



OFFICE OF POLICE OVERSIGHT

P.O. BOX 1088, AUSTIN, TEXAS 78767
WWW.ATXPOLICEOVERSIGHT.ORG
POLICEOVERSIGHT@AUSTINTEXAS.GOV
PHONE: 512.974.9090 | TTY: 711 | FAX: 512.974.6306
COMPLAINT HOTLINE: 512-972-20PO

September 22, 2022

Joseph Chacon, Chief of Police
Austin Police Department
715 E. 8th Street
Austin, TX 78701

RE: Response to APD's November 2021 Changes to the General Orders

Dear Chief Chacon:

I am writing to provide feedback and preliminary recommendations on some of the policy changes made by APD in November 2021. The specific policies discussed in this memo are as follows:

Recommendations for improvement

- 317 Handling Juveniles
- 445 Mental Health Response
- 801.4 Required and Authorized Uniform Raiments

Acknowledgment of improvements made

- 208.7.1 Proper Maintenance (TASER Devices)
- 803.3.6 Personally Owned Rifles

Going forward, we invite APD to collaborate on developing processes to incorporate community input into future policy changes. We look forward to addressing the issues identified and improving these policies for the benefit of the community and APD's sworn personnel.

Sincerely,

Sylvia Hardman

Sylvia Hardman, Acting Director

Enclosures: (5)

- APD redlined edits to 208.7.1 Proper Maintenance (TASER Devices)
- APD redlined edits to 317 Handling Juveniles
- APD redlined edits to 445 Mental Health Response
- APD redlined edits to 801.4 Required and Authorized Uniform Raiments
- APD redlined edits to 803.3.6 Personally Owned Rifles



Acknowledgment of Improvements Made

208.7.1 Proper Maintenance (TASER Devices)

OPO agrees with the approved changes to this policy. The changes improve the policy in the following ways:

- Requiring, rather than advising, that officers report defective equipment to a supervisor;
- Requiring that officers immediately report the defect; and
- Requiring that officers immediately email a description of the problem to the Learned Skills Unit.

These changes align with recommendations and objections made by OPO in June 2021.

803.3.6 Personally Owned Rifles

OPO agrees with the approved changes to this policy. The changes improve the policy by creating an objective standard by which to enforce the policy. Rather than hinging on whether markings are “offensive,” the policy now simply requires that officers have no markings, stickers, or engravings on personally owned weapons that they use while on duty. Additionally, it provides appropriate exceptions for things like manufacturer identifiers (i.e., serial numbers and model numbers), employee initials, and employee numbers.

As discussed later in this memo, APD should make similar changes to Section 801.4.9 Tie Tacks, Tie Bars, and Pins.

Recommendations for Improvement

317 Handling Juveniles

The terms “child” and “juvenile” should be used according to the state law definitions.

Section 51.02(2) of the Texas Family Code defines the term “child.” Under the state law definition, a child is

“a person who is: (A) ten years of age or older and under 17 years of age; or (B) seventeen years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age.”¹

APD’s approved changes use the state law definition of “child” to define the term “juvenile.”

The Texas Family Code, which houses the Juvenile Justice Code, defines the terms “child” and “juvenile offender,” but not the term “juvenile.” Under Section 58.101(6), a “juvenile offender” is defined as “a child who has been

¹ [Tex. Fam. Code Ann. § 51.02](#)



assigned an incident number.”² Both plain-language and legal definitions of “juvenile” generally link the term to the criminal justice system and persons accused of committing a criminal offense.³ The Texas Family Code appears to acknowledge this by separately defining the term “child” and only using the term “juvenile” when specifically discussing juvenile offenders.

General Order 317, like the Texas Family Code, addresses criminal and *non-criminal* matters impacting children.

Recommendations:

Provisions discussing an individual between 10 and 17 (or between 17 and 18 in some cases) who has not been assigned an incident should refer to that individual as a “child.” Provisions discussing a “child” who has been assigned an incident number could then refer to the child as a “juvenile offender.”

The General Orders should specify age limitations that vary by situation and classifications of offenses that vary by age.

In the November 2021 changes to the definition of “child/juvenile,” APD adds a statement acknowledging that classifications of offenses vary by age and age limitations vary by situation. However, more information is needed to clarify the situations or offenses that vary by age.

Recommendations:

The General Orders should, when applicable, break down classifications of offenses and situational age limitations by age group.

The General Orders should include guidance for children under 10 years of age.

The approved definition of “child/juvenile” is limited to individuals between the ages of 10 and 17 (or between 17 and 18 in some cases). There is no guidance included in the General Orders for handling children under 10 years of age.

Recommendations:

The General Orders should include guidance for interactions with children under the age of 10.

The General Orders should include guidance for verifying age.

The General Orders and state law require different treatment of juveniles and children depending on age. Children develop at different rates, which means a child may seem much older or much younger than their actual age. This makes age verification important to handling children.

² [Tex. Fam. Code Ann. § 58.101\(6\)](#)

³ See, e.g., “Juvenile.” *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/juvenile>. Accessed 4 Apr. 2022; see also 18 U.S.C. § 5031.



Recommendations:

The General Orders should provide officers with guidance for identifying the age of the child(ren) with whom they interact.

There should be more specific guidance about taking juveniles into custody.

The General Orders include language from the Texas Family Code about taking a juvenile into custody, but nothing more.

Recommendations:

The General Orders would benefit from more specific guidance and examples regarding situations that warrant taking a juvenile into custody.

Officers should be required to contact their Sector Detective Unit regarding probable cause, type of charges, and disposition of the juvenile when taking a juvenile into custody.

General Order 317.2.1(e) encourages officers to contact their Sector Detective Unit for advice regarding questions of probable cause, charges, disposition of the juvenile, and any other assistance needed when taking a juvenile into custody.

The Houston Police Department requires, rather than encourages, officers to contact and follow the guidance of a Juvenile Division supervisor when there is any question concerning the appropriate disposition of a juvenile.⁴ The Houston Police Department also requires officers to document this action in an incident report.⁵

Recommendations:

The APD General Orders should similarly require officers to seek guidance from their Sector Detective Unit. The General Orders directs officers to align their actions with the ideals of Title 3 of the Texas Family Code, including the ideal of removing, when possible, the taint of criminality from juveniles. Adding this layer of review will aid in achieving this ideal.

Additionally, officers who contact their Sector Detective Unit should be given specific directives about how to document this contact. In particular, the General Orders should outline requirements for officers to document the contact in an incident report with the detective's identifying information, information the detective provided, and other relevant details.

The General Orders should expand the situations in which juveniles receive emergency medical treatment.

Currently, APD General Order 317.2.2 Emergency Medical Treatment provides that juveniles taken into custody should be seen by EMS or transported to a medical facility if the juvenile is "believed to suffer from a serious physical condition or illness and requires prompt treatment."

⁴ Houston Police Department, "500-06(9) Questions," *Houston Police Department General Orders: 4*, updated 3 Apr. 2017, https://www.houstontx.gov/police/general_orders/500/500-06%20Disposition%20of%20Arrested%20Juveniles.pdf.

⁵ Houston Police Department, "500-06(9) Questions."



