any course of fire being approved by the Fire Marshal or designee, the Range Officer must demonstrate proficiency themselves with the proposed course of fire. They shall include but not limited to:
 - a. The demonstration on how to achieve a minimum qualifying score on a specific course of fire as defined by the Department and/or as governed by TCLEOSE.
 - b. A review of the different content and application of laws, policy and procedures concerning the authorized use of the different weapons issued and carried.
 - c. A review of Department policy regarding the use of force, escalating the use of force and the use of deadly force; and
 - d. General safety rules and how to recognize safe handling practices and procedures for each specific issued weapon.
4. Qualification Requirements:

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- a. All sworn peace officers shall perform the following with each issued or carried weapon:
 - i. Approved Duty Weapon - Sidearm:
 - 1. At least One Daytime qualification course annually with a passing score.
 - 2. At least One Nighttime qualification course annually with a passing score.
 - ii. Patrol Tactical Rifle:
 - 1. a. At least One Daytime qualification course annually with a passing score.
 - 2. b. At least One Nighttime qualification course annually with a passing score.
 - iii. Patrol Shotgun "Deadly Force":
 - 1. a. At least One Daytime qualification course annually with a passing score.
 - 2. b. At least One Nighttime qualification course annually with a passing score.
 - iv. Patrol Shotgun "Less Than Lethal":
 - 1. Annual qualification
 - v. Off-Duty Weapons:
 - 1. Annual qualification
 - 5. Remedial Weapons Training: Any peace officer who is unable to demonstrate proper proficiency set out by the Department and approved by the Fire Marshal, with his/her issued duty weapon(s) or who is unable to demonstrate the knowledge and application of each weapon regarding the appropriate and authorized use of each weapon will be permitted at least three additional attempts to qualify with that weapon on the day of the initial scheduled qualification day. This does not include practice courses of fire or related.
 - 6. If the peace officer is unable to qualify with the firearm he/she will be asked to leave the range. They may be reassigned temporarily.
 - 7. The peace officer will be re-scheduled for a remedial training course of fire and instruction.
 - 8. If the peace officer is still unable to qualify with the weapon after completing the Remedial Course, the peace officer will be allowed 30 days from the date of the Remedial Course to achieve a qualifying score. The peace officer will be encouraged to arrange training and practice time with a Range Officer.
 - 9. If the peace officer is unable to achieve a passing score within a 30 day period, this may result in disciplinary / corrective action that may include separation from the Department. However, prior to any such action being taken an internal review of the Range Officer' techniques and course of instruction used during the remedial training will be reviewed by the Fire Marshal.

Section 6 - Range Rules

1. The firearms instructor and /or range master will be in control at all times.
2. Peace officers waiting to shoot shall remain outside the immediate firing area.
3. All shooters must bring with them Hearing and Eye protection.
4. Horseplay will not be tolerated on the firing range at any time.
5. The Range Officer will inspect ALL weapons to:
 - a. Ensure that the weapons are safe; and
 - b. To ensure that the weapons are properly maintained
6. The Range Officer will inform all shooters of the Firearms Safety Rules which are:
 - a. Treat every weapon as if they are loaded.
 - b. Keep your finger straight and off the trigger until you are ready to fire.
 - c. Never point your weapon at anything you do not intend to shoot.
 - d. Always know what lies beyond your target.
 - e. Keep the weapon on safe until you are ready to fire.
 - f. NEVER ASSUME ANYTHING
7. All weapons and magazines shall be emptied within the firing range upon command and under supervision of the firearms instructor or range master.
8. All weapons will be cleared upon direction of the firearms instructor on the firing line.
9. Weapons that are in the holster shall remain in the holster at all times until on the firing line. If a peace officer has to make ready, it will be done ONLY on the firing line.
10. Once the peace officer has completed the course of fire and fired all their rounds, they will extract the empty magazine from the weapon. They will then hold the weapon and magazine to their right or left with the slide to the rear. The firearms instructor or range master will visually and physically check the weapon prior to placing the weapon back in the holster. The weapon will then remain in the holster until instructed otherwise by the firearms instructor or range master. No weapons are to be out of the holster unless they are on the firing line.
 - a. Once ALL the weapons have been cleared and holstered, you may then pick up any magazines on the ground and proceed to the designated loading area to reload your magazines. (Again, the weapon stays in your holster).
 - b. No weapon will be charged or made ready until instructed to do by the firearms instructor.
11. Before going to the firing line all peace officers shall have their hearing and eye protection in place.
12. At no time will any shooter take a position on the firing line until instructed to do so by the firearms instructor.