Recommendations:

The General Orders should be revised to expand the situations in which juveniles receive emergency medical treatment. In particular, officers should ensure that juveniles also receive emergency medical treatment when they request it or complain of pain or injury during any contact with law enforcement. In other words, the General Orders should cover situations where a juvenile cannot or does not communicate a need for EMS, but officers believe that they need care, as well as those situations in which a juvenile communicates a need for care, regardless of the officer's beliefs.

The General Orders should also be revised to ensure that this policy aligns with recently enacted state legislation, specifically SB 2212 related to a peace officer's duty to request and render aid.⁶

The General Orders should provide guidance for handling invasive searches of juveniles.

The General Orders discuss strip searches and body cavity searches generally, but they provide no guidance for how officers should handle these invasive searches of juveniles. The November 2021 changes do not address this issue.

Strip searches and body cavity searches have been shown to cause trauma that can have a lifelong impact on an adolescent's developing mind.⁷ The American Bar Association recently adopted a resolution regarding invasive searches of juveniles.⁸ This resolution recommends an outright ban on body cavity searches.⁹

APD General Order Section 306.11.2 covers body cavity searches and currently allows officers to check an individual's mouth area; officers are not otherwise permitted to conduct body cavity searches. Instead, if officers believe a cavity search is necessary, "the prisoner will be transported to the jail where proper hygienic/medical resources are available. Only jail personnel will conduct the cavity search."¹⁰

The American Bar Association's resolution also calls for policies at all levels of government that prohibit strip searches of juveniles except in exceptional circumstances.¹¹ The resolution advises that strip searches be banned except when all the following conditions are met:

- (1) when the child or youth is in custody;
- (2) when there is reasonable suspicion that the child or youth possesses or has had immediate access to an implement that poses a threat of imminent bodily harm to themselves or others;

⁶ Senate Bill 2212, 87th Legislature, Regular Session, 2021, accessed August 31, 2022, <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB02212F.pdf#navpanes=0>.

⁷ 9 Emily J. Nelson, Custodial Strip Searches of Juveniles: How Safford Informs a New Two-Tiered Standard of Review, 52 B.C.L. REV. 339, 361 (2011) (citing Erica J. Adams, Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense, JUST. POL'Y INST. 1, 2 (2010), www.justicepolicy.org/images/upload/10-07_REP_HealingInvisibleWounds_JJ-PS.pdf).

⁸ "Resolution 111B," American Bar Association, August 2020, <https://www.americanbar.org/content/dam/aba/directories/policy/annual-2020/111b-annual-2020.pdf>.

⁹ Resolution 111B.

¹⁰ Austin Police Department, "Section 306.11.2 Body Cavity Searches," Austin Police Department General Orders, accessed August 31, 2022, <https://www.austintexas.gov/page/apd-general-orders>.

¹¹ Resolution 111B.



(3) after all other less intrusive methods of discovering and removing the implement have been exhausted, including the use of alternative search techniques that can be performed while the child or youth is fully clothed; and

(4) after the child or youth has been given notice, in a manner that is consistent with the child's or youth's primary language and developmental stage, and that takes into account accommodations for disability, that they will be searched and that they have the opportunity to reveal any implement they are carrying instead of being searched.¹²

Recommendations:

OPO recommends a categorical ban on body cavity searches of juveniles.

OPO also recommends that APD adopt a policy that specifically speaks to protocols for invasive searches of juveniles, and that the policy be consistent with the above recommendation from the American Bar Association.

Additionally, APD does not have a unit that specializes in handling juveniles. Both the Houston Police Department and the Dallas Police Department have specialized units that can be called for incidents involving juveniles.¹³ The Dallas Police Department prohibits regular patrol officers from performing any strip or body cavity searches of a juvenile.¹⁴ Instead, Dallas's policy requires officers to contact a specialized unit to handle any situation in which an officer feels a strip or body cavity search is needed.¹⁵ APD would benefit from creating a specialized unit to handle sensitive issues involving juveniles, including when an officer believes a strip search of a juvenile is needed.

The General Orders should provide more guidance for when parents should receive advance notice that their child will be interviewed or interrogated.

General Order 317.5.2(c) states that parents should, "when reasonable," be given advance notice that their juvenile will be interviewed or interrogated. More guidance is needed to clarify situations that qualify as "reasonable" such that parents must be given advance notice.

The General Orders should provide further guidance for assessing whether a juvenile is "too young or mentally incompetent to render a decision" such that the caregivers should be present during an interview.

General Order 317.5.3(c) states parents or guardians should be present during interviews when a juvenile is "too young or mentally incompetent to render a decision." This policy provides officers with no guidance or examples for making this determination. The General Orders would benefit from adding specific guidance to assist officers in determining when an interview requires the presence of a parent or guardian.

¹² Resolution 111B.

¹³ Dallas Police Department, "314.08(B) Searching of Juvenile Prisoners," *Dallas Police Department General Orders*, updated 4 Oct. 2019, <https://dallaspolice.net/resources/Shared%20Documents/General-Orders.pdf>; Houston Police Department, "500-06 Disposition of Arrested Juveniles."

¹⁴ Dallas Police Department, "314.08(B) Searching of Juvenile Prisoners."

¹⁵ Dallas Police Department, "314.08(B) Searching of Juvenile Prisoners."



445 Mental Health Response

On June 14, 2021, OPO made six recommendations to APD's proposed changes to General Order 445 Mental Health Response. APD sent the final approved changes to OPO on November 2, 2021.

APD incorporated three of OPO's recommendations

1. De-escalation - APD added a provision to General Order 445.3 requiring officers to use de-escalation tactics while waiting for a CIT officer or the CIT Unit to respond to a scene.
2. Documentation - APD added language to the approved version of General Order 445 that requires officers to document attempts to contact Integral Care (Travis County transports) or Bluebonnet Community Services (Williamson County transports).
3. Wording - APD revised 445.4.2(b)(1)(b)(3) to stop referring to a detained person as "the Emergency Detention."

Recommendations:

OPO recommends that APD to incorporate the remainder of OPO's original recommendations, including the following:

1. Incorporate feedback from the town hall event, "Town Hall on Public Safety: People with Disabilities and Policing," hosted by OPO, the Mayor's Office, the Equity Office, and the Mayor's Committee for People with Disabilities. Feedback covered topics including, but not limited to, APD's policies on secondary transports.
2. Revise General Order 445.3 to clarify that requests for a "mental health officer" qualify as "mental health requests" for assistance, which would require patrol officers to refer individuals to an on-duty CIT officer, the CIT Unit, or EMCOT. While every APD officer receives training related to interacting with individuals experiencing a mental health crisis CIT officers have completed a TCOLE prescribed course specific to mental health crisis situations. This change will make it clear that requests for a "mental health officer" should be transferred to a CIT certified officer or referred to EMCOT rather than patrol officers handling the call themselves.
3. Revise General Order 445.3(b) to outline the factors that officers should consider in determining whether EMCOT will be called the scene. The approved revisions state that an EMCOT employee will be called to the scene to assist when deemed necessary by an officer or the CIT Unit but offers no further guidance.

801.4 Required and Authorized Uniform Raiments

In November 2021, APD added Section 801.4.9(b) to address rules surrounding the tie tacks, bars, and pins that may be worn with APD uniforms. It prohibits officers from wearing "any tie tack or other pin making a political statement, or displaying any offensive design, logo, or wording." As is, this policy language is subjective and, as a result, would likely be difficult to apply consistently.



OFFICE OF POLICE OVERSIGHT

P.O. BOX 1088, AUSTIN, TEXAS 78767
WWW.ATXPOLICEOVERSIGHT.ORG
POLICEOVERSIGHT@AUSTINTEXAS.GOV
PHONE: 512.974.9090 | TTY: 711 | FAX: 512.974.6306
COMPLAINT HOTLINE: 512-972-20PO

Recommendations:

While OPO agrees that restrictions should exist regarding officer attire, OPO recommends that APD use unambiguous, objective language to create those restrictions.

APD's November 2021 changes to Section 803.3.6 Personally Owned Rifles did just that. Section 803.3.6 originally prohibited officers from placing "offensive markings" on personally owned rifles carried while on duty. In November 2021, the policy was revised to prohibit officers from placing any "marking(s), sticker(s), engraving(s), etc." on personally owned rifles "with the exception of the manufacturer identifiers...and an employee's initials or employee number." Changes like this, which use unambiguous objective language, allow for consistent application and make it easier for officers to understand what is being asked of them.



208 TASER Device Guidelines

208.7 FUNCTIONALITY CHECK

208.7.1 PROPER MAINTENANCE

Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order. If a defect is found, the officer ~~should~~ shall immediately:

(a) Rreport such to their supervisor, and.

(b) Email a description of the problem to the Learned Skills Unit at
APDlearnedskillsunit@austintexas.gov

317 Handling Juveniles

317.1 PURPOSE AND SCOPE

The purpose of this order is to provide guidance and direction for processing and handling juveniles offenders within APD's jurisdiction. Texas law affords juveniles ~~are afforded~~ equal protection ~~under the law~~; however, there are differences in the manner in which juveniles are handled under Texas law.

Employees are responsible for participating with and supporting the ideals set forth in Title 3 of the Texas Family Code. These provisions are:

- (a) To provide for the protection of the public, and public safety.
- (b) Consistent with the protection of the public and public safety:
 1. To promote the concept of punishment for criminal acts; and
 2. To remove, when appropriate, the taint of criminality from children juveniles committing certain unlawful acts; and
 3. To provide treatment, training, and rehabilitation that emphasizes the accountability and responsibility of both the parent and the child for the child juvenile's conduct.
- (c) To provide for the care, the protection, and the wholesome moral, mental, and physical development of children juveniles coming within its provisions.
- (d) To achieve these purposes in a family environment whenever possible, separating the child juvenile from the child juvenile's parent only when necessary for the child juvenile's welfare or in the interest of public safety and, when the child juvenile is removed from the child juvenile's family, to give the child juvenile the care that should be provided by parents.
- (e) To provide a simple judicial procedure through which the provisions of this title are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.

317.1.1 DEFINITIONS

Child/Juvenile: a person who is (Tex. Fam. Code § 51.02(2)):

The ages of juveniles who come within various classifications of offenses may vary in each instance. Note carefully the age limitations in each situation as set forth by law.

- (a) 10 years of age or older and under 17 years of age, or
- (b) 17 years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age.

~~• The ages of children who come within various classifications of offenses may vary in each instance. Note carefully the age limitations in each situation as set forth by law.~~

Conduct Indicating a Need For Supervision: Conduct, other than a traffic offense, that is punishable by a fine only or would not be a criminal offense if committed by an adult (e.g., runaway, curfew violation). (Tex. Fam. Code § 51.03 (b))

Custody: A child juvenile is considered "in custody" when they would be considered "under arrest" if the child juvenile was an adult.

Delinquent Conduct: Conduct, other than a traffic offense, that if committed by an adult is punishable by imprisonment or confinement in jail. (Tex. Fam. Code § 51.03 (a))

Detention: A detention situation exists when an officer detains a [childjuvenile](#) for a short period for investigative purposes.

Status Offender: Generally, a [childjuvenile](#) who is accused, adjudicated, or convicted for conduct that would not, under state law, be a crime if committed by an adult. (Tex. Fam. Code § 51.02(15))

317.1.2 CONFIDENTIALITY

The confidentiality of names of juveniles and their records is mandated by state law. The following guidelines will be strictly followed:

- (a) The names of juvenile offenders will not be released to the news media or any other person not involved in the judicial or diversion process.
- (b) A juvenile defendant or juvenile suspect shall not be named in any public document, including an affidavit for an arrest warrant involving an adult co-defendant or in an affidavit for a search warrant. However, there may be times when an investigator believes that naming a juvenile in the affidavit is essential. In those cases, an assistant district attorney assigned to juvenile court should be contacted in order that alternatives (other than naming the juvenile) can be explored.
- (c) Information on juveniles collected during the course of business may be released/ disseminated under the following circumstances:
 1. Information required to be collected for the "juvenile justice information system" will be forwarded to the Department of Public Safety (DPS);
 2. Information compiled during investigation of a criminal combination may be released to other criminal justice agencies or any court having jurisdiction over a [childjuvenile](#);
 3. Information concerning missing [childrenjuveniles](#) may be entered into NCIC; and
 4. Information concerning [childrenjuveniles](#) adjudicated of sexual offenses and required to register with the Department as sex offenders will be forwarded to DPS.
- (d) Physical files and records concerning juveniles shall not be open to public inspection, and shall be open to inspection only by a juvenile justice agency or criminal justice agency.
- (e) If an investigator believes obtaining a warrant for the arrest of a juvenile offender is necessary the investigator will present the probable cause affidavit and arrest warrant to a magistrate for approval and signature.
 1. The municipal court clerk currently issues the warrant a "J" number but will not retain the affidavit or warrant on file.
 2. The investigator will provide the original arrest affidavit and warrant to the Warrant Office to be entered. The original warrant and affidavit will be retained by the Warrant Office until the juvenile is taken into custody.
 3. Upon apprehension of the juvenile the original affidavit and warrant will be forwarded to Gardner-Betts. Copies of the affidavit and warrant will be retained in the investigative file.
- (f) An affidavit for a search warrant on a juvenile offender should be submitted to a juvenile court judge to obtain the search warrant. Record of the search warrant will be retained by the juvenile court.
- (g) All juvenile arrest files and records, when not in use, shall be secured. Under no circumstances will juvenile arrest records be mingled with adult records.