13. Prior to beginning the course of fire, the firearms instructor will instruct the course of fire. Each peace officer MUST indicate a clear understanding of the commands and course of fire, Commands will be:
 - a. Command for loading and/or make ready will be – “Load - Make Ready” this will ONLY be performed on the firing line.
 - b. Command for fire will be – “Fire”
 - c. Command for cease fire and/or unload will be – “Cease Fire, Cease Fire” – “Unload Show Clear” once cease fire is said and heard all firing shall STOP at once. When the command unloads is said, the shooter will remove the magazine, extract the round in the chamber and leave the slide to the rear.
 - d. Command for a cold range will be – “The range is cold”
 - e. Command for a hot range will be – “The range is hot” and all personnel will put on their hearing and eye protection.
14. At no time will anyone go beyond the firing line until it is determined a “Cold Range” by the firearms instructor.
15. Upon completion of the course of fire no one shall walk off the firing line until all weapons have been properly cleared and given instructions from the firearms instructor.
16. ALL duty weapons will be cleaned prior to leaving the range; weather permitting.
17. At no time will anyone perform any weapons maintenance without the approval of the firearms instructor or range master while on the range.
18. Scoring Procedures:
 - a. Excessive Hits during a Course of Fire: If there are more hits counted on the shooters target, that shooter will receive the highest value of the number of shots fired that was supposed to be fired. Example: If there was supposed to be 10 hits and there is 13 hits counted, the shooter will receive a score for the 10 hits. The three lowest scoring hits will be dropped.
 - b. Insufficient Hits during a Course of Fire:
 - i. If there are insufficient hits counted and three or more shot holes are touching, and there are no excessive hits on the target to the left or to the right, the shooter will receive the value of the touching shots for the missing hits.
 - ii. If there are insufficient hits counted and there are not three or more shots touching, the shooter must accept the score for the number of hits counted on the target.

10. Alibis: An alibi may be awarded during any qualification/re-qualification course of fire. They will only be awarded if there was a condition caused by the weapon, ammunition or range condition that was beyond the control of the shooter and caused the shooter not to have an equal opportunity to complete the course of fire. If the shooter has a stoppage, it is his/her responsibility to perform immediate action "TAP-RACK-BANG" on the weapon and get back in the fight.
11. Circumstances that do not constitute an Alibi:
 - a. The weapon has not been maintained, cleaned, or properly lubricated.
 - b. The weapons magazine was not properly seated in the magazine well.
 - c. Failure to chamber the first round prior to engaging the target.
 - d. Failure to replace any magazine that was in need of being replaced.
 - e. Failure to shoot the number of rounds told to shoot for that course of fire.
 - f. The shooter fails to fill his/her magazine with the proper number of rounds.
 - g. The shooter fails to reload properly.
 - h. The shooter fails to perform immediate action properly when a stoppage occurs.

Section 7 - Property/Evidence Management

1. Purpose - To establish policies and procedures for the effective administration of handling evidence.
2. Policy - Peace officers will follow the policies and procedures of the Red Oak Police Department Property Custodian.
3. Field Release of Property
 - a. The general policy of the Department is to release property/evidence at the scene of an incident to the complainant/owner whenever practical. The intent is to avoid unnecessary waste of personnel time and to ensure the expedient return of property to its rightful owner.
 - b. The below listed categories of property/evidence will be released in the field upon reasonable identification of the owner/complainant unless the articles are needed for further evidentiary processing. When an item related to an offense is released in the field, the release must be fully documented in the report. Photographs should be taken of the released property and turned in with the case file. The photographs will be properly marked and placed in an envelope.
4. Packaging and Evidence Sheet Completion
 - a. When evidence/property is taken into custody, the impounding peace officer shall complete an evidence/property report. Proper completion of this instrument is mandatory, as it serves as the official record of Departmental custody. All property that has evidentiary value will be placed in the property room.
 - b. All evidence/property shall have a property tag affixed and secured to the actual item or its container. The tag will be affixed with string or wire. The item

number should be placed on the tag and it should correspond with the item number on the evidence report. In addition to tagging the item, the peace officer should place his/her initials, badge number, and the date on the actual item without destroying its value.

- c. In all instances, the impounding peace officer is responsible for ensuring that each item is properly packaged, marked and inventoried on the appropriate Departmental forms. The Property Custodian will not accept items that are not properly packaged, marked and inventoried.

5. Temporary Storage

- a. Impounding peace officers shall place all evidence into a property locker. The impounding peace officer shall secure the locker with a padlock to prevent unauthorized handling of the evidence. Evidence too large to fit in the locker will be turned over to the on-duty Supervisor from shift to shift, until it can be secured in the property room. Chain of custody will be maintained at all times. If no supervisor is on duty when large evidence is obtained, contact the Fire Marshal ASAP, so that it may be secured.
- b. At no time will an impounding peace officer keep evidence/property in their Departmental locker, office, or vehicles and shall never take the evidence/property home.

6. Storage

- a. All property taken into custody by the Department will be stored in the property room, except property that is too large to fit and photographs of field released/destroyed property.
- b. Peace officers will determine which property/evidence should consider as evidence. The Property Custodian will receive any property delivered by the Department. Only authorized personnel shall have access to the property/evidence storage area to secure property from unauthorized removal, alteration, and theft.
- c. Once property is transferred to the property room, the Property Custodian shall be responsible for its care, custody and control. The Property Custodian shall keep chain of custody, either by handwritten or computer medium for all property received. The property will be stored in a designated storage area within the property room. Items placed in the property room shall be maintained until temporary release is authorized or the final disposition of that case has been announced. Once final disposition of the case has been announced, the Property

Custodian will properly dispose of the property in a timely manner, consistent with existing statutes.

7. Temporary Release of Evidence

- a. There are times when an officer, investigator, or attorney will need to review evidence/property for a case. This often includes removal of the item from the property room. When an item is removed from the property room and taken, the authorized person will sign the chain of custody.
- b. When a peace officer requests temporary custody of an item of evidentiary value, the Property Custodian will retrieve the item and the peace officer will sign the chain of custody. A copy of the property sheet will be given to the peace officer and the Property Custodian shall keep the original. If the evidence is sealed and the peace officer has a need to open the bag, the peace officer will open the bag in a place other than the original seal to examine the item. After examining the item, the peace officer will reseal the bag by heat-sealing or by placing tape over the opening and initialing the new seal. If any evidence is kept by the court for a court case, it will be the responsibility of the peace officer originally receiving the property to inform the Property Custodian and to obtain the name, title and signature of the person having present custody of the evidence on the property form. This completed form will be returned to the Property Custodian.

8. High Security Risk Items

- a. Added security measures will be taken for the storage of currency, jewelry, gemstones, weapons and narcotics. These items will be stored in the safe located in the property room unless the item is too large to fit within the safe.

9. Disposition of Property

- a. All property will be disposed of in a timely manner after its final disposition has been announced using the below listed Procedures:
- b. Found and Abandoned Property-All found and abandoned property that remains unclaimed after it has been held for its legal term, except alcoholic beverages and contraband, will be held for public auction. Proceeds from this auction will go into the general fund for the City of Red Oak.
- c. Recovered Property-All recovered property of value, where the owner is known, shall be returned to the owner. All recovered property that is unclaimed will be treated as abandoned property.