317.2 CUSTODY OF JUVENILES

317.2.1 TAKING A JUVENILE INTO CUSTODY

- (a) Section 52.01 of the Texas Family Code states that a ~~child~~juvenile may be taken into custody:
 1. Pursuant to an order of the Juvenile Court.
 2. Pursuant to the laws of arrest.
 3. By a law enforcement officer, if there is probable cause to believe that the ~~child~~juvenile was engaged in:
 - (a) Conduct that violates a penal law of this state or a penal ordinance of any political subdivision of this state; ~~or~~
 - (b) Delinquent conduct or conduct indicating a need for supervision; ~~or~~
 - (c) Conduct violating a condition of probation imposed by the juvenile court.
 4. By a probation officer if there is probable cause to believe that the ~~child~~juvenile has violated a condition of probation imposed by the juvenile court.
 5. Pursuant to a directive to apprehend issued by a juvenile court.
- (b) In place of taking a ~~child~~juvenile into custody, state law allows a peace officer to issue a field release citation for a traffic offense or an offense, other than public intoxication ~~or possession of marijuana~~, punishable by fine only.
- (c) State law does not require that a warrant be issued to take a ~~child~~juvenile into custody for a past offense, as long as there is probable cause to believe that the ~~child~~juvenile committed the offense. In making warrantless arrests, patrol officers will follow the direction of an investigative unit and/or their supervisor.
- (d) Officers will apply the same probable cause standard for juveniles as that used for adult offenders.
- (e) Officers are encouraged to contact their Sector Detective Unit for advice regarding the probable cause for arrest, the type of charge, disposition of the juvenile, or to provide any other assistance needed.

317.2.2 EMERGENCY MEDICAL TREATMENT

~~Children~~Juveniles taken into custody that are believed to suffer from a serious physical condition or illness and requires prompt treatment should be seen by EMS and/or transported to a medical facility.

317.2.3 REQUIRED PARENT NOTIFICATION

In contrast to detention situations, the law requires that a ~~child~~juvenile's parent/guardian be promptly notified when the ~~child~~juvenile is in police custody.

- (a) If a ~~child~~juvenile is taken to a Juvenile Detention Facility, intake personnel will typically make the parent notification. However, at times, they may need assistance from APD when a parent/guardian cannot be contacted by phone. In that case, intake personnel may request that APD attempt to contact the parents in person by calling Communications.
- (b) In the event that a ~~child~~juvenile taken into custody is brought directly to an APD facility to be interviewed, it is the responsibility of the arresting officer to make parent/guardian notification or coordinate that notification with the appropriate investigator.
- (c) Officers shall indicate on the juvenile facility booking form and in an incident report information regarding contact with the juvenile's parent/guardian.

317.2.4 SEPARATION REQUIREMENTS

Juveniles shall not be transported in the same vehicle with adults who are suspected of or charged with criminal acts. Juveniles shall be separated at ~~any and~~ all times by sight and sound from adults detained

in the same building. Separation requires that adults and juveniles in detention are unable to see each other or to converse (Tex. Fam. Code § 51.12).

317.2.5 RELEASING A JUVENILE FROM CUSTODY

- (a) When releasing a juvenile from custody, officers should take reasonable steps to release ~~him to his~~ the juvenile to their custodial parent or guardian.
- (b) If a custodial parent or guardian is not available and officers need to release the juvenile to someone else, the following guidelines shall be followed:
 1. Run a check for any protective order regarding the adult with whom placement of the juvenile is being considered.
 2. Complete warrant and criminal history checks to ensure the juvenile is not being placed with a wanted or dangerous felon.
 3. Contact Child Protective Services' Law Enforcement Number (the number is available through APD Communications) and request a CAPS (Child/Adult Protective Services) check be done to ensure the juvenile is being placed in a safe environment with no abuse history through CPS. The CPS worker answering the phone will need the following information on the person with whom you want to place the ~~child~~ juvenile:
 - (a) Name, address, and any other pertinent identifying information.
 - (b) The CPS worker will ask you for a phone number to call in order to verify your identity and provide any history on the subject. Officers shall provide the phone number for the Communications supervisor. (This process should take approximately 10 minutes).
- (c) Fully identify the person with whom the juvenile is being placed and any CPS related information in the incident report.

317.3 JUVENILE DISPOSITIONS AND REQUIRED DOCUMENTATION

~~An officer who has detained or arrested a child for conduct indicating a need for supervision, delinquent conduct, or a traffic offense will use the following guidelines for disposition of the child.~~

~~The paperwork and procedures for taking custody of a juvenile varies depending on the type of conduct.~~

317.3.1 ~~CONDUCT INDICATING A NEED FOR SUPERVISION~~ CLASS C MISDEMEANORS

~~(a)~~ Class C Misdemeanors: are punishable by fine only and fall under the jurisdiction of Municipal Court. Juveniles who commit Class C Misdemeanors shall ~~be issued~~ receive citations.

317.3.2 CONDUCT INDICATING A NEED FOR SUPERVISION

~~(b)~~ ~~Child in need of supervision:~~ Officers encountering juveniles who are not violating any criminal law, but who are in potentially hazardous situations, should be familiar with Family Code section 262.110. This law permits a law enforcement officer to take temporary custody of a ~~child~~ juvenile without a court order if the officer finds the ~~child~~ juvenile in a situation that poses a danger to the ~~child~~ juvenile's physical health or safety. The officer may take custody of the ~~child~~ juvenile under the law when the sole purpose is to deliver the ~~child~~ juvenile without unnecessary delay to the ~~child~~ juvenile's parent, guardian, caretaker, or custodian who is entitled to possession of the ~~child~~ juvenile.

~~1.~~ (a) Officers who take temporary custody of a ~~child~~ juvenile under this provision will write a report (Child in Need of Supervision) and specifically identifying ~~ing~~ the conditions that placed the ~~child~~ juvenile's physical health or safety at risk.

317.3.3 RUNAWAYS

~~(c) **Runaways:** When an officer identifies a juvenile as a runaway, establishes that a juvenile is a runaway, every attempt should be made to~~ the officer will transport the runaway home for release to a custodial parent or guardian, or have the custodial parent or guardian meet the officer at the scene for release. If the officer is not able to contact a custodial parent or guardian, the officer shall follow the guidelines for "Releasing A Juvenile From Custody" as ~~outlined in this order~~ found in General Order 317.2.5. ~~If a juvenile cannot be released to an appropriate adult, the following guidelines shall be followed:~~

~~1. Transporting~~

~~(a) If the initial runaway report was generated by any agency within Travis County, the juvenile shall be taken to Life Works. Any forms required by the facility shall be completed.~~

~~(b) If the runaway report was generated by an agency outside of Travis County, the juvenile shall be taken to Gardner-Betts. A booking sheet shall be completed.~~

~~2. Reporting~~

~~(a) If the original report was generated by APD, a supplement shall be written to the original report.~~

~~(b) If the original report was generated by any agency other than APD, an incident report shall be initiated and titled "Recovered Runaway."~~

(a) Patrol officers must respond, in person, to all Runaway and Recovered Runaway reports for juveniles 12 years of age and under.

(b) Patrol officers may complete a Runaway Report, age 13 through 17, over the phone instead of responding in person. Additionally, officers must request Communications enter the juvenile into NCIC/TCIC.

(c) Patrol officers may handle the first and second Recovered Runaway report for a juvenile, age 13 through 17, over the phone. On the second recovery report, the patrol officer will use the Title Code "Repeat Recovered Runaway", if the previous recovery occurred within the past 12 months. Officers will check Versadex to confirm the number of Recovered Runaway reports and the timeframe; officers will not request the dispatcher confirm this information.