- d. Evidentiary Property-All evidentiary property that is not submitted into evidence at a trial will be destroyed as soon as its final disposition is determined. No evidentiary property with a final disposition will be held longer than six months. Evidence for major cases with pending appeals will not be destroyed without prosecutor approval.
- e. Evidentiary property recovered at a crime scene where a property crime has been committed will be destroyed after six months if no case is filed.
- f. Evidentiary property recovered from the scene of a crime against a person, except homicide, will be destroyed after two years if no case has been filed.
- g. Evidentiary property recovered from a scene of a homicide will remain in inventory until the case has been cleared.
- h. The Property Custodian will destroy all seized alcoholic beverages and a list of the destroyed property will be turned over to an agent with the Texas Alcohol and Beverage Commission.

Section 8 - Gratuities

1. A member of the Department shall not use his or her position, badge or uniform to solicit or accept gifts or gratuities that could, in the public eye, be interpreted as capable of influencing judgment in the discharge of police duties, or that would reflect favoritism by the member or Department towards any particular person, group or business. Any member violating this section will be subject to termination.
2. This policy does not prohibit:
 - a. Unsolicited discounts or services to all officers and other members so long as the member does not profit by reselling the item or offering the service to another. The estimated amount of the gift, discount or service shall not exceed Fifteen Dollars (\$15.00). An attempt will always be made to pay for said item and or service.
 - b. Acceptance of awards, including money, given to an employee by a publicly recognized organization in recognition of outstanding service or achievement.
 - c. Acceptance by a member of money or gifts on behalf of the Department with approval of any command-level supervisor. Such items accepted shall be of benefit to the Department as a whole or for some worthy cause that is sponsored in whole or in part by the Department.
3. A member shall immediately report any offer or attempt to offer money, gifts or other gratuity made in an effort to influence their official conduct. This report will be made immediately, in writing, to the Fire Marshal.

ARTICLE 4 - PERSONNEL POLICY

Section 1 - Field Training for Fire Investigators

1. All new peace officers shall receive on-the-job training described in the Field Training Program. The new officer will have a Field Training Officer assigned to him or her. This program will provide the new officer with the appropriate job-related skills and knowledge necessary for the new officer to effectively perform his or her job. This program also allows the FTO the opportunity to view the new member on the job, in a manner that should determine the member's skill and knowledge level and level of effectiveness.
2. Each FTO shall maintain a file for the FTO Program, and will retain in that file copies of this procedure and copies of the FTO forms.
3. The FTO shall review the FTO Program with the new officer, providing the officer with a copy of the Program for his or her information.
4. Each review period, the FTO shall evaluate the officer and report this on the FTO form (rating and evaluation sheet). At the end of each review period, the FTO shall review this rating and evaluation form with the trainee and both must sign the form after review. This form is then forwarded through the chain of command to the Fire Marshal, at which point after review it will become a part of the peace officer's personnel file.
5. This rating and evaluation procedure will be conducted for a total period determined by the Fire Marshal and FTO as appropriate for that peace officer.
6. Unsatisfactory ratings may result in counseling, remedial training (maximum of one (1) week), reduction from appointment as a peace officer position or termination. The Fire Marshal shall be responsible for the final decision.
7. The Following are the minimum requirements to serve as a Field Training Officer:
 - a. Nomination by Fire Marshal.
 - b. Basic Instructor certification within a year of appointment as FTO.
 - c. Be able to successfully complete the FTO training course as approved by TCLEOSE for Field Training Officers.
 - d. Complete Basic Instructors and New Supervisors course as outlined by TCLEOSE within one year of appointment as an FTO.

ARTICLE 5 - USE OF FORCE

Section 1 - Use of Force Options

1. Definitions:
 - a. "Force" means power dynamically considered, that is, in motion or in action; constraining power, compulsion; strength directed at an end. Force may be applied through the use of a person's body, weapons, equipment and/or other instruments.
 - b. "Substantial Force" is the use of force that causes injury to a person such that medical treatment is necessary or appears necessary, or death has resulted.
 - c. "Deadly Force" means force which is likely to cause death or serious bodily injury, or which a reasonable, prudent person would consider likely to cause death or serious bodily injury.
2. Introduction to Use of Force: It is the policy of the ROFR LIFE SAFETY DIVISION that its peace officers shall, in every instance; only use that amount of force reasonably necessary to accomplish their lawful mission. Further, it is the Department's policy that a peace officer must reasonably assess a situation and determine it to justify use of a firearm before removing it from its holster or otherwise displaying it. Using or displaying a firearm in circumstances other than those described in this section is contrary to Department policy. In any case where an amount of force greater than compliant handcuffing is used, a "use of force" incident designation will be placed on the applicable report. Furthermore, peace officers will insure that emergency medical personnel provide care as needed to the involved subject(s).
3. Situations which require a determination of propriety in the use of law enforcement weapons occur infrequently. However, because of the extreme consequences that result from law enforcement shootings, as well as other kinds of force, the issue must be considered one of vital concern. Notwithstanding the fact that there may be legal justification for using deadly force to deal with those who may perpetrate crimes against persons or property, the ROFR LIFE SAFETY DIVISION and the Fire Marshal places a greater value on human life than on the protection of property, and will act accordingly.
4. It must be understood that the laws justifying the use of deadly force do not obligate a peace officer to use such force, but rather, define the legal parameters within which a peace officer may use deadly force and provide alternative courses of action. Responsibility for making a decision to use deadly force and the use thereof remain solely with the peace officer so acting. Therefore, the peace officer is responsible for having made a reasonable and prudent decision and for having known and complied with the law and policy applicable to the circumstances. The purpose of this section is to define the policy of the Office of the Fire Marshal regarding the use of force and to establish procedures relating to the use and care of weapons. Although not intended as a

strictly enforced set of rules, these Procedures describe the manner in which the policy and procedures will be applied.

Section 2 - Use of Lethal Force

1. The decision to use lethal force is one of the most serious decisions a peace officer can make. In making that decision, peace officers must be mindful of their duty to perform their police mission **USING ONLY THAT FORCE REQUIRED TO CARRY OUT THEIR RESPONSIBILITIES EFFECTIVELY AND SAFELY**. The peace officer's decision to use lethal force can be justified only by the facts or information reasonably apparent to the peace officer at the time he or she makes the decision to use lethal force. Facts not reasonably apparent to the peace officer, regardless how compelling, cannot be considered in determining later whether the use of deadly force was justified. In the event a peace officer is involved in a shooting or critical incident they will be required to go through post incident debriefing no later than 24 hours after the incident. This will be provided for by the Department.
2. Peace officers should review and be familiar with Sections 9.32, 9.33 and 9.51 of the Texas Penal Code which mandate legal requirements regarding the use of lethal force. All peace officers will be held responsible for knowledge of these laws. It is the policy of the Fire Marshal that deadly force shall be used by peace officers only in circumstances in which deadly force is immediately necessary:
 - (1) To protect themselves or others from what they reasonably believe to be an imminent threat of death or serious bodily injury; or
 - (2) To affect the arrest or prevent the escape of another who has allegedly committed a violent, forcible felony for which the arrest or detention is authorized, or if the peace officer reasonably believes the person's escape represents an imminent threat of death or serious bodily injury to the peace officer or others if the arrest is delayed.
3. Use of non-lethal Force: As is the case with deadly force, a peace officer's decision to employ non-lethal force must be based on reasonable assessment of the surrounding facts reasonably apparent to the peace officer. The amount of force to be used should be relative to those facts. Although use of non-lethal force rarely results in a fatality, that potential does exist. Therefore, serious consideration must be given to a peace officer's decision to use it.
4. The Fire Marshal may conduct an administrative review to determine whether a peace officer's use of force was justified. A conclusion as to whether use of force was justified will be based on what reasonably appear to be the facts known by the peace officer at the time the force was applied. Information made available after the incident occurred may not be used to justify the peace officer's action.