(d) If the juvenile is a three-time Recovered Runaway and is not under the care of CPS/DFPS, patrol officers must respond, in-person, in an effort to provide SafeCares/Refugee Services of Texas (RST) resources to the juvenile or guardian; refer to section (e) below for instructions. Officers will only offer Safe Cares/RST services once. Thereafter, patrol officers may handle subsequent runaway and recovery reports over the phone for ages 13 through 17.

(e) When officers respond to the third runaway recovery in a 12 month period, officers shall:

1. Assess the situation to determine if it is safe for a SafeCares/RST advocate to respond.

(a) If the location is safe, contact SafeCares/RST via phone to request an advocate respond and provide the advocate with any relevant information about the juvenile/parent/guardian. There is no requirement for the officer to remain on-scene until the advocate arrives.

(b) If the location is not safe, provide the SafeCares/RST advocate the contact information for the juvenile/parent/guardian for a follow-up by phone.

(c) The officer will provide the SafeCares/RST advocate with the officer's department cell phone number for follow up after the advocate contacts the juvenile/parent/guardian.

2. Notify the legal guardian that an advocate from Safe Cares/RST will contact them, via phone or in person, usually within 90 minutes, to discuss additional resources options.

3. After the Safe Cares/RST advocate contacts the legal guardian/juvenile, the advocate will call and update the reporting officer.

(f) Report Creation and Notation of SafeCares/RST Advocate Response.

1. If APD generated the original report, officers shall write a supplement to the original report, and add the report title "Recovered Runaway-Safe Cares/RST Contact."

- (a) Officer shall notate in the report whether the parent/guardian accepted or refused Safe Cares/RST Contact.
 2. If another agency generated the original report, officers shall write a report titled, "Repeat Recovered Runaway".
 - (a) Officers shall notate in the report whether the parent/guardian accepted or refused Safe Cares/RST Contact.
 3. Request Communications remove the juvenile from TCIC/NCIC.
 4. If necessary, transport and release the juvenile according to section 317.2.5 of this order.
- (g) When officers encounter a runaway during normal duties, officers shall:
 1. Determine if the juvenile meets the criteria of a Repeat Recovered Runaway. If so, follow the guidelines of section (e) listed above.
 2. Determine if there is any information suggesting human trafficking. If so, the officer will contact a Human Trafficking Detective. The detective will initiate the Travis County Care Coordination Protocols.
 3. Create a report.
 - (a) If APD generated the original report, officers shall write a supplement to the original report.
 - (b) If another agency generated the original report, officers shall write an incident report titled, "Recovered Runaway."
 4. If necessary, transport and release the juvenile according to section 317.2.5 of this order.

317.3.4 IN-CUSTODY SITUATIONS

- ~~(d) **Possible Custody Situations:** The following situations are typically considered conduct indicating a need for supervision though sometimes circumstances dictate that transport to a detention facility may be required. If a juvenile is transported to a detention facility for any of the following offenses, the officer is required to complete a booking sheet.~~
- ~~1. **Driving Under Influence (DUI):** Officers shall adhere to the guidelines outlined in General Order 355 (DWI Enforcement) for how to handle Juvenile DUI/DWI arrests.~~
 - ~~2. **Family Violence Assault By Contact/Threat:** If necessary to preserve the peace and eliminate the possibility of further violence, a juvenile may be taken into custody and transported to the appropriate juvenile detention facility if they are involved in a family violence situation and commit a Class C misdemeanor offense such as "assault by contact" or "assault by threat" in the presence or view of a peace officer.~~
- (a) When officers take a juvenile into custody for any arrestable offense the officer shall complete the documentation and procedures required by the facility. Additionally, the officer shall complete an APD Arrest Booking (AB) report and General Offense (GO) report. Below is a list of appropriate facilities based on the location of the arrest.
1. For arrests that occur in Travis County, juveniles shall be taken to Gardner-Betts.
 2. For arrests that occur in Williamson County, juveniles shall be taken to the Williamson County Juvenile Justice Center.
 3. For arrests that occur in Hays County, officer shall call the Hays County Juvenile Detention Center at (512) 393-5200, ext 11201 for approval prior to transport.
- (b) If any facility refuses to take the juvenile, the officer should follow these guidelines.
1. Transport the juvenile to the APD ID section.
 2. Take a mugshot of the juvenile.
 3. Complete a 10 print via Live Scan and transmit to DPS.
 4. Upload all documentation to the Versadex incident report.
 5. Release the juvenile according to 317.2.5 of this order.
- (c) Juveniles should be transported directly to the appropriate Juvenile Detention Facility and booked when an on-view arrest is made or:
1. Any warrant or directive to apprehend issued by TYC or Juvenile Court (e.g., probation violation warrants, escape from TYC warrants).

2. Any warrant or directive to apprehend a juvenile where the juvenile was already processed for the original charge.
 3. Any offense that occurred prior to Jan. 1, 1996.
- (d) If a juvenile is taken into custody for DWI, the juvenile shall be transported directly to an Intoxilyzer room and requested to perform any tests prior to processing and booking.
- (e) If an officer is booking a juvenile for delinquent conduct and also chooses to file a Class C charge, the officer shall issue the juvenile a misdemeanor citation for the Class C violation(s). Class C charges shall NOT be placed on the booking sheet.
- (f) A juvenile taken into custody for delinquent conduct shall not be released to a parent/ guardian until the juvenile has been processed and booked at the appropriate Juvenile Detention Facility.

~~317.3.2 DELINQUENT CONDUCT~~

- (a) ~~Juveniles taken into custody for delinquent conduct (Class B misdemeanors or above) shall be processed and booked as follows:~~
1. ~~**Travis County:** The juvenile shall be transported to Gardner-Betts where the officer will fingerprint the juvenile and complete all necessary booking paperwork for intake into the facility. Any accompanying paperwork shall be submitted to the Gardner-Betts intake officer. The officer will also complete an APD Arrest Booking (AB) report and General Offense (GO) report via MRE and upload both reports to Versadex.~~
 - (a) ~~If the identification of the juvenile is in question, officers may transport the juvenile to the APD ID Section to attempt positive identification prior to taking the juvenile to Gardner-Betts.~~
 2. ~~**Williamson County:** The juvenile shall be transported to the Williamson County Juvenile Justice Center for processing and booking. Any accompanying paperwork (e.g., booking sheet, receipts, pictures) shall be forwarded to the appropriate Area Command Investigative Unit for disposition.~~
 3. ~~**Hays County:** Upon taking a juvenile into custody in Hays County, officers shall call the 24 hour intake number for the Hays County Juvenile Detention Center at (512)393-5220, ext 11201 for approval prior to transport. If the officer is denied approval for intake, the officer shall notify his immediate supervisor and follow the guidelines for "Releasing A Juvenile From Custody" as outlined in general orders. The juvenile shall be transported to the APD ID Section for processing, followed by booking at the Hays County Juvenile Detention Center. Any accompanying paperwork shall be turned in to the Hays County Juvenile Detention Center intake officer.~~
- (b) ~~In certain instances, processing of a Juvenile is not required. Juveniles may be transported directly to the appropriate Juvenile Detention Facility and booked when:~~
1. ~~Any warrant or directive to apprehend issued by TYC or Juvenile Court (e.g., probation violation warrants, escape from TYC warrants).~~
 2. ~~Any warrant or directive to apprehend a child where the child was already processed for the original charge.~~
 3. ~~Any offense that occurred prior to Jan. 1, 1996.~~
- (c) ~~If a juvenile is taken into custody for DWI, the juvenile shall be transported directly to an Intoxilyzer room and requested to perform any tests prior to processing and booking.~~
- (d) ~~If an officer is booking a juvenile for delinquent conduct and also chooses to file a Class C charge, the officer shall issue the juvenile a misdemeanor citation for the Class C violation(s). Class C charges shall NOT be placed on the booking sheet.~~
- (e) ~~A juvenile taken into custody for delinquent conduct shall not be released to a parent/ guardian until the child has been processed and booked at the appropriate Juvenile Detention Facility.~~

317.3.3-5 TRAFFIC OFFENSES

Juvenile traffic violators should be handled in the same manner as adult violators.