Section 3 - Aerosol Subject Restraint (ASR) / Pepper Spray

1. Use of Aerosol Subject Restraint Option (ASR) / Pepper Spray is appropriate with actively combative individuals who have resisted or ignored verbal commands, when physical control techniques are necessary, or when there is a danger of peace officer injury. In making the decision to use an ASR, peace officers must be ever mindful of their duty to perform their police mission using only that force required to carry out their responsibilities. ASR represents a force alternative to lethal force.
2. Peace officers shall carry or use only the issued and approved ASR unit. Each peace officer authorized to carry an ASR unit shall fulfill all requirements set forth by the approved course of instruction.
3. Peace officers will issue verbal commands before, during, and after a confrontation. Commands given before the actual use of force are essentially warnings that attempt to coax cooperation from the subject. They are also for the ears of witnesses.
4. Once the chemical has been applied, the peace officer will attempt to physically bring the subject under control. The subject must be continually instructed with verbal commands to "lie down" or "stop resisting".
5. After resistance has ceased, the subject must be reassured that nothing further will be forthcoming. This is to keep the subject from becoming violent again from frustration or in an effort to escape discomfort. Inform the subject that they will be allowed to decontaminate.
6. The subject should be allowed to decontaminate by using water if available or any approved decontamination material. Care should be exercised when allowing a subject to decontaminate. It is recommended that the peace officer decontaminate the subject since the peace officer may risk injury if the subject is released from any restraints prior to being placed into confinement.
7. It is imperative that the subject be monitored carefully until symptoms disappear to ensure medical treatment is provided should it be needed. Some indications that medical treatment should be obtained are if the subject displays physical symptoms other than a slight reddening of the skin, complains of an inordinate amount of pain, or shows symptoms for more than 30 minutes. However, anytime the subject requests medical care, it should be provided.
8. **NOTE: Any indiscriminate/unauthorized use of an ASR will result in serious administrative and/or disciplinary action**

Section 4 - Use of Impact Weapon / ASP Baton

1. Use of Impact Weapon, ASP baton, is appropriate with actively combative individuals who have resisted and/or ignored verbal commands, when physical control techniques are necessary, or when there is danger of peace officer injury. In making the decision to deploy the impact weapon, peace officers must be mindful of their duty to perform their

police mission using only that force required to carry out their responsibilities. The impact weapon offers a force alternative to lethal force.

- a. Peace officers will carry and use only Department issued or approved impact weapons. Each peace officer authorized to carry and deploy such a weapon shall fulfill all requirements set forth by the approved course of instruction.
- b. Peace officers will issue verbal commands before, during and after a confrontation. Commands given before the use of force are essentially warnings that attempt to coax cooperation from the subject.
- c. Once the impact weapon is deployed, the peace officer will continue with commands to, "lie down" or "stop resisting". This provides the subject the continued opportunity to cease all resistance at any point of the confrontation.
- d. After resistance has stopped, the subject will be brought under physical control and medical assistance will be provided.
- e. In any case that an impact weapon is used, the subject will be transported to the nearest medical facility to be cleared before booking into a jail facility.

Section 5 - Special Munitions

1. The use of any special munitions, such as but not limited to less than lethal bean bag rounds, may be necessary under a variety of situations where the subject is actively combative or in control of a weapon other than a firearm. In each case where these special munitions are used, peace officers must evaluate the actions of the subject to ensure only the amount of force necessary is used to perform their duties and responsibilities.
 - a. Peace officers will qualify with each type of special munitions deployed from the shotgun assigned to their vehicle. Only those types of munitions specifically authorized by the Department will be utilized. Any other types of special munitions, stinger balls, tear gas, flash bangs, or other types, will only be deployed by a peace officer who has received specific training in the use of these types of weapons from a recognized authority on such weapons.
 - b. In the case of bean bag rounds for the police shotguns, peace officers must provide the subject with verbal commands before, during and after the deployment of the special munitions. These verbal commands offer the subject the opportunity to cease hostile action and stop the necessary use of these weapons.
 - c. After the subject is physically in control, peace officers shall provide medical assistance immediately.

- d. In any case those special munitions are used; the subject will be transported to the nearest medical facility to be cleared before booking into a jail facility.



ARTICLE 6 - EMERGENCY PROCEDURES

Section 1 - Vehicle Pursuits

1. Purpose: The purpose of this policy is to establish Procedures for making decisions with regard to vehicular pursuits. In general, peace officers of the Fire Marshal's Office are not expected to engage in vehicle pursuits unless directly related to their immediate investigation (as described below) or at the express request of another agency for assistance.
2. Philosophy: "Protection of human life is a primary goal of the Fire Marshal; therefore, peace officers have a responsibility to use only the degree of force necessary to protect and preserve life." Initiating or participating in a vehicular pursuit presents a danger to the peace officers involved, the suspect, and the general public. Accordingly, the decision to initiate a pursuit must be based on the pursuing peace officer's conclusion that the immediate danger to the peace officer, public and suspect created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
3. Definitions
 - a. Code 3: Code is defined as a peace officer who is operating an authorized emergency vehicle with approved lights and siren activated.
 - b. Code 2 response (lights only or siren only) is not authorized.
 - c. Code 1 response is a general response using no lights or siren.
 - d. A pursuit is defined as an active attempt by a peace officer in an authorized emergency vehicle, using a code 3 response, to apprehend a fleeing suspect in a motor vehicle who is attempting to elude the peace officer.
 - e. A suspect is considered to be fleeing upon making any overt action intended to avoid arrest.
 - f. The term "Chase" will be considered synonymous with "Pursuit".
4. Decision to Initiate Pursuit: (These same Procedures should be applied before a peace officer joins a pursuit initiated by another agency and they are requesting our assistance)
 - a. The decision to pursue must be based upon facts and circumstances known to the peace officer.
 - b. In deciding whether to pursue, an officer must take the following pursuit risk factors under consideration:
 - i. road, weather and environmental conditions,
 - ii. population density, vehicle and pedestrian traffic,
 - iii. relative performance capabilities of both the authorized emergency vehicle and the suspect's vehicle,
 - iv. seriousness of the offense,
 - v. presence of other persons in the peace officer vehicle,
 - vi. age of offender,
 - vii. whether or not the offender's identity is known, and

- viii. any circumstance under which the pursuing peace officer will be unable to maintain control of the emergency vehicle.
 - c. A peace officer may initiate a pursuit under the following circumstances:
 - i. When the peace officer has probable cause to believe that a felony involving the use or threat of physical force or violence has been, or is about to be, committed, and the peace officer reasonably believes that the immediate need to apprehend the offender outweighs the risk to any person of collision, injury or death, or
 - ii. to assist another law enforcement agency that has initiated a pursuit under the same circumstances and this agencies' assistance is requested.
 - iii. **All other pursuits are prohibited.**
- 5. Manner of Operation While in Pursuit
 - a. The emergency warning lights, siren, and emergency vehicle headlights will be used at all times while operating Code 3.
 - b. Only emergency vehicles equipped with operational emergency warning lights and sirens will participate in the pursuit of a fleeing vehicle.
 - c. Unmarked vehicles equipped with emergency lights and sirens will generally not become involved in a pursuit.
 - d. Vehicles with passengers (prisoners, witnesses, suspects, complainants or other non-fire personnel who have not signed a waiver of liability) will not become engaged in pursuits.
- 6. Pursuit Termination
 - a. Pursuing peace officers shall continually assess the pursuit risk factors and terminate the pursuit when the danger to the peace officer, public or suspect becomes greater than the immediate need to apprehend the suspect.
 - b. If visual contact is lost other than momentary, peace officers will discontinue the pursuit.
 - c. Peace officers will terminate a pursuit when directed to do so by a supervisor.
 - d. Once the decision has been made to terminate a pursuit, peace officers will immediately disengage emergency warning lights and siren and reduce to Code 1.
- 7. Prohibited Practices
 - a. Setting up roadblocks to stop violators.
 - b. Attempting to force the vehicle from the roadway by driving alongside or in front of the fleeing vehicle.
 - c. Bumping or ramming the fleeing vehicle in an attempt to force it from the road.
 - d. Discharging weapons at a moving vehicle unless an occupant of the vehicle is using or attempting to use deadly force on a peace officer or other persons.
 - e. Pursuing violators the wrong way on any freeway, one-way service road, one-way street, or divided roadway. This order is not intended to prohibit pursuit on an adjacent roadway where the peace officer is driving with the traffic flow.
 - f. Following so closely that adequate reaction and braking time is insufficient to prevent collision with any leading vehicle.
 - g. Initiating a pursuit for only a traffic violation, where no other requirements are present for a pursuit.