317.4 INFORMATION NEEDED BY A JUVENILE DETENTION FACILITY

Under the provisions of the Family Code, pending a hearing, a [childjuvenile](#) taken into custody will be released immediately by the Juvenile Court to a parent unless certain designated circumstances exist. Officers should inform intake personnel the following facts, when known:

- (a) The [childjuvenile](#) is likely to abscond or be removed from the jurisdiction of the court.
- (b) Suitable supervision, care or protection is not being provided to the [childjuvenile](#) by a parent, guardian or other person.
- (c) The [childjuvenile](#) has no parent, guardian or other person able to return them to the court when required.
- (d) The [childjuvenile](#) may be a danger to themselves or may threaten the safety of the public if released.
- (e) The [childjuvenile](#) has previously been found to be a delinquent [childjuvenile](#) or has been previously convicted of a penal offense punishable by a term in jail or prison and is likely to commit an offense if released.

317.5 JUVENILE INTERVIEWS, INTERROGATIONS AND STATEMENTS

317.5.1 TYPES OF STATEMENTS

- (a) The following types of statements made by juvenile suspects are admissible as evidence under the Family Code:
 1. **Res Gestae** - spontaneous statements made by [childrenjuveniles](#) may be used as if they were made by an adult.
 2. **Statements leading to the discovery of evidence** - defined as oral statements of fact or circumstances that are true, which tend to establish the [childjuvenile's](#) guilt, such as finding secreted or stolen property or the instrument with which the [childjuvenile](#) states the offense was committed.
 3. **Custodial Statements** - An oral or written statement by a [childjuvenile](#) in custody, detention or confinement is admissible if, before giving the statement, the [childjuvenile](#) has been given the Miranda warning by a magistrate. This warning must be given out of the presence of police officers or prosecutors. An exception would be under circumstances when it is deemed necessary to have an officer present for the magistrate's protection.
 - (a) **Oral Statements:** The statement must be recorded by an electronic recording device (video camera or digital video camera) and, before making the statement, the [childjuvenile](#) receives the Miranda warning by a magistrate as described above and the warning is made part of the recording.
 - (b) **Written Statements:** The written statement must be reviewed with the juvenile, and signed, in front of the magistrate and out of the presence of police officers or prosecutors unless necessary for the magistrate's protection.
- (b) The Family Code does not preclude the admissibility of other types of statements, including those that "do not stem from custodial interrogation." The admissibility of such statements will depend upon the circumstances surrounding the taking of the statement and the facts of the case.

317.5.2 WORKING WITH PARENTS

A [childjuvenile](#)'s parent or guardian has personal legal responsibility for the [childjuvenile](#)'s welfare and behavior. The Department recognizes this responsibility and police officers will work with parents as closely as possible in interviewing [childrenjuveniles](#). Examples of procedures that help parents are:

- (a) Explaining a [childjuvenile](#)'s illegal or suspicious behavior as soon as possible.
- (b) Responding with patience and understanding to questions that are defensive or reflect a parent's fears about police procedures and the court system.
- (c) When reasonable, giving parents advance notice that their [childjuvenile](#) will be interviewed or interrogated.

317.5.3 GENERAL GUIDELINES FOR INTERVIEWING JUVENILES

- (a) The Department encourages officers to adjust their interviewing style to be sensitive to each person's age and experience, remaining consistent with the Department's commitment to treat all people with respect. The more approaches an officer can use, the more cooperation they can achieve with each [childjuvenile](#).
- (b) **Interviews:** An interview takes place when a juvenile witness or victim of a crime is questioned. It is not necessary to administer rights or to have the parents or guardians present. If a [childjuvenile](#) implicates themselves during the interview, the interview shall be stopped and the procedures for interrogation followed.
- (c) **Age Considerations:**
 1. If the [childjuvenile](#) is too young or mentally incompetent to render a decision, the parents or guardians should be present.
 2. Interviewing [childrenjuveniles](#) under the age of 13 should be done at the Center for Child Protection, especially when the [childjuvenile](#) is the victim of a violent offense.

317.5.4 GENERAL GUIDELINES FOR INTERROGATING JUVENILES

- (a) **Interrogations:** An interrogation is the questioning of a juvenile who is suspected of a status or criminal offense.
 1. **On-scene Interrogation:** Street interrogations should be avoided until after the juvenile can be processed unless it is absolutely necessary for the preliminary investigation. However, street interviews often present exigent circumstances that demand immediate action from the responding officer. Suspects, weapons and evidence may be lost if information is not immediately obtained. Officer safety, safety of the public, and the need to obtain basic information are considerations that patrol officers must deal with in making decisions regarding the street interrogation of a juvenile. The general rules of interrogation and admissibility of evidence apply to juveniles, with additional requirements existing for custodial interrogations.
 2. **Non-Custodial Interrogations:**
 - (a) Juveniles are not in custody when they are voluntarily brought in by a parent or guardian. Therefore, no magistrates' warning is required prior to taking a confession under these circumstances.
 - (b) Officers should be aware of any factor that might negate the non-custodial status of the interrogation and affect the admissibility of the statements obtained. For example, giving a [childjuvenile](#) a ride to the station, even if the [childjuvenile](#) accompanied the officer voluntarily and with the consent of their parents, could be interpreted by the

courts as an indication that the juvenile was "in custody."

- (c) Juveniles who have given voluntary non-custodial confessions will not be immediately taken into custody. They will be released to a parent/ guardian. If probable cause for arrest is developed through the confession or otherwise, a juvenile warrant may be obtained. Failure to follow this procedure could taint the voluntariness of the confession.
3. **Custodial Interrogations:** The Miranda warning administered by a magistrate must precede all custodial confessions. Prior to conducting a custodial interrogation of a juveniles, employees will confer with the juvenile and parents or guardians to explain agency and juvenile justice system procedures. The custodial interrogation of a juvenile may take place in two types of situations; the exact procedures to be followed vary depending on the situation.
- (a) **At a Juvenile Processing Office:** The interrogation of a juvenile may take place at a juvenile processing office if the juvenile is transported there immediately after the juvenile is taken into custody. While at the juvenile processing office the guidelines of Family Code Section 52.025 must be strictly adhered to:
 - 1. The **childjuvenile** may not be left unattended.
 - 2. The **childjuvenile** is entitled to be accompanied by a parent, guardian, or attorney.
 - 3. The **childjuvenile** may not be detained in the juvenile processing office for longer than six (6) hours.
 - 4. Under normal circumstances, no more than 2 detectives should be actively engaged in the interrogation of the **childjuvenile**.
 - (b) **At a Juvenile Detention Facility:** To interview a juvenile who has been booked into Gardner-Betts or the Williamson County Juvenile Justice Center, APD must request the juvenile be returned to APD custody for an interrogation or other follow-up. Gardner-Betts or Williamson County Juvenile Justice Center personnel will rule whether the request will be granted.
 - 1. The investigator will call Gardner-Betts or the Williamson County Juvenile Justice Center in advance to arrange for a custody transfer.
 - 2. Unless the interview occurs at the detention facility, the interview will only take place in a designated Juvenile Processing Office that is in accordance with CCP Sec. 52.025.
 - 3. Upon completion of the interview/statement the juvenile must be returned to the custody of Gardner-Betts or the Williamson County Juvenile Justice Center.