8. Responsibilities of pursuing elements

- a. Any element initiating a pursuit will immediately notify the police dispatcher of the following information:
 - i. Unit number.
 - ii. Direction of travel.
 - iii. Reason for pursuit.
 - iv. Description of vehicle and occupants.
 - v. Peace officers involved in a pursuit will immediately inform the dispatcher of any collision or other injury observed by the peace officer as a result of the pursuit.



ARTICLE 7 - RACIAL PROFILING POLICY

1. Policy and Purpose

This Racial Profiling Policy is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

2. Definitions

A. Racial Profiling: means 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. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

B. Race or Ethnicity: means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

C. Acts Constituting Racial Profiling: are acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

D. Pedestrian Stop: means an interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.

E. Traffic Stop: means the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

3. Prohibition

Peace officers of the City of Red Oak are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision by a peace officer. Race, ethnicity, or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching.

4. Complaint Process and Public Education

Any person who believes that a peace officer employed by the Fire Marshal has engaged in racial profiling with respect to that person may file a complaint with the Fire Marshal, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint. The Fire Marshal shall accept and investigate

citizen complaints alleging racial profiling by its peace officers. Such complaints shall be in writing, or the city employee, peace officer, or official receiving the complaint should reduce the same to writing, and should include the time, place, and details of the incident of alleged racial profiling, the identity or description of the peace officer or officers involved, and the identity and manner of contacting the complainant. Any peace officer, town employee, or town official who receives a citizen complaint alleging racial profiling shall forward the complaint to the Fire Marshal within 12 hours of receipt of the complaint. Receipt of each complaint shall be acknowledged to the complainant in writing, all such complaints shall be reviewed and investigated by the Fire Marshal within a reasonable period of time, and the results of the Fire Marshal's review and investigation shall be filed with the Fire Marshal and with the complainant. In investigating a complaint alleging racial profiling, the Fire Marshal shall seek to determine if the peace officer who is subject of the complaint has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established law enforcement procedures. A single act constituting racial profiling may not be considered a pattern of racial profiling, and shall not be grounds for corrective action. In the event that a complaint of racial profiling filed by an individual involves an occurrence that was recorded on audio or video, the Fire Marshal shall, upon commencement of the investigation of the complaint and upon written request of the peace officer, promptly provide a copy of the recording to the peace officer that is a subject of the complaint. The Police Department of the City of Red Oak shall provide education to the public concerning the racial profiling complaint process. A summary of the public education efforts made during the preceding year shall be included with the annual report filed with the governing body of the City of Red Oak.

5. Corrective Action

Any peace officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action, which may include reprimand; diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension; termination of employment, or other appropriate action as determined by the Fire Marshal.

6. Collection of Information and Annual Report When Citation Issued or Arrest Made

The ROFR LIFE SAFETY DIVISION does not conduct traffic stops or issue traffic citations (excluding Fire Lane parking violations).

ARTICLE 8 - RESPONSE TO MISSING PERSONS

The ROFR LIFE SAFETY DIVISION is not the lead agency for missing persons. The Department will assist the Red Oak Police Department as requested.

ARTICLE 9 - DOMESTIC ABUSE PROTOCOLS

The ROFR LIFE SAFETY DIVISION is not the lead agencies for investigating domestic abuse. Peace officers employed by the Office of the Fire Marshal will uphold the laws of the State of Texas regarding Family Violence and request Red Oak Police Department assistance as required.