317.6 FINGERPRINTS AND PHOTOGRAPHS

- (a) Except as listed in section (d) below, juveniles may be photographed or fingerprinted only under the following circumstances consistent with provisions of the Family Code:
 - 1. With consent of the Juvenile Court (e.g., via a court order).
 - 2. If the **childjuvenile** is taken into custody for conduct that is a felony, or a misdemeanor punishable by confinement in jail.
 - 3. If the **childjuvenile** is not in custody and the **childjuvenile's** parent or guardian voluntarily consents in writing to the photographing or fingerprinting of the **childjuvenile**.
- (b) The fingerprints of a juvenile suspect in a criminal case where latent prints were obtained may be used for comparison purposes only if the prints were obtained in a manner allowed by the Family Code.

- (c) The photograph of a juvenile suspected in connection with a criminal case where it is believed the photograph will help in the identification of the offender (e.g., a photo lineup) may be used only if it was obtained in a manner allowed by the Family Code unless it is publicly available (such as in a school yearbook).
- (d) Exceptions: Restrictions on fingerprinting/photographing juveniles do not apply in the following situations:
 1. If the photographs/fingerprints are obtained as part of the registration process for a juvenile required to register as a sex offender under CCP Section 62.
 2. If the ~~child~~juvenile is a victim or witness, and photographs are needed for evidentiary or documentary purposes (e.g., photographs of injuries, or videotaped statement of a ~~child~~juvenile victim/witness).
 3. If a ~~child~~juvenile has had access to a crime scene but is not a suspect, and their prints are needed for comparison to latents for elimination purposes.

445 Mental Health Response

445.1 PURPOSE AND SCOPE

The Crisis Intervention Team (CIT) Unit and (CIT) officers are tasked with addressing and responding to any calls for police assistance related to the mental health community to include Intellectual Developmental Disabilities (IDD) and cognitive disorders. This order sets guidelines for utilizing the CIT Unit and the certified CIT officers assigned to field duty.

445.1.1 DEFINITIONS

Crisis Intervention Team (CIT) Officer - An officer off probationary status who has successfully completed the TCOLE prescribed CIT certification course. The Austin Police Department has CIT officers who receive a mental health certification pay/stipend (see Meet and Confer Agreement, Article 7 Wages and Benefits, Section 4, Mental Health Certification Pay) to respond to CIT calls and perform Peace Officer Emergency Detentions (POED). If an officer who receives mental health certification pay is not available, an officer who is a CIT Officer can respond to a CIT call or perform a POED. [The term Crisis Intervention Team \(CIT\) Officer is interchangeable with Mental Health Officer and they have the same meaning.](#)

Crisis Intervention Team (CIT) Unit - A unit of specially trained CIT officers within APD who act as liaisons between the CIT officers assigned to patrol and the facilities, providers, and consumers within the mental health community. CIT Unit officers also respond to calls for service as outlined in this order.

Mental Illness - An illness, disease or condition other than epilepsy, senility, alcoholism or mental deficiency that substantially impairs a person's thoughts, perception of reality, emotional process or judgment, or grossly impairs behavior as demonstrated by recent disturbed behavior.

Intellectual Development Disorder (IDD) - A significantly sub-average intellectual function that is concurrent with deficits in adaptive behavior and which originates during the developmental period.

Cognitive Disorders - organic mental disorders such as Traumatic Brain Injury (TBI), dementia, Alzheimer's, Parkinson's, and substance withdraw delirium, etc. Symptoms of these disorders could include but are not limited to the following: memory loss, loss of motor skills, delirium, deficits in general mental ability/reasoning/problem solving/planning/abstract thinking/judgment, communication disorders, etc

Jail Diversion – Alternative method(s) of addressing a mentally ill, cognitively disabled, or IDD person's behavior, other than with arrest and confinement in jail.

Expanded Mobile Crisis Outreach Team (EMCOT) - A group of medical or mental health professionals who respond to the scene of a psychiatric crisis, assisting officers with jail diversion and emergency detentions.

445.2 INCIDENTS REQUIRING A CIT OFFICER

- (a) If the incident is an emergency involving a person in mental health crisis, a CIT officer will be dispatched as the primary responding officer. If a CIT officer is not available, any patrol officer will be dispatched immediately and a CIT officer will respond as soon as possible.
- (b) If the incident is non-emergency in nature, a CIT officer shall respond as the primary officer, with the exception of an emergency room transport of a POED to a psychiatric hospital (secondary transport)..
- (c) The following incidents also require the response of a CIT officer:
 1. Any situation where the responding officer believes that a person's mental health is adversely

affecting the person's behavior (e.g., attempted suicide, suicidal subject, Peace Officer Emergency Detention (POED) evaluation).

2. Any request from a member of the community for a CIT officer.
3. Mental health related calls from a facility/provider that furnishes services on behalf of the mental health community.
4. Any health care facility or emergency room request for assistance relating to a person suspected of a mental illness.

445.3 CIT OFFICER REFERRALS

Patrol officers receiving a mental health request for assistance from a complainant will refer the individual to an on-duty CIT officer, ~~or~~ the CIT Unit, or EMCOT. An incident report will be completed as outlined in this order.

- (a) If the person about whom the call is made poses any threat to safety, the responding officer will remain at the scene until contact is made with an on-duty CIT officer or the CIT Unit to determine the appropriate action to be taken. When safe and reasonable, officers shall use de-escalation techniques to reduce the likelihood for force and increase the likelihood of voluntary compliance.
- (b) When deemed necessary by ~~a CIT~~ an officer or the CIT Unit, an EMCOT employee will be called to the scene to assist with:
 1. Assessment of the client (including suicide assessments).
 2. Assessment of the situation.
 3. Linking the client with existing mental health services in the community.
 4. In-depth counseling for the client and family.
 5. Transportation of the client, when appropriate.
 6. Jail Diversion, when appropriate (see section 445.6 of this order for further details).
- (c) Follow up referrals to the CIT Unit from APD personnel.
 1. Sworn and non-sworn personnel can refer cases or subjects needing mental health assistance to the CIT Unit by sending an email to: crisis.intervention@austintexas.gov.

445.4 MENTAL HEALTH COMMITMENTS

445.4.1 VOLUNTARY COMMITMENT

445.4.2 PEACE OFFICER EMERGENCY DETENTION (POED)

- (a) The authority to apprehend a person by using the Peace Officer's Emergency Detention ~~(POED)~~ is granted under the Tex. Health and Safety Code § 573.001. This type of custody is protective rather than criminal in nature and does not constitute an arrest. A POED may be used when:
 1. The officer has reason to believe, and does believe, that the person is mentally ill; and
 2. Because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and
 3. The officer believes that there is not sufficient time to obtain a warrant before taking the person into custody.
- (b) An employee encountering a person who needs to be assessed for a possible POED shall contact an on-duty CIT officer.
 1. The responding CIT officer shall be responsible for:

- (a) Conducting an assessment to determine whether the person should be handled as an Emergency Detention;
- (b) Providing transportation to the appropriate mental health facility or furnishing referral information;
 - 1. [Travis County Emergency Detentions - When determining where to transport a subject in Travis County, the officer should contact Integral Care at 512-472-HELP\(4357\). If contact cannot be made with Integral Care after a reasonable amount of time, the officer can default and transport the subject on a POED to the nearest appropriate Travis County Hospital Emergency Department. Officers shall document all efforts made to contact Integral Care or how a determination was made to transport a subject to a facility.](#)
 - 2. [Williamson County Emergency Detentions - When determining where to transport a subject in Williamson County, the officer should contact Bluebonnet Community Services at 512-701-1982. If contact cannot be made with Bluebonnet Community Services the officer can default and transport the subject on a POED to the nearest appropriate Travis County Hospital Emergency Department. Hospital Emergency Departments in Williamson County have not been deemed as a location where a POED can be served. Officers shall document all efforts made to contact Bluebonnet Community Services or how a determination was made to transport a subject to a facility.](#)
- ~~1.3.~~ The CIT officer may transport the [Emergency Detention subject](#) or have a non CIT officer transport the [Emergency Detention subject](#) after completing all paperwork and advising where the subject is to be taken.
- (c) Preparing all required documentation.
- 2. If it is determined that the person does not meet the criteria for a POED, the initial officer may:
 - (a) Request a response from the Expanded Mobile Crisis Outreach Team (EMCOT), (refer to 445.6)
 - (b) Release the person, if no criminal violation has been committed;
 - (c) Use other available referral services or release options; or
 - (d) Place the person in jail, provided the officer has legal authority to do so.
- 3. Officers shall perform secondary transports of subjects from an emergency room to a psychiatric hospital on an APD Emergency Detention. All officers are responsible for the following:
 - (a) Taking custody of the individual who is detained under a POED.
 - (b) Collect and verify all necessary documents for the transfer of the detained individual.
 - (c) Transport the patient to the directed psychiatric hospital with all required paperwork and personal property.
 - (d) Complete a supplement to the original POED report.
- 4. Officers shall transport persons on a still active APD POED from the Judge Guy Herman Center to another arranged hospital or psychiatric hospital when the Center's staff determines that patient care exceeds the capabilities of the Center. All transporting officers are responsible for the following:
 - (a) Verifying a nurse-to-nurse/doctor-to-doctor transfer was completed and collecting all necessary documents for the transfer, if available.

- (b) Taking custody of the individual who is detained under an APD POED.
- (c) Transporting the person and their property to the directed hospital or psychiatric hospital, if available.
- (d) Completing a supplement to the original POED report.

801 Equipment and Uniform Regulations

801.4 REQUIRED AND AUTHORIZED UNIFORM RAIMENTS

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment except those authorized in this order. This section covers the use of the rRequired and authorized items ~~employees may place on their uniforms, including~~include:

- (a) Badge (required).
- (b) Name Tag (required).
- (c) Rank Insignia (required).
- (d) Service Stripes (authorized).
- (e) Award Ribbons (authorized).
- (f) Award Medals (authorized).
- (g) Service/Unit Pin (authorized).
- (h) Tie Tacks, Tie Bars, and Pins (authorized).

801.4.1 BADGE

801.4.2 NAME TAG

801.4.3 RANK INSIGNIA

801.4.4 SERVICE STRIPES

801.4.5 OFFICER RECOGNITION CHEVRONS

801.4.7 AWARD MEDALS

801.4.8 SERVICE/UNIT PIN

801.4.9 TIE TACKS, TIE BARS, AND PINS

- (a) Only issued or authorized tie bars will be worn with the Class A uniform. Tie bars will be worn horizontally on the lower half of the necktie, midway between the third and fourth buttons from the top.
- (b) Only authorized tie tacks and pins may be worn with any APD uniform. Employees will not wear any tie tack or other pin making a political statement, or displaying any offensive design, logo, or wording.

803 Duty Firearms

803.3 AUTHORIZED WEAPONS

803.3.1 REGISTRATION OF WEAPONS

803.3.2 MODIFICATION OF FIREARMS

803.3.3 DEPARTMENT ISSUED SHOTGUNS

803.3.4 PERSONALLY OWNED SHOTGUNS

803.3.5 DEPARTMENT ISSUED RIFLES

803.3.6 PERSONALLY OWNED RIFLES

Officers that meet the following criteria may be authorized to carry personally owned rifles while on-duty. Personally owned rifles are for the exclusive use of the weapon owner and will not be loaned or distributed for use to any other officer unless there is a bona fide emergency.

- (a) To carry a personally owned rifles, officers must:
 - 1. Receive approval through the chain-of-command up to the commander to carry the rifle; and
 - 2. Successfully complete the Department approved semiautomatic rifle course; and
 - 3. Meet requirements listed in the Department Approved Weapons and Ammunition List.
- (b) Officers must qualify with the rifle annually on a course designated by the Learned Skills unit.
- (c) Officers who fail a qualification or who have lost the approval of the chain-of-command will no longer be authorized to carry the rifle on-duty.
- (d) Officers authorized to carry a rifle on-duty will be subject to monthly inspection by an immediate supervisor.
- (e) The weapon must be carried in either a protective case or secured in the patrol vehicle weapon rack.
- (f) No ~~offensive~~-marking(s), stickers(s), engraving(s), etc., may be placed on the weapon with the exception of manufacturer identifiers (serial number, model number, etc.) and an employee's initials or employee number. This does not apply to Special Operations sniper rifles using camouflage/concealment designs. Any questions regarding if the image/ word(s) falls under offensive will be directed to the LSU Sergeant with the final determination being made by the LSU Lieutenant.
- (g) Short barrel rifles are approved for use on patrol. The requirements for the SBR are:
 - 1. 10.5" barrel length. (9.5" and a 1" flash suppressor does NOT meet the requirement, etc.)
 - 2. Silencers are not authorized.
 - 3. Officers shall carry only Department authorized ammunition. Officers shall not modify or alter any approved ammunition.
 - 4. Officers MUST possess the proper ATF tax stamp for that specific weapon. The tax stamp will be checked by LSU staff prior to an officer being approved to carry the SBR on duty.
 - 5. If an officer fails to provide the appropriate tax stamp, specific to the rifle they are possessing, the LSU Sergeant will be notified and a memorandum will be sent to the officer's chain of command as well as Internal Affairs.